

NEW YORK STATE DEPARTMENT OF STATE
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

TOWN OF CHILI, Monroe County, New York

Local Law no. __ of the year 2025

A local law to Amend Article XVI (Incentive Zoning) §500-107 (Cash Payment in Lieu of Amenity) of the Town Code of the Town of Chili.

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

Incentive Zoning

§ 500-107 Cash payment in lieu of amenity.

If the Town Board finds that an amenity is not suitable or cannot be reasonably provided, the Town Board may require a non-refundable cash payment in lieu of the provision of the amenity. These funds shall be placed in a reserve fund to be used by the Town Board exclusively for specific amenities to be described prior to the acceptance of funds. Non-refundable cash payments consistent with this provision shall be made to the Town within sixty (60) days from the Town Board's final approval of the same, and prior to the issuance of any building permit. If said cash payment is not paid in its entirety to the Town within sixty (60) days from the Town Board's approval, then the Town Board's approval shall be deemed null and void, and the applicant shall be required to file a new application consistent with this Article. Cash payments in lieu of amenities shall not be used to pay general and ordinary Town expenses.

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TOWN OF CHILI, Monroe County, New York

Local Law no. __ of the year 2025

A local law to Amend Local Law #2 of 2022, Chapter 451, Taxation §451-32 Exemption for Volunteer Firefighter & Ambulance Personnel in the Town of Chili

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

Section I. Authorization

The adoption of this Local Law is in accordance with N.Y. Real Property Chapter 670, Subdivision 8 of the newly enacted Tax Law § 466-a.

Listed in the following sections, N.Y. Real Property Tax Law § 466-k now will be referenced as N.Y. Real Property Tax Law § 466-a.

Section III. Legislative Finding

N.Y. Real Property Tax Law § 466-a

Section IV. Amendment

N.Y. Real Property Tax Law § 466-a.

§451-33 Purpose and Intent

N.Y. Real Property Tax Law § 466-a.

§451-33 Provisions Adopted by Reference

Pursuant to and in accordance with N.Y. Real Property Tax Law § 466-a.

Town of Chili shall be partially exempt from taxation in accordance with N.Y. Real Property Tax Law § 466-a.

§451-34 Exemption Granted

N.Y. Real Property Tax Law § 466-a.

§451-37 Effective

This Article shall take effect immediately upon the filing with the Secretary of State and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on/or after February 12, 2025.

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TOWN OF CHILI, Monroe County, New York

Local Law no. ___ of the year 2025

A local law to Amend Article V (Site Plan Approval) of the Town Code of the Town of Chili adding §500-39-D and §500-40-F.

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

ARTICLE V
Site Plan Approval

§ 500-37. Purpose.

The purpose of site plan approval is to design the use of a site in such a manner so as to minimize, to the greatest extent practical, any potential conflicts with the adjoining sites, ensure compliance with all federal, state and county regulations and to protect the character of the neighborhood.

§ 500-38. Enforcement agency; general requirements.

The power to approve, or approve with conditions, or disapprove site plans as required by this article is vested in the Planning Board. Prior to issuing a building permit for the construction, expansion, conversion, or change in the occupancy or use of any apartment house, multiple-dwelling unit, commercial, industrial or manufacturing building or their accessory buildings or structures and before any permit for erection of a permanent building in a planned unit development shall be granted or before any subdivision plat or any part thereof may be filed in the office of the Monroe County Clerk, the authorized official shall refer the site plan and supporting documentation of such project to the Planning Board. All site plan information and dwelling designs shall be prepared by a licensed architect or engineer. "Expansion," as used above, shall refer to expansion of or addition to any existing building or structure, excepting expansions or additions less than 200 square feet in area, or less than 5% of the existing building area, whichever is less, if said expansions or additions do not materially affect other required site improvements or other aspects of the project requiring Planning Board approval. All plans shall show the seal and

signature of said architect or engineer. In addition, the architect or engineer shall submit to the Town, a signed affidavit that the plans for the project were prepared by said architect or engineer, his employees or by an agency of the federal, state or local government. No building permit shall be issued except in accordance with the standards and procedures set forth in this article.

§ 500-39. Preliminary site plan procedure.

A. Preliminary application. Application for preliminary site plan approval shall be made in writing to the Building Department which shall be consistent with the administrative procedures outlined in Article XI. All applications shall be accompanied by the following information, except where specific exceptions have been granted by the Planning Board:

(1) A brief written summary of the project describing the general intent, scope and location of development, nature of business, anticipated impact on the surrounding areas (i.e., traffic, lighting, air and water quality, economic considerations, drainage and flood control, utilities and taxes, etc.) and location of all existing uses on the property that will remain or change. This summary should also contain any zoning variances or special permit uses required, approximate cost of the proposal, rental structure, the time frame for implementation and any staging of the proposed development, and, further, the applicant shall provide a full disclosure statement concerning the project.

(2) A separate report that shall include all of the following information:

(a) Compatibility of project.

[1] Relationship of the proposed project to existing planning documents (Town Comprehensive Plan, open space index, County Comprehensive Plan, wetlands inventory, woodlot inventory, etc.).

[2] Environmental impact statement describing the total result of executing the proposed project.

[3] Location of buffers required either during or after construction is completed and the reason for the buffer.

(b) Proposed use, size, height, type of construction and approximate costs of all buildings and estimates of population and dwelling units by type shall be provided for each layout or stage and an equivalent population estimate for areas not proposed for residential development.

(c) Drainage.

[1] A separate report detailing the proposed stormwater drainage system and the basis of design. Also included should be the intended method of stormwater disposal and flood hazard protection and how all runoff will be handled during grading and development operations and erosion and sedimentation measures.

