



Mill Point
SOLAR I PROJECT

ConnectGen Montgomery County LLC

Mill Point Solar I Project

Matter No. 23-00034

§ 900-2.25 Exhibit 24

Local Laws and Ordinances

Revised December 2024

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Glossary Terms

- Applicant:** ConnectGen Montgomery County LLC (ConnectGen), a direct subsidiary of ConnectGen LLC, is the entity seeking a siting permit for the Facility from the Office of Renewable Energy Siting (ORES) under Section 94-c of the New York State (NYS) Executive Law.
- Facility:** The proposed components to be constructed for the generation, collection and distribution of energy for the Project will include: photovoltaic (PV) solar modules and their rack/support systems; direct current (DC) and communications cables connecting the panels to inverters; the inverters, with their support platforms, control electronics, and step-up transformers; buried alternate current (AC) medium voltage collector circuits; fencing and gates around each array of modules; access roads; temporary laydown/construction support areas; a medium voltage-to-transmission voltage substation with associated equipment and fenced areas; a new 3-breaker ring bus point of interconnection switchyard (POI switchyard); two adjacent approximately 305 foot-long 345 kV transmission line segments to interconnect the new POI switchyard to the existing National Grid Marcy – New Scotland 345-kilovolt transmission line; and an operations and maintenance (O&M) building with parking/storage areas as well as any other improvements subject to ORES jurisdiction.
- Facility Site:** The tax parcels proposed to host the Facility, which collectively totals 2,665.59 acres.
- Point of Interconnection (POI) or POI Switchyard:** A new 3-breaker ring bus point of interconnection switchyard will be constructed adjacent to the existing National Grid Marcy – New Scotland 345-kilovolt transmission line; the substation will tie into the new POI switchyard via an overhead span and deliver power produced from the Facility onto the electric grid through two overhead spans tapping the National Grid-owned Marcy – New Scotland 345-kV transmission line. The POI switchyard is located off Ingersoll Road in the northeastern portion of the Facility Site.

Limits of Disturbance (LOD):

The proposed limits of clearing and disturbance for construction of all Facility components and ancillary features are mapped as the LOD. The LOD encompasses the outer bounds of where construction may occur for the Facility, including all areas of clearing, grading, and temporary or permanent ground disturbance. This boundary includes the footprint of all major Facility components, defined work corridors, security fencing, and proposed planting modules, and incorporates areas utilized by construction vehicles and/or personnel to construct the Facility. In addition to the LOD for construction, the permitted area for the Project will also include the 150-foot right-of-way for the generation tie-line outside of the wetland, and the 16-foot timber mat protective pathway for the generation tie-line inside of the wetland.

Project or Mill Point Solar I

Collectively refers to permitting, construction, and operation of the Facility, as well as proposed environmental protection measures and other efforts proposed by the Applicant.

Study Area:

In accordance with the Section 94-c Regulations, the Study Area for the Facility includes a radius of five miles around the Facility Site boundary, unless otherwise noted for a specific resource study or Exhibit. The 5-mile Study Area encompasses 96,784.84 acres, inclusive of the 2,665.59-acre Facility Site.

Acronym List

AC	Alternating current
CEO	Code Enforcement Officer
DC	Direct current
ft	Feet
in	Inch
kV	Kilovolt
LOD	Limits of disturbance
NRCS	Natural Resource Conservation Service
NYCRR	New York Codes, Rules and Regulations
NYS	New York State
NYSAGM	New York State Department of Agriculture and Markets
NYSDEC	New York State Department of Environmental Conservation
O&M	Operations and Maintenance
OPRHP	Office of Parks, Recreation and Historic Preservation
ORES	Office of Renewable Energy Siting
POI	Point of Interconnection
PV	Photovoltaic
SEQRA	State Environmental Quality Review Act
sq ft	square feet
sq in	square inches
SPDES	State pollution discharge elimination systems
SRIS	System Reliability Impact Study
USDA	United States Department of Agriculture
VIA	Visual Impact Assessment
VIMMP	Visual Impact Minimization and Mitigation Plan

EXHIBIT 24 LOCAL LAWS AND ORDINANCES

As demonstrated below, the Facility as proposed conforms to all local substantive requirements identified in this Revised Exhibit, except for those that the Applicant requests the Office of Renewable Energy Siting (ORES or the Office) elect to not apply.

The Code of the Town of Glen was adopted in 2004, which was enacted to detail the Town's administrative legislation establishing and regulating the various municipal departments and to regulate all other Town legislation (Town of Glen 2004, Appendix 24-1). The Town Code includes Chapter 87, Land Use Management, that was subsequently revised in 2006 (Town of Glen 2006)¹ The 2006 Land Use Management law was in effect at the time the Applicant originally filed its Application. However, in June 2024 the Town of Glen voted to approve a new Land Use Management Law (Town of Glen 2024) which replaces the 2006 law and regulates and restricts the development of buildings and land in the Town (Town of Glen 2024, Appendix 24-2-A).

In November 2020, the Town of Glen adopted the Town of Glen Solar Law to balance impacts to neighbors while preserving the rights of property owners. The Applicant worked closely with the Town of Glen in the adoption of the 2020 law and worked to design the Project to comply with this law. Subsequently, in October 2022, the Town adopted a new solar law, the Solar Energy Facilities Law of the Town of Glen, which repealed the 2020 solar law and amended the Land Use Management Law. The revised 2022 solar law (herein referred to as the "Glen Solar Law") significantly changed the substantive requirements applicable to solar facilities in the Town (Town of Glen 2022). See Appendix 24-1 for a copy of the Town Code, Appendix 24-2-A for the 2024 Land Use Management Ordinance (Town of Glen 2024) and Appendix 24-3 for the Solar Energy Facilities Law of the Town of Glen (Town of Glen 2022).

According to the Town of Glen Zoning Map (2000), the entirety of Facility is located in the Town of Glen's Rural Residential District. According to the Glen Solar Law, "Large scale (utility) solar energy systems are allowed in the Rural Residential, Industrial, and Commercial Districts upon site plan review and approval and the issuance of a special use permit by the Town Planning

¹ The Applicant understands that the Land Use Management Law was updated in 2015 and 2017, however the Applicant understands the revised versions of the law were subject to legal challenges and the 2006 law remained in effect until the most recent adoption of a new Land Use Management Law, see Appendix 24-2-A.

Board” (Town of Glen 2022). There are three Facility Site parcels zoned both Hamlet District and Rural Residential, but Facility components are only on the section of the parcels zoned Rural Residential. Facility components on these three parcels are sited entirely outside of Hamlet District.

24(a) Substantive Requirements

This section identifies the local ordinances, laws, resolutions, regulations, standards, and other requirements applicable to the construction or operation of the proposed Facility that are of a substantive nature.

The proposed Facility is located within the Town of Glen, Montgomery County, New York. The information presented in this Revised Exhibit is in accordance with the Glen Solar Law (Town of Glen 2022) (Appendix 24-3), the Town of Glen Land Use Management Ordinance (Town of Glen 2006) (Appendix 24-2), the Town of Glen Land Use Management Law (Town of Glen 2024) (Appendix 24-2-A), Town of Glen Town Code (Town of Glen 2004) (Appendix 24-1), and the Town of Glen Subdivision Regulations (Appendix 24-4). According to the Glen Solar Law (Town of Glen 2022), the Facility is considered a “large-scale solar energy system” as it is “designed and/or built to provide energy as an ongoing commercial enterprise, or for commercial profit, or designed to distribute energy generated to a transmission system for distribution to customers rather than for use on the site.”

The substantive provisions of the Glen Solar Law (Town of Glen 2022) that are applicable to the Facility are listed below:

Glen Solar Law (2022):

Section 4. Subsection A. (1-7) General Design and Siting Requirements

Section 5. Large Scale (Utility) solar energy system, (Special Permitted Uses – Public or Private Utility Facility with or without a building) (Appendix 24-3).

