



# **GARNET ENERGY CENTER**

**Case No.: 20-F-0043**

**1001.31 Exhibit 31**

**Local Laws and Ordinances**

## Contents

Exhibit 31: Local Laws and Ordinances .....	1
31(a) Local Procedural Requirements Applicable to Construction/Operation of the Project Supplanted by Article 10 .....	1
31(b) Local Procedural Requirements Requested to be Expressly Authorized by the Board	2
31(c) Local Agency Review and Approval of Compliance with Building Codes .....	2
31(d) Substantive Requirements .....	2
31(e) Local Substantive Requirements Applicant Requests the Board Not Apply .....	4
31(f) Procedural Requirements Applicable to Interconnections in Public Rights of Way.....	4
31(g) Substantive Requirements Applicable to Interconnections in Public Rights of Way .....	4
31(h) Requirements Applicable to Interconnections in Public Rights of Way that the Applicant Requests the Board Not Apply .....	4
31(i) Summary Table of Applicable Local Substantive Requirements and Compliance Assessment.....	5
31(j) Zoning .....	5
31(k) Town of Conquest and Cayuga County Applicable Moratoriums, Laws, Codes, and Regulations .....	5

## Tables

Table 31-1. Town of Conquest Applicable Substantive Laws/Ordinances.....	3
Table 31-2. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements.....	5

## Appendices

Appendix 31-1	Dwelling and Structure Law of the Town of Conquest (2000)
Appendix 31-2	Local Law #2 of 2018 Amending Dwelling and Structure Law of the Town of Conquest

Appendix 31-3 Town of Conquest Local Law #1 of 2019, "A Local Law Establishing a Six Month Moratorium on Applications, Approvals, and/or Construction or Installation on Solar Energy Systems and/or Solar Farms."

Appendix 31-4 Town of Conquest Local Law #2 of 2019, "A Local Law Establishing a Six Month Moratorium on Applications, Approvals, and/or Construction or Installation on Solar Energy Systems and/or Solar Farms."

## **Exhibit 31: Local Laws and Ordinances**

This Exhibit will track the requirements of Final Stipulation 31, dated March 5, 2021, and therefore, the requirements of 16 New York Codes, Rules and Regulations (NYCRR) § 1001.31.

As of the filing of this Application, the Town of Conquest does not have a solar energy or battery energy storage law. Therefore, the procedural and substantive requirements described below are based upon both the Town's Dwelling and Structure Law.

All of the local law provisions discussed herein are contained in the Dwelling and Structure Law of the Town of Conquest (Local Law 2 of 2000) and amended by Local Law 2 of 2018, a copy of which is attached hereto as Appendix 31-1 and Appendix 31-2, respectively.

The Garnet Energy Center (Project) will be located in the Town of Conquest, Cayuga County, New York. The Applicant has been implementing the Public Involvement Program (PIP) Plan for the Project as described in Exhibit 2. The Applicant has consulted with the Town of Conquest, Cayuga County, landowners, the Cayuga County Industrial Development Agency (IDA), and others as part of the PIP Plan. The Meeting Log is included as Appendix 2-5. Outreach to municipal stakeholders has included attendance at town board meetings and virtual open house events to introduce the Applicant and the Project to the community. Coordination includes the Applicant providing Project-specific information to the municipality, as well as consulting and responding to comments from agency stakeholders.

Outreach to the Town of Conquest for agreement on substantive and procedural requirements has been performed in accordance with the Article 10 requirements, and results of the coordination are summarized in the following sections.

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

The following section contains lists of local ordinances, laws, regulations, standards, and other requirements applicable to the construction and operation of the Project that are of a procedural nature for the Town of Conquest. These local procedural requirements are supplanted by Public Service Law (PSL) Article 10 unless the Board expressly authorizes the exercise of the procedural requirement by the local municipality or agency.

Town of Conquest Local Law No. 2 of 2000, Dwelling and Structure Law, Amended in 2018, see Appendix 31-1 and Appendix 31-2

- Local Law No. 2 of 2000, Article VI, Section 43, Permit Necessary.

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

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

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

The Code Enforcement Officer for the Town of Conquest is responsible for reviewing and approving building plans, inspecting construction work, and certifying compliance with the New York State Uniform Fire Prevention and Building Code, the Energy Conservation Construction Code of New York State, and the substantive provisions of any applicable local electrical, plumbing, or building code. If necessary, the Code Enforcement Officer can hire consultants to assist with the review and approval. To the extent the Applicant requests the Siting Board to make the aforementioned authorization to the Town, the Applicant is willing to fund those consultations, to the extent such fees are not paid for from the fund for municipal and local party intervenors.

The Applicant may make a request to the Siting Board during the Article 10 proceeding pursuant to subdivision (b) of this section that the Siting Board expressly authorize the exercise of the electric, plumbing, and building permit application, inspection, and certification processes by the Town of Conquest.