[2] Preliminary calculations for flows and pipe and channel sizing shall be given, as well as preliminary design of any storm detection and retention facilities. Included shall be preliminary estimates of total ultimate future upstream flows

entering the site, potential impacts on the site and preliminary analysis of the impacts of the additional flows generated by the subject plan on the downstream area to the point of confluence with a major watercourse.

(d) Water supply and sewage disposal.

[1] A statement as to proposed source of water supply and method of sewage disposal, to include a statement as to who will own the water and sewer systems, a conceptual layout of each system, whether necessary districts are formed or are in process, the receiving sewage treatment plant, the lines, dimensions and purpose of all utility easements, including properly placed fire hydrants and preliminary design of bridges and culverts. (Note: sanitary sewer and water service must be in public ownership. Also, where water mains are not looped, blowoff valves should be provided.)

[2] Percolation tests shall be administered by the Monroe County Health Department if the proposed project is not sewered by a sanitary sewer system.

(e) Soil stability.

[1] A report of the soil areas and their classifications, with particular emphasis on those areas with moderate to high susceptibility to erosion. For areas of potential erosion problems, and description of existing vegetation must be outlined.

[2] Test pit(s), auger hole(s) and boring(s) will be required to designate soil type and characteristics, water table and rock within the depth of proposed excavation.

(f) Circulation and access. A statement on any existing or future problems regarding vehicular and pedestrian access, circulation, parking and loading. An estimate of peak-hour traffic of all entry and exit points shall be given. The approximate volume and relative capacity of the street(s) serving the site shall be included. A description of facilities for parking, truck loading and unloading, pedestrian movement, bus routing and stops, emergency vehicles and road maintenance vehicles.

(g) Special permits. Special permits or requests for a variance from the federal, state, county or Town government. This would include, but is not limited to, permits for water pollutant discharges, air pollutant discharges, wetland disruption, solid waste disposal and highway access.

(h) Landscape architect and a licensed professional engineer. Name or names of the landscape architect and/or licensed professional engineer and licensed land surveyor responsible for the preparation of the layout and information.

(i) Community facilities.

[1] Delineation of the various residential areas, if applicable, indicating for each such area, its general extent, size and composition in terms of total number of

dwelling unit types, general description of the intended market structure and a calculation of the residential density in dwelling units per gross acre for each such area.

- [2] When applicable, a general description of the provision of other community facilities, such as schools, fire protection services and cultural facilities, if any, and an indication of how these needs are proposed to be accommodated.
- (3) Sufficient drawings shall be provided to illustrate the information requested below and shall be drawn on one or more sheets of acceptable material not more than 34 inches by 44 inches in size and shall be clearly titled and drawn at a standard scale of 50 feet to one inch. If more than one sheet is required to show an entire site, an index map shall be provided.
- (a) General.
- [1] Title of the preliminary layout, including names and address of the developer(s).
 - [2] North point, scale, date and general location map; and names of owners of adjacent land or names of adjacent subdivisions. The North point should be in the upper right hand corner of each sheet and the direction of north should be either to the top of each page or to the right-hand side of each page.
 - [3] Boundaries of the project, plotted to scale. If the developer intends to develop the project in stages, the entire project shall nevertheless be included in the layout with anticipated stages and timing indicated.
 - [4] Topographic survey, showing ground contours for the proposed project and parcels adjacent to and within 200 feet of the project at intervals of not more than five feet of elevation, except if the proposed project is not served by a public sanitary sewer system, in which case the survey shall be provided at not more than two feet of elevation.
 - [5] Topographic and planimetric features within the site and the adjoining tract, including existing buildings, historic buildings or sites, watercourses and their 100-year-flood limits, water bodies and their finish or design water levels, swamps, wooded areas and individual large trees. Any such features to be retained in the project should be so indicated.
 - [6] The approximate lines of proposed buildings, structures and lots, the acreage or square footage contained in each lot and individual lot numbering. If a proposed lot contains one or more existing buildings, the proposed yard dimensions for such buildings shall be indicated.
 - [7] The location of any municipal boundary lines, existing or proposed, special service district lines and/or zoning district lines within the project.

- (b) Location map. Boundaries of the project in relation to adjoining streets; the applicant's entire holding; adjacent buildings within 500 feet of the applicant's property; schematically, the locations of the nearest elementary school; water and sewer lines; parks and playgrounds within 1/2 mile of the proposed development; and other public facilities, such as shopping, churches and public transportation routes, as appropriate, and land uses adjacent to the proposal.
- (c) Stormwater drainage system.
 - [1] Show existing storm drains.
 - [2] A system for a stormwater drainage system using the following design levels for stormwater engineering:
 - [a] Contributory basin of 20 square miles: 100-year frequencies.
 - [b] Contributory basin of four to 20 square miles: fifty-year frequencies.
 - [c] Contributory basin of one to four square miles: twenty-five-year frequencies.
 - [d] Contributory basin of under one square mile: ten-year frequencies.
- (d) Streets and sidewalks.
 - [1] Existing streets immediately adjoining and within the project, and the distance to the nearest major street intersection.
 - [2] The approximate lines and gradients of proposed streets and sidewalks, and the names of proposed streets.
- (e) Water lines and sanitary sewers.
 - [1] Existing waterlines and sanitary sewers nearby and within the project with their location, size, type and approximate elevations and gradients using mean sea level as the datum plane. Also shown should be existing easements for such facilities.
 - [2] Proposed water supply system and method of sewage disposal.
- (f) Parking and loading areas. Location of all parking and truck-loading areas with access and egress drives. The types and locations of any potentially hazardous materials of any nature should be indicated.
- (g) Neighborhood parks and/or playgrounds. The approximate location and dimensions of areas proposed for neighborhood parks or playgrounds or other permanent open space.
- (h) Grading plan. A preliminary grading plan of the site showing locations and approximate size of cuts and fills.
- (i) Signs and lighting. Location, size and type of proposed lighting and any anticipated signs.

