PROPOSED LOCAL LAW NO. 5-2022
A LOCAL LAW AMENDING TOWN OF EDEN CODE CHAPTER 172 (SOLAR ENERGY SYSTEMS) TO IMPLEMENT PROVISIONS OF THE NEW TOWN OF EDEN COMPREHENSIVE PLAN

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

Section 1. Chapter 172 of the Town of Eden Code (Solar Energy Systems) is hereby repealed and replaced with the following:

Chapter 172
Solar Energy Systems

§ 172-1 **Purpose.**
The Town Board of the Town of Eden adopts this chapter to accommodate the use of solar energy systems and to regulate the placement of solar energy systems so that the public health, safety, natural resources, and aesthetics of the Town and its residents will not be jeopardized.

§ 172-2 **Findings.**

A. The Town Board of the Town of Eden finds and declares that solar energy is an abundant, renewable and nonpolluting energy resource of the Town and that its conversion to electricity will reduce our dependence on nonrenewable energy sources. Therefore, the Town of Eden intends to accommodate the use of solar energy systems.

B. However, regulation of the siting, installation and use of solar energy systems is necessary for the purpose of protecting the health and safety of neighboring property owners and the general public, and the aesthetics of the community. These regulations are in place to balance the need to improve energy sustainability through increased use of solar energy while preserving the public health, welfare, and safety, as well as environmental quality, visual and aesthetic values, and existing neighborhood's social and ecological stability. Further; the intent is to minimize any adverse impacts on the character of the neighborhoods, property values, scenic, traffic safety, historic and environmental resources of the Town.

C. In addition, solar energy systems need to be regulated for removal when they are no longer utilized or are out of compliance with the requirements of this chapter.

§ 172-3 **Definitions.**
The following definitions shall apply to this chapter:

AGRICULTURAL DUAL-USE

Also referred to as “dual-use” or “agrivoltaic,” this involves the practice of co-locating solar photovoltaic panels on farmland in such a manner that primary agricultural activities including animal grazing, crop or vegetable production can continue simultaneously on that farmland. Installations shall be regulated depending upon generation capacity as defined herein.

APPLICANT

The person or entity filing an application and seeking an approval under this chapter; the owner or operator of a solar energy system or a proposed solar energy system; or any person acting on behalf of an applicant, solar energy system or proposed solar energy system. Whenever the term "applicant" or "owner" or "operator" is used in this chapter, it shall include any person acting as an applicant, owner or operator.

BUILDING-MOUNTED SOLAR ENERGY SYSTEMS

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

COLLECTIVE SOLAR

Solar installations owned collectively through subdivision homeowner associations or similar groups. Collective solar installations shall be regulated depending upon generation capacity as defined herein.

FARMLAND OF STATEWIDE IMPORTANCE

Land, designated as “Farmland of Statewide Importance” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

GROUND-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices. Said system is an accessory structure.

ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM

Any solar energy system that is affixed to the roof or top surface of a building or is wholly contained within the limits of the roof or top surface, including roofing materials such as shingles and tiles.

NATIVE PERENNIAL VEGETATION

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

POLLINATOR

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

PRIME FARMLAND

Land, designated as “Prime Farmland” or “Prime if drained” in the U.S. Department of Agriculture

Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

SOLAR ENERGY SYSTEM

Solar-energy-producing structures, equipment or devices used for the production of heat, light, cooling, electricity or other forms of energy, and which may be attached to or separate from the principal structure on a lot. For the purposes of this chapter, a solar energy system does not include any solar energy system of four square feet in size or less.

SOLAR PANEL

A photovoltaic device capable of collecting and converting solar energy into electricity.

UTILITY-SCALE SOLAR ENERGY SYSTEM

Any solar energy system that is capable of producing greater than 25kw of electricity per hour.

§ 172-4 **Use districts where allowed.**

Subject to the provisions of this chapter, solar energy systems shall be allowed as follows:

A. All solar energy systems capable of producing 25kw of electricity per hour or less are permitted in all zoning districts in the Town.

