



WATKINS GLEN SOLAR ENERGY CENTER

Case No.: 17-F-0595

1001.31 Exhibit 31

Local Laws and Ordinances

Contents

Exhibit 31: Local Laws and Ordinances	1
31(a) Local Procedural Requirements Applicable to Construction/Operation of the Project Supplanted by Article 10.....	1
31(b) Local Procedural Requirements Requested to be Expressly Authorized by the Board 15	
31(c) Local Agency Review and Approval of Compliance with Building Codes	15
31(d) Substantive Requirements.....	16
31(e) Local Substantive Requirements Applicant Requests the Board Not Apply	29
(1) Utility distribution facilities required to be located underground: Statement of Justification	30
(2) Performance guarantee for landscaping: Statement of Justification.....	31
(3) Decommissioning – Inactive duration of six months: Statement of Justification	31
(4) Decommissioning – Bond and Escalator: Statement of Justification	32
31(f) Procedural Requirements Applicable to Interconnections in Public Rights-of-Way	33
31(g) Substantive Requirements Applicable to Interconnections in Public Rights-of-Way ...	33
31(h) Requirements Applicable to Interconnections in Public Rights-of-Way that the Applicant Requests the Board Not Apply	33
31(i) List of Applicable Local Substantive Requirements and Compliance Assessment	34
31(j) Zoning	48
31(k) Town of Dix Applicable Laws, Codes, and Regulations	48

Tables

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements.....	34
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Appendices

- Appendix 31-1. Town of Dix Zoning Ordinance (February 2016)
- Appendix 31-2. Town of Dix Solar Energy Law (Local Law No. 2 of the Year 2018)
- Appendix 31-3. Town of Dix Solar Law Amendments (2019 and 2020)

Exhibit 31: Local Laws and Ordinances

This Exhibit will track the requirements of Stipulation 31, dated February 21, 2020, and therefore, the requirements of 16 New York Codes, Rules and Regulations (NYCRR) § 1001.31. The Project will be located in the Town of Dix, Schuyler County, New York. All of the local law provisions discussed herein are contained in Town of Dix Zoning Ordinance (February 2016), the Town of Dix Solar Law (2018), and the Town of Dix Solar Law Amendments (2019 and 2020), copies of which is attached hereto as Appendix 31-1, Appendix 31-2, and Appendix 31-3, respectively.

The Watkins Glen Solar Energy Center has been designed to be in compliance with the substantive requirements of the Town of Dix Solar Law and Zoning Ordinance. As described in Exhibit 2, the Applicant has been implementing the Public Involvement Program (PIP) Plan for the Project. The Applicant has consulted with the Town of Dix, Schuyler County, landowners, and the Schuyler County Industrial Development Agency/Partnership for Economic Development (SCIDA) and others as part of the PIP Plan. The Meeting Log is included as Appendix 2-4. Outreach to municipal stakeholders has included presentations at town board meetings and open houses to introduce the Applicant and the Project to the community. Coordination included the Applicant providing Project-specific information to the Town, as well as consulting and responding to comments from agency stakeholders, such as the United States Fish and Wildlife Service (USFWS) and New York State Department of Agriculture and Markets (NYSDAM), among others. The Applicant is also working with SCIDA with the intention of executing a Payment in Lieu of Taxes (PILOT) agreement prior to construction of the Project.

Outreach to the Town of Dix for agreement on substantive and procedural requirements has been performed in accordance with the Article 10 requirements.

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

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

Town of Dix Zoning Ordinance; see Appendix 31-1

- Section VII-13. Filling and Excavating.

A. Any excavation or filling, including removal of topsoil, shall require a Special Use Permit by the Town Planning Board in accordance with the requirements of Article XIV.

- Section VII-16: Fences, walls and other structural screening elements.

A. Building Permit. A building permit is required prior to installation of a fence unless prohibited by the New York State Agriculture and Markets Law.

B. General regulations.

4. The Planning Board, as part of subdivision or Special Use Permit, may require a fence or other screen to shield adjacent residences or other uses from undesirable views, noise, or light.

- Section VII-26. B. Performance standards procedures.

The Code Enforcement Officer as part of the sketch plan conference shall tentatively identify whether a proposed use will be required to certify compliance with any of the performance standards listed in this section. Certification may require signing a written statement or presentation of construction detail and a description of the specifications for the mechanisms and techniques to be used in restricting the emissions of any dangerous and objectionable elements. The Applicant shall also file with such plans and specifications an affidavit acknowledging understanding and stating agreement to conform to the same at all times. Any information which is designated by the applicant as a trade secret and submitted herewith will be treated as confidential under provisions of the New York State Freedom of Information Law. During the course of Site Plan Review, the Planning Board will determine if the applicant's proposal falls within the performance standards. New York State Environmental Quality Review Act (SEQRA) requirements will be fulfilled.

B.12. Stormwater.

For all construction activities involving soil disturbances of one or more acres, the New York State Department of Environmental Conservation (NYSDEC) requires that the owner prepare a Stormwater Pollution Prevention Plan (SWPPP) and obtain a SPDES permit for stormwater discharges. A copy of the SWPPP shall be provided to the Town prior to plan approval.

- Article IX. Landscaping, Screening, and Buffer Regulations.

IX-3. General requirements.

B. Whenever a grading/landscaping plan is required by Site Plan Procedure, such grading/landscaping shall be complete before the Issuance of a Certificate of Occupancy, provided however, posting of a performance guaranty acceptable to the Code Enforcement Officer if the applicant cannot perform the work due to seasonal impracticalities may be acceptable.

E. Where existing conditions make compliance with these regulations not feasible, the Planning Board, at its discretion, may approve planters, plant boxes or pots containing trees, shrubs and/or flowers to comply with the intent of these regulations.

IX-4 Landscaping plan.

A. Based on the scale and location of the project the Planning Board shall determine whether the landscaping plan must be prepared by a licensed landscape architect or other professional. All landscaping plans shall contain the following information:

1. A title block with the name of the project, then name of the person preparing the plan, a scale, North arrow and date.
2. All existing significant plant materials on the site.
3. Existing and proposed structures.
4. Topographical contours at two-foot intervals.
5. Parking areas.
6. Access aisles.

7. Drainage patterns.
8. Streams and wetlands.
9. Location, size, and description of all landscape materials existing and proposed, including all trees and shrubs, and shall identify those existing plant materials that are to be removed.
10. Other information as may be required by the Planning Board.

B. Alternative landscaping plans may be submitted, provided that they meet the purpose and intent of these regulations.

- Article XI. Sign Regulations.

XI-4 General regulations.

B. No sign shall be erected, altered, moved, or used without first obtaining a sign permit where required, and signs shall be used only for a permitted use, special use or for a nonconforming use which may lawfully continue in accordance with the terms of these regulations.

D. The Planning Board, in reviewing sign permits subject as part of a site plan, special use permit, or subdivision review, or the Code Enforcement Officer in reviewing sign permits not subject to such review, shall consider the compatibility of the sign's location, color(s), lettering, size and overall design with onsite and adjacent architecture and community character.

E. If any sign consists of attention getting devices such as posters, pennants, ribbons, streamers, spinners, balloons, searchlights and other similar moving, fluttering or revolving, reflecting, flashing, smoke-generating or visual signal generation or animated devices that creates an adverse impact on safe traffic movements or strings of lights used for the purpose of advertising, illumination or attracting attention, the Code Enforcement Officer will have the authority to have the offending sign or part thereof removed.

G. No application for approval of signs or for a sign permit shall be processed or permitted unless permission is granted from the property owner.

I. All signs shall comply with applicable provisions of the State of New York Uniform Fire Prevention and Building Code.

- Article XIV. Special Use Permit.

XIV-3 Sketch Plan Conference.

A. Applicants are encouraged to meet with the Code Enforcement Officer and/or the Planning Board to review the basic site design concept and determine the information to be required on the preliminary site plan. The purpose of the sketch plan conference is to discuss with the applicant the project's conformity with the Dix Comprehensive Plan, to determine whether the activity is subject to the performance standards of Article VII-26, and to advise the applicant of other issues or concerns. The sketch plan conference provides an opportunity to indicate whether the proposal, in its major features, is acceptable or whether it should be modified before expenditures for more detail plans are made.