- (4) Additional information. The Planning Board may require such additional information that appears necessary for a complete assessment of the project.

B. Preliminary approval.

- (1) Within 90 days of the receipt of a certified complete preliminary site plan application from the Building Department, the Planning Board shall act on it. If no decision is made within said ninety-day period, the preliminary site plan shall be considered approved. 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. A copy of the appropriate minutes of the Planning Board shall be a sufficient report. The Planning Board's review of a preliminary site plan shall include but is not limited to the following considerations:
 - (a) Adequacy of information required in Subsection A.
 - (b) Adequacy and arrangement of vehicular traffic access and circulation.
 - (c) Adequacy and arrangement of pedestrian traffic access and circulation.
 - (d) Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - (e) Location, arrangement, size and design of buildings, lighting and signs.
 - (f) Relationship of the various uses to one another and their scale.
 - (g) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between adjacent uses and adjoining lands.
 - (h) Adequacy of stormwater and sanitary waste disposal.
 - (i) Adequacy of structures, roadways and landscaping in areas with moderate-to-high susceptibility to flooding, ponding and/or erosion.
- (2) The Planning Board's statement may include recommendations as to desirable revisions to be incorporated in the final site plan, conformance to which shall be considered a condition of approval. If the preliminary site plan is conditionally approved or disapproved, the Planning Board's statement shall contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission of the preliminary site plan to the Planning Board after it has been revised or redesigned. No modification of existing stream channels, filling of lands with a moderate-to-high susceptibility to flooding, grading or removal of vegetation in areas with moderate-to-high susceptibility to erosion or excavation for and construction of site improvements shall begin until the developer has received preliminary site plan approval. Failure to comply shall be construed as a violation of this chapter and, where necessary, final site plan approval may require the modification or removal of unapproved site improvements.

- C. Supplementary review. At the time of submission, the Planning Board may submit the application to the Conservation Board, Fire Marshal, Town Engineer, and any other boards or committees as may be deemed appropriate, and solicit comments from same. If, by the

time a public hearing is held, no comments have been received in writing, it shall be determined that there is no conflict with the particular agency's policies or regulations. Any written statement sent to the Planning Board shall be read at the public hearing and placed in the minutes.

D. Expiration and extension of preliminary site plan approval.

- (1) Approval of a preliminary site plan by the Planning Board shall expire after one (1) year from the date of such preliminary site plan approval by the Planning Board unless final site plan approval was granted by the Planning Board within said one (1) year period.
- (2) An application may be made to the Planning Board for a one (1) year extension of preliminary site plan approval. The application for an extension of the preliminary site plan approval shall be submitted to the Planning Board at least two (2) months prior to the expiration of said preliminary site plan approval along with the application fee set forth in the Building Department Fee Schedule. The Planning Board shall then, after a public hearing, consider the request for the extension of the preliminary site plan approval and shall either approve, approve with additional conditions and/or modifications to the preliminary site plan, or deny the application for the extension of the preliminary site plan approval. No more than two (2) extensions of the preliminary site plan approval may be granted by the Planning Board.
- (3) If a preliminary site plan approval has expired pursuant to Subsection (1) above, or expended the allotted extensions pursuant to subsection (2) above and if the applicant desires to proceed with the project, the applicant shall be required to reapply to the Planning Board for preliminary site plan approval and shall be subject to all fees required pursuant to the Building Department Fee Schedule.

§ 500-40. Final site plan procedure.

- A. Final application. After receiving approval from the Planning Board on a preliminary site plan and approval for all necessary permits and curb cuts from state and county officials, the applicant may prepare his final site plan and apply, in writing, to the Building Department, who shall refer the application, when complete in all respects, to the Planning Board for its review and approval. However, if more than six months, or 12 months in the case of a planned unit development, has elapsed between the time of the Planning Board's report 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 for possible revision prior to accepting the proposed final site plan for review. The final site plan shall conform to the approved preliminary site plan and shall incorporate any revisions or other features that may have been recommended by the Planning Board at the preliminary review. All compliances shall be clearly indicated by the applicant. The applicant shall also demonstrate that all conditions of preliminary approval have been satisfied, or are being addressed in the final site plan.

B. Final approval.

- (1) Within 62 days of the receipt of the certified complete final plan application from the Building Department, the Planning Board shall render a decision to the Director of Planning, head of the Building Department, or similar officer or designee. If no decision is made within the sixty-two-day period the final site plan shall be considered approved.
- (2) The final decision of the Planning Board may be conditioned upon the receipt and review, by the Building Department, of approvals from other agencies, if required. The Planning Board may further condition their approval on the receipt and review, by the Town Building Department, of any additional documents required by the Planning Board, i.e., easements, agreements, letters of credit.
- (3) Upon approval, the applicant shall submit to the Building Department a Mylar, with copies as required by the Town, along with a copy in electronic format, to obtain the necessary signatures of approval. Once all signatures are obtained, the Building Department is then authorized to issue a building permit, if required. No building permit shall be issued, nor any site work commenced, until all conditions of preliminary site plan approval and final site plan approval have been satisfied, all easements have been recorded in the Monroe County Clerks Office, filed with the Town Clerk and Building department, and any required surety has been filed with the Town Clerk.
- (4) Requirement for improvements shown on the site plan shall be those set forth in this chapter and in other ordinances, rules and regulations or in construction specifications of the municipality.