B. Utility-scale solar energy systems are only permitted in an Agricultural Priority (AP), Rural Residential (RR), and Light Industrial (LI) District; provided, however, that no utility-scale solar energy system is permitted on any property in the MS4, floodplain or creekside overlay areas.

C. Any inconsistent provisions of the Zoning Law which purport to or may be interpreted to allow solar energy systems in other districts are hereby superseded.

§ 172-5 **General regulations.**

The placement, construction, and major modification of all solar energy systems within the Town of Eden shall be permitted only as follows:

A. All solar energy systems require a building permit.

B. Utility-scale solar energy systems shall be permitted only by special use permit by the Town Board of Eden in use districts where allowed, in accordance with the criteria established in this chapter, after compliance with SEQRA, upon concurrent site plan approval issued by the Town of Eden Planning Board, and upon issuance of a building permit by the Town of Eden Building Department, and shall be subject to all provisions of this chapter.

C. All solar energy systems existing on the effective date of this chapter shall be allowed to continue usage as they presently exist. Routine maintenance shall be permitted on such existing systems. New construction other than routine maintenance shall comply with the requirements of this chapter.

D. No solar energy system shall hereafter be used, erected, moved, reconstructed, changed or altered except

in conformity with this chapter.

E. Any applications (including variance applications) pending for solar energy systems on the effective date of this chapter shall be subject to the provisions of this chapter.

F. This chapter shall take precedence over any inconsistent provisions of the Town of Eden Code.

§ 172-6 **General criteria.**

A. All solar energy systems shall comply with all applicable federal, state, county and Town of Eden laws, regulations and building, plumbing, electrical and fire codes. In addition, all solar energy systems shall be labeled with a permanent four-inch-by-six-inch red sign with white lettering next to the electric meter stating, "Solar on Site." The Code Enforcement Officer shall notify the Fire Departments of all solar energy system permits.

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

C. Rooftop-mounted solar energy systems shall not exceed a maximum height of two feet from the existing roof or top surface of a building. There shall be a minimum three (3) foot wide clear access pathway from the eave to the ridge on each roof slope (pitched), between the solar panels and roofline (flat), between solar panels and roof-mounted mechanical equipment, and along the roof ridge for smoke ventilation.

D. Ground-mounted solar energy systems capable of producing 25kw of electricity per hour or less shall be subject to the following requirements:

(1) They shall be located only in a side or rear yard, and if located in a side yard shall not be closer to the street than the primary building on the lot;

(2) They shall only be permitted on lots three acres or larger;

(3) They shall be placed no closer than two times the standard setback requirements for an accessory structure of the zoning district in which they are located;

(4) The height of said solar energy system shall not exceed 12 feet when oriented at maximum tilt; and

(5) The total surface area of said solar energy system on a lot shall not exceed that allowed for accessory structures or combinations of accessory structures where permitted.

(See § **172-8** for criteria for utility-scale ground-mounted systems.)

E. Solar storage batteries. When solar storage batteries are included as part of any solar energy system, they shall be placed in a secure container or enclosure meeting the requirements of the New York State building and fire codes.

F. Approval for placement and use of any solar energy system under this chapter is not a guarantee of solar skyspace access. If a solar energy operator needs or desires solar skyspace access across the property of another it may negotiate for an easement or other written agreement containing such terms as the parties may mutually agree. The provisions of the Chapter do not require any property owner to relinquish solar skyspace access to benefit a solar energy system, however.

G. All solar collectors and structures and devices used to support solar collectors shall be nonreflective and painted a subtle or earth-tone color.

H. The design, construction, operation and maintenance of any solar energy system shall demonstrably prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads and public parks. If the solar energy system creates an adverse impact to the public or neighboring properties, the owner of the system will be required to take measures to mitigate the impact. Failure to take appropriate action will be considered a violation.

