



Department of State
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
dos.ny.gov

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

2 of the year 20 25

Local Law Title: A Local Law to amend Chapter 300, Article XIV (Solar Energy Systems) and
add Chapter 159 (Erosion Control & Stormwater Management) to the Seneca Falls
Town Code.

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one)

of Seneca Falls as follows on the attached pages:
(Name of Local Government)

For Office Use Only

FILED
STATE RECORDS
JUL 31 2025
DEPARTMENT OF STATE

Department of State Local Law Index Number: 2 of the year 20 25

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto ascribed as local law number 2 of 20²⁵ of the (County)(City)(Town)(Village) of Seneca Falls was duly passed by the Town Board on July 1 20²⁵ in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Local Law Filing

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 ____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 ____ became operative.

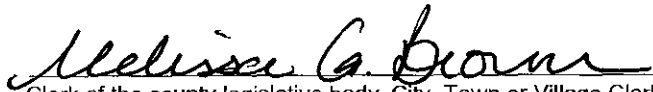
6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 ____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph ¹ _____ above.

(Seal)


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

July 1, 2025

(Date)

Article XIV. Solar Energy Systems

§300-130. Authority and Legislative Intent.

The Town Board of the Town of Seneca Falls states the following as its findings and legislative intent:

- A. This Local Law is adopted pursuant to New York State Town Law §§261, 263 and 264, which authorize the Town of Seneca Falls to adopt zoning provisions that advance and protect the health, safety, and welfare of the community.
- B. The Town Board of the Town of Seneca Falls recognizes that solar energy is a clean, readily available and renewable energy source and the Town of Seneca Falls intends to accommodate the use of solar energy systems.
- C. However, the Town Board finds it is necessary to properly site and regulate solar energy systems within the boundaries of the Town of Seneca Falls to protect residential uses, Prime Farmland, Farmland of Statewide Importance, business areas and other land uses, to preserve the natural resources, overall beauty, nature and character of the Town of Seneca Falls, to promote the effective and efficient use of solar energy resources, and to protect the health, safety and general welfare of the citizens of the Town of Seneca Falls.
- D. Historic District. All solar energy systems installations shall be in accordance with the provisions set forth in Chapter 173 of the Town Code and may be subject to further guidelines associated with the Town of Seneca Falls's Heritage Preservation Commission (HPC).

§300-131. Definitions.

The following definitions shall apply to this Article:

Abandonment - A solar energy system that has not produced electrical energy for 12 months and must be removed from the property.

Applicant - The person or entity submitting an application and seeking an approval under this Article; the owner of a Solar Energy System or a proposed Solar Energy System project; the operator of Solar Energy System or a proposed Solar Energy System project; any person acting on behalf of an Applicant, Solar Energy System or proposed Solar Energy System. Whenever the term "applicant" or "owner" or "operator" are used in this Article, said term shall include any person acting as an applicant, owner or operator of such Solar Energy System.

Building-Integrated Solar Energy System - A combination of photovoltaic building components integrated into any building envelope system such as vertical facades, including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

Building-Mounted Solar Energy System - Any Solar Energy System that is affixed to the side(s) or rear of a Building or other Structure either directly or by means of support structures or other mounting devices, intended to produce energy for onsite consumption or credit for onsite consumption for a building, single-family residence, two-family residence, multi-family residence, business or farm, but not including those mounted to the roof or top surface of a Building.

Commercial Building-Mounted Solar Energy System - Any Solar Energy System that is affixed to the side(s) or rear of a Building or other Structure either directly or by means of support structures or other mounting devices, intended to produce energy for offsite sale to and consumption by one or more customers.

Commercial Roof-Mounted Solar Energy System - Any Solar Energy System mounted on the roof of any legally permitted Building or Structure and wholly contained within the limits of the roof surface, intended to produce energy for offsite sale to and consumption by one or more customers.

Decommissioning - The removal and disposal of all Solar Panels, Solar Energy Equipment, Structures, equipment and accessories, including subsurface foundations and all other material, concrete, wiring, cabling, or debris, that were installed in connection with a Solar Energy System and the restoration of the parcel of land to the original state prior to construction on which the Solar Energy System is built to either of the following, at the landowner's

Article XIV. Solar Energy Systems

(either the Initial Landowner or it's heirs, successors or assigns) sole option: (i) the condition such lands were in prior to the development, construction and operation of the Solar Energy System, including but not limited to restoration, regrading, and reseeded, or (ii) the condition designed by landowner (either the Initial Landowner or it's heirs, successors or assigns) and the Town. Details of the expected Decommissioning activities and costs are to be described in the Decommissioning Plan and Decommissioning Agreement as may be required pursuant to this Article.

Farmland of Statewide Importance – Land designated as “Farmland of Statewide Importance” in the US Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of statewide importance for the production of food, fiber, forage and oilseed crops as determined by the appropriate state agency or agencies.

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]).

Decommissioning Agreement - A written Agreement between Applicant, Initial Landowner and Town that sets forth the obligations of the Applicant and/or the Initial Landowner to properly decommission the Solar Energy System if the use of such system is discontinued, abandoned or becomes inoperable.

Glare – The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

Ground-Mounted Solar Energy System - Any Solar Energy System that is affixed to the ground either directly or by support Structures or other mounting devices where such Structure and mounting exists solely to support the Solar Energy System.

Initial Landowner – The record title owner to the real property upon which a Solar Energy Systems is constructed, at the time such Solar Energy System is originally constructed.

Mature Forest – Stands where the largest trees are 80 + years old or have an average trunk diameter of over 8 inches when measured two feet above its base.

Mineral Soil Groups 1-4 (MSG 1-4) - Soils recognized by the New York State (NYS) Department of Agriculture and Markets as having the highest value based on soil productivity and capability, in accordance with the uniform statewide land classification system developed for the NYS Agricultural Assessment Program.

Native Perennial Vegetation - Native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for Pollinators and shall not include any prohibited or regulated invasive species as determined by the NYS Department of Environmental Conservation.

Nameplate Capacity - A solar energy system’s maximum electric power output under optimal operating conditions. Nameplate Capacity may be expressed in terms of Alternating Current (AC) or Direct Current (DC).

Operations and Maintenance Plan – A Plan that specifies key system operating parameters and limits, maintenance procedures and schedules, and documentation methods necessary to demonstrate proper operation and maintenance of an approved solar energy system.

Prime Farmland – Land, designated as “Prime Farmland” in the US Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops and is also available for these uses. It has the soil quality, growing season and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, Prime Farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium

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content and few or no rocks. They are permeable to water and air. Prime Farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

Pollinator - Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

Road Use Agreement – An agreement between the owner/operator and the Town that sets standards and rules regarding road use for contractors completing approved projects within the area that the municipality covers.

Roof-Mounted Solar Energy System - A Solar Energy System mounted on the roof of any legally permitted Building or Structure and wholly contained within the limits of the roof surface, intended to produce energy for onsite consumption or credit for onsite consumption for a building, single-family residence, two-family residence, multi-family residence, business or farm.

Site Plan – The application materials, procedures and processes required by this Article XIII and §300-126 through §300-129 of the Zoning Ordinance of the Town of Seneca Falls.

Solar Access - Space open to the sun and clear of overhangs or shade so as to permit the uses of active and/or passive Solar Energy Systems on individual properties.

Solar Energy Equipment - Electrical energy devices, material, hardware, inverters, or other electrical equipment and conduit, not to include any type of battery energy storage system or similar device, that are used with Solar Panels to produce and distribute electricity.

Solar Energy System - An electrical energy generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

Solar Panel - A photovoltaic device capable of collecting and converting solar energy into electrical energy.

Special Use Permit – The procedures and processes required by the Town of Seneca Falls Town Code §300-46.

Tilt – The vertical angle, where 0° minimum tilt means the panel is laying flat, and 90° maximum tilt means that it is vertical.

Town – The Town of Seneca Falls, Seneca County, New York.

Town Board – The Town of Seneca Falls Board.

Type 1 Solar Energy System – A Solar Energy System intended to produce energy for onsite consumption or credit for onsite consumption for a building, single-family residence, two-family residence, multi-family residence, business or farm. Said system shall be considered an Accessory Use (as defined in §300-6) and an accessory Structure, designed and intended to generate electricity solely for use on the premises, potentially for multiple tenants, through a distribution system that is not available to the public.

Type 2 Solar Energy System – A Solar Energy System intended to produce energy for offsite sale to and consumption by one or more customers. Type 2 Ground Mounted Systems are required to be located on parcels with a minimum lot size of 25 acres and must not exceed 25 acres of coverage on parcels that are 40 acres or more in size. Front, side and rear setbacks of 500 feet are required for all Type 2 Ground Mounted Systems.

§300-132. Type 1 Solar Energy Systems

Subject to the provisions of this Article, Solar Energy Systems shall be allowed as follows:

- A. Type 1 Building Integrated Solar Energy Systems are allowed in all zoning districts upon issuance of a building permit based on special application materials supplied by the Town Building and Code Department.

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- B. **Type 1 Building-Mounted Solar Energy Systems** are allowed in all zoning districts upon issuance of a building permit based on special application materials supplied by the Town Building and Code Department. All Solar Panels shall have anti-reflective coating(s).
- C. **Type 1 Rooftop-Mounted Solar Energy Systems** are permitted in all zoning districts, subject to the following:
- (1) The placement, construction and major modification of **Roof-Mounted Solar Energy Systems** shall only be permitted upon issuance of a building permit (pursuant to Article X) based on special application materials supplied by the Town Building and Code Department.
 - (2) **Height.** Roof-Mounted Solar Energy Systems shall be subject to the applicable height restrictions for the respective zoning district.
 - (3) **Roof-Mounted Solar Energy System Design standards.** Roof-Mounted Solar Energy System installations shall comply with the following design criteria:
 - (a) Solar Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof's surface and highest edge of the Solar Energy System at any point. Solar panels not facing the front yard can be mounted at any angle relative to the roof's surface, but shall not exceed a maximum height of 18 inches from the surface of the roof to the highest edge of the Solar Energy System at any point.
 - (b) No part of a Roof-Mounted Solar Energy System shall extend above, beyond, or below the edge of the roof it is mounted to. Additionally, the Code Enforcement Officer may require, at his/ her sole discretion, a minimum three (3) foot wide center walkway for safe access purposes.
 - (c) **Glare.** All Solar Panels shall have anti-reflective coatings(s).
 - (4) **Roof-Mounted Solar Energy Systems** shall be exempt from Site Plan review under the Zoning Ordinance of the Town of Seneca Falls, but shall not be constructed without a building permit first being issued pursuant to Article X and this Article.
- D. **Type 1 Ground Mounted Solar Energy Systems** are allowed as accessory uses and/or structures in all zoning districts except Planned Unit Development Districts. Type 1 Ground Mounted Solar Energy Systems which are to be located in a Planned Unit Development must comply with the requirements of §300-72, before the same are permitted.
- (1) The placement, construction and major modification of **Type 1 Ground Mounted Solar Energy Systems** shall only be permitted upon issuance of building permit (pursuant to Article X.) based on special application materials supplied by the Town Building and Code Department.
 - (2) **Height.** Ground Mounted Type 1 Solar Energy Systems shall not exceed a maximum height of fifteen (15) feet as measured from the highest point of any Solar Panel (oriented at maximum tilt) or Solar Energy Equipment to the ground directly beneath it.
 - (3) **Setbacks.** Ground Mounted Type 1 Solar Energy Systems shall have a front, rear and side setback of twenty (20) feet in all zoning districts and in no event shall any such setback be less than twenty (20) feet.
 - (4) **Coverage.** Ground Mounted Type 1 Solar Energy Systems ground coverage shall not exceed the allowable total surface or area coverage for Accessory Buildings or Structures within the zoning district in which it is located and in no event shall the combination of all Accessory Buildings and Structures located on the premises exceed 20% coverage of the entire area of such parcel. For purposes of this provision, coverage shall be calculated based upon the total surface area of the Solar Panels at minimum Tilt.
 - (5) **Glare.** All Solar Panels shall have anti-reflective coatings(s).
 - (6) All Ground Mounted Type 1 Solar Energy Systems must be installed in the side or rear of the property.

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- (7) All applications for Ground Mounted Type 1 Solar Energy Systems for businesses (including Multi-Family Dwellings) or farms, to the extent permitted by law, shall be subject to Site Plan review pursuant to §300-128. Applications for Type 1 Solar Energy Systems for use on residential parcels may be subject to Site Plan review at the sole discretion of the Code Enforcement Officer.
- (8) Pursuant to 6 NYCRR 617.5, All Type 1 Solar Energy Systems shall be deemed to be Type 2 Actions for purposes of review under the New York State Environmental Quality Review Act (16 NYCRR 617).

