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Division of Corporations, State Records
and Uniform Commercial Code
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Town of Cohocton

Local Law No. 1 of the year 2021

A local law to Provide for Solar Energy System Regulation

Purpose. This Solar Energy System Local Law is adopted to create regulations for the installation and use of solar energy generating systems and equipment in the Town of Cohocton in a manner that advances and protects the public health, safety and welfare of the Town while supporting an additional resource of renewable energy. Given that the town has already supported several commercial windfarms and that solar tends to compete with agriculture for available land, this law restricts the maximum amount of land (primarily ag land, including Prime Farmland and Farmland of Statewide Importance) that can be permitted for solar energy production. The law has the following objectives: To support future growth, development, agricultural and farmland preservation, and overall conservation of the Town's natural resources in accordance with the Town and Village of Cohocton Comprehensive Plan. To take advantage of a safe, abundant renewable and non-polluting resource. To prioritize agricultural use of lands within the Town of Cohocton in accordance with the Comprehensive Plan which cites agriculture as the most important industry by allowing a limited amount of productive farmland to be used for solar energy production. To mitigate the impacts of Solar Energy Systems on the Town of Cohocton's environmental resources by working to ensure projects are appropriately sited and sized.

Be it enacted by the Town Board of the Town of Cohocton as follows:

l. Definitions. As used in this section, unless the context requires otherwise, the following terms shall have the meanings indicated;

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

FARMLAND OF STATEWIDE IMPORTANCE: Land, designated as "Farmland of Statewide Importance" in the U.S. 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, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law. 170

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: A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for onsite or offsite consumption.

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 New York State Department of Environmental Conservation.

POLLINATOR: bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

PRIME FARMLAND: Land, designated as "Prime Farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, 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 land uses.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment.

A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems are Roof-Mounted Solar Energy Systems *and* Building-Integrated Solar Energy Systems that generate up to [110] % of the electricity consumed on the site over the previous [12] months

B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems that generate up to [110] % of the electricity consumed on the site over the previous [12] months.

C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

2. Applicability. The standards found in this section are applicable to "Solar Energy System " as defined above and shall supersede the general standards applicable to building sites in Article III of Local Law#1 of 2002 (as amended).

Board of the Town of Cohocton enacts this Local Law under the authority granted by:

(i)Article IX of the New York State Constitution, §2 (c) (6) and (10).

(ii) New York Statute of Local Governments, 10 (l) and (7).

(iii) New York Municipal Home Rule Law, 10 (1)(1) and (ii) and 510 (1)(a)(6), (l l), (12) and 14,

(iv) New York Town Law §130(1)(Building Code), (3)(Electrical Code), (5)(Fire Prevention), (7)(Use of streets and highways), (7-a)(Location of Driveways), (ll) (Peace, good order and safety), (15)(Promotion of public welfare), (15a)(Excavated Lands), (16)(Unsafe buildings), (19)(Trespass), and (25)(Building lines).

(v) New York Town Law 564(17-a) (protection of aesthetic interests), (23)(General powers).

(vi) The Town of Cohocton Planning Board in accordance with the provisions of 274A of New York State Town Law shall have the authority to issue Special Use Permits for those Tier 3 uses set forth.

3. Procedure.

Tier 1 Roof-mounted solar energy systems and building integrated photovoltaic systems that use the electricity on-site are permitted as an accessory use when attached to any lawfully permitted building or structure.

Height. Roof-mounted solar energy system shall not exceed the maximum height restrictions of the area within which they are located.

Aesthetics. Roof-mounted solar energy system installations shall incorporate, when feasible, the following design requirements.