- Subsection 1. Permitted Uses
 - See also Section 4.01.B.45 - Special Permit Uses in the Town of Glen Land Use Management Law
- Subsection 2. Bulk and Area Requirements
 - Subsection 2.a. Height
 - Subsection 2.b. Setback
 - Subsection 2.c. Lot Coverage

- Subsection 3. Tree Removal
- Subsection 4. Agricultural Resources
- Subsection 5. Prohibited Areas
- Subsection 6. Site Plan
 - Subsection K. Signage
 - Subsection L Ownership Signs
- Subsection 7. Visual
 - Subsection A
 - Subsection C
- Subsection 8. Visibility of Associated Structures
- Subsection 9. Lighting
- Subsection 10. Utilities
- Subsection 11. Access
- Subsection 12. Glare and Heat
- Subsection 14. Security Provisions
- Subsection 15. Noise
- Subsection 16. Waste and Recycling
- Subsection 17. Erosion
- Subsection 21. Decommissioning and Removal of Obsolete/Unused Facilities

In addition to the Solar Law requirements the Applicant identified provisions of the Town of Glen Land Use Management Law (Appendix 24-2-A) which may be applicable to the substation and the operations and maintenance (O&M) building. The Town Solar Law does not explicitly include design standards from the Land Use Management Law, with the exception of the requirements for signs, however the Solar Law does states that “all large scale (utility) solar energy systems shall apply for a special use permit and provide a site plan for site plan review in accordance with the Glen Code, Land Use Management, Article IV, Site Plan Approval and Special Permits.” In addition, certain provisions of the Solar Law appear to be limited to solar collectors and are not otherwise applicable to buildings or other structures, such as the substation and the O&M building. For example, the Solar Law bulk and area requirements are applicable to “utility-scale solar collector systems”.

Taking the Solar Law and the Land Use Management Law together, the Applicant applied provisions of the Land Use Management Law to the substation and the O&M building, where it

appeared that the Solar Law was silent, such as the bulk and area requirements, as the Applicant does not believe it was the Town's intent for no bulk and area requirements to be applied to such components. The substantive provisions of the Town of Glen Land Use Management Law that may be applicable to the substation and O&M building are listed below:

Town of Glen Land Use Management Law (2024)

- Section 5.01 – Regulations in Schedule A
- Section 7.07 – Signs
- Section 7.09 – Sight Distance at Intersections
- Section 7.10 – Landscaping Requirements
- Section 7.14 – Exterior Lighting
- Section 7.16 – Public Utility Facility/Personal Wireless Service Facility
- Section 7.19 – Off-Street Loading Facilities
- Section 7.23 - Wells and Septic Systems

To the extent that the Town disagrees with the above and asserts that the provisions of the Solar Law are applicable to the substation and the O&M building, and not the bulk and area requirements in Section 5.01 and Schedule A, the Applicant has included the substation and O&M building in the requests for waivers from the Solar Law provisions as applicable. See Revised Appendix 24-5.

Subdivision of Substation Parcel

The Facility's Point of Interconnection (POI) is proposed in the northern portion of the Facility Site. The Facility will interconnect to the National Grid 345 kilovolt (kV) system by looping the existing Marcy-New Scotland 345 kV line to a new three breaker ring POI switchyard. The Facility will connect to New York State's (NYS) electric grid via an approximately 1,300-foot 345 kV generation tie line that will run overhead from the Facility's proposed substation to a new, to be constructed POI switchyard. Then, two adjacent approximately 305 foot-long 345 kV transmission line segments will run overhead to connect the new POI switchyard to the existing National Grid Marcy-New Scotland 345 kV transmission line. See Revised Figure 3-1 and Revised Exhibit 5, Revised Appendix 5-3 for details on the POI switchyard and substation. Following construction, the parcel will be subdivided into two lots, one lot will include the POI switchyard, which will be transferred to National Grid after Facility construction, and the other lot will include the substation, to be owned and maintained by Mill Point Solar I.

The Town of Glen has adopted the Town of Glen Subdivision Regulations (Local Law No. 2 of the year 2001, Town of Glen 2001, Appendix 24-4). The procedural requirements of the Town's Subdivision Regulations are supplanted by Section 94-c (Articles 1-4, 6-7). The majority of the substantive Subdivision Regulation requirements (Article 5) are not applicable to the substation subdivision as they are related to residential dwellings or business properties or are otherwise pre-empted by 94-c. For example, Section 510 includes General Road Standards, however roads are defined in the Subdivision Regulations as roads intended to serve primarily as an access to abutting residential properties, therefore the requirements related to roads are not applicable to the substation parcels. Access to the POI parcels will be from Ingersoll Road, and the Applicant will coordinate with National Grid to ensure access to both parcels from Ingersoll Road. Additionally, the language throughout the Subdivision Regulations suggests that the regulations are intended to apply to subdivisions for residential dwellings and business properties and not to two adjacent utility substation and POI switchyard lots connected to one another by an overhead span. Since the two parcels will not have any residential dwellings or businesses and will consist of the substation and POI switchyard, arguably none of the substantive provisions are applicable to the Facility. For example, the two parcels will not require residential roads, sidewalks, parks or play areas. Nevertheless, the Applicant reviewed Article 5 of the Town of Glen Subdivision Regulations and the following substantive provisions could apply:

- Article 5. Section 540(3).
- Article 5. Section 540(4).
- Article 5. Section 545(1).
- Article 5. Section 545(2).
- Article 5. Section 545(3).
- Article 5. Section 545(4).

In addition, to the above substantive provisions, on February 13, 2023, the Town of Glen passed a resolution requesting that the Mill Point Solar I Project and separate Mill Point Solar II project be submitted as separate 94-c applications (for more information on the Mill Point Solar II project, please see Revised Exhibit 3, Section 3(i)). While this resolution is procedural, the Applicant has complied with the Town's request and has agreed to submit a separate 94-c Application for the Mill Point Solar II project if and when such project is ready to proceed through the permitting process. See Appendix 24-7 for a copy of Resolution 22.

Montgomery County

On March 12, 2024, Montgomery County submitted a letter stating the Application omitted Montgomery County Local Law 3 of 2021 from the Application (Matter No. 23-00034, Item No. 45). Montgomery County Local Law 3 of 2021 designates certain County roadways as scenic byways. The local law pertains specifically to the standards for scenic byways under County jurisdiction, including guidelines for the maintenance of these byways by the County (Section 6 of County Law). The guidelines direct the County on how to maintain roadside views, vegetation and road grades. It is important to note that under the County Law, while the County has established these guidelines it does not possess zoning authority. Consequently, the County's byway law cannot impose zoning requirements on the Facility. This distinction is why the local law has not been identified as an applicable local law to the Facility. Nevertheless, the visual impacts on the County's scenic byways have been considered and assessed, as detailed in Revised Exhibit 8. In addition, the Applicant will work with the County to enter into a Road Use Agreement (RUA) for use of County roads and will work with the County with respect to any applicable provisions of the byway law which may pertain to work in the County roadways and/or right of way.

To the extent that the County asserts that the byway law somehow prohibits the Facility from changing roadside views, such prohibition is unreasonably burdensome. See Revised Appendix 24-5.

On October 22, 2024, the Montgomery County Legislature passed Resolution 262, Introductory Local Law C (Local Law 3 of 2024) titled "A Local Law Requiring Avoidance or Adequate Mitigation of Cumulative Impacts of Industrial Solar Arrays". While, the Applicant has been unable to verify if this law was properly and formally adopted by the County Executive, the passage of the resolution by the Legislature is acknowledged. To the extent that ORES finds that this law includes substantive standards that can be applied to the Facility such standards are unreasonably burdensome. See Revised Appendix 24-5.

24(b) Substantive Requirements Applicable to Interconnections in Public Rights of Way

The Facility will not be connecting to any water, sewer, or telecommunication lines in public rights of ways. The Facility's O&M building will be served by individual water and septic systems. The Facility will be connecting to existing telecommunications lines for the substations and O&M building; however, it is anticipated that this connection will be outside the public right of way. See Revised Exhibit 20 for further details on the Facility's proposed telecommunications interconnection. Therefore, the Applicant has determined that there are no substantive

requirements in the local laws or regulations applicable to the interconnection or use of water, sewer, or telecommunication lines for the Facility.

24(c) Local Substantive Requirements Applicant Requests the Office Not Apply

The 94-c regulations expressly preempt local procedural requirements, such as permits and approvals, which would otherwise be required by the host municipalities for construction and operation of the Facility (i.e., special use permit). However, local substantive requirements (i.e., setbacks, height limits, lot coverage requirements) will be applied to the Facility unless ORES finds them to be unreasonably burdensome relative to requirements under 94-c. The Applicant is requesting a waiver of certain the sections of local laws identified in Revised Appendix 24-5. For each local substantive requirement identified by the Applicant below a statement of justification is provided as required by 19 New York Codes, Rules and Regulations (NYCRR) Section 900-2.25(c) (Revised Appendix 24-5).

24(d) List of Applicable Local Substantive Requirements and Compliance Assessment

Table 24-1 below presents a list of applicable local substantive requirements to the Project and a description of how the Applicant plans to adhere to those requirements.