B. Developers of land adjoining state or county highways are advised to consult with the District Engineer of the New York State Department of Transportation or County Highway Superintendent at the concept layout stage in order to resolve problems of street openings or storm water drainage at the earliest possible stage in the design process. The Planning Board shall provide comments on the concept plan of a proposed development in relation to the applicable requirements of this Article, existing or potential development of the adjacent area, the Town Comprehensive Plan, and in the course of its review may consult with other interested public agencies.

C. Required data. Information to be included on the sketch plan is as follows:

1. An area map showing the parcel under consideration for a Special Use Permit, all adjacent parcels owned by the applicant, and all parcels, structures, subdivisions, streets, driveways, easements and permanent open space within 200 feet of the boundaries thereof or at the discretion of the Code Enforcement Officer.
2. A map of site topography at no more than five-foot contour intervals or at the discretion of the Code Enforcement Officer. If general site grades exceed 15% or if portions of the site have susceptibility to erosion, flooding or ponding, a soil overlay

and topographic map showing contour intervals of not more than two feet of elevation should also be provided.

3. General identification of all existing natural features and utilities on the site and in the area. Natural features shall include, but are not limited to, natural forests, steep slopes, special flood hazard areas, scenic views, drainage ways, stream corridors, wetlands and other features that are subject to state or federal regulations or that may restrict development.

4. Identification of classification(s) of the property and all adjacent properties such as:

a. Zoning districts

b. Certified agricultural districts

c. School districts

5. Any restrictions on land use of the site.

6. Special improvement districts (such as water, sewer, light, fire).

7. Easements.

8. The location of all existing and proposed man-made structures on the site and designated uses for each.

XIV – 4 Preliminary Site Plan Application

A. Application for preliminary site plan approval. An application for preliminary site plan approval shall be made in writing to the Code Enforcement Officer and shall be accompanied by information drawn from the following checklist, as determined necessary by the Code Enforcement Officer at the sketch plan conference. All site plan information and building designs shall be prepared by a licensed architect or engineer.

B. Preliminary site plan checklist. Additional design standards and directions regarding the items to be shown on specific plan sheets may be found in the administrative checklist available from the Code Enforcement Officer. The preliminary site plan shall include, or specify if not applicable, the following:

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.
2. North arrow, graphic scale and date.
3. Boundaries of the property, plotted to scale.
4. The location of existing property lines, easements, structures, streets, driveways and natural features within 200 feet of the proposed site or at the discretion of the Code Enforcement Officer. Natural features shall include, but are not limited to, natural forests, steep slopes, special flood hazard areas, scenic views, drainage ways, stream corridors, wetlands and other features that are subject to other state or federal regulations or that may restrict development.
5. Grading and drainage plan, showing existing and proposed contours. The drainage plan shall also clearly explain the methodology used to project storm water quantities and the resultant peak flow conditions.
14. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
17. Location of fire and other emergency zones, including the location of fire hydrants.
18. Location, design and construction material of all energy-distribution facilities, including electrical, gas and wind power and solar energy and other public utility facilities, such as cable or phone service.
19. Location, size design and construction materials of all proposed signs.
20. Location of proposed buffer areas, including existing vegetative cover.
21. Location, type, height, brightness and control of outdoor lighting facilities.
25. A landscaping plan and planting schedule in accordance with Article IX.
26. Other elements integral to the proposed development as considered necessary by the Planning Board, to include showing railroads or any other type of transportation facilities not specified.

27. All forms and information pursuant to New York State Environmental Quality Review Act (SEQRA).

28. An agricultural data statement if the proposed use is located on or within 500 feet of a farm operation in a county agricultural district.

C. For all construction activities involving soil disturbances of one or more acres, the New York State Department of Environmental Conservation (NYSDEC) requires that the owner prepare a Stormwater Pollution Prevention Plan (SWPPP) and obtain a SPDES permit for stormwater discharges. A copy of the SWPPP shall be provided to the Town prior to plan approval. Required fee. The fee will be established by the governing board and paid when the application is made.

XIV-5 Planning Board review of preliminary site plan.

The Planning Board's review and approval of a preliminary site plan shall include, as appropriate, but is not limited to, the following:

A. General considerations as to:

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls for parking, loading and drive-in facilities. Conformance with access management standards, including but not limited to driveway spacing and provision of shared driveways and cross access easements.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
4. Location, arrangement, size, design and general architectural and site compatibility of buildings, lighting, signs and landscaping.
5. Adequacy of storm water calculation methodology and storm water and drainage facilities to eliminate off-site runoff and maintain water quality.
7. Size, location, arrangement and use of required open space and adequacy of such open space to preserve scenic views and other natural features, to provide wildlife

corridors and habitats, to provide suitable screening and buffering; and to provide required recreation areas.

8. Suitability of proposed hours of operation.

9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other similar nuisances.

10. Adequacy of community services, including fire, ambulance and police protection, and on-site provisions for emergency services, including fire lanes and other emergency zones, fire hydrants and water pressure.

12. Making provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary thereof.

13. Conformance with the Dix Comprehensive Plan and other planning studies.

14. Conformance with density, lot size, height, yard and lot coverage and all other requirements of district regulations.

15. Compatibility of development with natural features of the site and with surrounding land uses.

C. Site plans shall also provide conformance with the performance standards of Article VII-26.

D. Consultant review. The Planning Board may consult with the Code Enforcement Officer, Fire Commissioners and other appropriate local and county officials and departments and its designated private consultants, in addition to representatives of federal and state agencies, including but not limited to the Natural Resources Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation.

E. Public hearing. Upon the Planning Board's certification that the preliminary site plan application is complete and satisfactory, the Planning Board shall schedule a public hearing within forty-five (45) days after the time of such certification. All desirable revisions that should be incorporated in the final site plan application.

F. Notification of Decision on Preliminary Site Plan. Within forty-five (45) days, the Town may withdraw funds from this escrow account as fees and expenses are incurred. The Planning board may require additional deposits into this account the public hearing at which a preliminary site plan is considered, the Planning Board shall act upon it. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved, conditionally approved, or disapproved. A copy of the appropriate minutes of the Planning Board shall be a sufficient report. The Planning Board's statement may include recommendations as to desirable revisions to be incorporated in the final site plan application. If the preliminary layout is disapproved, the Planning Board's statement will contain the reasons for such findings.

XIV-6 Final site plan approval procedure

A. After receiving approval, with or without modifications, from the Planning Board on a preliminary site plan, the applicant shall submit a final detailed site plan to the Planning Board for approval. If more than six months has elapsed since the time of the Planning Board's action on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review. The Planning Board may also require a new public hearing. The final site plan shall conform substantially to the approved preliminary site plan. It should incorporate any modifications that may have been recommended by the Planning Board in its preliminary review. All such compliance shall be clearly indicated by the applicant on the appropriate submission.

B. The following additional information shall accompany an application for final site plan approval.

1. Record of application for and approval status of all necessary permits from local, state and county officials.
2. An estimated project construction schedule.
3. A legal description of all areas proposed for municipal dedication.

4. A conservation easement or other recordable instrument executed by the owner for any permanent open spaces created and whether such open space is the result of Site Plan Review, clustering or incentive zoning provisions.

C. If no building permit is issued within one calendar year from the date of final site plan approval, the final site plan approval shall become null and void.

XIV-7 Referral to County Planning Board.

Prior to taking action on the final site development plan, the Planning Board shall refer the site plan to the County Planning Board for advisory review and a report in accordance with 239-m of General Municipal Law.

XIV-8 Planning Board action on final site plan.

A. Within 45 days of receipt of the application for final site plan approval, the Planning Board shall notify the Code Enforcement Officer, in writing, of its decision.

B. Upon approval of the final site plan and payment by the applicant of all fees and reimbursable costs due and letter of credit if required, the Planning Board shall endorse its approval on a copy of the final site plan. A copy of the approved final site plan shall be filed with the Code Enforcement Officer and upon request will be provided to the applicant.