§300-133. Type 2 Commercial Building and Roof-Mounted Solar Energy Systems

Type 2 Commercial Building and Roof-Mounted Solar Energy Systems are allowed in the following zoning districts: Agricultural District A-1, Agricultural District A-2, Industrial M-1 District, Industrial M-2 District, Local Shopping C-1 District and Highway Commercial C-2 District. Commercial Building and Roof-Mounted Solar Energy Systems are subject to the requirements set forth in this Article, including Site Plan approval pursuant to §300-128., and are allowed only after the issuance of a Special Use Permit pursuant to §300-46. Applications for the installation of a Commercial Building and Roof-Mounted Solar Energy System shall be reviewed by the Zoning Enforcement Officer and referred, with comments, to the Town of Seneca Falls Planning Board (for Site Plan) and the Town of Seneca Falls Zoning Board of Appeals (for Special Use Permit) for their review and action, which can include approval, approval on conditions, or denial.

- A. Special Use Permit Application Requirements. For a Special Use Permit application, the Applicant shall submit to the Zoning Board of Appeals the Site Plan application provided to the Planning Board, any information required by §300-46 and the following documents and information:
 - (1) If the location of the proposed project is to be leased (either building facade or surface and/or real property), proof of legal consent between all parties, specifying the use(s) of the leased area(s) for the duration of the project, including any signed lease agreement, easements and other agreements between the parties. Any lease agreement between the Applicant and an Initial Landowner shall conform to or be amended such that it conforms with the requirements for Applicant and Initial Landowner as set forth in the Decommissioning Agreement referenced in § D. (1) (i) (i) below.
 - (2) Plans and drawings for the Type 2 Commercial Building and Roof-Mounted Solar Energy System signed by a Professional Engineer showing the proposed layout of the Solar Energy System along with providing a description of all components, any non-building mounted improvements or infrastructure, any proposed clearing and grading of the lot(s) on which the structure housing a Commercial Building and Roof-Mounted Solar Energy System is situate, any anticipated or possible storm water runoff or erosion disturbances resulting from the placement of the Commercial Building and Roof-Mounted Solar Energy System, and utility lines (both above and below ground) on the site and adjacent to the site. The applicant shall also provide a structural analysis signed by a Professional Engineer, demonstrating the structural adequacy of the building upon which a Commercial Building and Roof-Mounted Solar Energy System is to be placed to support such system in a safe fashion.
 - (3) Submitted plans and drawings shall show all property lot lines and the location and dimensions of all existing Buildings or Structures and uses on any parcel within 500 feet of the outer perimeter of the Commercial Building and Roof-Mounted Solar Energy System.
 - (4) Equipment specification sheets shall be provided for all Solar Panels, significant components, mounting systems, inverters or other Solar Energy Equipment that are to be installed.
 - (5) A Property Operation and Maintenance Plan which describes all ongoing or periodic maintenance of the Solar Energy System and upkeep of the property that houses such Type 2 Commercial Building and Roof-Mounted Solar Energy System. Such Plan shall provide for biennial preventative maintenance site inspections that will include a representative from the owner or operator of the Solar Energy System and Code Enforcement Officer (or his/her designated representative). Additionally, the owner or operator shall provide the Code Enforcement Officer with reports of annual safety inspections of the Solar Energy System, as well as quarterly reports of inspection of the security systems relating to such Solar Energy Systems. Said plan shall demonstrate how the Applicant (or the successor owner of the Solar Energy System) shall ensure proper removal and disposal of all Solar Panels and/or Solar Energy Equipment that becomes inoperable or is no longer being utilized and the same shall be disposed of outside the

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jurisdictional limits of the Town of Seneca Falls, unless there is a properly certified and/or licensed recycling facility within the Town that recycles Solar Panels and Solar Energy Equipment.

- (6) Clearing, grading, storm water and erosion control plan. If deemed desirable by the Planning Board, Zoning Board of Appeals or the Town's professional engineer or consultant, Applicant shall submit an engineered Storm Water and Erosion Control Plan to the Town of Seneca Falls Engineer for its review and approval which shall demonstrate that post development runoff, storm drainage and erosion will not be negatively impacted by placement of the Commercial Building and Roof-Mounted Solar Energy System on the site.
- (7) Parking and Truck Traffic. Applicant shall designate a parking area on the site of the Solar Energy System for employees of Applicant (or the successor owner of the Solar Energy System) to park when providing monitoring or maintenance of the Solar Energy System. Additionally, the Plans and Drawings for a Commercial Building and Roof-Mounted Solar Energy System shall show adequate staging areas during the construction process to ensure that roadways are not impacted by delivery of materials. The Plans and Drawings shall also show all areas in which stockpiling of materials and equipment will take place during construction. Applicant shall provide data on anticipated truck trips per day, including during peak material delivery periods, which shall also be provided to the New York State Department of Transportation.
- (8) Any such additional information may be required by the Town's professional engineer or consultant, Town of Seneca Falls Planning Board, Town of Seneca Falls Zoning Board of Appeals, Town Attorney or Code Enforcement Officer.
- (9) *Decommissioning Plan.* To ensure the proper removal of a Type 2 Commercial Building and Roof-Mounted Solar Energy System after such improvements are no longer reasonably operable or have been abandoned, a Decommissioning Plan shall be submitted as part of the application. The Decommissioning Plan shall contain a written and visual record of the original site condition (prior to installation of any Solar Energy Equipment) to facilitate complete remediation upon decommissioning. The Decommissioning Plan must specify that after the Commercial Building and Roof-Mounted Solar Energy System is no longer operational or has been abandoned, it shall be removed by the Applicant or any subsequent owner of the improvements. The plan shall demonstrate how the removal of all infrastructure of the Type 2 Commercial Building and Roof-Mounted Solar Energy System and all Solar Energy Equipment shall be conducted to return the structure (s) and parcel housing such system to its original state prior to construction. The plan shall also include an expected timeline for execution and a cost estimate detailing the projected cost of executing the Decommissioning Plan, which is to be prepared by a Professional Engineer or reputable contractor. Cost estimations shall take into account inflation and shall be based on the operating life expectancy of the system.
- (10) Prior to obtaining a building permit and as a condition to issuance of any Special Use Permit, the Applicant and Initial Landowner must enter into a Decommissioning Agreement with the Town that sets forth the obligations of the Applicant and/or the Initial Landowner to properly decommission the Solar Energy System if the use of such system is discontinued, abandoned or becomes inoperable pursuant to §300-136 of this Article. Said Decommissioning Agreement shall require the Applicant to provide an irrevocable financial security bond (or other form of surety acceptable to the Town of Seneca Falls at its discretion) for the removal of the Type 2 Commercial Building and Roof-Mounted Solar Energy System, with Seneca Falls as the designated assignee/beneficiary, in an amount approved by the Planning Board which is equal to 110% of the estimated removal cost. The bond or surety shall provide for an annual increase in the amount of the surety to compensate for the cost of inflation or any other anticipated increase in costs of removal. Each year after a Type 2 Commercial Building and Roof-Mounted Solar Energy System has been constructed, and no later than sixty (60) days prior to the anniversary date of the issuance of the building permit for such system, the then owner/permit holder for the system shall provide the Town of Seneca Falls with written proof that the required financial security bond (or other form of surety) is still operable and valid and that such surety has been properly increased to account for inflation or any other anticipated increase in costs of removal as provided for above. The Decommissioning Agreement shall provide that Initial Landowner (or the successor and/or assigns of Initial Landowner) shall be responsible for all obligations pursuant to the Decommissioning Agreement in the event Applicant (or the successor owner of the Solar Energy System) does not complete all obligations as required by said Decommissioning Agreement. The Decommissioning Agreement shall be recorded at the office of the Seneca County Clerk and shall be indexed as deed restrictions against the property upon

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which the Solar Energy System is constructed, with the Town as a benefitted party, so as to put all future owners of the subject real property on notice of the obligations contained in the Decommissioning Agreement.

B. Special Use Permit and Site Plan Approval Standards.

- (1) **Height.** Type 2 Commercial Building-Mounted Solar Energy Systems shall not be constructed in such a way that any portion of such system is higher than the highest point of the wall upon which it is attached. Commercial Roof-Mounted Solar Energy Systems shall be constructed such that Solar Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof's surface and highest edge of the Solar Energy System at any point. Solar panels not facing the front yard can be mounted at any angle relative to the roof's surface, but no portion of the Solar Energy System shall exceed a maximum height of 18 inches from the surface of the roof to the highest edge of the Solar Energy System at any point.
- (2) **Distance from Building.** Type 2 Commercial Building-Mounted Solar Energy Systems shall not be constructed in such a way that any portion of the Solar Panels project more than 18 inches from the surface of the wall upon which it is attached.
- (3) **No part of a Roof-Mounted Solar Energy System shall extend above, beyond, or below the edge of the roof it is mounted to. Additionally, the Code Enforcement Officer may require, at his/ her sole discretion, a minimum three (3) foot wide center walkway for safe access purposes. Solar Panels affixed to a flat roof shall be placed below the line of sight from a public right-of-way.**
- (4) **Fencing and Screening.** All Solar Energy Equipment shall be securely enclosed or placed about the property so as to prevent unauthorized access. Warning signs with the owner's contact information shall be conspicuously placed and maintained to aid in preventing injury by unauthorized access.
- (5) **Glare.** All Solar Panels shall have anti-reflective coatings(s).
- (6) **Number of Type 2 Commercial Building and Roof-Mounted Solar Energy Systems allowed per Lot.** No more than one Commercial Building and Roof-Mounted Solar Energy System may be permitted and allowed per lot or parcel, regardless of lot size.
- (7) **Any Type 2 Commercial Building and Roof-Mounted Solar Energy System shall be accessible for all emergency service vehicles and personnel to the satisfaction of the Seneca County Office of Emergency Management Services and local fire chief.**
- (8) **After completion of a Type 2 Commercial Building Roof-Mounted Solar Energy System, the Applicant shall provide a post- construction certificate from a Professional Engineer registered in New York State stating that the Solar Energy System complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.**
- (9) **Compliance with regulatory agencies.** The Applicant is required to obtain all necessary regulatory approvals and permits from all federal, state, county and local agencies having jurisdiction and approval powers related to the completion of a Commercial Building and Roof-Mounted Solar Energy System.
- (10) **Any application under this Section shall meet substantive Site Plan requirements in §300-128. that, in the judgment of the Seneca Falls Town Planning Board, are applicable to the Solar Energy System being proposed.**
- (11) **Prior to determination or issuance of any permit, all Type 2 Commercial Building and Roof-Mounted Solar Energy System applications shall be subject to review pursuant to the New York State Environmental Quality Review Act (16 NYCRR 617). The Seneca Falls Planning Board and the Seneca Falls Zoning Board of Appeals shall conduct a coordinated review.**
- (12) **Time limit on completion.** After receiving Site Plan approval and Special Use Permit approval of a Type 2 Commercial Building and Roof-Mounted Solar Energy System, an Applicant shall obtain a Building Permit within twelve (12) months of such approvals, or the approvals shall automatically terminate and be deemed null and void. Additionally, the Applicant shall complete construction of an approved (Site

Article XIV. Solar Energy Systems

Plan and Special Use Permit) Commercial Building and Roof-Mounted Solar Energy System within twenty-four (24) months of obtaining such approvals or the approvals shall automatically terminate and be deemed null and void and have no force an effect at law.

- (13) **General complaint process.** During construction, the Code Enforcement Officer can issue a stop work order at any time for any violations of a Special Use Permit approval or condition, Site Plan approval or condition or Building Permit. After construction is complete, the permit holder of a Commercial Building and Roof-Mounted Solar Energy System shall establish a contact person, including name and telephone number for receipt of any complaint concerning any permit, approval, maintenance, or operational requirements.
- (14) **Inspections.** Upon reasonable notice, the Town of Seneca Falls Code Enforcement Officer, or his or her designee, may enter a Lot on which a Type 2 Commercial Building and Roof-Mounted Solar Energy System has been approved for the purpose of determining compliance with any requirements or conditions of this Article or any approval given, or permit issued pursuant to this Article. Twenty-four (24) hours' notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. Furthermore, a Type 2 Commercial Building and Roof-Mounted Solar Energy System shall be inspected by a New York State licensed Professional Engineer that has been approved by the Town of Seneca Falls at any time upon a determination by the Town's Code Enforcement Officer that damage to such system may have occurred, and a copy of the written inspection report shall be submitted to the Code Enforcement Officer. Any fee or expense associated with this inspection shall be borne entirely by the permit holder and shall be reimbursed to the Town of Seneca Falls within thirty 30 days after delivery to the permit holder of an invoice substantiating such charges. Any failure to pay such reimbursable charges may result in revocation of any Special Use Permit granted. The Town of Seneca Falls reserves the right to levy all such un-reimbursed expenses onto the real property tax bill associated with the real property upon which the Commercial Building and Roof-Mounted Solar Energy System is located.

§300-134. Type 2 Ground Mounted Solar Energy Systems.

Type 2 Ground Mounted Solar Energy Systems are permitted only in Agricultural District A-1, Agricultural District A-2, Industrial District M-1 and Refuse Disposal and Reclamation District M-2 and are subject to the requirements set forth in this Section, including Site Plan approval pursuant to §300-128, and are allowed only after the issuance of a Special Use Permit pursuant to §300-46. Applications for the installation of a Type 2 Solar Energy System shall be reviewed by the Zoning Enforcement Officer and referred, with comments, to the Town of Seneca Falls Planning Board (for Site Plan) and the Town of Seneca Falls Zoning Board of Appeals (for Special Use Permit) for their review and action, which can include approval, approval on conditions, or denial.