Table 24-1. List of Applicable Substantive Requirements to the Project and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
<p>Section 4(a)(1). All solar collectors and related equipment shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent properties or public roadways. A glare study shall be performed to demonstrate that the solar facilities will comply with this requirement.</p>	<p>The Facility has been designed to comply with this requirement.</p> <p>A Glare Analysis has been conducted to evaluate the potential effects of solar array glint and glare (see Revised Exhibit 8, Revised Appendix 8-1, Revised Attachment 6, Revised Plan 6C, Glare Analysis). According to the results of the Glare Analysis, residences, and roadways in vicinity to the Facility will not be impacted (see Revised Appendix 8-1, Section 11.10, Glare for Solar Facilities). Per 19 NYCRR Section 900.2.9, “solar glare exposure at any non-participating residence, airport or public roadway will be avoided or minimized, and will not result in complaints, impede traffic movements or create safety hazards”. The Applicant minimized solar glare to the maximum extent practicable such that glare will be avoided or minimized, and is not anticipated to result in complaints, impede traffic, nor create safety hazards.</p> <p>The Glare Analysis for the Facility is included within this Application in Revised Exhibit 8, Revised Appendix 8-1, Revised Attachment 6, Plan 6C.</p>
<p>Section 4(a)(2). All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand heavy snow loads and wind pressures applied to exposed areas by wind from any direction and to minimize the migration of light or sound from the installation.</p>	<p>The Facility has been designed to comply with accepted engineering practices and will minimize visual and sound impacts as required by Section 94-c (Revised Exhibit 5, Section 5(f)(4)).</p>
<p>Section 4(a)(3). All solar collectors and their associated support elements shall have a non-reflective finish and neutral paint colors, using appropriate materials and textures to achieve visual harmony with the surrounding area.</p>	<p>As required by 94-c all solar panels will have anti-reflective coatings.</p> <p>The Facility’s visual impact on the surrounding areas was assessed in</p>

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
	<p>accordance with the Visual Impact Assessment (VIA) required by 94-c, including a visual contrast evaluation. As outlined in Section 11.4 of the VIA in Revised Appendix 8-1, the color (gray) and form of the individual parts that collectively comprise the racking system and substation cannot easily be modified as specifications and materials are provisioned per manufacturing standards by the manufacturer (fabricated by mass production, either by automation or assembly lines).</p> <p>The solar panel technology proposed for the Facility are manufactured with polycrystalline, which is natively blue in its natural state and is best suited to reflect the least possible light. Since solar panels are manufactured to absorb light and minimize reflected light, they therefore produce minimal, if any, glare. Results of the Glare Analysis (Revised Exhibit 8, Revised Appendix 8-1, Revised Attachment 6, Plan 6C) conclude that there is no potential for glare from the Facility. Additionally, the Facility will use antireflective coatings on solar panels.</p> <p>Due to results of the noise study (Revised Exhibit 7), sound walls are proposed around select inverters and the substation. Careful selection of placement, design, and color was applied to reduce potential visual impacts by employing a camouflage effect (see Revised Exhibit 8, Revised Appendix 8-1, Section 11.1). The sound barrier walls will be Durisol Precast Noise Barrier and will be "Plain Flat" in the color of 1004B Natural (see Revised Exhibit 5, Appendix 5-4 for a specification sheet).</p>

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
	<p>An estimated 15-foot-tall operations and maintenance building is proposed along the substation's southern fence perimeter. The O&M facility exterior consists of three windows, two exterior doors, and one garage. The building's façade will utilize corrugated metal and be white or ANSI grey in color. Final material type and finish color details will be updated during detailed design. The O&M plan and sections are obtainable in Revised Exhibit 8, Revised Appendix 8-1, Revised Attachment 6.</p> <p>The Visual Impacts Minimization and Mitigation Plan (VIMMP) for the Facility is included within this Application in Revised Exhibit 8, Revised Appendix 8-1.</p>
<p>Section 4(a)(4). Any onsite power lines shall be installed underground. In the event that such requirement is impossible or impracticable, the Planning Board shall have the discretionary authority to modify this requirement.</p>	<p>The Facility has been designed to comply with these requirements to the maximum extent practicable. All collection lines will be sited underground (Revised Exhibit 5, Section 5(f)(1)(i)(c)).</p> <p>There are three lines that will be installed aboveground:</p> <ol style="list-style-type: none"> 1. A small portion of the generation tie line (less than approximately 1,300 feet) that connects the POI switchyard to the substation will be above ground. Installing this High Voltage line underground would require the installation of a concrete vault to house the lines underground. This would require significant wetland impacts that can be avoided by running the line overhead and installing poles to reduce wetland impact. 2. Two adjacent approximately 305 foot-long 345 kV transmission line segments will be above ground to interconnect the new POI switchyard to the existing National Grid Marcy – New Scotland 345

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
	<p>kV transmission line (Revised Exhibit 5, Section 5(f)(1)(i)(d)). It is impossible to integrate the project to the existing high voltage transmission system without these lines, and they must be above ground to connect the project to the existing line, which is itself installed above ground.</p>
<p>Section 4(a)(5). The location, size and intensity of the proposed project shall be in harmony with the orderly development of the district.</p>	<p>The Facility has been designed to comply with this requirement.</p> <p>The Applicant included an analysis of the Facility's compatibility with local development and land uses in accordance with 19 NYCRR Section 900-2.4. This is within Revised Exhibit 3 of this Application. The Applicant has sited all Facility components outside of the Glen Historic District through coordination with landowners and the Town of Glen.</p> <p>The Facility was designed to avoid adverse effects on the Glen Historic District through careful siting of Facility components and mitigation through the landscaping plan. The Applicant's correspondence with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) indicated that "OPRHP has no above ground concerns, as the solar array visibility from the Glen Historic District will be limited." Further discussion on Analysis of any Adverse Effects of Historic Properties and correspondence with OPRHP is included in Revised Exhibit 9, Appendices 9-2 and 9-5.</p>
<p>Section 4(a)(6). The character and appearance of the proposed project shall be in general harmony with the character and appearance of the surrounding neighborhood.</p>	<p>The Facility has been designed to comply with this requirement.</p> <p>Several mitigation measures are incorporated to harmonize the character and appearance of the proposed Facility with the surrounding landscape which are</p>

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
	<p>outlined below. Please see Section 11.0, VIMMP, below for more detailed information regarding mitigation measures used to minimize, mitigate, and harmonize the appearance of the Facility within the existing rural/agricultural landscape.</p> <p>With the utilization of setback distances, solar arrays are positioned away from public rights-of-way and non-participating occupied residences to reduce the perceived scale and appearance of the Facility and provide a visual buffer of open space for the retainment of rural agricultural character and potential agricultural uses.</p> <p>Agricultural fencing is proposed around the solar arrays in lieu of chain link fencing to contribute to the rural/agricultural character of the local landscape.</p> <p>Proposed landscaping consisting of native evergreen trees, deciduous trees and shrubs, and pollinator-friendly grasses were selected for the vegetative buffer sited around the Facility where existing vegetation is absent. This conceptual planting plan was developed as a site-specific solution appropriate to the scale of the Facility and visual character of the existing landscape in order to naturalize, harmonize, and diminish and/or block views to the Facility.</p> <p>Permeable access roads comprised of gravel aggregate are proposed to imitate the appearance of farm roads.</p> <p>The Facility design leverages tracker and bi-facial panel technology for the solar arrays. The maximum height of a tracker system is sustained for only a short period</p>

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
	<p>during daylight hours as the racking makes continuous angle adjustments to follow the sun. Therefore, the panels will not sustain a maximum height and will be less visible at certain times.</p> <p>The substation, Point of Interconnection (POI) switchyard, and transmission structures were sited adjacent to existing transmission right-of-way for immediate interconnection to the electrical grid. This siting strategy prevented potential visual impacts by avoiding electrical overhead structures at new locations.</p> <p>As previously discussed, the Applicant included an analysis of the Facility's compatibility with local development and land uses in accordance with 19 NYCRR Section 900-2.4. This is within Revised Exhibit 3 of this Application.</p> <p>The Facility's visual impact on the surrounding areas was assessed in accordance with the VIA required by 94-c, including a visual contrast evaluation. This is included within this Application in Revised Exhibit 8, Revised Appendix 8-1.</p> <p>The VIMMP for the Facility is included within this Application in Revised Exhibit 8, Revised Appendix 8-1.</p> <p>The Facility was designed to avoid adverse effects on the Glen Historic District through careful siting of Facility components and mitigation through the landscaping plan. The Applicant's correspondence with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) indicated that "OPRHP has no</p>