I. The development and operation of any solar energy system shall not have a significant adverse impact on fish, wildlife or plant species or their critical habitats, or other significant habitats identified by the Town or federal or state regulatory agencies.

J. Artificial lighting of any solar energy system shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads and public parks.

K. If the use of any approved solar energy system is discontinued, the owner or operator shall notify the Code Enforcement Officer within 30 days of such discontinuance. If a solar energy system is to be retained and reused, the owner or operator shall further inform the Code Enforcement Officer of this in writing at such time and obtain any necessary approvals within one year, otherwise it shall be automatically deemed abandoned.

L. All solar energy systems shall be installed using an engineered mounting structure.

§ 172-7 **Utility-scale solar energy systems/applications.**

A special use permit is required to place, construct or make a major modification to a utility-scale solar energy system within the Town. The applicant shall submit 12 sets of the following information to the Code Enforcement Officer, who shall first present it to a professional engineer or consultant for an initial review and then present it to the Planning Board for its review and recommendation to the Town Board. The Planning Board may make such additional referrals as it deems appropriate. No such application shall be deemed filed until any required application fee has been paid. The following information shall be contained in the application:

A. A completed State Environmental Quality Review Act (SEQRA) environmental assessment form (EAF), with the Town of Eden Planning Board designated as lead agency for the SEQRA process.

B. Necessary permit information.

(1) Name, address, and telephone number of the property owner. If the property owner is not the applicant, the application shall include the name, address, and telephone number of the applicant and written permission signed by the property owner authorizing the applicant to represent the property owner; and

(2) Documentation of access to the project site(s), including location of all access roads, gates, parking areas, etc; and

(3) Utility interconnection data and a copy of written notification to the utility of the proposed interconnection, including the CESIR (Coordinated Electric System Interconnection Review) report application submitted to the local utility; and

(4) One- or three-line electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects, and over-current devices.

C. A site plan in accordance with the Town of Eden's site plan requirements, and in sufficient detail as follows:

(1) Plans and drawings of the solar energy system installation signed by a professional engineer registered in New York State showing the proposal layout of the entire solar energy system, with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved, and utility lines, both above and below ground, on the site and adjacent to the site; and

(2) Property lot lines and the location and dimensions of all existing structures and uses on site within 500 feet of the solar panels; and

(3) Proposed fencing and/or screening for said project; and

(4) Clearing, grading, stormwater (including a stormwater management and/or pollution prevention plan) and erosion control.

(5) Before the Town of Eden shall issue a clearing, grading, stormwater or building permit for a utility-scale solar energy system, the applicant shall submit a stormwater and erosion control plan to the Town's professional engineer or consultant for its review and approval, and the plan shall minimize the potential adverse impacts on wetlands and Class I and II streams and the banks and vegetation along those streams and wetlands, and shall minimize erosion or sedimentation.

(6) Any such additional information as may be required by the Town's professional engineer or consultant. Town Board, Planning Board, Town Attorney or Code Enforcement Officer.

§ 172-8 **Special use permit criteria for utility-scale solar energy systems.**
Special use permits issued for utility-scale solar energy systems shall meet the following criteria:

A. Any utility-scale solar energy system shall be placed a minimum of 200 feet from all adjacent property lot lines. Such setbacks from property lines will not apply if the application is accompanied by a legally

enforceable written agreement that runs with the property for a period of 25 years or the life of the special use permit, whichever is longer, stating that the adjacent landowner(s) agrees to the elimination or reduction of the required setbacks. The setback requirements in this section can only be varied by written agreement(s) with adjoining landowner(s), and not by a variance from the Zoning Board of Appeals (ZBA). Otherwise, the ZBA is hereby authorized to review and approve use and area variances from the requirements contained in this Chapter or in Chapter 225, Zoning. Any agreement to reduce property line setbacks shall not constitute the reduction or elimination of required setbacks from structures; setbacks from structures, for safety reasons, shall not be reduced or eliminated.