C. Upon disapproval of a final site plan, the Planning Board shall so inform the Code Enforcement Officer, and the Code Enforcement Officer shall deny a building permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.

Town of Dix Solar Energy Law; see Appendices 31-2 and 31-3

5. General Requirements

A. A building permit shall be required for installation of all Solar Energy Systems.

C. Issuance of permits and approvals by the Town Planning Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")].

8. Permitting requirements for Tier 3 Solar Energy Systems

All Tier 3 Solar Energy Systems are permitted through the issuance of a Special Use Permit and are subject to site plan application requirements.

A. Applications for the installation of Tier 3 Solar Energy System shall be:

- 1) reviewed by Planning Board and Code Enforcement Officer for completeness. Applicants shall be advised within 10 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
- 2) subject to a public hearing to hear all comments for and against the application. The Planning Board of the Town shall have a notice printed in a newspaper of general circulation in the Town and post on the Town website at least 5 business days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within 2500 linear feet of the property at least 10 business days prior to such a hearing. Proof of mailing shall be provided to the Planning Board at the public hearing.
- 3) referred to the Schuyler County Planning Department pursuant to General Municipal Law § 239-m if required.
- 4) upon closing of the public hearing, the Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62- day period may be extended upon consent by both the Planning Board and applicant.

H. Decommissioning.

2. A decommissioning plan (see Appendix 4) signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant, addressing the following:
 - a. The cost of removing the Solar Energy System
 - b. The time required to decommission and remove the Solar Energy System and any ancillary structures.

c. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

d. the process for proper handling, off-site disposal, and, where applicable, recycling of the Solar Energy System and any ancillary structures, including mandatory use of qualified recyclers for hazardous waste. Qualified recyclers must possess certifications that meet or exceed applicable federal, state and local standards. Recycler certifications should meet or exceed ISO-, OHSAS 18001- or WEEE Labex-certified criteria for handling and recycling hazardous waste.

3. Security.

b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.

c. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 10(b) and 10(c) herein.

I. Site Plan Application. For any Solar Energy System requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the information in section 8.I.(1) – (10).

J. Special Use Permit Standards.

6. Screening and visibility.

b. Solar Energy Systems larger than 10 acres shall be required to:

I. Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending on the scope and potential significance of the visual impacts, additional impact analyses, including for example, a digital viewshed report. Shall be required to be submitted by the applicant.

II. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and solar energy equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.

i. The screening and landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system. The landscaped screening shall be comprised of a minimum of 1 evergreen tree plus 2 supplemental shrubs at the reasonable discretion of the Planning Board, all planted within each 10 linear feet of the Solar Energy System. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening.

7. Agricultural Resources.

1. Any Tier 3 Solar Energy System located on areas that consist of Prime Farmland or Farmland of Statewide Importance which exceeds 50% of the area of Prime Farmland or Farmland of Statewide Importance on the parcel shall undergo additional impact analyses at the discretion of the Planning Board.

11-A. Host Community Agreement.

Prior to the issuance of a building permit for any Tier 3 Solar Energy System, the developer of the Tier 3 Solar Energy System shall enter into a Host Community Agreement with the Town of Dix. The Host Community Agreement shall:

- a. Contractually obligate the developer to comply with any terms and conditions of any special use permit approval of the Planning Board;
- b. Provide for payment by the developer to the Town of an impact fee to be used and applied by the Town to pay for and/or offset the costs and impacts incurred by and/or arising due to the development and/or operation of the Tier 3 Solar Energy System. The amount of such impact fee shall be established by the Town Board by resolution adopted from time to time, based upon the amount of energy produced by the project and such other factors as the Board shall determine;

- c. Provide for such other contractual requirements as may be necessary given the specific elements of a particular project; and
- d. In the event that the developer and/or owner of the project shall enter into an agreement with the Schuyler County Industrial Development Agency to provide for an abatement in real property taxes or other tax exemption or abatement, be cross-defaulted with the agreements between the developer and/or owner and the Schuyler County Industrial Development Agency.

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

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

Though Section 11-A Host Community Agreement, of the Town's local law, is listed as a procedural requirement, supplanted by Article 10, the Applicant intends to enter into a host community agreement with the Town of Dix. Refer to Exhibit 27 Socioeconomics for additional details.

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

The Town of Dix has adopted and incorporated the New York State Uniform Fire Prevention and Building Code for administration into its local electric, plumbing and building codes; therefore, the Applicant may make a request to the Siting Board during the Article 10 proceeding pursuant to Section 31(b) that the Board expressly authorize the exercise of the electric, plumbing, and building permit application, inspection, and certification processes by the Town of Dix.

The Code Enforcement Officer for the Town of Dix is responsible for reviewing and approving building plans, inspecting construction work, and certifying compliance with the New York State Uniform Fire Prevention and Building Code, the Energy Conservation Construction Code of New York State, and the substantive provisions of any applicable local electrical, plumbing, or building code. If necessary, the Code Enforcement Officer can hire consultants to assist with the review and approval. To the extent the Applicant requests the Board to make the aforementioned

authorization to the Town, the Applicant is willing to fund those consultations, to the extent such fees are not paid for from the fund for municipal and local party intervenors.

31(d) Substantive Requirements

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

Town of Dix Zoning Ordinance; see Appendix 31-1

- Section VI-1 Low Density Rural (LDR) and VI-5 Special Entertainment Zone (SE).

B. General Development Requirements for the LDR Zone.

1. Any new development or structure, other than structures commonly used in acceptable farming practices, should avoid Prime Agricultural Soils, Prime Agricultural Soils –If Drained, Farmland of Statewide Importance, and other land viable for farming operations to the maximum extent possible.

a) If a site contains a combination of either Prime Agricultural Soils OR Prime Agricultural Soils –If Drained OR Farmland of Statewide Importance, AND soils that are less suitable for agriculture, any development should be placed on the soils that are less suitable for agriculture.

b) If a site contains only Prime Agricultural Soils, Prime Agricultural Soils – If Drained, and/or Farmland of Statewide Importance, any development should be placed in a manner that allows the greatest contiguous area of priority agricultural soils to remain intact and useable for future agricultural endeavors.

- Section VII-4: Clear vision at intersections.

Clear vision shall be maintained on corner lots in a triangle formed by the street lines of such lots to a point 25 feet from the intersection and a line connecting those points. Within that area no fence, wall, hedge, screen planting, bushes or shrubbery shall be permitted higher than two feet above the average finished grade of the lot. Trees shall be permitted

within the area only if maintained and trimmed so that no branches or foliage is less than eight feet above the average finished grade of the lot.

- Section VII-13: Filling and excavating.

C. Placement of fill must be in accordance with Department of Environmental Conservation Regulations, particularly sections relating to stormwater management, erosion and sediment control, wetlands, and stream protection. Installation or improvement of natural or constructed drainage channels may be required to assure adjacent property owners are not negatively impacted by fill activities.

D. Any grade alteration, which involves removal of vegetation, but no built improvement so on an area greater than 5,000 square feet, shall be seeded to provide an effective cover crop within the first season after initiation of the grade change operation.

E. Uncontaminated soil, asphalt, brick, stone, concrete, glass and organic debris from the premises may be used in such fill activities. Other regulated materials are subject to DEC approval.

- Section VII-16: Fences, walls and other structural screening elements.

B. General regulations.

1. No fence or freestanding wall shall be located in a public right-of-way.
2. All fences shall be in compliance with Article VII-4 regarding clear vision at intersections.
3. No fence erected shall unduly impair views to the lake from neighboring lots.

C. Height.

1. Fences 6 or fewer feet in height (see §VII-2.B) are exempt from the side and rear yard setback requirements. Front yard setbacks of the underlying zone are applicable to all fences.
2. Fences over 6 feet in height require a setback of one additional foot back for each foot in fence height over 6 feet.

3. The height of all fences shall be measured from the average finished grade of the lot at the base of the fence.

D. Finished Sides. Any fence shall have its most pleasant or decorative side facing the adjacent properties. The fence posts and other supporting structures of the fence shall face the interior of the area to be fenced.