Solar panels on pitched roofs shall be installed at the same angle as the roof's surface with a maximum distance of eight inches between the roof and the highest edge of the system.

i. Glare. All solar panels shall have antireflective coating(s).

ii. Building-integrated solar energy systems shall be shown on the plans submitted for the building permit application for the building containing the system.

iii. Tier 2 All Tier 2 solar energy systems shall be permitted as accessory structures and shall be exempt from site plan review under the Town Code or other local land use regulations, subject to the following conditions:

iv. Setback. Ground-mounted solar energy systems shall adhere to the setback requirements for accessory structures as contained in the Town Code and/or the State Building Code.

v. Height. Tier 2 solar energy systems shall be subject to have a maximum height of 15 feet.

vi. All Tier 2 solar energy systems in residential areas shall be installed in the side or rear yards. Tier 2 solar energy systems may not be located between the front lot line and principal structure.

vii. Glare. All solar panels shall have antireflective coating(s).

viii. Lot size: Tier 2 solar energy systems shall comply with the existing lot size requirement specified for accessory structures as contained in the Town Code and/or the State Building Code.

ix. Screening and visibility.

x. All Tier 2 solar energy systems shall have views minimized from adjacent properties to the extent reasonably practicable.

xi. Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate Solar Access.

xii. Tier 3 Solar Energy System are allowed in the Town of Cohocton, in all zoning districts, providing that the owner(s) of the property where such System is to be installed, or his or her representative, first obtains a Special Use permit in accordance with this local law.

xiii. Applications for a Tier 3 Special use Permit shall be submitted to the Town Code Enforcement Officer who shall submit such application to the Town Clerk to be recorded in the public record within 5 (five) business days. The application shall also be immediately sent by the Code Enforcement Officer to the chair of the Planning Board. Such applications shall be on forms provided by the Town of Cohocton in writing accompanied by maps and plans drawn to scale sized not less than 24" x 36" along with a narrative description of the project.

xiv. The Planning Board shall hold a public hearing on the requested special use permit within thirty (30) days of the receipt of a complete application for the special use permit by the Planning Board. For the purposes of this section, a "complete application" shall mean the submission to the Planning Board of all information specified in Articles 3 and 4 of this Local Law, together with any technical reports or reviews of the application as may be requested by the Planning Board pursuant to this Article.

xv. Legal notice of the date, place, and time of the public hearing shall be published in the official newspaper of the Town at least five days prior to the date of the hearing, and if the application involves property that is within 500 feet of an adjacent municipality, as defined in General Municipal law Section 239-nn, the Planning Board shall give notice to the adjacent municipality by mail or electronic transmission to the clerk of the adjoining municipality at least ten days prior to the public hearing.

xvi. The Planning Board shall have sixty-two (62) days from the close of the public hearing to approve, conditionally approve, or disapprove the application. The grounds for conditional approval or disapproval shall be in writing. In the event the Planning Board does not take any action within said sixty-two (62) day period, the application shall be deemed to be approved, although the applicant and the Planning Board may, by mutual consent, extend the time for decision.

xvii. The Planning Board, with the permission of the Town Board, shall be entitled to retain engineering and/or other technical review services, the expense whereof shall be paid by the applicant. When requested by the Planning Board, the applicant shall deposit a stipulated sum of funds to be used for third party review, with any unused portion to be returned to the applicant within thirty (30) days of written resolution of the application.

xviii. If the application is disapproved, the applicant shall have the opportunity to make revisions and resubmit the application to the Planning Board following the procedures set forth in this Article. In the alternative the applicant may submit the re-application to the Town Board at a regular meeting thereof, providing such re-submission is made within ninety (90) days of the date of the Planning Board's written disapproval.

xix. In the event that the applicant follows the above procedure and submits the application, following disapproval by the Town Planning Board, to the Town Board, the Town Board shall approve, conditionally approve, or disapprove such application within sixty-two (62) days of the meeting at which it is considered. Grounds for conditional approval or disapproval must be in writing. In the event that the Town Board does not take any action on the application within such sixty-two (62) days period, the application shall be deemed to be approved. In the event the Town Board retains engineering or other technical or review services, the expense thereof which shall be paid by the applicant, the sixty-two (62) days period shall begin on the date the Town Board receives such engineering or other technical review services report in final form. If the application is disapproved by the Town Board, the applicant shall have whatever rights are afforded under New York State law for further review.

4. <u>Tier 3 Solar Energy System Special Use Permit Applications shall contain the following:</u>

i. Blueprints or drawings of the solar photovoltaic installation signed by a licensed Professional Engineer showing the proposed layout of the system and any potential shading from nearby structures.

ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation, or structures.

iii. A description of the solar farm facility and the technical reasons for the proposed location and design shall be prepared and signed by a licensed Professional Engineer.

iv. Verification that the Solar Energy System will be constructed and operated in compliance with all applicable Federal and State standards.

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v. An operation and maintenance plan which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation including mowing and trimming.

vi. Information on noise (Inverter) and reflectivity/glare of solar panels and identification of potential impacts to abutters.

vii. Certification as to the existing soil classifications for the soil at the proposed development site as provided by the current United State Department of Agriculture Natural Resource Conservation Services Web Soil Survey, or as provided by such other state or local governmental agency maintaining official records of local soil classifications.

viii. Erosion and sediment control program to DEC standards

ix. Site plan showing property lines, physical features including road(s) public waterways, wetlands, flood plains, zoning district designation

x. A plan showing any landscape buffer to provide year-round screening of the system along a public right of way and, if a solar array or appurtenant structures including but not limited to equipment shelters, storage facilities, transformers and substations, will be in the field of view from a residence on an adjoining property, along such field of view. Such plan shall describe the methods and types of screening that is proposed, including but not limited to existing vegetation, topography, fencing and structures, and also detailing the number, location and species of vegetation to be planted on site and the size and extent of berms. Such plan shall also include appropriate performance criteria specifying minimum plant sizes and measures to be taken in the event that the proposed vegetation fails to survive, flourish or otherwise meet said performance criteria.

xi. Applicant must complete Part1 of the Environmental Assessment Form.

5) Minimum Requirements. The development shall conform to the following standards which shall be regarded as minimum requirements:

i. All ground-mounted panels shall not exceed twenty (20) feet in height.

ii. All mechanical equipment on a Solar Energy System, including the Solar Collectors are completely enclosed by fencing that meets NEC standards (National Electrical Code). The fence shall include a 16' gate for access by emergency personnel/equipment. Fencing shall be of a type approved by the Town of Cohocton Planning Board

iii. Because of neighborhood characteristics and topography, the Planning Board shall examine the proposed location on a case-by-case basis in order to ensure no detrimental impact to Town residents, businesses, or traffic.

iv. All solar energy production systems are designed and located in order to minimize reflective glare toward any habitable buildings, as well as streets and rights-of-way.

v. All of the wiring among the solar panels and from the solar arrays to the inverter shall either be underground or in conduit integrated into the support structure of the arrays. The line from the inverter to the project disconnect pole shall be underground. Overhead wiring from the project disconnect pole to the utility connection is allowed.

vi. The installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

vii. All Solar Collectors and structures shall have a one hundred (100) foot setback in the front from the center line of the highway and fencing shall be set back at least twenty (20) foot from the adjoining property lines unless there exist abutting residential uses, in which case the setback shall be a minimum two hundred (200) feet from any principal residential structures that are off-site. The foregoing side and back setback requirements shall not apply to adjacent participating parcels that share a common boundary line. All landscaping shall be set back a minimum of twenty-five (25) feet from the edge of the road right-of-way.

viii. Lighting of Solar Energy System shall be consistent with State and Federal Law. Lighting of appurtenant structures shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.

ix. A sign is required that identifies that owner and operator with an emergency telephone number where the owner and operator can be reached on a 24-hour basis. There shall be no other signs except announcement signs, such as "No Trespassing" signs or any signs required to warn of danger.

x. There shall be a minimum of two (2) non-impervious parking spaces to be constructed and maintained for use in connection with the periodic maintenance and inspection of the solar photovoltaic facility and the site. Such parking spaces shall not be used for permanent storage of vehicles or equipment.

6) Additional Conditions.

(i) The Solar Energy System owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the Solar Energy System shall be placed in a location in accordance with NEC, communicated to the Fire Chief and clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation. A Knox@ box shall be required for access by the local fire department.

(ii) No Solar Energy System shall be approved or constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the Solar Energy System owner's or operator's intent to install an interconnected customer-owned generator.