C. Specifications for final site plan. The final site plan shall be provided with the number of copies as required by the Town giving sufficient data to identify and locate all pertinent information. The site plan submission shall be composed of a construction sheet and a drainage report, as described in the subsections that follow.

D. Site plan construction sheet. The construction sheet shall not be larger than 34 inches by 44 inches in size and shall be drawn at a scale of 50 feet to one inch and shall show the information listed below. Where more than one sheet is required to show the entire development, a key map shall be provided:

- (1) Information required in § 500-39A(3).
- (2) The lines of existing and proposed streets and sidewalks immediately adjoining and within the site, including geometric layout of proposed streets.
- (3) The names of existing and proposed streets.
- (4) Typical cross sections of proposed streets.
- (5) Profiles of proposed streets at suitable vertical scale showing finished grades in relation to existing ground elevation.
- (6) The layout of proposed buildings, parking areas and any other proposed structures or uses.

- (7) The locations, sizes and profiles of any existing and proposed sewers (stormwater or sanitary), manholes, drain inlets, catch basin, water mains and pipes on the property or into which any connection is proposed.
- (8) Provisions for water supply and sewage disposal, and evidence that such provisions have received approval of the Monroe County Department of Health.
- (9) Locations of survey monuments. Before acceptance of the dedication of the highways, a certificate by a licensed land surveyor must be filed certifying that the above monuments have been placed where indicated on the map.
- (10) Plan and typical cross section of proposed sidewalks, if any.
- (11) Development plan, including landscaping, for any proposed park or playground within the site.
- (12) A landscaping plan prepared by a landscape architect showing his seal and signature, indicating the locations, varieties and minimum size of trees to be planted and of existing trees to be preserved and any other landscape features proposed.
- (13) Specifications or reference to Town standards for all facilities to be constructed or installed.
- (14) Certification by a licensed professional engineer, licensed landscape architect and a licensed land surveyor as evidence of professional responsibility for the preparation of the construction sheet.
- (15) The boundaries of the site and information to show the location of the site in relation to surrounding property and streets, including names of owners of adjacent land or names of adjacent sites. In whatever manner that is practical, the site boundary shall be referenced from two directions to establish United States Coast and Geodetic Survey monuments or New York State Plan Coordinate monuments. In the event that such monuments have been obliterated, the site boundary shall be referenced to the nearest highway intersections or previously established monuments. Any combination of types of reference points may be accepted which would fulfill the requirement of exact measurements from the site boundary to reference points previously established for or by a public agency.
- (16) The lines and dimensions of proposed lots or buildings which shall be numbered. Any lot whose area does not conform to this chapter shall have its area in square feet indicated as well. If a proposed lot contains one or more existing buildings, the yard dimensions for such buildings shall be indicated. Existing buildings outside the limits of the site but within 75 feet of any proposed street or 25 feet of any proposed lot line shall also be shown.
- (17) The lines and purposes of existing and proposed easements immediately adjoining and within the site.

(18) The lines, dimensions and areas in square feet of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the site.

(19) A legal description of all areas to be dedicated to the Town.

E. Drainage report. When requested by the Town Engineer or Planning Board, this report shall be provided and shall present plans and supporting data for stormwater control drainage provisions within the site, including:

- (1) Plan, profiles and typical and special sections of proposed stormwater drainage facilities.
- (2) Supporting final design data and copies of computations used as a basis for the design capacities and performance of the drainage facilities.
- (3) Grading plan developed with grading details to indicate proposed street grades and elevations and building site grades and elevations. The contour interval of the grading plan shall be one, two or five feet vertical, as may be directed by the Town Engineer.
- (4) Erosion report, if required.
- (5) If the site is within or adjacent to the Black Creek floodplain 100-year frequency, a detailed analysis of the area with respect to floodplain management land use will be included in the drainage report.

F. Expiration and extension of final site plan approvals.

- (1) Approval of a final site plan by the Planning Board shall expire after one (1) year from the date of such final site plan approval by the Planning Board unless a building permit has been obtained within said one-year time period for work indicated on the final site plan and site development and/or construction has begun or, if no building permit per the final site plan approval was required, site development and/or construction has begun consistent with the approved final site plan, as determined by the Building Inspector.
- (2) An application may be made to the Planning Board for a one (1) year extension of final site plan approval. The application for an extension of the final site plan approval shall be submitted to the Planning Board at least two (2) months prior to the expiration of said final site plan approval along with the application fee set forth in the Building Department Fee Schedule. The Planning Board shall then, after a public hearing, consider the request for the extension of the final site plan approval and shall either approve, approve with additional conditions and/or modifications, or deny the application for extension of the final site plan approval. No more than two (2) extensions of the final site plan approval may be granted by the Planning Board.
- (3) If a final approval of a site plan has expired pursuant to Subsection (1) above, or expended the allotted extensions pursuant to Subsection (2) above and if the applicant desires to proceed with the project, the applicant shall be required to reapply to the Planning Board for preliminary and final site plan approval and shall be subject to all fees required pursuant to the Building Department Fee Schedule.

§ 500-41. Special requirements.