E. Materials. Fences designed to maim or injure prospective intruders are prohibited except as authorized here. Fences incorporating barbed wire, electric current or similar materials or devices shall be allowed only when necessary for agricultural or public utility operations and, unless part of an agricultural operation, shall be subject to a minimum ten foot setback.

F. Maintenance. Fences shall be maintained to provide functional, visual and structural integrity.

- Section VII-26: Performance standards.

B.2. Vibration.

a. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines, nor shall any vibrations produced exceed 0.002g peak at up to a frequency of 50 cycles per second, measured at or beyond the lot lines using either seismic or electronic vibration measuring equipment.

b. Vibrations occurring at higher than a frequency of 50 cycles per second or a periodic vibration shall not induce accelerations exceeding 0.001 g. single impulse periodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding 0.01 g.

B.3. Noise.

a. The maximum decibel level radiated by any use or facility at any lot lines shall not exceed the values in the designated octave bands given in Table 1. The sound-pressure level shall be measured with a second-level meter and associated octave-band analyzer conforming to standards prescribed by the American Standards

Association. (American Standard Sound-Level Meters for Measurement of Noise and Other Sound, Z24.3-1944, American Standards Association, Inc., New York, and American Standard Specifications for an Octave-Bank Filter Set for the Analysis of Noise and Other Sound, Z24.10-1953, American Standards Association, Inc., New York, New York, shall be used.)

Table 1.

Frequency Band	Maximum Permitted Sound-Pressure Level
(cycles per second)	(decibels)
0 to 75	69
75 to 150	60
150 to 300	56
300 to 600	51
600 to 1,200	42
1,200 to 2,400	40
2,400 to 4,800	38
4,800 to 10,000	35

b. Where any use adjoins a residential or transitional district at any point at the district boundary, the maximum permitted decibel levels in all octave bands shall be reduced by six decibels from the maximum levels set forth in Table 1.

B.4. Smoke.

The density emission of smoke or any other discharge into the atmosphere during normal operations shall not exceed visible gray smoke of a shade equal to or darker than No. 2 on the standard Ringelmann Chart. (A Ringelmann Chart is a chart published by the United States Bureau of Mines, which shows graduated shades of gray for use in estimating the light-obscuring capacity of smoke). These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an apparent equivalent capacity.

B.5. Odor.

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established, as a guide in determining such quantities of offensive odors, in Table III, Odor Thresholds, in Chapter 5 of the Air Pollution Abatement Manual, Copyright 1959, by the Manufacturing Chemical Association, Inc., Washington, D.C., as said manual and/or table is subsequently amended.

B.6. Fly ash, dust, fumes, vapors, gases and other forms of air pollution.

No emission shall be permitted which can cause any damage to health, animals, vegetation or other forms of property or which can cause any excessive soiling at any point beyond the boundaries of the lot. The concentration of such emission on or beyond the boundaries of the lot. The concentration of such emission on or beyond any lot line shall not exceed 0.1 the maximum allowable concentration set forth in 12-29 of the Board of Standards and Appeals of the New York State Department of Labor, effective October 1, 1956, and any subsequent standards.

B.7. Electromagnetic radiation.

It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission regarding such sources or electromagnetic radiation, except that, for all governmental regulations regarding such sources of electromagnetic radiation of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission. Further, said operation in compliance with the Federal regulations shall be unlawful if such radiation causes an abnormal degradation in performances of other electromagnetic radiators or electromagnetic receptors of quality and pro-per design because of proximity, primary field, blanketing, spurious re-radiation, harmonic content or modulation of energy conducted by power or telephone lines. The determination of abnormal degradation in performance and of quality and proper design shall be made in accordance with good

engineering practices, as defined in the latest principles and standards of the American Institute of Radio Engineers and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in interpretation of the standards and principles shall apply: American Institute of Electrical Engineers; Institute of Radio Engineers; and Electronic Industries Association.

B.9. Heat.

Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of 5 F., whether such change is in the air or on the ground, in a natural stream or lake or in any structure on such adjacent property.

B.10. Glare.

- a. Direct glare. No such direct glare shall be permitted, with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60 drawn perpendicular to the ground, and with the exception that such angle may be increased to 90 if the luminary is less than four feet above ground.
- b. Indirect glare. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface, not to exceed 0.3 foot-candle (maximum) and 0.1 foot-candle (average). Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

B.11. Liquid or solid waste.

No discharge shall be permitted at any point into a public sewer or stream or into the ground, except in accord with standards approved by the State and Schuyler County Departments of Health and local ordinances, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

- Article IX. Landscaping, screening and buffer regulations.

IX-3 General requirements.

A. Existing site vegetation and unique site features, such as stonewalls, shall be incorporated into landscaping plans to the maximum extent feasible. Existing healthy trees which are retained shall be credited against the requirements of these regulations in accordance with their size and location.

C. All required landscaping shall be of healthy stock, planted according to accepted horticultural practices. Landscaping plans shall clearly indicate who is responsible for plant maintenance during the first 12 months after planting, and a performance guaranty shall be posted for assuring replacement in kinds of plants, which die or become diseased with in that time.

D. All required landscaping shall be maintained in healthy condition. Failure to maintain such landscaping or to replace dead, damaged, or diseased landscaping required by this article shall constitute a violation of these regulations.

F. In cases where the edge of pavement within a public right-of-way does not coincide with the front lot line, the property owner shall landscape the area between the front lot line and the edge of the street pavement.

G. Trees for screening shall be of species and stock that will provide a visual screen from the ground up, at least 5 feet in height.

H. No landscaping shall encroach into the site triangle or interfere with the clear intersections section VII-4.

I. A 50-foot vegetated buffer shall be maintained adjacent to any stream or wetland shown on the Zoning District Map. In order to provide stability to streams and streambanks, native vegetation with trees, understory, and ground cover shall be preserved or established to the extent practicable.

- Article XI. Sign regulations.

XI-4 General regulations.

A. No sign shall be permitted in any zoning district except in compliance with the provisions of these regulations.

C. All signs shall be marked as to the owner contact information, date of erection, and permit number as designated by the Code Enforcement Officer.

F. Pictorial designs, logos and trademarks shall be permitted, provided that they are incorporated in and made a part of a permitted sign face, and the area thereof is included in calculating the total permitted sign face area allowed under these regulations.

H. No sign shall project across or over a property line or lease lien, nor be in a public right-of-way.

J. No sign shall be constructed of cloth, oilcloth, paper or other destructible material for display outside of any building, except for temporary signs, in which case said signs shall be permissible if properly mounted on a frame in a stationary manner.

K. Maintenance of all signs:

1. All signs and all components thereof, including supports, braces and anchors, shall be kept in a good state of repair.

2. If the message portion of a sign is removed or a business or other activity is no longer operating, it shall be the property owner's responsibility to assure that the abandoned sign is promptly removed or properly covered to the satisfaction of the Code Enforcement Officer.

L. No sign shall be erected or allowed to exist so as to constitute a traffic hazard. No sign or other advertising structure as regulated by any of the provisions of this section shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of position shape or color, it may interfere with, obstruct the view or be confused with any authorized traffic sign, signal or device or makes use of word, phrases, symbols or character in such a manner as to interfere with, mislead or confuse traffic.

M. Every principal building or structure shall have street identification numbers subject to the provision in the applicable Dix Building Numbering Law.

N. Signs may be double faced.

O. Prohibited signs. Signs containing sequin-studded letters are prohibited.

P. Lighting. Illumination of any sign permitted or allowed within this chapter shall comply with the following requirements:

1. Illumination of signs shall be accomplished by means of shielded light sources or in such other manner that no glare shall extend beyond the property lines of the property upon which such signs are located, and no glare shall disturb the vision of passing motorists or constitute a hazard to traffic.

2. Illumination shall be, to every practicable extent, directed downwards towards the ground and shall not direct light above a 90 degree horizontal angle parallel to the ground.

3. No flashing, rotating or moving light sources shall be permitted to constitute a part of any sign.

Q. Portable Sign Regulations. Portable signs must be adequately constructed to withstand wind loads and may not pose any danger from unintentional movement into a right of way or non-intended property.

- Article XIV. Special Use Permit.

XIV-5 Planning Board review of preliminary site plan.