- A Solar Energy System owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Any damaged or unused components of the system shall be removed from the premises within 30 days and disposed of legally. Site access shall be maintained to a level acceptable to the local fire chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the Solar Energy System and any access road(s), unless accepted as a public way.

(iii) Owners and operators of solar farms are encouraged to consider secondary use of the real property where such solar farms are located with respect to grazers, Native Perennial Vegetation, and Pollinators, subject to the approval of the Planning Board.

(iv) The maximum total area allowed for all Tier 3 Solar Energy Systems within the town is capped at 2.50% of the current acreage as of passage of this law with Agricultural Exemption within the town, as determined by the Town Assessor. The calculation of acreage utilized by Tier 3 Solar Energy Systems is calculated using the area bounded by the fence for each such Solar Energy System. In addition, to avoid a proliferation of Solar Energy Systems in any one area, Tier 3 Solar Energy Systems shall not be located within 1.0 mile of one another. Any individual Solar Energy System shall not exceed 125 acres in area.

(v) Energy Storage as part of a Tier 3 Solar Energy System is specifically prohibited.

7) For projects regulated under NY Executive Law Section 94-C, the construction, restoration, monitoring, development and operation of the Solar Farm will follow agricultural mitigation measures consistent with its certification.

Solar Farms that are not regulated under Section 94-C will adhere to the following agricultural mitigation guidelines to the maximum extent practicable:

An environmental monitor, hired and paid for by the owner or operator, shall be on site weekly whenever construction or restoration work is occurring on agricultural land and shall coordinate with the New York State Department of Agriculture and Markets, Division of Land and Water Resources with the purpose of developing an appropriate schedule for inspections, to assure that this law is being met.

In all cases, the environmental monitor shall contact the New York State Department of Agriculture and Markets, Division of Land and Water Resources, if farm resource concerns, management matters pertinent to the agricultural operation, and site-specific implementation conditions found in these guidelines, cannot be resolved.

The owner and operator of the solar farms shall comply with the following:

(a) Construction Requirements.

i The surface of access roads located outside the generation facility's security fence and constructed through agricultural fields must be level with the adjacent field surface. All access roads shall be gravel.

ii Culverts and waterbars must be installed to maintain natural drainage patterns.

iii Strip all topsoil from agricultural areas used for vehicle and equipment traffic, parking, and equipment laydown and storage areas. Limit all vehicle and equipment traffic and parking to the access road and/or designated work areas, such as laydown areas.

iv When an open trench is required for cable installation, topsoil stripping from the entire work area will be necessary. Stockpile topsoil stripped from work areas (parking areas, electric cable trenches, along access roads) separate from other excavated material (rock and/or subsoil). At least 50 feet of temporary workspace is needed along "open-cut" electric cable trenches for proper topsoil segregation. All topsoil will be stockpiled immediately adjacent to the area where stripped/removed and shall be used for restoration on that particular site. Clearly designate topsoil stockpile areas in the field and on construction drawings

v All buried electric cables in cropland, hayland and improved pasture, must have a minimum depth of forty-eight inches of cover. In unimproved grazing areas and land permanently devoted to pasture, the minimum depth of cover must be thirty-six inches. In

areas where the depth of soil over bedrock ranges from zero to forty-eight inches, the electric cables must be buried entirely below the top of the bedrock or at the depth specified for the particular land use whichever is less. At no time shall the depth of cover be less than twenty-four inches below the soil surface.

vi When buried electric cables alter the natural stratification of soil horizons and natural soil drainage patterns, rectify the effects with measures such as subsurface intercept drain lines. Consult the local Soil and Water Conservation District concerning the type of intercept drain lines to install to prevent surface seeps and the seasonally prolonged saturation of the cable installation zone and adjacent areas. Install all drain lines according to Natural Resource Conservation Service standards and specifications. Drain tile must meet or exceed the AASHTO M252 specifications.

vii Remove all excess subsoil and rock from the site. On-site disposal of such material is only allowed if approved by the owner.

viii Construct temporary or permanent fences around work areas to prevent livestock access, consistent with landowner agreements.

ix Pick up all pieces of wire, bolts, and other unused metal objects and properly disposed of as soon as practical to prevent mixing with any topsoil.

x Excess concrete will not be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas.

xi Any permits necessary for disposal under local, State and/or federal laws and regulations must be obtained by the contractor, with the cooperation of the owner when required.