- A. The storage or accumulation of refuse shall not be permitted in any area outside of a building, except as permitted in § 500-60.
- B. Any project with only one access road shall have an alternate clear accessway available for the use of emergency vehicles.
- C. Landscaping. All projects shall be planted with vegetation of suitable sizes to effectively screen dissimilar uses from one another, both visually and acoustically, and to protect and enhance the overall quality of the environment.
 - (1) All projects shall provide landscaping in addition to necessary screening material equal to a minimum of 1% of the total project cost. Landscaping shall be considered as live plant material and aesthetic site improvements, but shall not include fences or walls used for screening or excavation, earthmoving, fill, grading and paving associated with normal building requirements. In lieu of providing this landscaping, and only by approval of the Planning Board, the applicant may donate an amount equal to 1% of the project cost to the Town of Chili's tree planting program.
 - (2) Upon the receipt of a complete application as certified by the Building Department, the Planning Board shall consult with the Town Conservation Board for its report and recommendations on the adequacy of the proposed landscaping. The Conservation Board shall have 30 days to respond in writing. If the Conservation Board falls to reply, the landscaping proposed shall be considered acceptable. The report, if any, shall be read at the public hearing and placed in the minutes of the meeting.
- D. The following special provisions apply only to multifamily developments or to multifamily, townhouse and other multi-residential-unit structures or portions of a planned unit development:
 - (1) Every development shall have within it suitable open space available for the use of the residents. Four hundred square feet of such open space per resident family is an adequate reservation. Development of this open space for passive and/or active recreational uses shall be provided in a manner suitable to the prospective occupants of the development. Areas devoted to swimming pools and other such formal recreation areas shall be considered in meeting this requirement. Yard areas may also be so considered as long as access to them is not prohibited by fencing or other means, but parking areas shall not be included in such assessment.
 - (2) All living units shall have a storage area in the same building as, but not in the apartment of, at least 7% of the living unit, and the smallest dimension shall not be less than four feet.
 - (3) Buildings shall be located so that the privacy of individual units is protected, so that their arrangement creates usable open spaces, avoids monotonous, undifferentiated silhouettes and produces a satisfactory microclimate.

- (4) Sidewalks shall be provided and be integrally designed so as to provide safe and convenient access between buildings and between buildings and internal recreation, parking and service areas.
 - (5) A school bus loading area shall be provided that meets necessary safety standards and locational needs.
- E. Upon completion of the project, as-built plans of the completed site work, building location and landscaping shall be furnished on suitable reproducible material by the owner prior to the issuance of a certificate of occupancy/certificate of compliance. Such plans shall be filed with the Town Building Department.

§ 500-42. Hearings.

Before a site plan is approved, the proposed preliminary site plan shall be considered by the Planning Board at a public hearing held within 62 days of receipt of the application. Notice of said hearing shall be given as provided in § 500-86.

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TOWN OF CHILI, Monroe County, New York

Local Law no. __ of the year 2025

A local law to Amend Article XIX, Solar Energy Systems §500-130 (6)(b) and §500-130 (6)(g)[1][d] of the Town Code of the Town of Chili.

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

§ 500-123. Purpose.

- A. This article is adopted to advance and protect the public health, safety, and welfare of the residents of the Town by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:
- (1) To benefit from a safe, abundant and renewable energy resource;
 - (2) To mitigate the impacts of solar energy systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources;
 - (3) To create synergy between solar energy and the goals and objectives of the latest edition of the Town's Comprehensive Plan and Agriculture and Farmland Protection Plan; and
 - (4) To align the laws and regulations of the Town of Chili with policies of the State of New York, that encourage distributed energy systems.

§ 500-124. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM — A combination of solar panels and solar energy equipment integrated into any part of a principal building or accessory structure. Components of a building-integrated solar energy system are designed to replace or substitute for architectural or structural elements of a building and generally complement, blend with or form part of a building's architectural appearance. Such components will generally maintain a uniform plane with and/or form a parts of the building such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for on-site consumption.

FARMLAND OF STATEWIDE IMPORTANCE — Land, designated as "farmland of statewide importance" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate agency or agencies. Farmland of statewide importance may include tracts of land that have been designated for agriculture by New York State Department of Agriculture and Markets.

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

GROUND-MOUNTED SOLAR ENERGY SYSTEM — A solar energy system that is anchored to the ground via a pole or other mounting system, or which is installed on the ground and detached from any other structure, that generates electricity for on-site or off-site consumption.

LOT COVERAGE — Notwithstanding the definition of lot coverage found elsewhere in the Town Code, for the purpose of regulations pertaining to solar systems, lot coverage shall also include the area covered by a solar panel (or physically connected group of panels that comprise a solar energy system) as measured on a horizontal plane projected from the perimeter of said panel (or group of panels) vertically to the ground. For panels where the tilt angle is adjusted by week, month, season or other time period, lot coverage shall be determined by the tilt angle producing the greatest lot coverage.

NATIVE PERENNIAL VEGETATION — Native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

NET ENERGY METERING, ON-SITE — The acceptance by utilities of balancing the total amount of energy consumed from decentralized sources with the total amount of energy stored on-site by a solar PV system.

NET ENERGY METERING, REMOTE — An arrangement with the electric utility that allows for the kilowatt hours (kWh) generated from a solar PV system located at a specific site to be credited towards kWh of consumption at a different location.

NET METER — A meter used to measure the flow of electricity from the solar photovoltaic (PV) system to the electric utility grid.

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

PRIME FARMLAND — Land, designated as "prime farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

ROOF-MOUNTED SOLAR ENERGY SYSTEM — A solar energy system located on the roof of any legally permitted building or structure that produces electricity for on-site or off-site consumption.

SOLAR ACCESS — Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR ARRAY — Any number of electrically connected solar photovoltaic panels that are connected to the same inverter.

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

SOLAR ENERGY SYSTEM — The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, solar panels and solar energy equipment. The area of a solar energy system includes all the land inside the perimeter of the solar energy system, which extends to any interconnection equipment. A solar energy system is classified as either a Tier 1, Tier 2, or Tier 3 solar energy system as follows:

- A. Tier 1 solar energy systems are defined as the following:
 - (1) Roof-mounted solar energy systems.
 - (2) Building-integrated solar energy systems.
- B. Tier 2 solar energy systems are ground-mounted solar energy systems with system capacity up to 25 kW AC, a total surface area of all solar panels on the lot of up to 1,600 square feet and that generate no more than 110% of the electricity consumed on the site over the previous 12 months.
- C. Tier 3 solar energy systems are those solar energy systems which are not Tier 1, Tier 2, or Tier 4 solar energy systems.
- D. Tier 4 solar energy systems are those solar energy systems producing 25 MW or more. Tier 4 solar energy systems are subject to permitting by the Board of Electric Generation Siting and the Environment ("Siting Board") under Article 10 of the New York State Public Service Law.