- A. **Special Use Permit Application Requirements.** For a Special Use Permit application, the Applicant shall submit to the Zoning Board of Appeals the Site Plan application provided to the Planning Board, any information required by §300-46 and the following documents and information:
 - (1) If the property of the proposed Solar Energy System is to be leased, proof of legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements between the parties. Any lease agreement between the Applicant and an Initial Landowner shall conform to or be amended such that it conforms with the requirements for Applicant and Initial Landowner as set forth in the Decommissioning Agreement referenced in §A.(12)(13) below. Applicant shall be required to provide, as part of the application, any Lease Agreement, easements and other agreements between itself and Initial Landowner or any owner of property contiguous to the land upon which the Solar Energy System (or any component thereof, including access ways or utility lines) shall be constructed.
 - (2) Plans and drawings for the Type 2 Ground Mounted Solar Energy System signed by a Professional Engineer showing the proposed layout of the Solar Energy System along with providing a description of all components, existing vegetation, any proposed clearing and grading of the lot(s) involved, any anticipated or possible stormwater or erosion disturbances, and utility lines (both above and below ground) on the site and adjacent to the site.

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- (3) Submitted plans and drawings shall show all property lot lines and the location and dimensions of all existing Buildings or Structures and uses on any parcel within 750 feet of the outer perimeter fence line of the Type 2 Ground Mounted Solar Energy System.
- (4) Equipment specification sheets shall be provided for all Solar Panels, significant components, mounting systems, inverters and other Solar Energy Equipment that are to be installed.
- (5) A Property Operation and Maintenance Plan which describes all ongoing or periodic maintenance of the Type 2 Ground Mounted Solar Energy System and property upkeep, such as mowing and trimming, which shall also include details of anticipated use of pesticides, herbicides and other chemicals for vegetative abatement and/or maintenance. The Plan shall demonstrate that the use of any pesticide, herbicide or other chemical will be in compliance with all local, state and federal regulations and shall further demonstrate that alternatives to chemical treatments have been prioritized to the extent reasonably possible. Such Plan shall provide for biennial preventative maintenance site inspections that will include a representative from the owner or operator of the Solar Energy System and Code Enforcement Officer (or his/her designated representative). Additionally, the owner or operator shall provide the Code Enforcement Officer with reports of annual safety inspections of the Solar Energy System, as well as quarterly reports of inspection of the security systems relating to such Solar Energy Systems. Said Plan shall demonstrate how the Applicant (or the successor owner of the Solar Energy System) shall ensure proper removal and disposal of all Solar Panels and/or Solar Energy Equipment that becomes inoperable or is no longer being utilized and the same shall be disposed of outside the jurisdictional limits of the Town of Seneca Falls, unless there is a properly certified and/or licensed recycling facility within the Town that recycles Solar Panels and Solar Energy Equipment. Said Plan shall also obligate the Applicant (or the successor owner of the Solar Energy System) to provide the Town, not less than every other year (commencing the second year after the Solar Energy System is commercially operable), with test results from soil sampling collected and analyzed pursuant to the New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (or similar successor document of the Department of Agriculture and Markets) that are in effect as of the date of sampling, to demonstrate that the soils upon which the Solar Energy System is constructed have not been contaminated in any fashion as a result of the Solar Energy System placed on the property. Such test results shall be compared to the pre-construction soil sample analysis referenced in paragraph (10) (Pre-Development Site Conditions) below.
- (6) Clearing, grading, storm water and erosion control plan. Applicant shall submit an engineered Storm Water and Erosion Control Plan to the Town of Seneca Falls Engineer for its review and approval which shall demonstrate that post development runoff, storm drainage and erosion will not be negatively impacted by placement of the Type 2 Solar Energy System on the site.
- (7) Parking and Truck Traffic. Applicant shall provide a designated parking area on the site of the Solar Energy System for employees of Applicant (or the successor owner of the Solar Energy System) to park when providing monitoring or maintenance of the Solar Energy System. Additionally, the Plans and Drawings for a Type 2 Ground Mounted Solar Energy System shall show adequate staging areas during the construction process to ensure that roadways are not impacted by delivery of materials. The Plans and Drawings shall also show all areas in which stockpiling of materials and equipment will take place during construction. Applicant shall provide data on anticipated truck trips per day, including during peak material delivery periods, which shall also be provided to the New York State Department of Transportation.
- (8) Noise Study. Applicant shall provide a noise study of the impacts of construction and operation of the proposed Solar Energy System. Said study shall reference any of the existing regulations or suggested industry or development standards put out by the NYS Office of Renewable Energy Siting. Such study shall analyze the projected noise levels for both daytime and nighttime periods generated by the Solar Energy System and all collector substation equipment relative to all surrounding Dwellings.
- (9) Viewshed/Line of Site Analysis. Applicant shall provide a viewshed/line-of-site analysis, with scaled color visual renderings to demonstrate the adequacy of proposed buffering/screening at the completion of construction of the Solar Energy System, and similar visual renderings of the projected maturation of the buffering/screening at five (5) years and ten (10) years after completion of the Solar Energy System. The Planning and/or Zoning Board of Appeals may require the above viewshed/line-of-site analysis and scaled color visual renderings from multiple angles or perspectives as it/they deem appropriate.

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- (10) Pre-Development Site Condition – Applicant shall provide a written and visual record of the pre-development site condition (which shall include the site condition prior to any logging/timber harvest or clearing of land in anticipation of the development of a Solar Energy Systems), which must be verified as to being complete by the Building and Zoning Department, to facilitate full and proper remediation of the site upon Decommissioning. As part of this record, Applicant shall provide an analysis of pre-construction soil samples, with such samples collected and analyzed pursuant to the New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (or similar successor document of the Department of Agriculture and Markets) that are in effect as of the date of sampling. Such samples shall be taken from various locations on the property on which the Solar Energy System is to be located and are specifically intended to demonstrate the pre-development condition and properties of the soils to ensure that full and proper remediation of the site occurs upon Decommissioning.
- (11) Any such additional information as may be required by the Town's professional engineer or consultant, Town of Seneca Falls Planning Board, Town of Seneca Falls Zoning Board of Appeals, Town Attorney or Code Enforcement Officer.
- (12) Decommissioning Plan. To ensure the proper removal of Type 2 Ground Mounted Solar Energy Systems after such improvements are no longer reasonably operable or have been abandoned, a Decommissioning Plan shall be submitted as part of the application. The Decommissioning Plan must specify that after the Type 2 Ground Mounted Solar Energy System is no longer operational or has been abandoned, it shall be removed by the Applicant or any subsequent owner of the improvements and/or the subsequent owner of the property upon which the Type 2 Ground Mounted Solar Energy System is placed. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution and a cost estimate detailing the projected cost of executing the Decommissioning Plan, which is to be prepared by a Professional Engineer or reputable contractor. Cost estimations shall take into account inflation and shall be based on the operating life expectancy of the system. The salvage value of the solar energy equipment shall not be accounted for in the estimated cost of implementing the decommissioning plan. The financial security shall be updated every three years thereafter specifying changes to the estimated cost of implementing the decommissioning plan.
- (13) Decommissioning Agreement.
- (a) As a condition to issuance of any Special Use Permit, the Applicant, Initial Landowner, the proposed Solar Energy System owner and operator, and all leaseholders must enter into a Decommissioning Agreement with the Town Board, with advice from the Zoning Board of Appeals, that sets forth the joint and several obligations of the Applicant, the Initial Landowner, the solar energy system operator and solar energy system owner, all leaseholders, and all of their heirs, successors and assigns to properly maintain the Solar Energy System and decommission it when in the determination of the Town Board the use of such system is discontinued, abandoned, becomes inoperable or is otherwise terminated pursuant to section 300-35 of this Article.
- (b) The Decommissioning Agreement shall require the Applicant to provide an irrevocable financial security bond, or other form of surety, acceptable in form, substance, and amount to the Town Board in its sole discretion for maintaining the system during its life as well as decommissioning of the system, with the Town as the designated assignee/beneficiary. The amount of the bond shall be determined by the Town Board, with input from the Zoning Board of Appeals and town consultants. Said amount shall equal 150% of the estimated cost of maintenance of the system throughout system life, and the estimated decommissioning cost, including but not limited to the removal and disposal of all solar related materials and equipment, piers and foundations, and the total restoration of the premises and rejuvenation of the soil to their original preconstruction conditions. The salvage value of the solar energy equipment shall not be accounted for in the estimated cost of implementing the decommissioning plan. Said bond or other surety shall be in effect before the special use permit is granted and before any site work is commenced.
- (c) The bond or other surety shall provide for an annual increase in the amount of the surety as determined yearly in the sole discretion of the Town Board to compensate for any use of the bond, the cost of inflation and any other then-anticipated increases in costs of maintenance and

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decommissioning. Each year after a Solar Energy System has been constructed, and no later than thirty (30) days after being notified by the Town of the new amount of the bond, the then system owner/permit holder for the system shall provide the Town written proof that the required financial security bond (or other form of surety) is still operable and valid and that such surety has been properly increased to the new amount determined by the Town. The full value of the bond is to be provided for the life of the project.

- (d) The Decommissioning Agreement shall provide that the Initial Landowners, the Applicant, the initial Owners and initial Operator of the Solar Energy System, all leaseholders and all of their successors and assigns shall be jointly and severally responsible for the timely completion of all obligations pursuant to the Decommissioning Agreement. If any obligation(s) is not timely completed, the Town may complete the obligation(s) at the aforesaid obligors' expense; the Town shall have the irrevocable right to execute upon and be paid in advance from said bond for all anticipated expenses of completion including but not limited to all consultant costs.
- (e) Said Agreement shall be recorded at the office of the Seneca County Clerk and shall be indexed as deed restrictions against all the property upon which the Solar Energy System is constructed, with the Town as the benefitted party, thus placing all future owners and interested parties of the subject real property on notice of the obligations contained in the said Agreement.

(14) Emergency Management Plan

- (a) The applicant shall provide Emergency Response/Operations Plans, including response logistics and site-specific safety training for emergency responders. The plan shall be provided to the Town Board as well as Town and County emergency response officials for review, comment, and approval.

(15) Agrivoltaics - or dual-use solar is the practice of co-locating solar energy production and agricultural operations. Pollinator planting is often proposed to be co-located with agrivoltaics or solar PV systems, it can be used to support dual-use solar.

(16) Agrivoltaic uses shall require a professionally designed, site specific agricultural management plan that outlines features such as specialized fencing; customized plantings/seeding; access to water, electric, and parking; and design specifications for solar panel arrangement and height. Dual uses may be an integral part of solar project operations, such as sheep grazing used primarily for vegetation management under and around solar panels. The agricultural management plan shall also include the following:

- (a) Statement of purpose and/or goal for support of agrivoltaics.
- (b) Inclusion of agrivoltaic land use regulations that allow for, and support continued agricultural production on site.
- (c) Submission of the proposed agrivoltaic activity at the time of Site Plan/Special Use Permit application should be prioritized, in order to address site-specific needs and support successful integration into the overall Site Plan. Needs addressed may include proper siting, interior fencing, panel placement for grazing rotation, and ground-to-panel heights to accommodate grazers, crops or pollinators.
- (d) Soil testing and forage testing prior to construction and at intervals throughout operations to determine suitability and safety for agrivoltaic uses and pollinators. Proper timing and placement of dual uses and pollinators may be a consideration.
- (e) Ongoing maintenance and third-party inspection to ensure that forage and/or pollinator plantings are fully established and persist over time.
- (f) Project details or specific site features associated with the agrivoltaic operations should be included in the Site Plan, Operations & Maintenance Plan, and Emergency Response Plan and protocols, as applicable.

(17) At its sole discretion, the Town of Seneca Falls Planning Board and/or the Town of Seneca Falls Zoning Board of Appeals may refer an application for a Type 2 Ground Mounted Solar Energy System to one or more private consultants for review to assist such Board in properly fulfilling its duties. Such consultants may include a professional engineer, attorney, planning consultant or other specialist. All expenses incurred by the Town (through either Board) for this purpose shall be reimbursed to the Town by the Applicant within thirty (30) days of the Town issuing a detailed invoice to Applicant requesting reimbursement for the same. At its discretion and at any time during the application process, either Board

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may require that Applicant furnish a deposit in an amount that it deems initially sufficient to be used for reimbursement of such expenses. Upon request of Applicant, the Board requiring the deposit shall provide a general estimate of anticipated consulting services to be provided and estimated costs for the same. However, any such estimate of services or costs related to such services shall not in any way restrict the level of reimbursement ultimately required to be made by Applicant. It is the specific intention of this section that **all** expenses relating to professional consulting services rendered to the Town or any of its Boards, relating to an application for development of a Solar Energy System, be borne by the Applicant and not the taxpayers of the Town. Any such deposit shall be held in a non-interest-bearing account and shall be used to reimburse the Town for expenses that have been incurred as a result of such consultants. Prior to the Town making any payment or withdrawal from such account, the Town shall provide Applicant with notice of such intended payment and documentation supporting such payment. Applicant shall have the right, within five (5) business days of receipt of such notice, to protest any account withdrawal or payment to a consultant which it contends is not reasonably necessary or is not reasonable in amount. The Town Board shall thereafter have thirty (30) days to provide its determination with regard to Applicant's objection, which shall be provided to Applicant in writing. Should such deposit be depleted prior to final approval, either Board may require that additional monies be deposited with the Town before further review of the application will continue. A reviewing Board may suspend indefinitely the review of any application as a result of the failure of Applicant to timely remit a required deposit or to promptly reimburse the Town for expenses relating to such consultants. Any such suspension shall supersede any Town of New York State law, rule or regulation relating to the timing of issuance of decisions for such applications.