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
	<p>above ground concerns, as the solar array visibility from the Glen Historic District will be limited.” Further discussion on Analysis of any Adverse Effects of Historic Properties and correspondence with OPRHP is included in Revised Exhibit 9, Appendices 9-2 and 9-5.</p>
<p>Section 4(a)(7). All areas of the proposed project shall be readily accessible for fire, emergency services and police protection.</p>	<p>The Facility will be designed to comply with these requirements and the Applicant submitted a Safety Response Plan as part of this Application in accordance with 19 NYCRR Section 900-2.7(c); which is included within Revised Exhibit 6, Revised Appendix 6-2.</p> <p>The Applicant shared the Safety Response Plan for comments and feedback with the Town of Glen Volunteer Fire Department (Glen Fire Department) on October 13, 2023, via email. The Applicant then spoke with the Glen Fire Department via phone call on October 19, 2023, to review the Safety Response Plan. The Glen Fire Department did not have any questions or concerns regarding the Safety Response Plan.</p>
<p>Section 5(1). Large scale (utility) solar energy systems are prohibited in the Hamlet District. Large scale (utility) solar energy systems are allowed in the Rural Residential, Industrial Business Park and Commercial Districts upon site plan review and approval and the issuance of a special use permit by the Town Planning Board.</p>	<p>The Facility has been designed to comply with these requirements. The Applicant has designed the Facility to avoid the Hamlet District.</p>
<p>Section 5(2)(a)(i). All solar collectors shall have a maximum height of 20 feet from ground elevation with the panels at maximum tilt.</p>	<p>The Facility has been designed to comply with these requirements (Revised Exhibit 5, Section 5(e)).</p>
<p>Section 5(2)(a)(ii). All buildings and accessory structures associated with the utility-scale solar collector system shall have a maximum height of</p>	<p>The Facility has been designed to comply with these requirements (Revised Exhibit 5, Section 5(e)).</p>

Local Requirement	Project Compliance																				
Solar Energy Facilities Law of the Town of Glen (2022)																					
20 feet, excluding overhead transmission and sub-station components.																					
<p>Section 5(2)(b)(i). The following table provides parcel line setback requirements for Large Scale (Utility) solar energy systems.</p> <table border="1" data-bbox="175 552 834 758"> <thead> <tr> <th>Zoning District</th> <th>Front</th> <th>Side</th> <th>Rear</th> </tr> </thead> <tbody> <tr> <td>Rural Residential</td> <td>500'</td> <td>500'</td> <td>500'</td> </tr> <tr> <td>Industrial Business Park</td> <td>50'</td> <td>25'</td> <td>25'</td> </tr> <tr> <td>Commercial</td> <td>50'</td> <td>25'</td> <td>25'</td> </tr> <tr> <td>Hamlet</td> <td colspan="3">Not allowed</td> </tr> </tbody> </table> <p>Section 5(2)(b)(iv). Lots owned by Participating Neighbors are considered a single lot for the purposes of the setbacks.</p>	Zoning District	Front	Side	Rear	Rural Residential	500'	500'	500'	Industrial Business Park	50'	25'	25'	Commercial	50'	25'	25'	Hamlet	Not allowed			<p>The 500-foot setback is unnecessarily restrictive and burdensome, and the Applicant is seeking a waiver of this provision from the Office. See Revised Appendix 24-5.</p>
Zoning District	Front	Side	Rear																		
Rural Residential	500'	500'	500'																		
Industrial Business Park	50'	25'	25'																		
Commercial	50'	25'	25'																		
Hamlet	Not allowed																				
<p>Section 5(2)(b)(ii). Fencing, access roads, stormwater measures, electrical wiring and conduit (both above and below ground) and landscaping may occur within the setback. The perimeter fencing shall be at least 7 feet high and shall allow for the movement of small wildlife by using fixed-knot woven wire or other wildlife-friendly fencing. Fencing for electrical and mechanical equipment, shall be at least seven feet high, as required by the National Electrical Code.</p>	<p>The Facility has been designed to comply with these requirements.</p> <p>The Applicant is proposing agricultural style fencing 8 feet in height, which will allow for movement of small wildlife, such as raccoons, foxes, rabbits, skunks, and groundhogs. Surrounding the substation, a fence 8 feet in height, with one foot of barbed wire on top (for a total of nine feet tall), is proposed (Revised Exhibit 6, Section 6(b)(1); Revised Exhibit 5, Section 5(f)(1)(ii)).</p>																				
<p>Section 5(2)(b)(iii). The setbacks for wetlands, ponds, and streams are 100 feet except where streams and or wetlands may need to be crossed by access roads or underground or above ground utilities (100 feet).</p> <p>The Town of Glen Code Interpretation for Wetland Setbacks is included in Appendix 24-6.</p>	<p>The Facility has been designed to avoid, minimize, and mitigate impacts to federal and state regulated wetlands and streams and their 100-foot adjacent areas to the maximum extent practicable. However, there are certain areas of the Facility which impact regulated wetlands and streams, and their 100-foot adjacent areas and therefore a waiver of this provision is necessary.</p> <p>See Revised Appendix 24-5. For areas where regulated wetlands were unable to be avoided, the Applicant included a Wetland Mitigation Plan as</p>																				

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
	part of this Application, within Revised Exhibit 14, Revised Appendix 14-4.
<p>Section 5(2)(c)(a). The same Maximum Lot Coverage for Public or Private Utility Facility without buildings (20 percent) shall apply. By way of example, lot coverage would be calculated as follows:</p> <ul style="list-style-type: none"> • Each Panel = 89.96 inches (in) long by 44.61 in wide • 89.96 in @ 25 degree mounting angle = 81.53 in • 81.53 in x 44.61 in = 3637 square inches (sq in) = 25.26 square feet (sq ft) • 25.26 sq ft x 12,688 modules = 320,499 sq ft = 7.357 acres • 7.357 acres / 47.658 acres = 15.44 percent 	<p>The 20 percent coverage limit is unreasonably burdensome, and the Applicant is seeking a waiver of this provision from the Office. See Revised Appendix 24-5.</p>
<p>Section 5(3). Tree removal shall be minimized and replanting, to the extent practicable, at the discretion of the Planning Board, should be considered on parcels where a large number of mature trees (over six inches diameter at breast height) are being removed in order to install solar arrays.</p>	<p>To the extent that the Solar Energy Facilities Law defers to the Planning Board such requirement is not substantive and supplanted by Section 94-c. The Facility has been designed to comply with these requirements to the extent practicable.</p> <p>Tree and vegetation removal will be limited to the minimum necessary for Facility construction and operation. The Applicant will implement a landscape screening planting plan which will include the planting of new trees and shrubs; and is included within this Application as the Landscaping Plan in Revised Exhibit 5, Revised Appendix 5-2.</p>
<p>Section 5(4). Agricultural Resources- for projects located on agricultural lands and in accordance with the Comprehensive Plan, the Town of Glen does not support conversion of productive farmland to support grid-supply facilities. When proposed on an active farm located within the NYS Certified Agricultural District in Glen, a utility-scale solar energy system may occupy up to 20% of any farmed parcel but in no case shall exceed 10 acres. Arrays shall be located on a parcel in</p>	<p>The 20 percent coverage limit and 10 acres maximum is unnecessarily restrictive and burdensome, and the Applicant is seeking a waiver of this provision from the Office. See Revised Appendix 24-5.</p>

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
such a manner as to avoid, to the maximum extent feasible, soils classified as prime farmland by the U.S. Department of Agricultura (USDA), NYS, or National Resources Conservation Service (NRCS).	
Section 5(5)(a). Large Scale (Utility) solar energy systems are prohibited in areas with land that has slope greater than 15%	The Facility has been designed to comply with these requirements to the maximum extent practicable, however there are areas of the design which need to be in areas with slopes greater than 15 percent therefore the Applicant is seeking a waiver of this provision. See Revised Appendix 24-5.
Section 5(5)(b). Large Scale (Utility) solar energy systems are prohibited in areas with wetlands, streams and ponds with a 100 feet setback. The Planning Board has the discretion, however, to allow applicants to cross the resources and their setbacks with access roads or underground or above ground utilities	<p>The Facility has been designed to avoid, minimize, and mitigate impacts to federal and state regulated wetlands and streams and their 100-foot adjacent areas to the maximum extent practicable. However, there are certain areas of the Facility which impact regulated wetlands and streams, and their 100-foot adjacent areas and therefore a waiver of this provision is necessary. See Revised Appendix 24-5.</p> <p>For areas where regulated wetlands were unable to be avoided, the Applicant included a Wetland Mitigation Plan as part of this Application, within Revised Exhibit 14, Revised Appendix 14-4.</p>
Section 5(5)(c). Large Scale (Utility) solar energy systems are prohibited in areas with clear cutting of more than 9 acres of trees that are six inches diameter at breast height.	<p>Tree clearing will be limited to the minimum necessary for facility construction and operation, and the Facility has been designed to minimize tree clearing in areas where existing forested lands provide visual screening from public highways, or within 500 feet of a non-participating residence.</p> <p>However, the Facility will require more than nine acres of tree clearing and therefore a waiver of this provision is necessary. See Revised Appendix 24-5.</p>