SOLAR PANEL — A piece of equipment containing photovoltaic cells that use the sun's light or heat to create electricity.

SOLAR PHOTOVOLTAIC (PV) SYSTEM — A solar energy collection system consisting of solar photovoltaic cells, panels and/or arrays, and other related equipment, which rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system may be building-mounted, ground-mounted or building-integrated.

STORAGE BATTERY — A device that stores energy and makes it available in an electrical form.

§ 500-125. Applicability.

- A. The requirements of this section of the Town Code shall apply to all solar energy systems permitted, installed, or modified in the Town after the effective date of this section, excluding general maintenance and repair.
- B. Solar energy systems constructed or installed prior to the effective date of this article shall not be required to meet these requirements.

- C. Modifications to an existing solar energy system that increase the solar energy system area (exclusive of moving any fencing) shall be subject to these requirements.
- D. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards.

§ 500-126. General requirements.

A building permit shall be required for installation of all solar energy systems.

§ 500-127. Permitting requirements for Tier 1 solar energy systems.

Tier 1 solar energy systems shall be permitted in all zoning districts and shall be exempt from site plan review subject to the following conditions:

A. Roof-mounted solar energy systems:

- (1) Roof-mounted solar energy systems shall incorporate the following design requirements:
 - (a) Solar panels on pitched roofs shall be mounted with a maximum distance of eight inches between the roof surface the highest edge of the system.
 - (b) Solar panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - (c) Solar panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - (d) Solar panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
- (2) Glare. All solar panels shall have anti-reflective coating(s).
- (3) Height. All roof-mounted solar energy systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.

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

§ 500-128. Permitting requirements for Tier 2 solar energy systems.

Tier 2 solar energy systems shall be permitted in all zoning districts, except within the boundaries defined as protected in Figure-17 of the Town of Chili Agricultural and Farmland Protection Plan, as accessory structures and shall be exempt from site plan review subject to the following conditions:

- A. Glare. All solar panels shall have anti-reflective coating(s).
- B. Setbacks. Tier 2 solar energy systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district. All ground-mounted solar energy systems shall only be installed in the side or rear yards in residential districts.

- C. Height. Tier 2 solar energy systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district.
- D. Screening and visibility.
 - (1) Tier 2 solar energy systems shall have views minimized from adjacent properties to the extent reasonably practicable.
 - (2) Solar energy equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.
- E. Lot size. Tier 2 solar energy systems shall comply with the existing size restrictions applicable specified for accessory structures within the underlying zoning district.

§ 500-129. Permitting requirements for Tier 3 solar energy systems.

Tier 3 solar energy systems shall only be permitted as a special permitted use in the following districts: General Industrial (GI), Limited Industrial (LI) and Agricultural Conservation (AC); and may be located within said districts except upon those soils identified as protected and as shown on the "Active Farmland Protection Area and Town Zoning Map," a part of the current Town of Chili Agriculture and Farmland Protection Plan. Tier 3 solar energy systems are permitted only after the issuance of a special use permit and site plan approval as set forth in Article IV, Special Use Permits, and Article V, Site Plan Approval, respectively, of this chapter.

§ 500-130. The Planning Board special use permit criteria.

- A. The Planning Board of the Town of Chili is hereby authorized to review and approve, approve with modifications, or disapprove special use permits and site plans for solar energy systems consistent with the provisions of Town Law § 274-a and § 274-b; and the criteria contained in § 500-98 of this chapter.
- 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/or right-of-way.
- C. Vehicular paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction. Access roads are to be located along the edge of agricultural fields, in areas next to hedgerows and field boundaries and in the nonagricultural portions of the site to the maximum extent practicable. The width of any access roads is to be no wider than 20 feet so as to minimize the loss of agricultural soils and comply with the State of New York Fire Code. The vertical alignment of all access roads shall follow the existing topography and field contours when feasible in order to limit cut and fills to the maximum extent practicable. The surface of access roads that are constructed through agricultural fields are to be level with the adjacent field surface. All areas with topsoil that are to be used for vehicle and equipment traffic, parking, equipment laydown and storage areas are to be limited in size to the greatest extent practical and stripped prior to use. Access road alignment shall be established in such a way as to minimize removal of trees greater than six inches in diameter.