A. General considerations as to:

11. Adequacy and unobtrusiveness of public utility distribution facilities, including those for gas, electricity, cable television and phone service. In general, all such utility distribution facilities shall be required to be located underground.

Town of Dix Solar Energy Law; see Appendices 31-2 and 31-3

The substantive requirements described below are based upon the Town's current Solar Law, effective 2018 and amended in 2019 and 2020.

8. Permitting requirements for Tier 3 Solar Energy Systems.

B. Underground Requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

C. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

D. Signage.

1. With the exception of signage for public education... no signage or graphic content shall be displayed on the Solar Energy Systems except the following mandatory content: manufacturers name, equipment specification information, safety information and 24-hour emergency contact information. Said information shall be depicted within an area no more than 8 square feet and shall be depicted at each perimeter access gate or along the perimeter fence such that a sign is accessible every 2,640 feet along the Solar Energy System's perimeter.

2. As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

E. Glare. All Solar Panels shall have anti-reflective coating that meets commercially reasonable standards.

F. Lighting. Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably

shielded and downcast from abutting properties. Wherever practicable, energy-efficient LED lighting shall be used.

G. Tree Cutting. Removal of existing trees larger than 6 inches in diameter should be minimized to the extent possible.

H. Decommissioning.

1. Solar Energy Systems that have been abandoned and/or not producing electricity for a period of 6 months shall be removed at the Owner and/or Operator's expense, which at the Owner's option may come from any security made with the Town as set for in Section 10(b) herein.

3. Security.

- a. The deposit, executions, or filing with the Town Clerk of cash, bond or other form of security reasonably acceptable to the Town attorney and/or engineer, 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 bond or security shall be 125% of the cost of the removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System.

J. Special Use Permit Standards.

1) Lot Size.

- a. The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements in Appendix 1. Lot size requirements in the Residential Low Density Zoning District for Tier 3 Solar Energy Systems is two acres or greater. For the Special Entertainment, Mixed Use, Medium Density Rural or Low Density Rural zoning areas, use the same lot size requirements that are already written in Town's current ordinance.

2) Setbacks.

- a. The Tier 3 Solar Energy Systems shall meet the setback requirements in Appendix 2. Parcel line setback requirements for Tier 3 Ground-Mounted in the Low Density Rural Zoning District are 50 feet from front, side and rear parcel lines. Parcel line setback

requirements for Tier 3 Ground-Mounted in the Special Entertainment Zoning District are 30 feet from front parcel lines, 15 feet from side parcel lines and 25 feet from rear parcel lines.

3) Height.

a. The Tier 3 Solar Energy Systems shall comply with the height limitations in Appendix 3 depending on the underlying zoning district. The maximum allowable height in the Low Density Rural Zoning District for Tier 3 Solar Energy Systems is 15 feet. The maximum allowable height in the Special Entertainment Zoning District for Tier 3 Solar Energy Systems is 20 feet.

4) Lot coverage.

a) The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements.

- I.* Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
- II.* All mechanical equipment of the Solar Energy System, including any pad mounted structure or batteries, switchboard, transformers or storage cells.
- III.* Paved access roads servicing the Solar Energy System.

Lot coverage of the Solar Energy System, as defined above, shall not exceed the maximum lot coverage requirement of the underlying zoning district, except for the LDR zoning district where the maximum lot coverage is 75%.

5) Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a 7-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.

6) Screening and Visibility.

- b) Solar Energy Systems larger than 10 acres shall be required to:
- II(i).* The landscaped screening shall be comprised of a minimum of 1 evergreen tree plus 2 supplemental

shrubs all planted within each 10 linear feet of the Solar Energy System. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening.

7) Agricultural Resources. For projects located on agricultural lands:

2. Tier 3 Solar Energy Systems shall be required to seed at least 20% of the total surface area of all solar panels on the parcel with native perennial, vegetation designed to attract pollinators, with the exception of Tier 3 Solar Energy Systems located on brownfield sites as defined by New York State Department of Environmental Conservation or similarly contaminated sites determined by the Planning Board to be unsuitable for attracting pollinators.
3. To the maximum extent practicable, Tier 3 Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction-requirements of the New York State Department of Agriculture and Markets.
4. Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, pollinators and pollinator plants. To the extent practicable, when establishing vegetation and beneficial foraging habitat, the owners shall use native plant species, seed mixes and pollinator plants.

9. Safety.

Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.

B. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local ambulance corps.

The following language is per the Town of Dix Planning Board 2019 solar law amendment regarding Section 9. Safety:

1. Require all out of service solar panels to be stored on site for no longer than 90 days.
2. Require the use of tier one type solar panels only. These are the most modern version and contain no hazardous materials and have a longer life span for use.
3. Require that first responders covering the area where a solar farm is being installed be offered training on system operations as well as emergency response practices before such systems are put on line and become active.

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

The Project is designed and will operate in compliance with applicable substantive local laws and regulations with the exception of two substantive requirements of the Town of Dix Zoning Ordinance and two substantive requirements of the Town of Dix Solar Energy Law and subsequent amendments:

- Town of Dix Zoning Ordinance:
 - Utility distribution facilities required to be located underground (Section XIV-5.11);and
 - Performance guarantee for landscaping (Article IX (3.C.)).
- Town of Dix Solar Energy Law:
 - Decommissioning- Inactive duration of six months (Section 8.H.1); and
 - Decommissioning- Bond and Escalator (Section 8.H.3).

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

The land area making up the Project Area is particularly well-suited for development of a solar energy system due to its location directly adjacent to existing electric transmission infrastructure with available capacity and the availability of large, open space. As previously stated, the above

requirements would be unreasonably burdensome. As to the needs of consumers, the Watkins Glen Solar Energy Center promotes the goals of the Climate Leadership and Community Protection Act (CL&CPA), the Clean Energy Standard (CES), and the most recent State Energy Plan (SEP). Moreover, the Watkins Glen Solar Energy Center has executed a contract with New York State Energy Research and Development Authority (NYSERDA) to sell the renewable energy attributes generated by the Project, in furtherance of the aforementioned CL&CPA, CES, and SEP. By adding 50 megawatts (MW) of clean, renewable solar power into the New York State energy market, the Project helps New York State achieve its targets of 70% renewable generation by 2030, zero emissions from the statewide electrical demand system by 2040, an 85% reduction in greenhouse gas emissions by 2050, and the operation of 6 gigawatts (GWs) of solar generation by 2025.

With the exception of those provisions identified above, the Applicant has determined that none of the remaining local substantive requirements are unreasonably burdensome in terms of existing technological, cost/economics, or consumer needs. Therefore, there are no additional substantive requirements that the Applicant is requesting that the Board elect not to apply.

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

(1) Utility distribution facilities required to be located underground: Statement of Justification

Section XIV-5, subheading 11 of the Town of Dix Zoning Ordinance regarding adequacy and unobtrusiveness of public utility distribution facilities, including those for gas, electricity, cable television, and phone service states "In general, all such utility distribution facilities shall be required to be located underground." A waiver is being sought in case the Project's aboveground electrical interconnection with the existing New York State Electric & Gas (NYSEG) Bath-Montour Falls 115-kilovolt (kV) transmission line is interpreted as a "public utility distribution facility." The line is a transmission, interconnection line, not distribution, and the Project, being under 80 MW, will not meet the definition of an electric corporation, under the New York Public Service Law. The Project's interconnection consists of an approximately 75 to 100-foot-long 115-kV tap line extending from the proposed switchyard to the existing NYSEG transmission line. As the existing transmission line is aboveground, it would be technologically impossible for the Project's interconnection to be underground. Therefore, a waiver is required. All collection lines for the

Project, which convey the energy generated from the solar arrays to the Project's point of interconnection, will be installed underground.

(2) Performance guarantee for landscaping: Statement of Justification

Article IX section 3.C of the Town of Dix Zoning Ordinance states

All required landscaping shall be of healthy stock, planted according to accepted horticultural practices. Landscaping plans shall clearly indicate who is responsible for plant maintenance during the first 12 months after planting, and a performance guaranty shall be posted for assuring replacement in kinds of plants, which die or become diseased with in that time.