(b) Restoration Requirements.

i. All agricultural areas temporarily disturbed by construction must be decompacted to a depth of 18 inches with a deep ripper or heavy-duty chisel plow. Soil compaction results must be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. In areas where the topsoil was stripped, soil decompaction must be conducted prior to topsoil replacement. Following decompaction, remove all rocks 4 inches and larger in size, from the surface of the subsoil prior to replacement of the topsoil. Replace the topsoil to original depth and reestablish original contours where practicable.

ii. Remove all rocks 4 inches and larger from the surface of the topsoil. Subsoil decompaction and topsoil replacement must be avoided after October 1st. If areas are to be restored after October 1 st, necessary provision must be made to restore and/or reseed any eroded or poorly germinated areas in the springtime, to establish proper growth.

iii. Regrade all access roads to allow for farm equipment crossing and to restore original surface drainage patterns where practicable, or other drainage pattern incorporated into the design.

iv. Seed all restored agricultural areas with the seed mix specified by the owner to the extent practicable in order to maintain consistency with the surrounding areas.

v. Repair all surface or subsurface drainage structures damaged during construction as close to preconstruction conditions as possible, unless said structures are to be removed as part of the project design. Correct any surface or subsurface drainage problems resulting from construction of the solar energy project with the appropriate mitigation as determined by the Environmental Monitor, Soil and Water Conservation District and the Landowner.

vi. On affected farmland, postpone any restoration practices until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration must not be conducted while soils are in a wet or plastic state of consistency. Stockpiled topsoil must not be re-graded, and subsoil must not be de-compacted until plasticity, as determined by the Atterberg field test, is adequately reduced. No project restoration activities shall occur in agricultural fields between the months of October through May unless favorable soil moisture conditions exist.

vii. Following restoration, remove all construction debris from the site.

(c) Monitoring and Remediation.

i. The owner or operator shall provide a monitoring and remediation period of no less than 365 days following the date upon which the project achieves commercial operation. The one-year period allows for the effects of climatic cycles such as frost action, precipitation and growing seasons to occur, from which various monitoring determinations can be made. The monitoring and remediation phase is used to identify any remaining agricultural impacts associated with construction that are in need of mitigation and to implement the follow-up restoration.

ii. General conditions to be monitored include topsoil thickness, relative content of rock and large stones, trench settling, crop production, drainage and repair of severed subsurface drain lines, fences, etc.

iii. Topsoil deficiency and trench settling shall be mitigated with imported topsoil that is consistent with the quality of topsoil on the affected site. Determine excessive amounts of rock and oversized stone material by a visual

inspection of disturbed areas as compared to portions of the same field located outside the construction area. Remove and dispose of all excess rocks and large stones.

iv. When the subsequent crop productivity within affected areas is less than that of the adjacent unaffected agricultural land, the owner or operator as well as other appropriate parties, must determine the appropriate rehabilitation measures to be implemented.

8) Traffic Routes. Construction and delivery vehicles for Solar Energy System shall use traffic routes established as part of the application 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 & tear on local roads.

(4) Minimizing impacts on local business operations.

(5) Solar Energy System Permit conditions may limit Solar Energy System related traffic to specified routes and include a plan for disseminating traffic route information to the public.

9 Road Remediation. The applicant shall be responsible for remediation of damaged roads upon or if necessary, during the construction of or completion of the installation of Solar Energy System. A public improvement bond shall be posted prior to the issuance of any building permit in an amount, determined by the Town Board, sufficient to compensate the Town for any damage to local roads that is not corrected by the applicant.