- D. Drainage and erosion control. All existing drainage and erosion control structures or features, such as diversions, ditches and tile lines, shall be protected to maintain the design and effectiveness of these structures or features. Repairs are required to any structure or feature disturbed during construction to as close to original condition as possible, unless such structures or features are to be eliminated based upon site plan approval by the Planning Board.
- E. Agricultural soils protection measures. Where an open trench is required for cable installation, topsoil stripping from the entire work area may be necessary. As a result, additional work space may be required as part of site plan approval. All topsoil stripped from work areas (parking areas, electric cable trenches, along access roads) is to be stockpiled separate from other excavated materials (rock and/or subsoil). A maximum of 50 feet of temporary workspace is to be provided along "open cut" electric cable trenches for proper topsoil segregation. All topsoil will be stockpiled immediately adjacent to the area where stripped/removed and shall be used for restoration on that particular site. No topsoil shall be removed from the site. The site plan shall clearly designate topsoil stockpile locations and all topsoil stockpiles shall be stabilized and protected in accordance with the most current edition of the New York State Standards and Specifications for Erosion and Sediment Control.
- F. Electric connections. Electric interconnect cables and transmission lines are to be buried in agricultural fields wherever practical. All buried electric cables in cropland, hayland and improved pasture shall have a minimum depth of 48 inches of cover.
- G. County soil and water conservation district. The Monroe County Soil and Water Conservation District is to be consulted whenever buried electric cables may alter the natural stratification of soil horizons and natural soil drainage patterns. In pasture areas, it is necessary to construct temporary or permanent fences around work areas to prevent livestock access, consistent with landowner agreements.
- H. Excess concrete. Excess concrete used in the construction of the site shall not be buried or left on site. Concrete trucks shall utilize a concrete truck washout as detailed in most current edition of the New York State Standards and Specifications for Erosion and Sediment Control.
- I. Restoration requirements. All agricultural areas temporarily disturbed by construction shall be restored to the current guidelines as promulgated by the New York State Department of Agriculture and Markets.
- J. Signage.
- (1) No signage or graphic content shall be displayed on the solar energy systems except the manufacturer's name, equipment specification information, safety information, and twenty-four-hour emergency contact information. Said information shall be depicted within an area no larger than eight square feet, solely at any point of access.
 - (2) As required by the 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.

- K. 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.
- L. Tree-cutting. Removal of existing trees larger than six inches in diameter shall be minimized and shall be further compliant with the provisions of § 500-61H(3) of this chapter.
- M. Decommissioning.
- (1) Solar energy systems shall be deemed abandoned if the system fails to generate and transmit electricity at a rate of more than 10% of its rated capacity over a continuous period of six months. A solar energy system which has been abandoned shall be decommissioned and removed. The system owner and/or owner of land upon which the system is located shall be held responsible to physically remove all components of the system within six months of abandonment. Removal of the system shall be in accordance with a decommissioning plan approved by the Planning Board at the time of site plan approval and as may have been further amended during the life of the system.
 - (2) A decommissioning plan (see Appendix 4)¹ signed by the property owner and operator of the solar energy system shall be submitted, addressing the following:
 - (a) The cost of removing the solar energy system and restoration of the property to its original state.
 - (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 and restoration of the property to its original state.
 - (3) Letter of credit.
 - (a) Prior to the issuance of a building permit and before filing of the maps, stripping of any ground cover, construction of any sort, site grading or any other site improvements and every three years thereafter, the commercial solar energy system owner and/or landowner shall file with the Town Clerk evidence of a letter of credit (LOC) necessary to provide for the full cost of decommissioning and removal of the solar energy system in the event the system is not removed by the system owner and/or landowner. Said LOC and any amendments or adjustments are to be reviewed by the Town Engineer and accepted by the Town Board. The amount of the LOC shall be 125% of the estimated cost of the decommissioning and removal of the Tier 3 solar energy system and restoration of the property as provided in the decommissioning plan and subsequent annual reports. The amount of the surety may be adjusted by the Town Board, upon receipt of a favorable recommendation from the Town Engineer after a review of the annual report. Any revised letter of credit is to be filed with the Town Clerk's Office.

1. Editor's Note: Said appendix is on file in the Town offices.

- (b) The LOC is to remain in effect throughout the life of the system and shall be in the form of an irrevocable LOC, contain an automatic extension provision and be issued by an A-rated institution solely for the benefit of the Town. The Town shall be entitled to draw upon the LOC in the event that the commercial solar energy system owner and/or landowner is unable or unwilling to commence decommissioning activities within the time periods specified herein. No other parties, including the owner and/or landowner shall have the ability to demand payment under the LOC. Upon completion of decommissioning, the owner and/or landowner may petition the Town Board to terminate the LOC.
 - (c) In the event ownership of the system, or property, is transferred to another party, and prior to the release by the Town Board of the LOC previously accepted, the new owner of the system, or property, shall provide to the Town Board a LOC, in compliance with the provisions of this chapter, for the decommissioning of the solar energy system and for the restoration of the land. Upon acceptance by the Town Board of the new LOC, the prior LOC may be released.
 - (d) In the event of default or abandonment of the solar energy system, the system shall be decommissioned as set forth herein.
- (4) Site plan application. For any solar energy system requiring a special use permit, site plan approval shall be required. In addition to the requirements of Article V of this chapter, any site plan application shall include the following information:
- (a) Property lines and physical features, including roads, for the project site.
 - (b) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
 - (c) A one- or three-line electrical diagram detailing the solar energy system layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.
 - (d) A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
 - (e) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the solar energy system. Such information of the final system installer shall be submitted prior to the issuance of a building permit.
 - (f) Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the solar energy system.
 - (g) Zoning district designation for the parcel(s) of land comprising the project site, and those parcels contiguous thereto.
 - (h) Property operation and maintenance plan. Such plan shall describe continuing photovoltaic maintenance and property maintenance, including but not limited to, mowing and trimming.