Alternatively, the Applicant may request to submit for review the building plans to an entity qualified by the NYS Department of State, in order to obtain compliance certified with the NYS Uniform Fire Prevention and Building Code, the Energy Conservation Construction Code of NYS, and the substantive provisions of any applicable local electrical, plumbing, or building code. Said demonstration would be filed with the Secretary or as a compliance filing with the Siting Board.

### **31(d) Substantive Requirements**

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

substantive nature. The location of the Facility as proposed conforms to all such local substantive requirements, except any that the Applicant requests that the Siting Board elect to not apply. The text of these substantive requirements and the Project's compliance with them are presented in the sections and tables below.

Below is a preliminary list of local laws and ordinances of a substantive nature that may be applicable to the construction and operation of the Garnet Energy Center:

- Local Law No. 2 of 2000, Article III, Section 29, Setbacks.
- Local Law No.2 of 2000, Article VII, Section 49.F.
- Local Law No.2 of 2000, Article IX, Section 55.A.

**Table 31-1. Town of Conquest Applicable Substantive Laws/Ordinances**

Dimensions	Dimensional Requirements	Provided
Building / Structure Separation (Article III, Section 29)	No less than ten (10) feet	>10 feet
Side and rear setbacks (Article III, Section 29)	No structure is located closer than twenty five (25) feet to the side or rear lot lines	> 25-foot side and rear set back
Side and rear setbacks for accessory structures (Article VII, Section 49.F)	No accessory structure is located closer than twenty five (25) feet to the side or rear lot lines	> 25-foot side and rear set back
Unoccupied and uninhabitable structure (Article IX, Section 55.A)	Any dwelling, building or structure that is deemed unoccupied and uninhabitable by the Code Enforcement Officer must, within sixty (60) days, be secure so that it does not constitute a safety hazard, demolished or removed.	The Project does not include any structures that are habitable or that could be occupied. Accordingly, the intent of the provision is inapplicable to the Project. If, however, the solar panels are considered unoccupied structures by the Siting Board, they will be securely anchored and

		satisfy the dimensional standard.
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**31(e) Local Substantive Requirements Applicant Requests the Board Not Apply**

The Garnet Energy Center currently plans to develop the Project in accordance with the aforementioned applicable substantive local laws and ordinances. Accordingly, the Applicant is not requesting the Board to refuse to apply any local substantive requirement at this time.

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

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

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

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

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

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

**31(i) Summary Table of Applicable Local Substantive Requirements and Compliance Assessment**

**Table 31-2. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements**

Local Requirement	Project Compliance
Article III. Section 29. Rear and Side Setbacks. No less than twenty-five (25) feet from either side lot line to the dwelling, and no less than twenty five (25) feet from the rear lot line to the dwelling.	The Project will comply with the substantive standards as identified in this section.
Article III. Section 29. Building/Structure Separation. No less than ten (10) feet.	The Project will comply with the substantive standards as identified in this section.
Article VII, Section 49.F. No accessory structures are located closer than twenty five (25) feet to the side or rear lot lines	The Project will comply with the substantive standards as identified in this section.
Local Law No.2 of 2000, Article IX, Section 55.A. Unoccupied and uninhabitable structure. Must be secure so that it does not constitute a safety hazard	The Project will comply with the substantive standards as identified in this section.

**31(j) Zoning**

The Town of Conquest does not have adopted zoning regulations.

**31(k) Town of Conquest and Cayuga County Applicable Moratoriums, Laws, Codes, and Regulations**

In January 2019, the Town of Conquest established a six-month solar moratorium (Local Law No. 1 for the Year 2019, “A Local Law Establishing a Six Month Moratorium on Applications, Approvals, and/or Construction or Installation on Solar Energy Systems and/or Solar Farms”). The purpose of the moratorium was to allow the Town Board to analyze and determine potential appropriate laws and regulations to be put in place by the Conquest Town Board. In December 2019, the Town of Conquest adopted another six-month solar moratorium (Local Law No. 2 for the Year 2019, “A Local Law Establishing a Six Month Moratorium on Applications, Approvals,



and/or Construction or Installation on Solar Energy Systems and/or Solar Farms”) with the same purpose. As of June 1, 2021, the Town has not yet adopted a Solar Law.

A copy of the applicable Town of Conquest laws and ordinances are attached hereto as Appendix 31-1 and Appendix 31-2.

## References

Local Law #2 of 2000 Town of Conquest Dwelling and Structure Law (2000).

Local Law #2 of 2018 Amending Town of Conquest Dwelling and Structure Law (2018).

Town of Conquest Local Law #1 of 2019, "A Local Law Establishing a Six Month Moratorium on Applications, Approvals, and/or Construction or Installation on Solar Energy Systems and/or Solar Farms."

Town of Conquest Local Law #2 of 2019, "A Local Law Establishing a Six Month Moratorium on Applications, Approvals, and/or Construction or Installation on Solar Energy Systems and/or Solar Farms."