While the Applicant will comply with this provision's requirement that the landscaping be of a healthy stock, planted according to accepted horticultural practices, and the requirement to replace placing plantings that do not survive the first 12 months after planting, the Applicant is requesting a waiver for the need to post a performance guaranty with the Town in light of the needs of consumers.

The requirement for the performance guaranty is an unnecessary cost burden to the Project. The Applicant is prepared to agree to a standard Article 10 certificate condition requiring monitoring and replacement of failed plantings as noted above. Certificate Conditions are enforceable by law under Article 10. These Board-approved conditions do not require a performance guarantee. Imposing the requirement for a performance guarantee on the Project would unnecessarily interfere with the successful completion of the Project, thereby creating an obstacle to achieving the clean energy and greenhouse gas emission reduction standards required by the Climate act, the CES and the SEP. See Exhibit 10 for a more detailed discussion of these State policy laws and goals. Accordingly, the Applicant requests the Board to elect not to apply this provision.

(3) Decommissioning – Inactive duration of six months: Statement of Justification

Section 8.H.1 of the Town of Dix Solar Energy Law states the following: Solar Energy Systems that have been abandoned and/or not producing electricity for a period of 6 months shall be removed at the Owner and/or Operator's expense, which at the Owner's option may come from any security made with the Town as set for in Section 10(b) herein. The Applicant seeks a waiver for this requirement, specifically regarding its duration.

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

In particular, parties have recognized that there may be certain conditions that arise that prohibit a facility from operating or generating electricity for a length of time, such as the need to replace equipment with long lead times due to market conditions. Since consumer needs would best be met by a fully functioning solar facility so that it may fulfill its obligations under its NYSEDA contract to help meet the State's renewable energy goals, a longer lead time is necessary before triggering decommissioning activities pose difficulties for financing projects. A twelve-month period was also agreed to by parties in the aforementioned two Article 10 proceedings. For these reasons, based upon the needs of consumers, the Siting Board should elect not to apply the 6 month decommissioning triggering deadline contained in §8.H.1 of the Town's solar law.

(4) Decommissioning – Bond and Escalator: Statement of Justification

Section 8.H.3 of the Town's Solar Law states the following: The deposit, executions, or filing with the Town Clerk of cash, bond or other form of security reasonably acceptable to the Town attorney and/or engineer, 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 bond or security shall be 125% of the cost of the removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System.

The requirement for submitting the proposed security for review and approval of the Town attorney, including the amount and form, is a procedural requirement which is supplanted by Article 10.

Furthermore, the requirements that the security contain 125% of the cost of removal with a 2% escalator should not be applied by the Board in light of the needs of consumers. The decommissioning plan in Exhibit 29 of the Application provides that the Applicant will work with NYSDPS Staff and the Town on an acceptable form of security and that the decommissioning security will remain active for the life of the Facility, until it is decommissioned.

The Applicant is prepared to agree to a standard Article 10 certificate condition requiring a compliance filing, subject to consultation with the Town, that proposes an estimated decommissioning cost, cost updating, a letter of credit for the benefit of, and to be exercised by, the Town and a cost escalator. The requirements of the local law would be duplicative, unnecessary, and a burden on the Project. Certificate Conditions are enforceable by law under Article 10. Imposing the local requirements on the Project would unnecessarily interfere with the successful completion of the Project, thereby creating an obstacle to achieving the clean energy and greenhouse gas emission reduction standards required by the Climate act, the CES and the SEP. See Exhibit 10 for a more detailed discussion of these State policy laws and goals. Accordingly, the Applicant requests the Board to elect not to apply these local provisions.

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

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

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

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

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

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

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

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
Town of Dix Zoning Ordinance	
<p>VI-1. B. General development requirements for the LDR Zone.</p> <ol style="list-style-type: none"> 1. Any new development or structure, other than structures commonly used in acceptable farming practices, should avoid Prime Agricultural Soils, Prime Agricultural Soils – If Drained, Farmland of Statewide Importance, and other land viable for farming operations to the maximum extent possible. <ol style="list-style-type: none"> a) If a site contains a combination of either Prime Agricultural Soils OR Prime Agricultural Soils –If Drained OR Farmland of Statewide Importance, AND soils that are less suitable for agriculture, any development should be placed on the soils that are less suitable for agriculture. b) If a site contains only Prime Agricultural Soils, Prime Agricultural Soils – If Drained, and/or Farmland of Statewide Importance, any development should be placed in a manner that allows the greatest contiguous area of priority agricultural soils to remain intact and useable for future agricultural endeavors. 	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>Section VII-4: Clear vision at intersections.</p> <p>Clear vision shall be maintained on corner lots in a triangle formed by the street lines of such lots to a point 25 feet from the intersection and a line connecting those points. Within that area no fence, wall, hedge, screen planting, bushes or shrubbery shall be permitted higher than two feet above the average finished grade of the lot. Trees shall be permitted within the area only if maintained and trimmed so that no branches or foliage is less than eight feet above the average finished grade of the lot.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>Section VII-13: Filling and excavating.</p> <p>C. Placement of fill must be in accordance with Department of Environmental Conservation</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
<p>Regulations, particularly sections relating to stormwater management, erosion and sediment control, wetlands, and stream protection. Installation or improvement of natural or constructed drainage channels may be required to assure adjacent property owners are not negatively impacted by fill activities.</p> <p>D. Any grade alteration, which involves removal of vegetation, but no built improvement so on an area greater than 5,000 square feet, shall be seeded to provide an effective cover crop within the first season after initiation of the grade change operation.</p> <p>E. Uncontaminated soil, asphalt, brick, stone, concrete, glass and organic debris from the premises may be used in such fill activities. Other regulated materials are subject to DEC approval.</p>	
<p>Section VII-16: Fences, walls and other structural screening elements.</p> <p>B. General Regulations.</p> <ol style="list-style-type: none"> 1. No fence or freestanding wall shall be located in a public right-of-way. 2. All fences shall be in compliance with Article VII-4 regarding clear vision at intersections. 3. No fence erected shall unduly impair views to the lake from neighboring lots. <p>C. Height.</p> <ol style="list-style-type: none"> 1. Fences 6 or fewer feet in height (see §VII-2.B) are exempt from the side and rear yard setback requirements. Front yard setbacks of the underlying zone are applicable to all fences. 2. Fences over 6 feet in height require a setback of one additional foot back for each foot in fence height over 6 feet. 3. The height of all fences shall be measured from the average finished grade of the lot at the base of the fence. <p>D. Finished Sides. Any fence shall have its most pleasant or decorative side facing the adjacent properties. The fence posts and other supporting structures of the fence shall face the interior of the area to be fenced.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
<p>E. Materials. Fences designed to maim or injure prospective intruders are prohibited except as authorized here. Fences incorporating barbed wire, electric current or similar materials or devices shall be allowed only when necessary for agricultural or public utility operations and, unless part of an agricultural operation, shall be subject to a minimum ten-foot setback.</p>	
<p>Section VII-26.B: Performance standards procedures.</p> <p>2. Vibration.</p> <p>a. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines, nor shall any vibrations produced exceed 0.002g peak at up to a frequency of 50 cycles per second, measured at or beyond the lot lines using either seismic or electronic vibration measuring equipment.</p> <p>b. Vibrations occurring at higher than a frequency of 50 cycles per second or a periodic vibration shall not induce accelerations exceeding 0.001 g. single impulse periodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding 0.01 g.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>Section VII-26.B: Performance standards procedures.</p> <p>3. Noise.</p> <p>a. The maximum decibel level radiated by any use or facility at any lot lines shall not exceed the values in the designated octave bands given in Table 1. The sound-pressure level shall be measured with a second-level meter and associated octave-band analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound-Level Meters for Measurement of Noise and Other Sound, Z24.3-1944, American Standards Association, Inc., New York, and American Standard Specifications for an Octave-Bank Filter Set for the Analysis of Noise and Other</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance																		
<p>Sound, Z24.10-1953, American Standards Association, Inc., New York, New York, shall be used.)</p> <table> <tr> <td>Frequency Band (cycles per second)</td><td>Maximum Permitted Sound-Pressure Level (decibels)</td></tr> <tr> <td>0 to 75</td><td>69</td></tr> <tr> <td>75 to 150</td><td>60</td></tr> <tr> <td>150 to 300</td><td>56</td></tr> <tr> <td>300 to 600</td><td>51</td></tr> <tr> <td>600 to 1,200</td><td>42</td></tr> <tr> <td>1,200 to 2,400</td><td>40</td></tr> <tr> <td>2,400 to 4,800</td><td>38</td></tr> <tr> <td>4,800 to 10,000</td><td>35</td></tr> </table> <p>b. Where any use adjoins a residential or transitional district at any point at the district boundary, the maximum permitted decibel levels in all octave bands shall be reduced by six decibels from the maximum levels set forth in Table I.</p>	Frequency Band (cycles per second)	Maximum Permitted Sound-Pressure Level (decibels)	0 to 75	69	75 to 150	60	150 to 300	56	300 to 600	51	600 to 1,200	42	1,200 to 2,400	40	2,400 to 4,800	38	4,800 to 10,000	35	
Frequency Band (cycles per second)	Maximum Permitted Sound-Pressure Level (decibels)																		
0 to 75	69																		
75 to 150	60																		
150 to 300	56																		
300 to 600	51																		
600 to 1,200	42																		
1,200 to 2,400	40																		
2,400 to 4,800	38																		
4,800 to 10,000	35																		
<p>Section VII-26.B: Performance standards procedures.</p> <p>4. Smoke. The density emission of smoke or any other discharge into the atmosphere during normal operations shall not exceed visible gray smoke of a shade equal to or darker than No. 2 on the standard Ringelmann Chart. (A Ringelmann Chart is a chart published by the United States Bureau of Mines, which shows graduated shades of gray for use in estimating the light-obscuring capacity of smoke). These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an apparent equivalent capacity.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>																		