10. Decommissioning/Removal. All applications for a Solar Energy System shall be accompanied by a Decommissioning Plan to be implemented upon abandonment and/or in conjunction with removal of the installation. Prior to removal of the Solar Energy System, a permit for removal activities shall be obtained from the Code Enforcement Officer. Notwithstanding the foregoing, projects regulated under NY Executive Law Section 94-C shall be subject to the decommissioning requirements set forth set forth in 16 NYCRR 1001.29. For all other Solar Energy System subject to regulation under this Local Law, the Decommissioning Plan shall include the following provisions:

a. The owner, operator, or his/her successors in interest shall remove any ground-mounted solar collectors which have reached the end of their useful life or have been abandoned. The owner or operator shall physically remove the installation no more than one hundred fifty (150) days after the date of discontinued operations. The owner or operator shall notify the Town Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal.
b. Physical removal of all ground-mounted Solar Collectors, structures, equipment, security bafflers, feeders and branch circuit wiring from the site. All concrete piers, footers or other supports should be removed to a depth of 48 inches below the soil surface. Underground lines should be abandoned in place. Access roads in agricultural area should be removed unless otherwise specified by the landowner.
c. Disposal of all solid and hazardous waste in accordance with local, State, and Federal waste disposal regulations.
d. Stabilization or revegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
e. Absent notice of a proposed date of decommissioning and written notice of extenuating circumstances, the Solar Energy System shall be considered abandoned when it fails to operate for more than one (1) year without the written consent of the Planning Board ("Abandonment"). If the owner or operator of the solar farm fails to remove the installation in accordance with the requirements of this section within one hundred fifty (150) days of Abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.
f.

(a) Upon the decommissioning of the project and removal of all equipment, the soils at the site shall be restored to the condition and classification that existed prior to the construction of the project and in connection with Section (12) (iv) above, except where the underlying fee owner of the land requests otherwise, as specified in the project application pursuant to Section (5)(x) above.

1. As part of the decommissioning plan, the owner or operator of a solar farm shall provide the Town with an irrevocable standby letter of credit or other form of security reasonably acceptable to the Town attorney, which shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the letter of credit or other security shall be in the amount of one hundred percent (100%) of the cost of removal of the solar farm and restoration of the property, which shall be renewed every five (5) years. Delivering of the letter of credit or other security to the Town shall occur prior to the commencement of operations, accompanied by a detailed estimate of the costs associated with all decommissioning efforts.
2. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the letter of credit

or other security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The letter of credit or other security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.

3. In the event of default or abandonment of the solar farm, the system shall be decommissioned as set forth in this subsection 12.

11 Costs of Decommissioning/Removal. The operator of an installation and the owner of the real property on which such installation is located shall be jointly and separately liable for all costs and expenses of the Town incurred during and relating to the removal of an installation under Section 12(v) above. Notwithstanding the foregoing, the Town shall first attempt to secure payment for such costs and expenses from the operator of the installation; however, in the event the Town is not made whole following reasonable attempts to collect such costs and expenses from the operator of the installation, the Town reserves all rights under the Code to pursue payment for such costs and expenses from the owner of the real property on which the installation in question is located.

12 Ownership If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the Solar Energy System shall notify the Code Enforcement Officer of such change in ownership or operator within [30] days of the change.

13. The invalidity of any clause, sentence, paragraph, or provision of this Local Law shall not invalidate any other clause, sentence, paragraph, or part thereof.

14. For projects regulated under NY Executive Law Section 94-C any provisions of this Local Law that conflict with NY Executive Law Section 94-C shall be read to mean that the provisions of NY Executive Law Section 94-C shall apply.

-This Local Law shall take effect upon filing in the office of the New York State Secretary of State.-
(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, designated as Local Law No. 1 of 2021 of the Town of Cohocton was duly passed by the Town Board of the Town of Cohocton, on _____ 2021, in accordance with the applicable provisions of law.

~~**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, designated as local law No. ____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative body) on _____ 20__, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) _____ and was deemed duly adopted on _____ 20__, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative body) on _____ 20__, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) _____ 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.

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, designated as local law No. ____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative body) on _____ 20__, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) _____ 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.

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.

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

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of

the City of ——— having been 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 hereto, designated as local law No. ——— 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 paragraph 1 , above.

_____

Clerk of the County legislative body,

_____

Clerk or officer designated by local legislative body

(Seal) Date: _____ 2021