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
<p>Section 5(6)(k). Signage - All signage shall be provided as part of site plan review and shall be in accordance with the Glen Code, Land Use Management, Article VII, Supplementary Regulations, Section 7.07 Signs.</p>	<p>The Facility has been designed to comply with these requirements (Revised Exhibit 6, Section 6(b)(1)).</p>
<p>Section 5(6)(l). All approved large scale (utility) solar energy systems shall have clear signage as to who owns the site. Information on the sign must include owner name, address and phone contact, site GPS, and site address. The sign shall also indicate the party responsible for site maintenance and any other entities that may own parts of the complex, including but not limited to, transmission lines to the grid, fences, solar panels, and roadways. Contact information shall be updated each time a change in ownership or name occurs. Signage shall be posted in a prominent location at the property defined by the tax map parcel and shall be equal to or greater than 3’x3’ to ensure easy readability from a distance. Signs may also be placed along major roads for the purpose of notification. Each property defined by the tax map shall have a sign, regardless of whether or not they are the same project. A photograph of each sign posted must be filed with the Town Clerk who will post the photographs on the Town website.</p>	<p>The Facility has been designed to comply with these requirements (Revised Exhibit 6, Section 6(b)(1)).</p>
<p>Section 5(7)(a). Large Scale (Utility) solar energy systems shall be sited, to the maximum extent practicable, to ensure that the solar array is not visible to surrounding non-participating property owners or those who pass by the array on public rights of way. Solar facilities, including any proposed off-site infrastructure, shall be located & screened to avoid or minimize visual impacts as viewed from:</p> <ul style="list-style-type: none"> • Publicly dedicated parkland, roads, highways and rights of way (e.g. rail trails and public hiking paths) • Existing non-participating residential dwellings located on adjacent or contiguous parcels, including those on the opposite side of any public rights of way. 	<p>The Facility has been designed to comply with these requirements.</p> <p>The Facility’s visual impact on the surrounding areas was assessed in accordance with the VIA required by 94-c, including a visual contrast evaluation. This is included within this Application in Revised Exhibit 8, Revised Appendix 8-1.</p> <p>The VIMMP for the Facility is included within this Application in Revised Exhibit 8, Revised Appendix 8-1.</p> <p>For further discussion on compliance with this requirement and the need for any waivers, see Revised Appendix 24-5.</p>

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
<p>Section 5(7)(c). A complete Landscaping and Maintenance Plan will be required. Landscaping, screening and/or earth berming must be proposed to minimize the potential visual impacts associated with the utility-scale solar collector systems and its accessory buildings, structures and/or equipment. All landscaping, screening and/or earth berming must be maintained throughout the life of the project. Financial Security, in an amount and length of time as determined by the Planning Board, will be required to ensure that any measures designed to minimize views, such as landscaping and/or earth berming, are established and remain effective throughout the life of the project.</p>	<p>To the extent that the Solar Energy Facilities Law requires certain site plan application review requirements, financial security, or other determinations by the Planning Board such requirements are expressly preempted by 94-c.</p> <p>The Facility's visual impact on the surrounding areas was assessed in accordance with the VIA required by 94-c, including a visual contrast evaluation. This is included within this Application in Revised Exhibit 8, Revised Appendix 8-1.</p> <p>The VIMMP for the Facility is included within this Application in Revised Exhibit 8, Revised Appendix 8-1.</p> <p>The Applicant will retain a qualified landscape architect, arborist, or ecologist to inspect the screen plantings for two (2) years following installation to identify any plant material that did not survive, appears unhealthy, and/or otherwise needs to be replaced. The Applicant will remove and replace plantings that fail in materials, workmanship or growth within two (2) years following the completion of installing the plantings.</p> <p>The Facility's Landscaping Plan (which includes landscaping/screening maintenance for the life of the Project), is included within this Application in Revised Exhibit 5, Revised Appendix 5-2.</p>
<p>Section 5(8). All associated structures shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of high visibility. To the greatest extent possible, all such</p>	<p>The Facility has been designed to comply with these requirements to the greatest extent feasible, however the Facility will be visible from certain vantage points throughout the surrounding area. The VIMMP for the</p>

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
<p>solar facilities will not be sited in areas of high visibility.</p>	<p>Facility is included within this Application in Revised Exhibit 8, Revised Appendix 8-1.</p> <p>For further discussion on compliance with this requirement and the need for any waivers, see Revised Appendix 24-5.</p>
<p>Section 5(9). Lighting - A lighting plan shall be required. No large scale (utility) energy systems shall be artificially lit unless otherwise required by a federal or State laws or regulations. Exterior lighting may be approved at the discretion of the Planning Board only where the Planning Board determines such lighting is appropriate for safety and security purposes.</p>	<p>To the extent that the Solar Energy Facilities Law requires Planning Board approval such requirement is expressly preempted by 94-c.</p> <p>The Facility Lighting Plan which includes a lighting plan limited to lighting required for health, safety, security emergencies and operational purposes; is included within Revised Exhibit 5, Revised Appendix 5-3, Sheet MPS-E-20X-20 of this Application.</p>
<p>Section 5(10). Utilities - The applicant shall provide written confirmation that the electric grid has the capacity to support the energy generated from the large scale (utility) solar energy system. Electrical and land-based telephone utilities extended to serve the site shall be underground. It is the Town's strong preference that any interconnection points also be underground to the maximum extent possible and that only the minimum necessary number of aboveground poles be used for utility distribution interconnection points. The interconnection agreement must be provided as part of the application to the Planning Board.</p>	<p>To the extent that the Solar Energy Facilities Law requires certain documents to be included as part of the site plan application review such requirements are expressly preempted by 94-c.</p> <p>The System Reliability Impact Study (SRIS) for the Facility is included within Exhibit 21, Appendix 21-1 of this Application.</p> <p>The Facility will be designed to comply with these requirements to the maximum extent practicable.</p> <p>There are three lines that will be installed aboveground:</p> <ol style="list-style-type: none"> 1. A small portion of the generation tie line (less than approximately 1,300 feet) that connects the POI switchyard to the substation will be above ground.

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
	<p>2. Two adjacent approximately 305 foot-long 345 kV transmission line segments will be above ground to interconnect the new POI switchyard to the existing National Grid Marcy – New Scotland 345 kV transmission line (Exhibit 5, Section 5(f)(1)(i)(d)).</p>
<p>Section 5(11). Access - The applicant shall indicate on a site plan all existing and proposed access to the site, including road, electric power, emergency access, land-based telephone line connection, and other utilities existing and proposed within the property boundaries of the proposed location. Existing roadways shall be used for access to the site whenever possible and determined acceptable by the Planning Board through site plan review.</p>	<p>To the extent that the Solar Energy Facilities Law requires certain site plan application review requirements or other determinations by the Planning Board such requirements are expressly preempted by 94-c. The Facility will be designed to comply with these requirements to the maximum extent practicable. Site access and controls are detailed in the Site Security Plan (Revised Exhibit 6, Revised Appendix 6-1).</p>
<p>Section 5(12). Glare and heat – The applicant shall demonstrate that any glare or heat to be produced by the solar project does not have a significant adverse impact on neighboring properties or roadways by providing a glare analysis that is acceptable to the Planning Board.</p>	<p>To the extent that the Solar Energy Facilities Law requires determinations by the Planning Board such requirements are expressly preempted by 94-c. The Facility will be designed to comply with these requirements to the maximum extent practicable.</p> <p>The Glare Analysis for the Facility is included within this Application in Revised Exhibit 8, Revised Appendix 8-1, Revised Attachment 6, Plan 6C.</p> <p>In regards to heat, unlike roofs or roads, solar panels are deigned to absorb energy and convert it into electricity. Due to the design and function of solar panels, the likelihood of sustained ambient temperature increase is very low. A study found that a solar project in a semiarid setting without much vegetation may temporarily heat up ambient air by a few degrees, although the heat dissipates within a few feet above and 100 feet away from the project facilities (Barron-Gafford et al.,</p>