(18) If a Type 2 Ground Mounted Solar Energy System is proposed to be developed on land that is or could be in agricultural production, Applicant shall demonstrate how the proposed development complies with the then current guidelines as may be established by the New York State Department of Agriculture and Markets relating to Construction Mitigation for Agricultural Lands.

(19) The Applicant shall be required to facilitate one or more site visits as deemed necessary or desirable by the Planning Board and/or Zoning Board of Appeals.

B. Special Use Permit and Site Plan Approval Standards.

- (1) **Height.** Type 2 Ground Mounted Solar Energy Systems shall not exceed a maximum height of fifteen (15) feet as measured from the highest point of any Solar Panel (oriented at maximum tilt) or Solar Energy Equipment, to the ground directly beneath it.
- (2) **Setbacks.**
 - (a) Type 2 Ground Mounted Solar Energy Systems shall be sited to create a front setback of no less than 500 feet (measured from the fence-line of the Solar Energy System) from the right-of-way line of any public or private roadways and setbacks of 500 feet (measured from the fence-line of the Solar Energy System) from all side and rear property lines.
 - (b) The above stated side and rear property setback shall be waived on any contiguous parcel (to that parcel upon which the Solar Energy System is being developed) owned by a participating landowner that owns the parcel upon which the subject Solar Energy System is being parcel. The above waiver shall not apply to any contiguous parcels that are not owned by the same landowner that owns the land upon which the Solar Energy System is placed.
- (3) **Lot/Parcel Size.** Type 2 Ground Mounted Solar Energy Systems shall be located on parcels with a minimum lot size of 25 acres.
- (4) **Lot/Parcel Coverage.** Type 2 Ground Mounted Solar Energy Systems shall not exceed 25 acres of coverage on parcels that are 40 acres or more in size. On parcels that are less than 40 acres in size, Type 2 Solar Energy Systems coverage shall not exceed 60% of the total parcel size. The coverage area shall be determined by the area covered by the perimeter of the Solar Energy System at minimum tilt and shall not include required fencing or access roads.
- (5) **Glare.** All Solar Panels shall have anti-reflective coatings(s).

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- (6) **Fencing and Screening.** All Type 2 Ground Mounted Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed and maintained on the entrance and perimeter of the fencing. The fencing and the Solar Energy System may be required to be further screened by landscaping to avoid adverse aesthetic impacts. All buffering/landscaping materials shall be designed to promote sustainability, diversity and visual variety, which shall include a mixture of plant species, sizes/heights, deciduous and evergreen trees and/or shrubs and shall be noted in detail on a landscaping plan that shall be approved by the Planning Board and/or the Zoning Board of Appeals. The Planning Board and/or the Zoning Board of Appeals shall provide for enhanced screening and buffering for Type 2 Solar Energy Systems that are placed adjacent to residential zoning districts, areas containing residential parcels or abut a public road.
- (7) **Number of Type 2 Ground Mounted Solar Energy Systems allowed per Lot.** Only one Type 2 Solar Energy System shall be allowed per Lot or parcel, regardless of Lot size.
- (8) **Recent Subdivision of Lot/Parcel.** In order to prevent circumvention of the size and coverage restrictions set forth above, when considering such restrictions, the Zoning Board of Appeals shall consider the Lot or parcel to be the largest configuration of the physical area where the Type 2 Ground Mounted Solar Energy System is being proposed that has existed as a separate Lot or parcel (with its own Tax Identifier Map Parcel Number) in the official tax records of the Town of Seneca Falls within the ten (10) years immediately preceding the application seeking approval for such Type 2 Ground Mounted Solar Energy System. This provision is specifically intended to prevent the owner of land from subdividing such land into smaller parcels that would permit siting of multiple Type 2 Ground Mounted Solar Energy Systems on what would have otherwise been a lot or parcel that was restricted to one Type 2 Ground Mounted Solar Energy System that would not exceed 25 acres of coverage.
- (9) **Vegetation and Habitat.** Type 2 Ground Mounted Solar Energy System owners/developers shall develop and provide a written vegetation management plan (which shall be approved by the Planning Board and/or the Zoning Board of Appeals) to implement and maintain native, non-invasive plants and vegetation under and around the Solar Panels, such plantings to provide foraging habitat beneficial to game birds, songbirds and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, owners/developers shall use native, non-invasive plant species and seed mixes.
- (10) **Any Type 2 Ground Mounted Solar Energy System shall be accessible for all emergency service vehicles and personnel to the satisfaction of the Seneca County Office of Emergency Management Services Director and local fire department Chief.**
 - (a) Due to the heavy weight of fire apparatus vehicles, all access roadways must have a carrying capacity of 50,000 pounds. Capacity will be verified in the filed by Town of Seneca Falls and the Town Engineer.
 - (b) The perimeter fence must be designed to include personnel gates every 300 feet maximum, with a gate width of four (4) feet. No barbed wire will be permitted as any part of the fencing structure.
 - (c) Consideration of NYS Fire Code, Section 503 for Fire Apparatus Access Roads should be given. The Applicant should ensure that the proposed meets Local and Fire Code requirements, including length and width of access roads to adequately reach the proposed site, turnarounds and bump outs required to allow for emergency vehicle access/passing, and an approved driving surface capable of supporting the heavy weight of fire apparatus.
 - (d) In order to facilitate emergency access, a minimum of ten (10) feet will be required between the perimeter fence and the edge of solar panels and enough distance for a 4x4 crew cab, dual rear wheel pick-up truck to maneuver around all corners of the project site.
 - (e) All grasses and weeds must be maintained to a height not to exceed 10 inches at all times, unless approved by the Town of Seneca Falls Planning Board. This will be required to be notated in the Operation and Maintenance Plan.
- (11) **After completion of a Type 2 Ground Mounted Solar Energy System, the Applicant shall provide a post-construction certificate from a Professional Engineer registered in New York State, certifying that the**

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Type 2 Solar Energy System complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.

- (12) Compliance with regulatory agencies. The Applicant is required to obtain all necessary regulatory approvals and permits from all federal, state, county and local agencies having jurisdiction and approval powers related to the completion of a Type 2 Ground Mounted Solar Energy System.
- (13) Any application under this Section shall meet substantive Site Plan requirements in §300-128. that, in the judgment of the Seneca Falls Town Planning Board, are applicable to the system being proposed.
- (14) The Planning Board shall be required to hold a public hearing relating to the Site Plan for any Type 2 Ground Mounted Solar Energy System.
- (15) Prior to determination or issuance of any permit, all Type 2 Ground Mounted Solar Energy System applications shall be subject to review pursuant to the New York State Environmental Quality Review Act (6 NYCRR 617). All applications (Site Plan and Special Use Permit) for approval of a Type 2 Ground Mounted Solar Energy System shall be deemed to be Type I Actions for purposes of compliance with the New York State Environmental Quality Review Act. The Town Planning Board and/or Zoning Board of Appeals has the authority, pursuant to 6 NYCRR 617.4 (a) (1) and (2), to classify such actions in addition to the list established by such statute. The Planning Board and the Zoning Board of Appeals shall conduct a coordinated review. Such review shall not be completed or closed out, and a final determination of significance made, until after the review of the application has been completed.
- (16) The development and operation of a Type 2 Ground Mounted Solar Energy System shall not have a significant adverse impact on fish, wildlife or plant species or their critical habitats, or other significant habitats identified by the Town of Seneca Falls or other federal or state regulatory agencies. The Seneca Falls Town Planning Board and the Seneca Falls Zoning Board of Appeals may impose conditions on the approval of any Site Plan or Special Use Permit under this Article to enforce the standards referred to in this Article or to discharge its obligations under the State Environmental Quality Review Act.
- (17) Time limit on completion. After receiving Site Plan approval and Special Use Permit approval of a Type 2 Ground Mounted Solar Energy System, an Applicant shall obtain a Building Permit within twelve (12) months of such approvals, or the approvals shall automatically terminate and be deemed null and void. The above time period may be extended by each of the approving Boards, at their sole discretion, upon a showing of good cause by Applicant. Additionally, the Applicant shall complete construction of an approved (Site Plan and Special Use Permit) Type 2 Ground Mounted Solar Energy System within twenty-four (24) months of obtaining such approvals or the approvals shall automatically terminate and be deemed null and void and be of no force an effect at law. The above time period may be extended by each of the approving Boards, at their sole discretion, upon a showing of good cause by Applicant.
- (18) General complaint process. During construction, the Code Enforcement Officer can issue a stop work order at any time for any violations of a Special Use Permit approval or condition, Site Plan approval or condition or Building Permit. After construction is complete, the permit holder of a Type 2 Ground Mounted Solar Energy System shall establish a contact person, including name and telephone number for receipt of any complaint concerning any permit, approval, maintenance, or operational requirements.
- (19) Inspections. During construction and upon reasonable notice, the Town of Seneca Falls Code Enforcement Officer, or his or her designee, may enter a Lot on which a Type 2 Ground Mounted Solar Energy System has been approved for the purpose of determining compliance with any requirements or conditions of this Article or any approval given or permit issued pursuant to this Article. Twenty-four (24) hours' notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. After construction is completed and the Solar energy System is operational, upon reasonable cause at the discretion of the Town of Seneca Falls Code Enforcement Officer, or his or her designee, said Code Enforcement Officer (or his or her designee) may upon reasonable notice may enter a Lot on which a Type 2 Ground Mounted Solar Energy System has been approved for the purpose of determining compliance with any requirements or conditions of this Article or any approval given or permit issued pursuant to this Article. Furthermore, a Type 2 Ground Mounted Solar Energy System shall be inspected by a New York State licensed Professional Engineer that has been approved by the Town of Seneca Falls at any time upon a reasonable determination by the Town's Code Enforcement Officer that damage to such system may have occurred, and a copy of the written inspection report shall

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be submitted to the Code Enforcement Officer. Any fee or expense associated with this inspection shall be borne entirely by the permit holder and shall be reimbursed to the Town of Seneca Falls within thirty (30) days after delivery to the permit holder of an invoice substantiating such charges. Any failure to pay such reimbursable charges may result in revocation of any Special Use Permit granted. The Town of Seneca Falls reserves the right to levy all such un-reimbursed expenses onto the real property tax bill associated with the real property upon which the Solar Energy System is located.

- (20) Construction hours. During initial construction or any major replacement of the Solar Panels or Solar Energy Equipment after initial construction, all construction activities shall be in accordance with the Performance Standards outlined in §300-26 of the Town of Seneca Falls Zoning Ordinance.

§300-135. General regulations.

The placement, construction and major modification of all Solar Energy Systems within the boundaries of the Town of Seneca Falls shall be permitted only as follows:

- A. Any inconsistent provisions of the Code of the Town of Seneca Falls which purport to or may be interpreted to allow Solar Energy Systems in other districts are hereby superseded.
- B. All Solar Energy Systems that have received a Special Use Permit or Building Permit as of the effective date of this Article shall be "grand fathered" and allowed to continue as they presently exist. Routine maintenance (including replacement with a new system of like construction and size) shall be permitted on such existing systems. New construction, other than routine maintenance on pre-existing systems shall comply with the requirements of this Article.
- C. All new Solar Energy Systems and all additions and modifications to any pre-existing Solar Energy System shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code, the NYS Energy Conservation Code and all local laws, codes, rules and regulations of the Town of Seneca Falls.
- D. For all Type 2 Solar Energy Systems, Applicant and/or the successor owner or operator shall provide a written training plan that provides for proper training of the Town Code Enforcement Office, Fire Department, Emergency Responders, Seneca County Emergency Management Services and Police agencies relative to health and safety concerns associated with larger scale commercial Solar Energy Systems. Such training plan shall be implemented before the Solar Energy System is made commercially operational. Additional training may be required on behalf of the New York Office of Fire Prevention and Control (OFPC) and the National Fire Protection Association (NFPA). All costs and expenses related to such training shall be borne by the Applicant or the successor owner or operator of the Solar Energy System.
- E. Any applications (including variance applications) pending for Solar Energy Systems on the effective date of this article shall be subject to the provisions of this Article.
- F. This Article shall take precedence over any inconsistent provisions of the Zoning regulations contained within the Code of the Town of Seneca Falls.
- G. No Solar Panels or other Solar Energy Equipment used in any Solar Energy System shall utilize or contain any amount of GenX chemicals or polyfluoroalkyl substances (PFAS).
- H. For all Solar Energy Systems, no signage or graphic content may be displayed on the Solar Energy Equipment except the manufacturer's badge, safety information and equipment specification information.
- I. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- J. Payment in Lieu of Tax Agreement. The owners or developers and landowners of the property upon which any Type 2 Solar Energy Systems are to be developed shall be required, at the discretion of the Town Board, to enter into a contract with the Town for payments in lieu of taxes pursuant to Real Property Tax Law §487 9.(a). Upon the owner or developer providing written notification to the Town of its intent to construct any Type 2 Solar Energy System, the Town Assessor or the Town Attorney on behalf of the taxing jurisdiction

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shall notify such owner or developer in writing within sixty (60) days of its intent to require a contract for payments in lieu of taxes.