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
<p>Section VII-26.B: Performance standards procedures.</p> <p>5. Odor. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established, as a guide in determining such quantities of offensive odors, in Table III, Odor Thresholds, in Chapter 5 of the Air Pollution Abatement Manual, Copyright 1959, by the Manufacturing Chemical Association, Inc., Washington, D.C., as said manual and/or table is subsequently amended.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>Section VII-26.B: Performance standards procedures.</p> <p>6. Fly ash, dust, fumes, vapors, gases and other forms of air pollution. No emission shall be permitted which can cause any damage to health, animals, vegetation or other forms of property or which can cause any excessive soiling at any point beyond the boundaries of the lot. The concentration of such emission on or beyond the boundaries of the lot. The concentration of such emission on or beyond any lot line shall not exceed 0.1 the maximum allowable concentration set forth in 12-29 of the Board of Standards and Appeals of the New York State Department of Labor, effective October 1, 1956, and any subsequent standards.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>Section VII-26.B: Performance standards procedures.</p> <p>7. Electromagnetic radiation. It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission regarding such sources or electromagnetic radiation, except that, for all governmental regulations regarding such sources of electromagnetic radiation of the</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
<p>Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission. Further, said operation in compliance with the Federal regulations shall be unlawful if such radiation causes an abnormal degradation in performances of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, harmonic content or modulation of energy conducted by power or telephone lines. The determination of abnormal degradation in performance and of quality and proper design shall be made in accordance with good engineering practices, as defined in the latest principles and standards of the American Institute of Radio Engineers and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in interpretation of the standards and principles shall apply: American Institute of Electrical Engineers; Institute of Radio Engineers; and Electronic Industries Association.</p>	
<p>Section VII-26.B: Performance standards procedures.</p> <p>9. Heat. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of 5 F., whether such change is in the air or on the ground, in a natural stream or lake or in any structure on such adjacent property.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>Section VII-26.B: Performance standards procedures.</p> <p>10. Glare.</p> <p>a. Direct glare. No such direct glare shall be permitted, with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60 drawn perpendicular to the ground, and with the exception that such angle may be increased to 90 if the luminary is less than four feet above ground.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
<p>b. Indirect glare. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface, not to exceed 0.3 foot-candle (maximum) and 0.1 foot-candle (average). Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.</p>	
<p>Section VII-26.B: Performance standards procedures.</p> <p>11. Liquid or solid waste. No discharge shall be permitted at any point into a public sewer or stream or into the ground, except in accord with standards approved by the State and Schuyler County Departments of Health and local ordinances, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>Article IX. Landscaping, screening and buffer regulations.</p> <p>Section IX-3 General requirements.</p> <p>A. Existing site vegetation and unique site features, such as stonewalls, shall be incorporated into landscaping plans to the maximum extent feasible. Existing healthy trees which are retained shall be credited against the requirements of these regulations in accordance with their size and location.</p> <p>C. All required landscaping shall be of healthy stock, planted according to accepted horticultural practices. Landscaping plans shall clearly indicate who is responsible for plant maintenance during the first 12 months after planting, and a performance guaranty shall be posted for assuring replacement in kinds of plants, which die or become diseased with in that time.</p> <p>D. All required landscaping shall be maintained in healthy condition. Failure to maintain such landscaping or to replace dead, damaged, or diseased landscaping required by this article shall constitute a violation of these regulations.</p>	<p>The Project will comply with the substantive standards as identified in this Section with the exception of letter (C) The Applicant is requesting a waiver for the need to post a performance guaranty with the Town in light of the needs of consumers. See Section 31(e) above.</p>

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
<ul style="list-style-type: none"> F. In cases where the edge of pavement within a public right-of-way does not coincide with the front lot line, the property owner shall landscape the area between the front lot line and the edge of the street pavement. G. Trees for screening shall be of species and stock that will provide a visual screen from the ground up, at least 5 feet in height. H. No landscaping shall encroach into the site triangle or interfere with the clear intersections in section VII-4. I. A 50-foot vegetated buffer shall be maintained adjacent to any stream or wetland shown on the Zoning District Map. In order to provide stability to streams and streambanks, native vegetation with trees, understory, and ground cover shall be preserved or established to the extent practicable. 	
<p>Article XI. Sign regulations XI-4 General regulations.</p> <ul style="list-style-type: none"> A. No sign shall be permitted in any zoning district except in compliance with the provisions of these regulations. C. All signs shall be marked as to the owner contact information, date of erection, and permit number as designated by the Code Enforcement Officer. F. Pictorial designs, logos and trademarks shall be permitted, provided that they are incorporated in and made a part of a permitted sign face, and the area thereof is included in calculating the total permitted sign face area allowed under these regulations. H. No sign shall project across or over a property line or lease lien, nor be in a public right-of-way. J. No sign shall be constructed of cloth, oilcloth, paper or other destructible material for display outside of any building, except for temporary signs, in which case said signs shall be permissible if properly mounted on a frame in a stationary manner. K. Maintenance of all signs: <ul style="list-style-type: none"> 1. All signs and all components thereof, including supports, braces and anchors, shall be kept in a good state of repair. 	<p>The Project will comply with the substantive standards as identified in this Section.</p>

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
<p>2. If the message portion of a sign is removed or a business or other activity is no longer operating, it shall be the property owner's responsibility to assure that the abandoned sign is promptly removed or properly covered to the satisfaction of the Code Enforcement Officer.</p> <p>L. No sign shall be erected or allowed to exist so as to constitute a traffic hazard. No sign or other advertising structure as regulated by any of the provisions of this section shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of position shape or color, it may interfere with, obstruct the view or be confused with any authorized traffic sign, signal or device or makes use of word, phrases, symbols or character in such a manner as to interfere with, mislead or confuse traffic.</p> <p>M. Every principal building or structure shall have street identification numbers subject to the provision in the applicable Dix Building Numbering Law.</p> <p>N. Signs may be double faced.</p> <p>O. Prohibited signs. Signs containing sequin-studded letters are prohibited.</p> <p>P. Lighting. Illumination of any sign permitted or allowed within this chapter shall comply with the following requirements:</p> <ol style="list-style-type: none"> 1. Illumination of signs shall be accomplished by means of shielded light sources or in such other manner that no glare shall extend beyond the property lines of the property upon which such signs are located, and no glare shall disturb the vision of passing motorists or constitute a hazard to traffic. 2. Illumination shall be, to every practicable extent, directed downwards towards the ground and shall not direct light above a 90-degree horizontal angle parallel to the ground. 3. No flashing, rotating or moving light sources shall be permitted to constitute a part of any sign. <p>Q. Portable Sign Regulations. Portable signs must be adequately constructed to withstand wind</p>	