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
	2016). A detailed research-based discussion on the Facility impact to heat is included in Revised Exhibit 8, Revised Appendix 8-1, Section 1.2.
<p>Section 5(14). Security provisions- Each site shall have a minimum of a seven (7) foot security fence to prevent unauthorized access and vandalism to the utility-scale solar collectors and a security program for the site as approved by the Planning Board during site plan and special use permit review.</p>	<p>To the extent that the Solar Energy Facilities Law requires documentation and/or plans to be submitted to the Town for review and approval such requirements are expressly preempted by 94-c.</p> <p>A Site Security Plan for the Facility is included within Revised Exhibit 6, Revised Appendix 6-1 of this Application.</p> <p>The Facility has been designed with a security fence in accordance with other provisions of the Solar Energy Facilities Law (Revised Exhibit 6, Section 6(b)(1); Revised Exhibit 5, Section 5(f)(1)(ii)).</p>
<p>Section 5(15). Noise-producing equipment shall be sited and/or insulated to minimize noise impacts on adjacent properties as approved by the Planning Board during site plan review. Noise impacts shall be evaluated in accordance with the policy of the New York State Department of Environmental Conservation (NYSDEC) on noise assessment pursuant to the State Environmental Quality Review Act (SEQRA).</p>	<p>The Facility has been designed to minimize noise impacts on adjacent properties.</p> <p>To the extent that the Solar Energy Facilities Law requires a certain type of assessment, documentation and/or plans to be submitted to the Town for review and approval such requirements are expressly preempted by 94-c.</p> <p>A noise impact analysis was conducted for the Facility, which is included within Revised Exhibit 7 of this Application.</p> <p>The Facility has been designed to comply with the noise limits under 94-c which minimize noise impacts on adjacent non-participating properties.</p>
<p>Section 5(16). Waste or materials to be recycled generated during construction should be contained in a covered dumpster and must be removed within 30 days of the generation of the waste or materials to be recycled.</p>	<p>The Facility has been designed to comply with these requirements (Revised Exhibit 6, Section 6(a)(1)).</p>

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
<p>Section 5(17). Erosion - Solar field developer(s), owner(s) and/or leaser of utility scale solar projects are responsible for erosion caused by the placement of the solar arrays, all other equipment and the associated drainage system. Solar field developer(s)/owner(s) and/or leaser are responsible for mitigation and repair associated with said erosion on the leased property/parcels and any surrounding properties/parcels caused by the solar project. All applicants shall prepare and submit for review to the Planning Board a stormwater pollution prevention plan that meets the requirements of the NYSDEC as set forth in the SPDES general stormwater permit then in effect for discharges associated with construction.</p>	<p>To the extent that the Solar Energy Facilities Law requires documentation and/or plans to be submitted to the Town for review and approval such requirements are expressly preempted by 94-c.</p> <p>The Facilities Stormwater Pollution Prevention Plan (developed in accordance with the applicable New York State Pollution Discharge Elimination Systems (SPDES) General Permit for Stormwater Discharges from Construction Activity and the New York State Standards and Specifications for Erosion and Sediment Control) is included within Revised Exhibit 13, Revised Appendix 13-3 of this Application.</p>
<p>Section 5(21)(i). Solar facilities and solar power plants which have not been in active and continuous service for a period of 12 consecutive months shall be removed by the owner or operator of the Solar Project at their expense and the site restored to pre-construction conditions or better. If the owner, operator or landowner refuses to commence or to complete decommissioning within 9 months after being provided notice in writing by the Town of Glen the Town Board of the Town of Glen shall have the option to use the decommissioning bond to remove the equipment in accordance with the decommissioning plan. The Town is not required to do so and may exercise its discretion to implement all or part of the decommissioning plan depending upon the availability of sufficient funds through the bond or other financial security provided by the owner or operator for decommissioning purposes.</p>	<p>The Facility has been designed to comply with these requirements (Revised Exhibit 23, Revised Appendix 23-1).</p>
<p>Section 5(21)(ii). The site shall be restored to as natural a condition as possible within 12 months of removal. Any disturbed area must be reseeded, and all footings, concrete bases, underground/buried utilities and roadways must be removed and the property restored to preconstruction condition. Notwithstanding, the</p>	<p>The requirement to remove all buried utilities is inconsistent with the regulations adopted by ORES and is also more restrictive than the New York State Department of Agriculture and Markets (NYSAGM) Guidelines for Solar Energy Projects (Revised Exhibit 15, Revised</p>

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
<p>property owner may ask the Planning Board for permission to retain the roadways on the site if they have a use for the roadways.</p>	<p>Appendix 15-3). These guidelines require decommissioning of underground facilities if less than 48 inches in depth and allow for access roads to remain in place at landowners' request. The requirement to remove all underground utilities is unnecessarily restrictive and burdensome and the Applicant is seeking a waiver of this provision from the Office. See Revised Appendix 24-5.</p> <p>The Applicant's Decommissioning and Site Restoration Plan and Cost Estimate is provided in Revised Exhibit 23, Revised Appendix 23-1, demonstrates compliance with the other provisions of this section, including the requirement to restore the site within 12 months.</p>
<p>Section 5(21)(a). The applicant or lessee must provide a Decommissioning Cost Estimate prepared by a N.Y.S. Licensed Engineer as part of the Planning Board review of the project. Prior to the issuance of the building permits, the amount shall be revalidated and the terms and conditions shall be agreed upon by Town Board, Town designated Attorney and the applicant/lessee. No building permit shall be issued until the approved Decommissioning Plan is in place and financial security has been granted to the Town in accordance with a Decommissioning Agreement between the Town Board and the Project Applicant.</p>	<p>The Facility has been designed to comply with these requirements. The Facility Decommissioning Plan and Cost Estimate is provided in Revised Exhibit 23, Revised Appendix 23-1.</p>
<p>Section 5(21)(b). Prior to the start of construction, a surety bond to cover the full cost of the removal and disposal of the utility-scale solar collector system and any associated accessory structures shall be provided by the owner/operator. The owner/operator shall provide an updated Decommissioning Cost Estimate, accounting for anticipated rates of inflation, prepared by a Town designated N.Y.S. Licensed Engineer every five (5) years, and the surety bond shall be adjusted, if necessary, to reflect the then current decommissioning cost. Any such surety bond must</p>	<p>The Facility will update the decommissioning estimate every five years; however, this requirement does not state that salvage value may not be taken into consideration in determining the estimated cost of decommissioning. A prohibition on taking salvage value into consideration is inconsistent with other local laws being adopted by local municipalities in New York and inconsistent with the regulations adopted by ORES. To the extent this requirement</p>

Local Requirement	Project Compliance
Solar Energy Facilities Law of the Town of Glen (2022)	
<p>be provided pursuant to a Decommissioning Agreement with the Town, approved by the Town Board and Town Attorney as to form, sufficiency and manner of execution. All surety bonds must not lapse before decommissioning is complete and must be provided by an A rated, or better, institution.</p>	<p>does not allow salvage value the Applicant is seeking a waiver of this provision from the Office. See Revised Appendix 24-5.</p>
<p>Section 5(21)(b)(d). The fees for all building permits required pursuant to this Local Law shall be paid at the time each building permit application is submitted. The Applicant is responsible to pay all Town Designated Engineering Fees and Legal Fees incurred by the Town Board, Town Planning Board or Town Code Enforcement Officer in the review and approval of the project and in the satisfaction of any of the conditions of the project, as well as the evaluation of compliance with the Project approvals.</p>	<p>To the extent that the Solar Energy Facilities Law requires fees, site plan approvals, special use permits, building permits, or any approval, consent, permit, certificate, contract, agreement, or other condition with respect to the Facility such review and approval is expressly preempted by 94-c. However, the Facility will comply with the Uniform Code and the municipal officer for the Town is responsible for reviewing and certifying compliance with the Uniform Code, to the extent the Uniform Code is applicable. The Applicant will work with the Town, and anticipates entering into a Host Community Benefit Agreement, to pay for services for the review, approval, inspection and compliance certification for work required to comply with the Uniform Code if necessary.</p>

Local Requirement	Project Compliance
Town of Glen Land Use Management Local Law (2024)	
<p>Section 6.05.4.j</p> <p>There will be no increase in runoff from the site. The use of ponds, dry wells, etc... shall be used, but all sites shall have zero increase in runoff so as not to disturb neighboring properties.</p>	<p>Section 6.05 of the Town of Glen Land Use Management Law (Appendix 24-2-A) includes the submission requirements for site plan approval which are applicable to Large Scale Utility solar energy systems in addition to the requirements of Glen Solar Law, Section 5, subsection 6 (Appendix 24-3). However, these procedural provisions of both local laws are supplanted by the ORES regulations. Nevertheless, the Facility has been designed to comply with</p>