- (1) In no event shall such payment in lieu of tax agreement operates for a period of more than fifteen (15) years, commencing in each instance from the date on which the benefits of such exemption first become available and effective under Real Property Tax Law §487.
 - (2) In no event shall such payment in lieu of tax agreement requires annual payments in an amount that would exceed the amount that would otherwise be payable but for the exemption under Real Property Tax Law §487.
 - (3) The payment in lieu of tax agreement shall run to the benefit of the Town of Seneca Falls and be executed by the Applicant/developer as well as the owners of the real property upon which the Solar Energy System is to be located, and such signatures shall be notarized in a format that allows the payment in lieu of tax agreement to be recorded at the Office of the Seneca County Clerk. Such payment in lieu of tax agreement shall, prior to commencement of construction, be recorded at the office of the Seneca County Clerk as a lien on the property upon which and indexed against the property upon which the Solar Energy System is to be constructed. The intent of the above provisions is so that should the Applicant/developer or owner of the Solar Energy System default with regard to such payment in lieu of tax agreement, that such obligation will become the responsibility of the then owner of the property upon which the Solar Energy System is sited and that failure to satisfy the terms of such agreement will permit the Town of Seneca Falls to enforce such agreement as against the owner of the real property and the real property.
 - (4) At its sole discretion, the Seneca Falls Town Board may refer an application for a Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System to one or more private consultants to assist such Board in negotiating, drafting and/or reviewing the required payment in lieu of tax agreement. Such consultants may include a professional engineer, attorney, planning consultant or other specialist. All expenses incurred by the Town for this purpose shall be reimbursed to the Town by the Applicant within thirty (30) days of the Town issuing a detailed invoice to Applicant requesting reimbursement for the same. At its discretion and at any time during the application process, the Town Board may require that Applicant furnish a deposit in an amount that it deems initially sufficient to be used for reimbursement of such expenses. Upon request of Applicant, the Town shall provide a general estimate of anticipated consulting services to be provided and estimated costs for the same. However, any such estimate of services or costs related to such services shall not in any way restrict the level of reimbursement ultimately required to be made by Applicant. It is the specific intention of this section that all expenses relating to professional consulting services rendered to the Town or any of its Boards, relating to an application for development of a Solar Energy System, be borne by the Applicant and not the taxpayers of the Town. Any such deposit shall be held in a non-interest bearing account and shall be used to reimburse the Town for expenses that have been incurred as a result of such consultants. Prior to the Town making any payment or withdrawal from such account, the Town shall provide Applicant with notice of such intended payment and documentation supporting such payment. Applicant shall have the right, within five (5) business days from receipt of such notice, to protest any account withdrawal or payment to a consultant which it contends is not reasonably necessary or is not reasonable in amount. The Town Board shall thereafter have thirty (30) days to provide its determination with regard to Applicant's objection, which shall be provided to Applicant in writing. Should such deposit be depleted prior to final approval of the required payment in lieu of tax agreement, the Town Board may require that additional monies be deposited with the Town before further processing of the payment in lieu of tax agreement will continue. The Town Board may suspend indefinitely the negotiation and drafting and review of the payment in lieu of tax agreement as a result of the failure of Applicant to timely remit a required deposit or to promptly reimburse the Town for expenses relating to such consultants. Any such suspension shall supersede any Town of New York State law, rule or regulation relating to the timing of issuance of approvals for such payment in lieu of tax agreements.
 - (5) No building permit may be issued for any approved Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System until such time as a payment in lieu of tax agreement has been executed by all parties.
- K. Community Benefit Agreement. The owners or developers and landowners of the property upon which a Type 2 Solar Energy System is to be developed shall be required, at the discretion of the Town Board, to enter into a community benefit agreement with the Town for payment by the owners, developers or landowners

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to the Town of an agreed upon monetary amount or provision of a specified public improvement or improvements that shall act to offset the potential negative impacts that may be associated with a Type 2 Solar Energy System.

(1) At its sole discretion, the Seneca Falls Town Board may refer an application for a Type 2 Solar Energy System to one or more private consultants to assist such Board in negotiating, drafting and/or reviewing the required community benefit agreement. Such consultants may include a professional engineer, attorney, planning consultant or other specialist. All expenses incurred by the Town for this purpose shall be reimbursed to the Town by the Applicant within thirty (30) days of the Town issuing a detailed invoice to Applicant requesting reimbursement for the same. At its discretion and at any time during the application process, the Town Board may require that Applicant furnish a deposit in an amount that it deems initially sufficient to be used for reimbursement of such expenses. Upon request of Applicant, the Town shall provide a general estimate of anticipated consulting services to be provided and estimated costs for the same. However, any such estimate of services or costs related to such services shall not in any way restrict the level of reimbursement ultimately required to be made by Applicant. It is the specific intention of this section that all expenses relating to professional consulting services rendered to the Town or any of its Boards, relating to an application for development of a Solar Energy System, be borne by the Applicant and not the taxpayers of the Town. Any such deposit shall be held in a non-interest-bearing account and shall be used to reimburse the Town for expenses that have been incurred as a result of such consultants. Prior to the Town making any payment or withdrawal from such account, the Town shall provide Applicant with notice of such intended payment and documentation supporting such payment. Applicant shall have the right, within five (5) business days from receipt of such notice, to protest any account withdrawal or payment to a consultant which it contends is not reasonably necessary or is not reasonable in amount. The Town Board shall thereafter have thirty (30) days to provide its determination with regard to Applicant's objection, which shall be provided to Applicant in writing. Should such deposit be depleted prior to final approval of the required community benefit agreement, the Town Board may require that additional monies be deposited with the Town before further processing of the community benefit agreement will continue. The Town Board may suspend indefinitely the negotiation and drafting and review of the community benefit agreement as a result of the failure of Applicant to timely remit a required deposit or to promptly reimburse the Town for expenses relating to such consultants.

(2) No building permit may be issued for any approved Type 2 Solar Energy System until such time as a community benefit agreement has been executed by all parties.

L. Road Use Agreement. Prior to issuance of any building permit for any Type 2 Solar Energy System and as a condition to any Special Use Permit being issued, the Applicant and its general contractor shall enter into a written Road Use Agreement benefitting the Town and, in a format, acceptable to the Town at its sole discretion. Such Road Use Agreement will require Applicant and its General Contractor to indemnify and hold the Town harmless from any and all damage to the roadways within the Town that may result from the development of Applicant's Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System. As a part of such Road Use Agreement, Applicant (or its General Contractor) shall provide an irrevocable financial security bond (or other form of surety acceptable to the Town of Seneca Falls at its sole discretion), benefitting the Town, that shall ensure the indemnification and hold harmless provisions set forth in the applicable Road Use Agreement.

(1) In the event that any damage is done to any Town road as a result of the development of an Applicant's Type 2 Solar Energy System, said Applicant and/or its General Contractor shall be responsible to perform repairs to such road that are acceptable to the Town Highway Superintendent in his/her reasonable discretion.

(2) Such repairs shall be completed within sixty (60) days of when written notice of a demand to repair was personally served or sent via certified mail to Applicant or its General Contractor or such longer timeframe as determined by the Town Board at its sole discretion upon a showing of good cause by Applicant. Should Applicant or its General Contractor fail to effectuate such repairs within sixty (60) days, or within a different timeline at the discretion of the Town Board, the Town shall be permitted to execute on the irrevocable financial security bond (or other form of surety) with written notice to Applicant or its General Contractor.

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- (3) The provisions of the Road Use Agreement required hereby, and the requisite financial security bond (or other form of surety) shall remain in full force and effect for no less than one year after all construction has been completed and the project has been certified as complete by a professional engineer.
 - (4) No building permit may be issued for any approved Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System until such time as a Road Use Agreement as required hereby has been executed by all parties.
- M. Traffic Routes. Construction and delivery vehicles for Type 2 Solar Energy Systems shall use traffic routes established as part of the applications review process. Factors in establishing such corridors shall include:
- (1) Minimizing traffic impacts from construction and delivery vehicles.
 - (2) Minimizing Solar Energy System related traffic during times of school bus activity.
 - (3) Minimizing wear and tear on local roads.
 - (4) Minimizing impacts on local businesses.
 - (5) Special Use Permit approval may contain conditions that limit Solar Energy System related traffic to specified routes and include a plan for disseminating traffic route information to the public.

§300-136. Abandonment and Decommissioning.

- A. *If the use of an approved Solar Energy System is discontinued, the owner or operator shall provide written notice to the Code Enforcement Officer within thirty (30) days of such discontinuance. In any case, Solar Energy Systems are considered inoperative and abandoned after 180 days without electrical energy generation which is consumed onsite (or credit for onsite consumption is received) for Type 1 Solar Energy Systems or 180 days without production of energy and offsite sale to and consumption by one or more customers for any Type 2 Solar Energy System. Each of the above time frames may be extended by the Town Board, at its sole discretion, upon a showing of good cause by the then owner or operator of the Solar Energy System.*
- B. **Determination of Abandonment or Inoperability.** A determination of the abandonment or inoperability of a Solar Energy System shall be made by the Town Code Enforcement Officer, who shall provide the permit holder, owner or operator and owner of the real property upon which the Solar Energy System is located with written notice by personal service or certified mail. At the earlier of the 91 days from the date of determination of abandonment or inoperability without reactivation or upon completion of dismantling and removal, any approvals and/or permits granted or issued for the Solar Energy System shall automatically expire.
- C. **Removal.** All Solar Energy Systems (and related infrastructure) shall be dismantled and removed immediately from a Lot where the Special Use Permit or Site Plan approval has been revoked by the Town of Seneca Falls Zoning Board of Appeals or the Town Planning Board respectively, or if the Solar Energy System has been deemed by the Code Enforcement Officer to be inoperative or abandoned for a period of more than 180 days (unless the time frame is extended by the Town Board pursuant to the provisions of paragraph A. above) and the Lot shall be restored to its pre-development condition. The responsibility to dismantle and remove and all such costs of removal shall be the sole responsibility of the permit holder, owner or operator and/or owner of the real property upon which the Solar Energy System is located. If the permit holder, owner or operator and/or owner of the real property upon which the Solar Energy System is located does not dismantle and remove said Solar Energy System as required by the Decommissioning Agreement, the Town Board may complete removal and decommissioning as set forth in the Decommissioning Agreement and levy all related expenses (not covered by any removal bond or other form of surety provided pursuant to such Decommissioning Agreement) associated with the removal onto the real property tax bill associated with the property upon which the Solar Energy System was located, regardless of who the permit holder, owner or operator and owner of the real property upon which the Solar Energy System is/was. Any costs or expenses related to removal (by the Town or completed on behalf of the Town's authority pursuant to this section) that are to be levied onto the real property tax bill for the property on which the Solar Energy System was located, shall not be off-set, reduced or diminished for any recycling or salvage credits or value relating to the removed Solar Panels or Solar Energy Equipment, except and unless the Town has actually received such credits or value prior to the levy of such costs and then, such reduction shall be limited to the actual dollar value received by the Town. Nothing in this Article shall be interpreted to require or obligate the Town to undertake to obtain

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salvage or recycling credits, value or proceeds with regard to any Solar Panels or Solar Energy Equipment to be removed pursuant to this section.

- D. Recycling and solid waste. In addition to the Decommissioning Plan providing specific language relating to the collection and disposal of discarded solar panels. When solar panels reach the end of their usable life or are otherwise discarded, it becomes solid waste. All solid waste generated from a decommissioned solar site will be federally regulated under the Resource Conservation and Recovery Act (RCRA) Laws and Regulations or through other state and local government programs. If the discarded solar panels and other solid waste materials are deemed to be hazardous waste after meeting the characteristic of toxicity, then they will be further regulated under U.S. Environmental Protection Agency (EPA) RCRA Subtitle C framework and guidelines for hazardous waste.
- E. Removal of any Type 2 Solar Energy Systems shall be in accordance with the Decommissioning Agreement required by §300-134(A)13 above.

§300-137. Revocation.

If the Applicant or its successor in title/ownership of any Type 2 Solar Energy System violates any of the conditions of its Special Use Permit, Site Plan approval or violates any other local, state or federal laws, rules or regulations, such violation shall be grounds for revocation of the Special Use Permit or Site Plan Approval. Revocation may occur after the applicant is notified in writing of the violations and the Town of Seneca Falls Zoning Board of Appeals and Planning Board holds a joint hearing on the alleged violations, at which the Applicant or its successor in title/ownership shall have an opportunity to be heard and present evidence in defense of the allegations of such violations.