- (i) Erosion and sediment control and stormwater management plans prepared to New York State Department of Environmental Conservation standards and in compliance with the provisions in Chapter 433, Stormwater Management, of the Code of the Town of Chili.
 - (j) A licensed professional engineer's estimate of the anticipated operational life of the system.
 - (k) Identification of the party(ies) responsible for decommissioning.
 - (l) Copy of all agreements regarding decommissioning between the responsible party(ies) and the landowner.
 - (m) A schedule showing the time frame over which decommissioning will occur and for completion of site restoration work.
 - (n) A cost estimate prepared by a licensed professional engineer estimating the full cost of decommissioning and removal of the solar energy system.
 - (o) A financial plan to ensure that financial resources will be available to fully decommission the site.
- (5) Reporting requirements. The solar energy system owner shall, on a yearly basis, provide the Building Department a written report showing the rated capacity of the system and the amount of electricity that was generated by the system and transmitted to the grid over the most recent twelve-month period. The report shall also identify any change of ownership of the solar energy system and/or the land upon which the system is located and shall identify any change in the party responsible for decommissioning and removal of the system upon its abandonment. The actual report shall be submitted no later than 45 days after the end of the calendar year. Every third year, to coincide with the filing of evidence of the LOC, the annual report shall also include a recalculation of the estimated full cost of decommissioning and removal of the large scale solar energy system. The Town Engineer shall review the recalculation of the estimated full cost of decommissioning and removal of the large scale solar energy system and provide a recommendation to the Town Board in regards to the need for an adjustment to the LOC. The Town Board may require an adjustment in the amount of the LOC to reflect any changes in the estimated cost of decommissioning and removal. Failure to submit a report as required herein shall be considered a violation subject to the penalties in Article XII of this chapter.

(6) Special use permit standards.

- (a) Lot size. The following table displays the minimum lot size requirements for Tier 3 solar energy systems for those districts for which they are permitted.

(b)

Zoning District	Tier 3 Solar
Limited Industrial	≥ 5 acres
General Industrial	≥ 5 acres
Agricultural Conservation	≥ 5 acres

- (c) Setbacks. The following table displays the minimum setback requirements for Tier

3 solar energy systems for those districts for which they are permitted. All setbacks shall be exclusive of and in addition to any required landscaped buffer area.

EXCEPTION: No tier 3 solar energy system or any of its components shall be located within 300 feet of any residential property line or residential dwelling.

Tier 3 Ground-Mounted			
Zoning District	Front (feet)	Side (feet)	Rear (feet)
Limited Industrial	75	40	80
General Industrial	75	40	80
Agricultural Conservation	100	50	80

- (d) Height. The following table displays the maximum height for Tier 3 solar energy systems for those districts for which they are permitted.

Tier 3 Ground-Mounted	
Zoning District	Height (feet)
Limited Industrial	15
General Industrial	15
Agricultural Conservation	15

- (e) Lot coverage:

[1] The following components of a Tier 3 solar energy system shall be considered included in the calculations for lot coverage requirements:

- [a] Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
- [b] All mechanical equipment of the solar energy system, including any pad-mounted structure for batteries, switchboard, transformers, or storage cells.
- [c] Solar panels.
- [d] Access roads servicing the solar energy system.

- (f) Lot coverage, exclusive of setback requirements, of the solar energy system, as defined above, shall not exceed the maximum lot coverage requirement of the underlying zoning district, except in the Agricultural Conservation District, where the maximum lot coverage will be limited to 50% of the parcel.

(g) Fencing requirements. Notwithstanding any other provisions of this chapter, all mechanical equipment, including any structure used for solar system storage batteries, shall be enclosed by a seven-foot-high fence, in compliance with the provisions of the National Electric Code (NEC), with a self-locking gate to prevent unauthorized access.

(h) Screening and visibility.

[1] Applications for solar energy systems shall be required to:

[a] Provide an assessment of the visual impacts of the solar energy system upon public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including, for example, a digital viewshed report, may be required by the Planning Board to be submitted by the applicant.

[b] Submit a screening and 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.

[c] 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.

[d] A fully landscaped buffer fifty (50) feet in width must be provided along the entire perimeter of the subject property. Said landscaped buffer area shall be in addition to and exclusive of any required setback and shall be planted and perpetually maintained with live trees and shrubs at least six (6) feet in height and shall have such other grading and landscaping as necessary to visually and audibly screen the solar energy system from the adjacent properties. The treatment of the landscaped buffer area shall, however, not appear to be unnatural or rigid, such as bunker-like straight ridges or walls, as determined by the Planning Board during its review of the site plan.

(i) Special provisions for agricultural resource protection.

[1] Tier 3 solar energy systems are prohibited from lands identified as "protected" in Figure 17 of the most recent edition of the Town of Chili Agricultural and Farmland Protection Plan.

[2] Any Tier 3 solar energy system located on the areas that consist of prime farmland or farmland of statewide importance (Class 1 through Class 4 soils) shall not exceed 50% coverage of the entire lot. Where Class 1 through Class 4 exist, the applicant shall prepare a soils classification map, reviewed by and accepted by the Monroe County Soil and Water Conservation District and the Town Assessor. The proposed Tier 3 solar energy system shall avoid being placed upon the site's Class 1 through Class 4 soils.

- [3] Permitted Tier 3 solar energy systems shall be required to seed 20% of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators.
- [4] 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.
- [5] Tier 3 solar energy system owners shall develop, implement, and maintain native vegetation pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators.

§ 500-131. Safety.

- A. 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.
- C. If storage batteries are included as part of the solar energy system, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with any applicable federal, state, or county laws or regulations.

§ 500-132. Enforcement.

Any violation of this Solar Energy Law shall be subject to the penalties set forth in § 500-92 of this chapter.

§ 500-133. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

§ 500-134. Height requirements.

The following table displays the maximum height allowed for each type of solar energy systems. The height of systems will be measured from the highest natural grade below each solar panel.

Zoning District	Tier 1 Roof-Mounted	Tier 2 (feet)	Tier 3 (feet)
Residential	2 feet above roof	10	—
Neighborhood Business	4 feet above roof	15	—
Restricted Business	4 feet above roof	15	—
General Business	4 feet above roof	15	—
Limited Industrial	4 feet above roof	15	15
General Industrial	4 feet above roof	15	15
Agricultural Conservation	2 feet above roof	15	15