Local Requirement	Project Compliance
Town of Glen Land Use Management Local Law (2024)	
	this provision. See Revised Exhibit 13, Revised Appendix 13-3 (SWPPP).
<p>Section 5.01 – Regulations in Schedule A.</p> <p>Rural Residential District:</p> <p>Public or private utility facility w/building</p> <ul style="list-style-type: none"> • Minimum Lot size: <ul style="list-style-type: none"> - Area: 50,000 sq ft - Width: 200 feet (ft) • Maximum Lot Coverage: 25% • Number of Building stories: 1 • Building Height: 35 ft • Yard Dimensions: • Front: 50 ft • Side: <ul style="list-style-type: none"> - § One: 25 ft - § Both: 50 ft • Rear: 50 ft <p>Public or private utility facility w/o building</p> <ul style="list-style-type: none"> • Minimum Lot size: • Area: 10,000 square feet • Width: 100 feet / 20% <ul style="list-style-type: none"> · Maximum Lot Coverage: 20% · Yard Dimensions: • Front: 25 ft • Side: • § One: 25 ft • § Both: 25 ft • Rear: 50 ft 	<p>The Facility O&M building will be designed to comply with the ‘Public or private utility facility with building’ requirements (Revised Exhibit 5, Revised Appendix 5-1, Sheets MPS-E-405-01 and Appendix 5-3).</p> <p>The Facility substation and POI switchyard’s will be designed to comply with the ‘Public or private utility facility without building’ requirements (Revised Exhibit 5, Revised Appendix 5-3).</p> <p>The Facility O&M Building, substation, and POI switchyard will be sited on current parcel ID 68.-1-9.111, which is 68.5 acres (2,983,860 square feet) in size. The O&M building is proposed to be less than 0.05 acres (0.07 percent lot coverage), the substation is proposed to be 3.08 acres (4.51 percent lot coverage), and the POI switchyard is proposed to be 1.82 acres (2.66 percent lot coverage).</p> <p>The POI switchyard will be owned and operated by National Grid on a subdivided 10-acre parcel. After the parcel is subdivided, the Facility O&M Building and substation will reside on a 58.5-acre parcel and the O&M building is proposed to be 0.9 percent lot coverage and the substation is proposed to be 5.27 percent lot coverage. The POI switchyard will reside on a new 10-acre parcel and will be 18.2 percent lot coverage.</p> <p>The Facility O&M building, substation, and POI switchyard will be sited in accordance with the Section 94-c setback requirements (Section 900-2.6(d)), and therefore, will comply with this local law requirement.</p>

Local Requirement	Project Compliance
Town of Glen Land Use Management Local Law (2024)	
<p>Section 7.07 – Signs.</p> <p>1. In the Rural Residential and Hamlet districts non-illuminated and non-advertising signs are permitted as follows.</p> <ul style="list-style-type: none"> • 1.a. One business sign, not to exceed an aggregate of twenty-four (24) square feet of sign area, showing the name or permitted home occupation of the occupant of the premises. • 1.b. One sign not to exceed an aggregate of twenty-four (24) square feet of sign area, during and pertaining to the sale, lease or rental, of the land or building. • 1.c. One temporary sign, not to exceed an aggregate of twenty-four (24) square feet of sign area, during and pertaining to construction, repairs or alterations to the property. • 1.d. Institutional or religious announcement sign, not to exceed sixty-four (64) aggregate feet in area • 1.e. The above signs can be located in any required yard provided that the sign is setback at least fifteen (15) feet from the road right-of-way. • 1.f. Two farm product signs, each not exceeding sixty-four (64) aggregate feet in area, may be displayed on the property, but only when such products are on sale. 	<p>The Facility has been designed to comply with these requirements (Revised Exhibit 6, Section 6(b)(1)).</p>
<p>Section 7.9. No obstructions to vision, such as shrubbery, brush, trees, earth, signs or structures, shall be permitted at road intersections within the triangle formed by the intersections of road center lines and a line drawn between points along such lines 20 feet distance from their point of intersection.</p>	<p>The Facility has been designed to comply with these requirements. The Facility Landscaping Plan is included in Revised Exhibit 5, Revised Appendix 5-2.</p>
<p>Section 7.10. Landscaping Requirements.</p> <p>1. Where any permitted non-residential land use, multiple-family development or mobile home park abuts an existing residential parcel or vacant parcel where residential development could occur, a strip of land at least 20 feet wide shall be maintained as a landscaped area in the front, side and/or rear yard which adjoin these uses.</p>	<p>The Facility has been designed to comply with these requirements. The Facility Landscaping Plan is included in Revised Exhibit 5, Revised Appendix 5-2.</p>

Local Requirement	Project Compliance
Town of Glen Land Use Management Local Law (2024)	
<p>2. Required landscaping shall be installed and maintained in a healthy growing condition and shall take the form of any or all of the following: shade trees, deciduous shrubs, evergreens, well-kept grassed areas or ground cover.</p>	
<p>Section 7.14. Exterior Lighting In no case shall any exterior lighting be directed toward the highway so as to interfere with the vision or attract the attention of the driver of a motor vehicle, nor shall the light be directed toward any other lot or cause excessive illumination to adjacent properties.</p>	<p>The Facility has been designed to comply with these requirements. The Facility Lighting Plan is included in Revised Exhibit 5, Revised Appendix 5-3, Sheet MPS-E-20X-20 of this Application.</p> <p>Additionally, Figure 24-1 illustrates that the Facility's proposed Lighting Plan is in compliance with this local law, as no light is proposed to affect adjacent properties.</p>
<p>Section 7.16. Public utility substations and similar structures shall comply with the following:</p> <ol style="list-style-type: none"> 1. Facility shall be surrounded by a fence set back from property lines in conformance with district regulations for front, side and rear yards. 2. Landscaped area at least 20 feet wide shall be maintained in front, side and rear yards. 3. There shall be no equipment visible from surrounding property. 4. Public Utility Services' line poles and attendant lines will be allowed, as necessary, in all districts. 	<p>The substation and POI switchyard will be surrounded by a fence in conformance with the district regulations and will be landscaped in accordance with the landscaping plan. See Revised Exhibit 5, Revised Appendix 5-2. However, the substations will be visible as there are tall structures associated with these components that cannot be screened. See Revised Appendix 24-5 for a waiver request from this requirement. Refer to the Design Drawings in Revised Appendix 5-3 for design information on the substation and the POI switchyard.</p>
<p>Section 7.19. Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Loading requirements apply to individual occupancy's and are exclusive of driveways, aisles and other necessary circulation areas. For uses not specified, the Board of Appeals shall establish loading requirements, after recommendation of the Planning Board.</p> <p>Loading space requirements for certain uses are specified in the following table. For uses not specified, the Planning Board and the Zoning</p>	<p>The Facility has been designed to comply with this requirement. There will be at least one parking space at the O&M building once constructed. In addition, during construction the Facility has been designed to include laydown yards and truck staging areas. See Revised Exhibit 16 for more information regarding traffic impacts.</p>

Local Requirement	Project Compliance						
Town of Glen Land Use Management Local Law (2024)							
<p>Board of Appeals shall establish loading requirements. Loading requirements apply to each occupancy and are exclusive of driveways, aisles and other necessary circulation areas.</p> <table border="1" data-bbox="175 501 834 808"> <thead> <tr> <th colspan="2" data-bbox="175 501 834 537" style="text-align: center;">Table of Off-Street Loading</th> </tr> <tr> <th data-bbox="175 537 505 573">Off Street Loading Use</th> <th data-bbox="505 537 834 573">Spaces Required</th> </tr> </thead> <tbody> <tr> <td data-bbox="175 573 505 808">All Commercial Uses</td> <td data-bbox="505 573 834 808">1 space for five thousand (5,000) sq ft or more gross floor area, plus 1 space for each additional six thousand (6,000) sq ft gross floor</td> </tr> </tbody> </table>	Table of Off-Street Loading		Off Street Loading Use	Spaces Required	All Commercial Uses	1 space for five thousand (5,000) sq ft or more gross floor area, plus 1 space for each additional six thousand (6,000) sq ft gross floor	
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All Commercial Uses	1 space for five thousand (5,000) sq ft or more gross floor area, plus 1 space for each additional six thousand (6,000) sq ft gross floor						
<p>Section 7.23</p> <p>Minimum property setbacks for wells and septic systems are 50 feet from property line. The septic system includes all portions of the system including the leach field.</p>	<p>The O&M building will be designed to comply with these requirements. The Parcel hosting the O&M facility is not supplied by public water system and is not within the Town water district according to County GIS data.</p>						