§300-138. Interpretation; conflict with other law.

In its interpretation and application, the provisions of this Article shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. This Article is not intended to interfere with, abrogate or annul other rules, regulations or laws, provided that whenever the requirements of this Article are at a variance with the requirements of any other lawfully adopted regulations, rules or laws, the most restrictive, or those which impose the highest standards shall govern.

§300-139. Severability.

If any section, subsection, phrase, sentence or other portion of this Article is for any reason held invalid, void, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

Chapter 159. Erosion Control and Stormwater Management

[HISTORY: Adopted by the Town Board of the Town of Seneca Falls _____ by L.L. No. #2025.²
Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 158.

Site plan review — See Art. XIII

Subdivision of land — See Ch. 255.

Zoning — See Ch. 300.

§ 159-1. Title.

This chapter shall be known as the "Stormwater Management and Erosion Control Law."

§ 159-2. Findings.

The Town of Seneca Falls has undertaken a study of the need for a stormwater management and erosion control law and finds that uncontrolled drainage and runoff associated with land development has a significant impact upon the health, safety and welfare of the community. Specifically:

- A. Stormwater runoff can carry pollutants into receiving water bodies, degrading water quality.
- B. The increase in nutrients in stormwater runoff, such as phosphorus and nitrogen accelerates eutrophication of receiving waters.
- C. Improper design and construction of drainage facilities can increase the velocity of runoff, thereby increasing streambank erosion and sedimentation.
- D. Construction requiring land clearing and the alteration of natural topography tends to increase erosion.
- E. Siltation of water bodies resulting from increased erosion decreases their capacity to hold and transport water, interferes with navigation, and harms flora and fauna.
- F. Impervious surfaces increase the volume and rate of stormwater runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.
- G. Improperly managed stormwater runoff can increase the incidence of flooding and the level of floods which occur, endangering property and human life.
- H. Substantial economic losses can result from these adverse impacts on community waters;
- I. Many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices.

§ 159-3. Purposes and objectives.

In order to protect, maintain and enhance both the immediate and the long-term health, safety and general welfare of the citizens of the Town of Seneca Falls, this chapter has the following objectives:

- A. Prevent increases in the magnitude and frequency of stormwater runoff to prevent an increase in flood flows and in the hazards and costs associated with flooding.
- B. Prevent decreases in groundwater recharge and stream base flow to maintain aquatic life, assimilative capacity and potential water supplies.

- C. Maintain the integrity of stream geometry to sustain the hydrologic functions of streams.
- D. Control erosion and sedimentation to prevent its deposition in streams and other receiving water bodies.
- E. Facilitate the removal of pollutants in stormwater runoff to perpetuate the natural biological functions of streams.
- F. To the extent practical, secure multiple community benefits such as groundwater replenishment, open space protection and increased recreational opportunity through integrated land use- stormwater management planning.

§ 159-4. Statutory authority.

In accordance with Article 10 of the Municipal Home Rule Law, Article 9 of the Town Law, of the State of New York, *the Town of Seneca Falls has the authority to enact local laws for the purpose of promoting the health, safety or general welfare of Town of Seneca Falls. The Town of Seneca Falls may include in any such local law provisions for the appointment of any municipal officer or employees to effectuate and administer such local law.*

§ 159-5. Conformance required.

Upon approval of this chapter and filing by the Town of Seneca Falls in the Office of the Secretary of State all site preparation and construction activities requiring approval or permit for site development, subdivision, special use permit, zoning variance or zoning change shall be in conformance with the provisions set forth herein.

§ 159-6. Definitions.

- A. Unless specifically defined below, words or phrases shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most effective application. These definitions shall apply to all rules, regulations, manuals and guidelines promulgated by the federal, state or local government relating to this chapter and its effective implementation, or to those rules, regulations, manuals and guidelines hereafter so promulgated. Words used in the singular shall include the plural and the plural the singular; words used in the present tense shall include the future tense. The word "shall" connotes mandatory and not discretionary; the word "may" is permissive.
- B. As used in this chapter, the following terms shall have the meanings indicated:

CRITICAL ENVIRONMENTAL AREA

A specific geographic area designated by a state or local agency having exceptional or unique characteristics that make the area environmentally important.

DEVELOPMENT or DEVELOPMENT ACTIVITY

To make a site or area available for use by physical alteration. Development includes but is not limited to providing access to a site, clearing of vegetation, grading, earthmoving, providing utilities and other services such as parking facilities, stormwater management and erosion control systems, and sewage disposal systems, altering landforms, the filling, changing course or obstructing the flow of any natural waterway or watercourse, or the construction of a structure on the land.

DRYWELL

Similar to infiltration trench but smaller with inflow from pipe; commonly covered with soil and used for drainage areas of less than 1 acre such as roadside inlets and rooftop runoff.

EROSION

The removal of soil particles by the action of water, wind, ice or other geological agents.

EXFILTRATION

The downward movement of runoff through the bottom of an infiltration system into the soil.

EXTENDED DETENTION

A practice to store stormwater runoff by collection as a temporary pool of water and provide for its gradual (attenuated) release over 24 hours or more. A practice which is used to control peak discharge rates, and which provides gravity settling of pollutants.

FIRST FLUSH

The delivery of a disproportionately large load of pollutants during the early part of storms due to the rapid runoff of accumulated pollutants. The "first flush" in these guidelines is defined as the runoff generated from a one-year twenty-four-hour storm event from land which has been made more impervious from predevelopment conditions through land grading and construction/development activities.

FLOODPLAIN

For a given flood event, that area of land temporarily covered by water which adjoins a watercourse.

FOREBAY

An extra storage area or treatment area, such as a sediment pond or created wetland, near an inlet of a stormwater management facility to trap incoming sediments or take up nutrients before they reach a retention or extended detention pond.

IMPERVIOUS AREA

Impermeable surfaces, such as pavement or rooftops, which prevent the percolation of water into the soil.

INFILTRATION

A practice designed to promote the recharge of groundwater by containment and concentration of stormwater in porous soils.

INFILTRATION BASIN

An impoundment made by excavation or embankment construction to contain and exfiltrate runoff into the soil layer.

OUTFALL

The terminus of a storm drain where the contents are released.

PEAK FLOW

The maximum rate of flow of water at a given point and time resulting from a storm event.

PEAK FLOW ATTENUATION

The reduction of the peak discharge of storm runoff by storage and gradual release of that storage.

RETENTION

A practice designed to store stormwater runoff by collection as a permanent pool of water without release except by means of evaporation, infiltration, or attenuated release when runoff volume exceeds the permanent storage capacity of the Town of Seneca Falls of the permanent pool.

RIPRAP

A combination of large stone, cobbles and boulders used to line channels, stabilize streambanks, reduce runoff velocities.

RISER

A vertical pipe that is used to control the discharge rate from a pond for a specified design storm.

STREAM CORRIDOR

The landscape features on both sides of a stream, including soils, slope and vegetation, whose alteration can directly impact the streams physical characteristics and biological properties.

SWALE

A natural depression or wide shallow ditch used to temporarily route, or filter runoff.

§ 159-7. Plan required; exemptions.

- A. It has been established that land clearing, land grading, earthmoving or development activities can have a significant effect on the environment, therefore, no person, corporation, organization, or public agency shall, on or after the effective date of this chapter:
 - (1) Initiate any land clearing, land grading, earthmoving or development activities without first preparing a stormwater management and erosion control plan and obtaining approval of said plan from the Town of Seneca Falls Code Enforcement Officer.
 - (2) Alter any drainage system or natural waterway or filling, changing course or obstructing the flow of any natural waterway or watercourse, without first preparing a stormwater management and erosion control plan and obtaining approval of said plan from the Town of Seneca Falls.
- B. The following points shall be followed in the design of storm drainage facilities and/or individual site drainage improvements:
 - (1) Lots shall be laid out and graded to provide positive drainage away from buildings.
 - (2) Storm sewers, culverts and related installations shall be provided:
 - (a) To permit unimpeded flow of natural watercourses.
 - (b) To ensure adequate drainage of all low points.
 - (c) To intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.
 - (3) Discharge of sump pumps, roof leaders or any other stormwater features shall be directed to the storm sewer network and not to the sanitary sewer network, roadside gutters, streams, natural sensitive areas or adjacent properties.
 - (4) In the design of storm sewer systems, special consideration shall be given to avoidance of problems which may arise from concentration of stormwater runoff over adjacent properties. Surface swales or channels serving multiple lots shall have a catch basin or field inlet to serve every third lot.
 - (5) The Town requires the completed construction and design engineer's certification of all surface drainage improvements and erosion control measures on a development before any building permits are issued.
- C. Exemptions. The following activities are exempt from the stormwater management and erosion control plan requirements:
 - (1) Agricultural activities, including household gardening and timber harvesting that is not part of a

development project.

- (2) Industrial and/or commercial development projects which result in an impervious surface less than 10,000 square feet.
- (3) Any maintenance, alteration, use or improvement to an existing structure which will not change the quality, rate, volume or location of surface water discharge or contribute to erosion and sedimentation.

§ 159-8. Purpose of plan; contents; structure.

- A. It is the responsibility of an applicant to prepare a stormwater management and erosion control plan so that the Town of Seneca Falls can evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on community waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing or mitigating adverse impacts.
- B. The stormwater management and erosion control plan shall contain the name, address, and telephone number of the owner and developer. In addition, the legal description of the property shall be provided, and its location with reference to such landmarks as major water bodies, adjoining roads, railroads, subdivisions, or towns shall be clearly identified on a map.
- C. The structure and content of the stormwater management and erosion control plan shall be as follows: The structure and content shall be as specified in the New York State Stormwater Management Design Manual, dated January 2015 or as later revised, and shall contain such other information as shall be required by the Code Enforcement Officer and Planning Board of the Town of Seneca Falls as approved by the Town Board.

§ 159-9. Plan review process.

- A. Provisions for stormwater management and erosion control should be considered in a three-stage process:
 - (1) Presubmission phase, which provides an opportunity for the community to learn of the developer's intent and for the developer to learn of the community's requirements and standards for development.
 - (2) Preliminary site development plan phase, which includes the submission of an application for preliminary site development plan approved for a developer. The application shall be accompanied by information about the proposal as set forth in § 159-8 of this chapter. Because it is a preliminary action and not final, action on the proposal shall be given as tentative approval, tentative approval with modification or disapproval.
 - (3) Final site development plan phase, if approval or approval with modification is tentatively given in the preliminary site development phase, the next step can be submission of a final application, including the necessary documentation for final approval. It is in this phase that any requested modifications be satisfied as part of final application submission.
- B. The stormwater management and erosion control plan shall not be approved unless it is consistent with the purposes and objectives of this chapter in § 159-3 and the performance standards described in § 159-10 and with applicable performance standards set forth in state and federal laws and regulations.
- C. All stormwater management and erosion control plans are to be coordinated through the Zoning Enforcement Officer, to determine if further review and approvals are required on behalf of the Planning Board and Zoning Board of Appeals.

D. Inspections.

- (1) No stormwater management and erosion control plan will be approved without adequate provision for inspection of the property before development actively commences. The applicant shall arrange with the Town of Seneca Falls for scheduling the following inspections:
 - (a) Initial inspection: prior to approval of the stormwater management and erosion control plan;
 - (b) Erosion control inspection: to ensure erosion control practices are in accord with the plan.
 - (c) Bury inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.
 - (d) Final inspection: when all work including construction of stormwater management facilities has been completed.
- (2) The Town of Seneca Falls shall inspect the work and either approve it or notify the applicant in writing in what respects there has been a failure to comply with the requirements of the approved stormwater management and erosion control plan. Any portion of the work which does not comply shall be promptly corrected by the applicant or the applicant will be subject to the bonding provisions of § 159-14 and the penalty provisions of § 159-15. The Town of Seneca Falls may conduct random inspections to ensure effective control of erosion and sedimentation during all phases of construction.

§ 159-10. Performance standards.

Stormwater management and erosion control plans shall be prepared in accordance with performance standards which have been structured to achieve the purposes and objectives of this chapter as well as to ensure that the quality and quantity of runoff after development is not substantially altered from predevelopment conditions. Performance shall be in conformance with the performance standards as specified in the New York State Stormwater Management Design Manual, dated January 2015 or as later revised, and shall contain such other information as shall be required by the Town of Seneca Falls.

§ 159-11. Off-site stormwater management facilities.

The Town of Seneca Falls may allow stormwater runoff that is of unacceptable quality, or which would be discharged in volumes or rates in excess of those otherwise allowed by this chapter, to be discharged into stormwater management facilities off the site of development if all of the following conditions are met:

- A. It is not practicable to completely manage runoff on-site in a manner that meets the performance standards in § 159-10.
- B. The off-site drainage facilities and channels leading to them are designed, constructed and maintained in accordance with the requirements of this chapter.
- C. Adverse environmental impacts on the site of development will be minimized.
 - (1) Adequate provision is made for the sharing of construction and operating costs of the off-site facilities. The developer may be required to pay a portion of the cost of constructing the facilities as a condition to receiving approval of the drainage plan.
 - (2) Use of regional off-site stormwater management facilities does not eliminate the requirement that the first-flush be captured and treated on-site pursuant to the performance standards of § 159-10.
 - (3) A request to use off-site stormwater management facilities and all information related to the proposed off-site facilities shall be made as part of the developer's stormwater management

plan.