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
loads and may not pose any danger from unintentional movement into a right of way or non-intended property.	
<p>Article XIV. Special Use Permit. XIV-5 Planning Board review of preliminary site plan. A. General considerations as to: 11. Adequacy and unobtrusiveness of public utility distribution facilities, including those for gas, electricity, cable television and phone service. In general, all such utility distribution facilities shall be required to be located underground.</p>	<p>A waiver is being sought in case the Project's overhead (aboveground) electrical interconnection with the existing NYSEG Bath-Montour Falls 115 kV transmission line is interpreted as a 'public utility distribution facility'. See justification in Section 31(e) above.</p>
Town of Dix Solar Energy Law	
<p><i>8. Permitting requirements for Tier 3 Solar Energy Systems</i> <i>B. Underground Requirements.</i> All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way. <i>C. Vehicular Paths.</i> Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction. <i>D. Signage.</i> 1. With the exception of signage for public education, no signage or graphic content shall be displayed on the Solar Energy Systems except the following mandatory content: manufacturers name, equipment specification information, safety information and 24-hour emergency contact information. Said information shall be depicted within an area no more than 8 square feet and shall be depicted at each perimeter access gate or along the perimeter fence such that a sign is accessible every 2,640 feet along the Solar Energy System's perimeter. 2. As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a</p>	<p>The Project will comply with the substantive standards as identified in this Section with the exception of 8.H.1. (decommissioning after inactive duration of 6 months) and 8.H.3 (decommissioning bond and escalator). The Applicant seeks a waiver for these requirements. See justifications in Section 31(e) above.</p>

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
<p>light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.</p> <p><i>E. Glare.</i> All Solar Panels shall have anti-reflective coating that meets commercially reasonable standards.</p> <p><i>F. Lighting.</i> Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties. Wherever practicable, energy-efficient LED lighting shall be used.</p> <p><i>G. Tree Cutting.</i> Removal of existing trees larger than 6 inches in diameter should be minimized to the extent possible.</p> <p><i>H. Decommissioning.</i></p> <ol style="list-style-type: none"> 1. Solar Energy Systems that have been abandoned and/or not producing electricity for a period of 6 months shall be removed at the Owner and/or Operator's expense, which at the Owner's option may come from any security made with the Town as set for in Section 10(b) herein. 3. <i>Security.</i> <ol style="list-style-type: none"> a. The deposit, execution, or filing with the Town Clerk of cash, bond or other form of security reasonably acceptable to the Town attorney and/or engineer, 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 bond or security shall be 125% of the cost of the removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. The decommissioning amount shall be reduced by the amount of the estimated salvage value of the Solar Energy System, which shall be calculated annually by the owner and/or operator of the Solar Energy System. 	

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
<p><i>J. Special Use Permit Standards.</i></p> <p>1) <i>Lot Size.</i></p> <p>a. The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements in Appendix 1. Lot size requirements in the Residential Low-Density Zoning District for Tier 3 Solar Energy Systems is two acres or greater. For the Special Entertainment, Mixed Use, Medium Density Rural or Low-Density Rural zoning areas, use the same lot size requirements that are already written in Town's current ordinance.</p> <p>2) <i>Setbacks.</i></p> <p>a. The Tier 3 Solar Energy Systems shall meet the setback requirements in Appendix 2. Parcel line setback requirements for Tier 3 Ground-Mounted in the Low-Density Rural Zoning District are 50 feet from front, side and rear parcel lines. Parcel line setback requirements for Tier 3 Ground-Mounted in the Special Entertainment Zoning District are 30 feet from front parcel lines, 15 feet from side parcel lines and 25 feet from rear parcel lines.</p> <p>3) <i>Height.</i></p> <p>a. The Tier 3 Solar Energy Systems shall comply with the height limitations in Appendix 3 depending on the underlying zoning district. The maximum allowable height in the Low-Density Rural Zoning District for Tier 3 Solar Energy Systems is 15 feet. The maximum allowable height in the Special Entertainment Zoning District for Tier 3 Solar Energy Systems is 20 feet.</p> <p>4) <i>Lot coverage.</i></p> <p>b) The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements.</p> <p>IV. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.</p> <p>V. All mechanical equipment of the Solar</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
<p>Energy System, including any pad mounted structure or batteries, switchboard, transformers or storage cells.</p> <p>VI. Paved access roads servicing the Solar Energy System.</p> <p>Lot coverage of the Solar Energy System, as defined above, shall not exceed the maximum lot coverage requirement of the underlying zoning district, except for the LDR zoning district where the maximum lot coverage is 75%. The maximum lot coverage for the Low-Density Rural Zoning District is 10%. The maximum lot coverage in the Special Entertainment District is 75%.</p>	
<p><i>5)Fencing Requirements.</i> All mechanical equipment, including any structure for storage batteries, shall be enclosed by a 7-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p><i>6) Screening and Visibility.</i></p> <p>b) Solar Energy Systems larger than 10 acres shall be required to:</p> <p>1.</p> <p>II. II(i). II(i). The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system. The landscaped screening shall be comprised of a minimum of 1 evergreen tree plus 2 supplemental shrubs at the reasonable discretion of the Town Planning Board, all planted within each 10 linear feet of the Solar Energy System. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening. A list of suitable evergreen tree and shrub species should be provided by the Town.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p><i>7) Agricultural Resources.</i> For projects located on agricultural lands:</p> <p>2. Tier 3 Solar Energy Systems shall be required</p>	<p>The Project will comply with the substantive standards as identified in this Section. Refer to Exhibit 11, Section 11(d) for a discussion</p>

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
<p>to seed at least 20% of the total surface area of all solar panels on the parcel with native perennial, vegetation designed to attract pollinators, with the exception of Tier 3 Solar Energy Systems located on brownfield sites as defined by New York State Department of Environmental Conservation or similarly contaminated sites determined by the Planning Board to be unsuitable for attracting pollinators.</p> <p>3. To the maximum extent practicable, Tier 3 Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction-requirements of the New York State Department of Agriculture and Markets.</p> <p>4. Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, pollinators and pollinator plants. To the extent practicable, when establishing vegetation and beneficial foraging habitat, the owners shall use native plant species, seed mixes and pollinator plants.</p>	<p>regarding project's compliance with pollinator requirements.</p>
<p>9. Safety. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required. B. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local ambulance corps. The following language is per the Town of Dix Planning Board 2019 solar law amendment regarding Section 9. Safety: 1. Require all out of service solar panels to be stored on site for no longer than 90 days. 2. Require the use of tier one type solar panels only. These are the most modern version and contain no hazardous materials and have a longer life span for use.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>

Table 31-1. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
3. Require that first responders covering the area where a solar farm is being installed be offered training on system operations as well as emergency response practices before such systems are put on line and become active.	

31(j) Zoning

The Project Area is located in the Low Density Rural (LDR) and Special Entertainment (SE) Districts. Large-Scale Solar Energy Systems are considered Tier 3 Solar Energy Systems under the Town of Dix Solar Energy Law and are allowed uses by Special Use Permit and are subject to Site Plan review as provided in Section 8.I of the Solar Energy Law. These procedural requirements are supplanted by Article 10.

Parcel ID	Zoning District
84.00-1-41.111	SE/LDR
84.00-1-32	SE

31(k) Town of Dix Applicable Laws, Codes, and Regulations

A copy of the applicable Town of Dix laws and ordinances are attached hereto as Appendix 31-1, Appendix 31-2, and Appendix 31-3 along with applicable SEQRA documentation as available.

References

Town of Dix, Schuyler County, New York Zoning Ordinance, February 2016.

Town of Dix, Schuyler County, New York Solar Energy Law (Local Law No. 2 of the Year 2018),
and subsequent 2019 and 2020 updates.