Local Requirement	Project Compliance
Local Law No. 2 of the Year 2001, Subdivision	
<p>Article 5. Section 540(3). All lot dimensions and areas shall conform to the Town of Glen's land use regulations, if such exist.</p> <ul style="list-style-type: none"> • Public or private utility facility without building <ul style="list-style-type: none"> ○ Minimum lot size: <ul style="list-style-type: none"> • Area: 10,000 sq ft. • Width: 100 ft. (20%) ○ Maximum Lot Coverage: 20% ○ Yard Dimensions: <ul style="list-style-type: none"> • Front: 25 ft. • One Side: 25 ft. • Both: 50 ft. • Rear: 50 ft. 	<p>The Facility substation and POI switchyard will be designed to comply with the 'Public or private utility facility without building' requirements (Revised Exhibit 5, Revised Appendix 5-3).</p> <p>The Facility substation, and POI switchyard will be sited on Parcel ID 68.-1-9.111, which is 68.5 acres (2,983,860 square feet) in size. The substation is proposed to be 3.08 acres (4.51 percent lot coverage), and the POI switchyard is proposed to be 1.82 acres (2.66 percent lot coverage).</p> <p>The Facility substation and POI switchyard will be sited in accordance with the Section 94-c setback requirements (Section 900-</p>

Local Requirement	Project Compliance
Local Law No. 2 of the Year 2001, Subdivision	
	2.6(d)), and therefore, will comply with this local law requirement.
Article 5. Section 540(4). Each lot shall have a buildable area, free from development restrictions such as wetlands, floodplains, steep slopes, rock outcrops and un-buildable soils.	Each lot will have a buildable area, one with the POI switchyard and the other with the substation, these are part of the proposed Facility under review by ORES and any local waivers or restrictions are included as part of this Application and Revised Appendix 24-5.
Article 5. Section 545(1). Unique physical features, such as historical landmarks and sites, rock outcrops, desirable natural contours and similar features shall be preserved where possible.	The substation lots have been designed to comply with this requirement. More information regarding the avoidance of unique physical features is included in Revised Exhibit 9 and Revised Exhibit 10.
Article 5. Section 545(2). All surfaces shall be graded and restored, leaving no unnatural mounds or depressions.	The substation lots have been designed to comply with this requirement. The grading plan for the Facility is included in Revised Exhibit 5, Revised Appendix 5-1, Sheets MPS-C-102-01 – MPS-C-102-46 and MPS-C-107-01 – MPS-C-107-03.
Article 5. Section 545(3). Topsoil moved during construction shall be returned and stabilized by seeding and planting. An erosion control plan may be required to prevent soil erosion and sedimentation of surface waters during construction. Erosion control measures shall conform to the guidelines available from the Montgomery County Soil and Water Conservation District.	The substation lots have been designed to comply with this requirement. More information regarding topsoil construction and post-construction methodology within the Facility Site is discussed in the Agricultural Plan, Revised Exhibit 15, Revised Appendix 15-3, Section 3.1.
Article 5. Section 545(4). The removal or damage of existing trees and shrubs shall be minimized.	The POI switchyard and substation lots have been designed to comply with this requirement. More information on clearing for the Facility is included in Revised Exhibit 11 and Revised Exhibit 5, Section 5(f)(1)(f).

24(e) Agencies with Review, Inspection, or Certification Responsibilities

The Town of Glen is qualified to review and approve building plans, inspect construction work, and certify compliance with the New York State Uniform Fire Preservation and Building Code, the

Energy Conservation Construction Code of New York State, and the substantive provisions of local applicable electrical, plumbing, and building codes.

Chapter 52 of the Town of Glen Town Code sets forth the procedural code enforcement program including establishing a Code Enforcement Officer (“CEO”), outlining the procedural processes for obtaining building permits and certificates of occupancy and outlining the construction inspection process. These procedural processes are pre-empted by 94-c, and therefore the Applicant is not required to obtain building permits or certificates of occupancy from the local municipalities. However, the Facility will comply with the substantive provisions of the Uniform Code and the Town is responsible for reviewing and certifying compliance with the Uniform Code, to the extent the Uniform Code is applicable.

The name and contact information for the Town Code Enforcement Officer is: Fire & Building Code Enforcement & Flood Control Officer – Tom DiCaprio, 7 Erie Street, Fultonville, NY 12072
Phone: 518-848-4498.

The Applicant will work with the Town of Glen to enter into an agreement to arrange to pay for consultant services for the Town for the review, approval, inspection and compliance certification for work required to comply with the Uniform Code.

Alternatively, the Applicant may request to submit the building plans to the Department of State, in order to obtain 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. In that case, the Applicant would arrange for the Department’s review, approval, inspection, and compliance certification, including any arrangements to pay for the costs for any necessary consultant services to the extent such fees are not paid through the Applicant’s application fee.

24(f) Zoning

Table 24-2 below provides an identification of the zoning designation of all parcels constituting the Facility Site. Per Section 5 of the Glen Solar Law (Town of Glen 2022) (see Appendix 24-3), utility-scale solar energy systems are allowed in the following zoning districts upon site plan review and approval and the issuance of a special use permit by the Town Planning Board:

- Rural Residential
- Industrial

- Commercial

As shown in Table 24-2, the entirety of Facility is located in the Town of Glen's Rural Residential District, in which utility-scale solar systems are permitted. There are three Facility Site parcels that are zoned both Hamlet and Rural Residential, but Facility components are only located on the section of the parcels zoned Rural Residential. Facility components on these three parcels are sited entirely outside of the Hamlet District.

Table 24-2. Mill Point Solar I Project Parcels and Associated Zoning Districts

Parcel ID	Zoning District	
51.-1-10	Rural Residential	
51.-1-11		
51.-1-36.1		
51.-1-4.1		
51.-1-4.2		
51.-1-4.22		
51.-1-4.24		
51.-1-4.25		
51.-1-4.3		
51.-1-4.34		
51.-1-4.35		
51.-1-4.4		
51.-1-4.5		
51.-1-4.81		
51.-1-45		
52.-2-17.111		
67.-1-11		
67.-1-12.113		
67.-1-13.2		
67.-1-7		
67.-3-1		
68.-1-22		
68.-1-23.2		
68.-1-25.11		
68.-1-26.1		
68.-1-26.2		
68.-1-29.12*		
68.-1-34		
68.-1-9.111		
68.-2-1		
68.-3-1		
68.-3-2		
68.-3-3*		
68.-3-5*		
68.-4-1		
68.-4-2		
69.-1-1.112		
*Indicates the parcel is zoned as both Rural Residential and Hamlet. No Facility components are located within the Hamlet portions of these properties.		

The process of obtaining site plan and special use approval is expressly preempted by the ORES regulations. Nevertheless, the Applicant outlines below the special exception criteria the Planning

Board would have otherwise applied to the Facility. Section 6.10 of the Town of Glen Land Use Management Law (Appendix 24-2-A) includes the criteria for special permit issuance and states:

Section 6.10 Special Permits

On application and after public notice and hearing by the Planning Board said Board may authorize, by resolution, the issuance of a special permit only for those uses in a district where this Local Law requires such a permit. In authorizing the issuance of a special permit, the Planning Board shall take into consideration the public health, safety, and general welfare and shall prescribe appropriate conditions and safeguard to ensure the accomplishment of the following objectives, unless otherwise provided all special permits shall be valid for a period as determined by the Planning Board.

1. Objectives of the Special Permit Process

1.a. That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.

1.b. That the proposed use is of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

1.c. That, in addition to the above, in the case of any use located in, or directly adjacent to a residential district:

1.c.1. The location size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access street shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or incongruous with, the said residential district or conflict with the normal traffic or the neighborhood and use of adjacent land and buildings or diminish the value thereof.

1.c.2. The location and height of buildings and structures, the location, nature, and height of walls and fences, and the nature and extent of screening and landscaping

on the site shall be such that the use will not hinder or discourage the appropriate development.

24(g) References

Barron-Gafford, Greg A, et al. 2016. Scientific Reports: The Photovoltaic Heat Island Effect: Larger solar power plants increase local temperatures. DOI: <https://doi.org/10.1038/srep35070>. Accessed June 2024.

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Town of Glen (2004). Code of the Town of Glen. Available at: <https://www.co.montgomery.ny.us/web/municipal/glen/documents/towncode.pdf>. Accessed August 2023.

Town of Glen (2006). Town of Glen Land Use Management Ordinance. Available at: https://locallaws.dos.ny.gov/sites/default/files/drop_laws_here/ECMMDIS_appid_DOS20150218075531_26/Content/090213438001bef3.pdf. Accessed August 2023.

Town of Glen (2022). Solar Energy Facilities Law of the Town of Glen. Available at: https://www.co.montgomery.ny.us/web/municipal/glen/documents/FinalAdoptedSolarLaw-5_2022.pdf. Accessed August 2023.

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