§ 159-12. Maintenance.

- A. The Town of Seneca Falls shall determine whether stormwater management facilities are to be maintained by the developer/owner, a homeowners' association, or by the Town of Seneca Falls.
- (1) If maintenance is to be performed by a homeowners' association, the homeowners' association must be registered pursuant to § 352-E of the New York State General Business Law.
 - (2) If maintained by an owner or homeowners' association, a maintenance plan containing a maintenance schedule shall be prepared by the developer, owner and/or homeowners' association for approval by the Town of Seneca Falls.
 - (3) Stormwater management facilities maintained by an owner or homeowners' association shall have adequate easements to permit the Town of Seneca Falls to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. Before taking corrective action, the Town of Seneca Falls shall give the owner or homeowners' association written notice of the nature of the existing defects. If the owner or homeowners' association fails within 30 days from the date of notice to commence corrective action or to appeal the matter to the Town of Seneca Falls, the Town of Seneca Falls may take necessary corrective action, the cost of which shall be borne by the owner or developer pursuant to § 159-13 of this chapter or by the homeowners' association. If, in the event the homeowners' association fails to pay for required corrective action, the Town of Seneca Falls shall have a lien placed on the real property of members of the homeowners' association until payment is made.
- B. Stormwater management facilities may be dedicated to the Town of Seneca Falls for purposes of maintenance by mutual consent and agreement of the developer/owner and Town of Seneca Falls.

§ 159-13. Costs of enforcement and compliance.

Whenever the Code Enforcement Officer or any duly authorized officer of the Town of Seneca Falls shall determine that this Chapter 159 of the Seneca Falls Code shall be required to be enforced, the costs incurred by said the Town of Seneca Falls for consultation fees with engineers, attorneys, or other professionals or costs incurred in enforcement of compliance with this Code, including but not limited to the costs of meeting the requirements of Article 6 of the Environmental Conservation Law (SEQRA) and it shall be charged to the Town of Seneca Falls which shall be reimbursed before any permit required by this or any other Article of the Town Code may be issued and if the applicant fails to make such reimbursement, then said reimbursement costs levied pursuant to this chapter are hereby made a lien on the premises and if the same is not paid within 30 days after it shall be deemed payable, the same shall be certified to the County Treasurer's Office who shall place the same on the real property tax roll for that year, with interest, and penalties allowed by law, and be collected as other Town taxes are collected.

§ 159-14. Performance bond.

- A. In order to ensure the full and faithful completion of all construction activities related to compliance with all conditions set forth by the Town of Seneca Falls in its approval of the stormwater management and erosion control plan, the Town of Seneca Falls may require the developer to provide, prior to construction, a performance bond, escrow account certification, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Seneca Falls as the beneficiary. The security shall be in an amount to be determined by the Town of Seneca Falls based on submission of final design plans, with reference to actual construction costs.

- B. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Seneca Falls with an irrevocable letter of credit from an appropriate financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities for the life of the project. The letter of credit shall remain in force until the surety is released from liability by the Town of Seneca Falls. Per annum interest on the letter of credit will be reinvested in the account until the surety is released from liability. The operation and maintenance letter of credit shall remain in force for the life of the project. If the developer or owner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Seneca Falls may draw upon the account to cover the costs of proper operation and maintenance.

§ 159-15. Enforcement.

- A. Civil action to enjoin illegal construction activity. Any development activity that is commenced without prior approval of a stormwater management and erosion control plan or is conducted contrary to an approved stormwater management and erosion control plan as required by this chapter, or applicable state or federal law, may be restrained by injunction or otherwise abated in a manner provided by law.
- B. A violation of this chapter is an offense punishable as provided in Chapter 1, General Provisions, Article I. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purposes only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- C. The Code Enforcement Officer of the Town of Seneca Falls or other duly appointed enforcement officer are hereby authorized and empowered to enforce the laws and ordinances of the Town of Seneca Falls and are further hereby authorized to issue appearance tickets pursuant to § 150.20 of the Criminal Procedure Law.
- D. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Seneca Falls may take necessary corrective action, the cost of which shall become a lien upon the property until paid.
- E. Notice of violation.
- (1) When the Town of Seneca Falls determines that developmental activity is not being carried out in accordance with the requirements of this chapter, it shall issue a written notice to the owner of the property. The notice of violation shall contain:
- (a) The name and address of the owner or applicant;
 - (b) The street address when available or a description of the building, structure, or land upon which the violation is occurring;
 - (c) A statement specifying the nature of the violation;
 - (d) A description of the remedial actions necessary to bring the development activity into compliance with this chapter and a time schedule for completion of such remedial action;
 - (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; or
 - (f) A statement that the determination of violation may be appealed to the Town of Seneca Falls by filing a written notice of appeal within 15 days of service of notice of violation.
- (2) The notice of violation shall be served upon the person(s) to whom it is directed either personally,

in a manner provided for personal services of notices by the court of local jurisdiction, or by mailing a copy of the notice of the violation by certified mail, postage prepaid, return receipt requested, to such person at his or her last known address.

- (3) A notice of violation issued pursuant to this section constitutes a determination from which an administrative appeal may be taken to the Town of Seneca Falls Zoning Board of Appeals.

§ 159-16. Appeals.

Any person aggrieved by the action of any official charged with the enforcement of this chapter, as the result of the disapproval of a stormwater management and erosion control plan, issuance of a written notice of violation, or an alleged failure to properly enforce the chapter in regard to a specific application, shall have the right to appeal the action to the Town of Seneca Falls Zoning Board of Appeals. The appeal shall be filed in writing within 20 days of the date of official transmittal of the final decision or determination to the applicant, shall state clearly the grounds on which the appeal is based, and shall be processed in the manner prescribed for hearing administrative appeals under state code provision.

§ 159-17. Severability.

Each separate provision of this chapter is deemed independent of all other provisions herein so that if any provision or provisions of this chapter be declared invalid, all other provisions thereof shall remain valid and enforceable.

§ 159-18. Waiver.

The Town of Seneca Falls Code Enforcement Officer and Planning Board grant a written waiver from any requirement of this chapter using the following criteria:

- A. There are special circumstances applicable to the subject property or its intended use.
- B. The granting of the waiver will not result in:
 - (1) An increase or decrease in the rate or volume of surface water runoff;
 - (2) An adverse impact on a wetland, watercourse or water body;
 - (3) Degradation of water quality; or
 - (4) Otherwise impair attainment of the objectives of this chapter.

§ 159-19. Delegation of authority.

The Town Board may delegate authority to review, approve, issue permits, grant waivers and conduct enforcement activities pursuant to this chapter to one or more official boards or officers of the Town of Seneca Falls. Such delegation of authority shall take place annually at the organizational meeting of the Town Board.

§ 159-20. When effective.

This chapter shall become effective upon the date of duly filing with the Secretary of State of the State of New York.

TSF 2025-02
Local Law Review
Solar Energy Systems &
Erosion Control and
Stormwater Management
Town of Seneca Falls

TO: Seneca County Planning Board
FROM: Seneca County Dept. of Planning & Community Development
DATE: April 30, 2025

This request for a Local Law Review in the Town of Seneca Falls to amend its Solar Energy Systems law and add a chapter on Erosion Control and Stormwater Management requires review under Section 239 of the General Municipal Law because the proposed Local Laws will affect the entire Town of Seneca Falls.

THE PROPOSAL

The Town of Seneca Falls proposes to amend its Solar Energy Systems law (Chapter 300, Article XIV) and add a new chapter on Erosion Control & Stormwater Management (Chapter 159) to the Town code.

Chapter 300, Article XIV - Amending the Solar Energy Systems law:

This proposed section of the Local Law replaces the existing Article XIV Solar Energy Systems law, though a vast majority is copied.

The proposed Local Law adds new definitions, revises some language, and adds a few paragraphs. Some new added definitions specifically address farm-related language that ties into the intent of the Article. Other changes clarify the law's definitions, increasing one's overall comprehension of the law. Some definitions that were added or revised include: Abandonment, Farmland of Statewide Importance, Farm Operation, Mature Forest, Mineral Soil Groups 1-4 (MSG 1-4), Native Perennial Vegetation, Nameplate Capacity, Operations and Maintenance Plan, Prime Farmland, Pollinator, Road Use Agreement, Site Plan (amended), and Solar Access.

One area of concern is a small detail we have come across previously when looking at other Towns' Local Laws on solar, specifically decommissioning plans that are updated after three years. The Town of Seneca Falls' Decommissioning Plan, §300-134(A)(12), states that financial security shall be updated every fifth year thereafter. However, according to New York State Town Law §274-a(7) for regulating Site Plan Reviews, security is subject to the provisions under New York State Town Law §277(9), specifically paragraph (d) that states:

*Any such performance bond or security agreement shall run for a term to be fixed by the planning board, **be in no case for a longer term than three years**, provided however, that the term of such performance or security agreement may be extended by the planning board with consent of the parties thereto...*

Any financial security beyond three years may be in violation of NYS Town Law and may not be enforceable. This can affect County farmland and County liability for eventual solar decommissioning if a solar operator walks away.

Currently, there is no State law that regulates surety bonds that go beyond three years. **Refiling the surety every three years will keep with State Law.** Within those three years - under the proposed Local Law, §300-134(A)(13)(c) - the Town Board can adjust the security amount every year, which will help adjust for inflation and other unplanned expenses relating to the decommissioning of the solar energy system following its abandonment.

One new section of the proposed Local Law is the **addition of regulations regarding Agrivoltaics or dual use solar (§300-134(A)(16) and (15))**, which allows for co-locating solar projects with agricultural operations. The new section requires agrivoltaics to be professionally designed and requires a site-specific agricultural management plan. This is the first instance of any Local Law addressing agrivoltaics/colocation that this Department has seen following the adoption of the 2022 Seneca County Agricultural and Farmland Enhancement Plan that encourages "dual use/collocation of PV solar with Active Farming" under Strategy C-1.

The Local Law also adds requirements for emergency service vehicular access in §300-134(B)(10). This will help facilitate emergency responses if the need arises.

Lastly, the proposed Local Law adds a paragraph to §300-136: *Abandonment and Decommissioning* - regarding recycling and solid waste associated with solar energy systems. The paragraph states that the eventual waste generated from the solar energy system components are federally regulated, whether it is recycled or contains hazardous waste, and requires safe and regulated means of disposal.

Chapter 159 - Adding a chapter on Erosion Control & Stormwater Management:

This proposed new chapter to the Town of Seneca Falls' Code provides provisions for mitigating erosion and pollution in water bodies due to increased stormwater runoff. This Local Law is in response to the Town undertaking a study that found pollution and rich nutrients in the water, as well as impervious surfaces (which can increase the volume and velocity of stormwater) can lead to erosion and water quality

issues resulting in sedimentation in water bodies, decreasing groundwater recharge, pollution of drinking water, flooding, and other economic impacts.

The proposed Local Law will now require any applicant initiating land development (for land clearing, grading, earthmoving or development activities) to provide a Stormwater Management and Erosion Control Plan to the Town Code Enforcement Officer for approval when an application requires any approval, zoning permit, subdivision permit, special use permit, zoning variance, or zoning change shall be approved by the Town Code Enforcement Officer. The law also requires that these plans be based off the 2015 or newer New York State Stormwater Management Design Manual, which this Department has referenced in past reports.

The proposed law points out **general issues that should be followed** for storm drainage facilities for an individual site which include (§159-7(B)):

- Land grading for drainage away from buildings
- Storm sewers, culverts and related installations
- Discharge of sump pumps, roof leaders and other stormwater facilities should be directed to storm sewer networks
- Protection of adjacent properties from stormwater runoff
- And the Town requires a professional engineer to certify that these drainage improvements are adequate prior to any permits being issued.

The **specific** performance standards listed in §159-10 are laid out in the New York State Stormwater Management Design Manual, which specifies how the Stormwater Management and Erosion Control Plan should be written and implemented.

However, important exceptions are laid out in §159-7(C) that exempt:

- **Agricultural activities** including household gardening and timber harvesting that is not part of a development project.
- Industrial and/or commercial development projects which result in **an impervious surface less than 10,000 square feet.**
- Any maintenance, alteration, use or improvement to an existing structure **which will not change the quality, rate, volume or location of surface water discharge** or contribute to erosion and sedimentation.

This proposed new Chapter is a good first step towards protecting the health and safety of Town residents and others that rely on our shared lakes and water bodies.

COUNTY CONSIDERATIONS

The County Planning Department and the County Planning Board's primary role is to examine referred land use issues in terms of County and Inter-Municipal impacts.

There do not appear to be any County-wide or inter-municipal impacts associated with these Local Laws. Furthermore, the proposed Local Law addressing erosion control and stormwater management will help strengthen water quality, not just for the Town but for the shared water resources that affect countless other people and jurisdictions. The Solar Energy Systems portion of the proposed Local Law would also finely tune solar energy system requirements within its jurisdiction while addressing and regulating agrivoltaics/colocation, which is a priority agricultural enhancement strategy addressed in the 2022 Seneca County Agricultural and Farmland Enhancement Plan.

RECOMMENDATION

The Seneca County Department of Planning and Community Development advises the Seneca County Planning Board to recommend that this request for the addition of Chapter 159 and the amending of Article XIV of Chapter 300 be approved, based solely on County-wide and inter-municipal impacts, conditional upon the Town amending their proposed Local Law on Article XIV Solar Energy Systems to be in line with NYS Town Law and their three-year provisions for surety bonding.

DOCUMENTS AVAILABLE

Texts of Local Law 2 of 2025
SEQR SEAF Pt. 1

ADVISORY COMMENTS

The County Planning Department and the County Planning Board's secondary role is to provide guidance and education for municipalities and applicant(s) in the hopes of creating a clear path for both.

Completing this list and any other recommendations under Advisory Comments by the Town is not required to fulfill the requirements of this resolution, they are simply non-binding recommendations.

Chapter 300, Article XIV - Amending the Solar Energy Systems law:

Some possible typographical errors that were found in Article XIV Solar Energy Systems proposed Local Law:

- §300-131: Multiple references to residential solar energy system uses (Building-Mounted Solar Energy Systems, Roof-Mounted Solar Energy System, and Type 1 Solar Energy System definitions) seems to exclude 2-Family Residential Dwellings. Is this an oversight or are two-family residential dwellings specifically intended to be excluded when single family residential and multi-family residential (3+) dwellings are allowed?
- §300-131: The Solar Panel definition is out of alphabetical order.
- §300-131: Both Building Mounted Solar Energy System definitions exclude solar energy systems mounted on the front of a building. Should solar energy systems not be allowed at all on the front? They are just not addressed in this proposed Local Law.
- §300-134(A)(5): Incorrectly cites paragraph (i) (Pre-Development Site Conditions). It should likely be referred to as paragraph (10).
- §300-134(A)(7): A verb is missing in the first sentence.
- §300-134(A)(16): It is unclear where the paragraph that starts with "Project details or specific site features associated with agrivoltaics operations..." it is listed under paragraph (a), however there is already a paragraph (a). Perhaps it should be reformatted to be paragraph (f).
- §300-134(B)(9): The vegetation management plan states the plan shall be approved by the Planning Board and/or the Zoning Board of Appeals. This and/or statement leaves ambiguity to whose responsibility it is to approve the plan. Ideally, one board should be designated.
- §300-134(B)(17): A small typographical error that makes it a little unclear where it states the requirement for the construction from the Site Plans be made within "twenty (24) months"... The question is whether it is twenty (20) months or twenty-four (24) months.

Chapter 159 - Adding a chapter on Erosion Control & Stormwater Management:

A timeframe might need to be instituted to close any potential loopholes for §159-7(C), which lists exemptions for "Agricultural activities including household gardening and timber harvesting that is not part of a development project." Anyone can claim to be timber harvesting, and while being exempted, could subsequently develop multiple industrial or commercial projects under 10,000 square feet in one application after another while still obeying the regulations and knowingly evading the original intent of the law.

According to §159-5, only site preparation that requires approval or permits shall be in conformance with this law. A possible loophole exists when a developer could conceivably initiate site work without being required to obtain a permit if no structure is being added that would necessitate a permit (as long as it conforms to the loose standards under §300-35). A better way to address site work might be to say **any site work that alters** (possibly define alter to not just moving dirt but also removal of vegetation) **X amount of square feet**. Consideration for future updating might want to supersede provisions of §300-35, which precludes many applicants from obtaining a permit which triggers the production of a Stormwater Management and Erosion Control Plan, which would implement stormwater and erosion control safeguards.

Resolution ___-___
TSF 2025-02
Local Law Review
Solar Energy Systems &
Erosion Control and
Stormwater Management
Town of Seneca Falls

WHEREAS, the request of the Town of Seneca Falls for a Local Law Review to amend its Solar Energy Systems law and add a chapter on Erosion Control and Stormwater Management requires review under Section 239 of the General Municipal Law because the proposed Local Law would affect the entire Town, and

WHEREAS, the Seneca County Department of Planning and Community Development did review said request and prepared a report dated April 30, 2025, and

WHEREAS, the Seneca County Planning Board did meet on May 8, 2025, to consider this request, the report of the Seneca County Department of Planning and Community Development, and other pertinent information, be it therefore,

RESOLVED, that the Seneca County Planning Board recommends that the addition of Chapter 159 and the amending of Article XIV of Chapter 300 be approved, based solely on County-wide and inter-municipal impacts, conditional upon the Town amending their proposed Local Law on Article XIV Solar Energy Systems to be in line with NYS Town Law and their three-year provisions for surety bonding, and be it

FURTHER RESOLVED, that the Seneca County Department of Planning and Community Development be directed to forward word of this action to the Town of Seneca Falls.

Motion _____
Second _____
Ayes _____
Nays _____
Abstain _____

Caitlin S. Ryan, Secretary

Melissa Brown

From: legals@fltimes.com
Sent: Tuesday, May 13, 2025 4:34 PM
To: Melissa Brown
Subject: RE: Local Law #2 2025
Attachments: 00666349_00000144.pdf

I have received your Legal Notice request for publication in our newspaper.

Please find your proof attached.

Publish date(s) - 5/20

Total cost - \$39.47

Thank You,
Melissa Delfi
Legal Department
Finger Lakes Times
O 315.789.3333 ext. 200

DISCLAIMER Effective January 1, 2022 all legals requiring affidavits will see a \$10.00 affidavit fee on all invoices (this cost is included in your quote) Please allow up to 72 hours for response/placement.
We are not responsible for any typographical errors.
We do not process faxed or hand typed legal notices.

-----Original Message-----

From: "Melissa Brown" <mbrown@senecafalls.com>
Sent: Tuesday, May 13, 2025 2:56pm
To: legals@fltimes.com
Subject: Local Law #2 2025

Best Regards,

Melissa Brown
Town Clerk
130 Ovid St
Seneca Falls, NY 13148
315-568-8013 x1001

www.senecafalls.com



LEGAL NOTICE

Notice of Public
Hearing
Town of Seneca
Falls

The Town of Seneca Falls Town Board will hold a public hearing on Tuesday, JUNE 3, 2025, at 6:00 pm at the Town of Seneca Falls's Town office located at 130 Ovid Street, Seneca Falls, NY 13148 for the purpose of hearing public comments on PROPOSED LOCAL LAW 1 of 2025, "Local Law to amend the Zoning Code Chapter 300, Article XIV. Solar Entergy Systems, Chapter 159. Erosion Control & Stormwater."

The location of this hearing is accessible to persons with disabilities. If special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, those individuals should contact Melissa Brown at (315) 568-8013 X 8 or at mbrown@seneca-falls.com in advance of the hearing date to allow for necessary arrangements. Written comments may also be submitted to Melissa Brown at mbrown@seneca-falls.com.

Further information, including access to a copy of the Proposed Local Law and supporting documentation, may be obtained at the Town of Seneca Falls's Office at 130 Ovid Street, Seneca Falls, NY 13148.



TOWN OF SENECA FALLS

130 Ovid Street
Seneca Falls, NY 13148
F: 315-568-4672

JULY 1, 2025

**RESOLUTION: CHAPTER 300, ARTICLE XIV, SOLAR ENERGY SYSTEMS, AND CHAPTER 159,
EROSION CONTROL & STORMWATER - SEQR RESOLUTION – DETERMINATION OF
ENVIRONMENTAL SIGNIFICANCE**

TS-2025-41

WHEREAS, the Seneca Falls Town Board (hereinafter referred to as "Town Board") has determined the above-referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action by resolution adopted at a regular meeting of the town Board on May 6, 2025; and

WHEREAS, the Town Board has completed the public comment period provided for under the SEQR Regulations; and

WHEREAS, the Town Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 on the Action prepared by the MRB Group; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, that said Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

BE IT FINALLY RESOLVED that the Town Board does hereby make a Determination of Non-Significance on said Action, and the Town Supervisor is hereby directed issue the Negative Declaration as evidence of the Town Board determination of environmental non-significance.

MOTIONED BY Jackson Puylara SECONDED BY Frank Sinicropi

TOWN BOARD	AYES	NAYES	ABSENT	ABSTAIN
Councilman Puylara	X			
Councilwoman Dyson	X			
Councilwoman Laskoski			X	
Councilman Sinicropi	X			
Supervisor Schmitter	X			
CARRIED & ADOPTED	7/1/25			
FAILED				

I hereby certify that this resolution was adopted on JULY 1, 2025, and is recorded in the Meeting Minutes of the Town of Seneca Falls Town Board.

Melissa A. Bain
Town Clerk

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Town of Seneca Falls				
Name of Action or Project: Town of Seneca Falls Local Law No. 2 - 2025- Code Amendment (Chapter 300, Article XIV) and Adding Chapter 159 (Erosion Control & Stormwater)				
Project Location (describe, and attach a location map): All land holdings within the incorporated boundary of the Town of Seneca Falls				
Brief Description of Proposed Action: Local Law No. 2 - 2025 will amend the Town of Seneca Falls Chapter 300, Article XIV (Solar Energy Systems) and will add Chapter 159 (Erosion Control and Stormwater Management) to Part II (General Legislation) of the Town of Seneca Falls Town Code.				
Name of Applicant or Sponsor: Town of Seneca Falls, Town Board (Contact: Frank E. Schmitter, Town Supervisor)		Telephone: 315-568-0940 E-Mail: fschmitter@senecafalls.com		
Address: 130 Ovid Street				
City/PO: Seneca Falls		State: New York	Zip Code: 13148	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Seneca County Planning Board - County Referral			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

Project: Chapter 159 & 300 Code Updates

Date: July 1, 2025

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: **Local Law #2 of 2025**

Date: **July 1, 2025**

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Seneca Falls Town Board	July 1, 2025
Name of Lead Agency	Date
Frank Schmitter	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Shaun R. Logue, MRB Group	Signature of Preparer (if different from Responsible Officer)
Signature of Responsible Officer in Lead Agency	

PRINT FORM



TOWN OF SENECA FALLS

130 Ovid Street
Seneca Falls, NY 13148
F: 315-568-4672

JULY 1, 2025

**RESOLUTION: ADOPT LOCAL LAW #2 OF 2025 - CHAPTER 300, ARTICLE XIV. SOLAR ENERGY SYSTEMS AND CHAPTER 159, EROSION CONTROL & STORMWATER
TS-2025-40**

WHEREAS the Town Board of the Town of Seneca Falls believes that it would be advantageous to the Town to amend the Town Code as it relates to solar energy systems and to add code to address erosion control and stormwater management.

WHEREAS, that the aforesaid proposed local law was referred to the Seneca County and Town Planning Boards for review and recommendation; and

WHEREAS, the Town of Seneca Falls Planning Board made a recommendation to adopt this proposed local law at their June 26, 2025 meeting; and

WHEREAS, the Seneca County Planning Board made a recommendation to adopt this proposed local law, with a condition and recommended edits, at their May 8, 2025 meeting; and

WHEREAS, the condition and amendments recommended by the Seneca County Planning Board and Department of Planning and Development have been incorporated into the final version of the local law before this board; and

WHEREAS, the Town Board reviewed and accepted the completed Full Environmental Assessment Forms Parts 1, 2 and 3 on the Action prepared by MRB Group; and

WHEREAS, the Town Board has given due consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3; and

WHEREAS, that the Town Board made a Determination of Non-Significance on said Action at the July 1, 2025 Town Board meeting; and

WHEREAS, the Town Board held a public hearing on said Action at 6:00 p.m. on June 3, 2025; and

WHEREAS, after due deliberation, and consideration of the comments submitted by Town residents and other interested parties, the Town Board of the Town of Seneca Falls finds it in the best interest of the Town to adopt said local law.

NOW THEREFORE, BE IT RESOLVED that proposed Local Law No. 2 of the year 2025 entitled "A Local Law to Amend Chapter 300, Chapter XIV (Solar Energy Systems) and Add Chapter 159 (Erosion Control & Stormwater Management) to the Seneca Falls Town Code" be and the same is hereby adopted by the Town Board of the Town of Seneca Falls, New York; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Laws of the Town of Seneca Falls, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

MOTIONED BY Jackson Puylara SECONDED BY Frank Sinicropi

TOWN BOARD	AYES	NAYES	ABSENT	ABSTAIN
Councilman Puylara	X			
Councilwoman Dyson	X			
Councilwoman Laskoski			X	
Councilman Sinicropi	X			
Supervisor Schmitter	X			
CARRIED & ADOPTED	7/1/25			
FAILED				

I hereby certify that this resolution was adopted on JULY 1, 2025, and is recorded in the Meeting Minutes of the

Town of Seneca Falls Town Board.

Melissa A. Blum

Town Clerk