B. The maximum height of a utility-scale solar energy system shall not exceed 20 feet when oriented at maximum tilt.

C. All transmission lines and wiring associated with a utility-scale solar energy system shall be buried to the power grid connection (including along any roads or highways) and include necessary encasements in accordance with the National Electric Code and Town requirements. The applicant is required to show the locations of all proposed underground electric utility lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the utility company's requirements for interconnection.

D. Any signage used to advertise the solar energy facility shall be in accordance with the Town's signage regulations.

E. At the Town Board’s discretion, a screening & landscaping plan may be required that includes a berm, landscape screen or other opaque enclosure, or any combination thereof acceptable to the Town capable of screening the site; at a minimum this may be required along any property line that abuts an existing residence or public park. The plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following any applicable rules and standards established by the Town for such elements. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening. Native perennial vegetation shall be used wherever practicable.

F. After completion of a utility-scale solar energy system, the applicant shall provide written post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the plans approved by the Town of Eden Planning Board and/or Town Board.

G. A bond or other appropriate form of security shall be required to cover 150% times the cost of the removal and site restoration as determined by the Town's professional engineer or consultant, as noted in §172-9.D(2), and proof of such bond or security shall be filed prior to construction and on an annual basis with the Town Clerk.

H. The applicant is required to obtain all necessary regulatory approvals and permits from all federal, state, county and local regulatory agencies having jurisdiction over utility-scale solar energy systems.

I. The special use permit may be granted or denied, or granted with stated written conditions. Denial of a special use permit shall be by written decision based upon substantial evidence considered by the Board. Upon issuance of a special use permit, the applicant shall seek a building permit for the utility-scale solar energy system.

J. Host Community Agreement. To ensure that solar energy projects adequately benefit the overall community and that solar energy resources are used to support and mitigate the costs and impacts the solar development will have on the community, applicants for utility-scale solar energy systems shall enter into a Host Community Agreement (HCA) with the Town. The applicant or its successors shall be required to pay the Town a mutually agreed upon Host Community Fee annually to compensate the Town for any expenses (e.g., monitoring, inspections) and environmental impacts associated with the project as may be necessary to protect the Town's and its citizens' interest. The Host Community Fee shall be in addition to any payment in lieu of taxes (PILOT) which may be authorized to be collected by the Town.

K. Environmental Review. In addition, the Town Board shall be designated as the lead agency for the SEQRA process. A visual site assessment on public roadways and adjacent properties may also be requested subject to the discretion of the Town Board. At a minimum, a line-of-sight profile analysis shall be provided as part of the site plan review. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, may be required to submitted by the applicant.

L. Agricultural Assessment:

(1) This assessment shall include the viability and suitability of the site for agricultural production (as defined by NYS Agriculture and Markets) and/or livestock grazing, with the identification and mapping of prime farm soils, farmland of statewide importance, and the extent of any agricultural activity taking place on such lands. Utility-scale solar energy systems shall not be installed on more than 25% of prime farm soils or farmland of statewide importance. Any prime farm soils disturbed shall remain on site and may be stockpiled for future reclamation.

(2) The anticipated use of any remaining lands and/or the secondary use of land within the solar energy system land area for agricultural uses, i.e., agricultural dual-use, including but not limited to, grazing, wildflowers, pollinator habitat, etc., shall be identified and mapped. A detailed plan specifying such uses, shall be included specifying seeding mix (native perennial vegetation), potential sources of local grazing, or other information as specified by the Town Board.

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

N. Operations and Maintenance (O&M) Plan.

(1) Plan to include a responsible entity for O&M activity, including frequency of maintenance, frequency and scope of any replacement of equipment, replacement of any fencing or screening vegetation, a safety plan that includes any special instructions to local fire agencies, and any other such information as required by the Town Board. Yearly reporting on the operations of the facility shall be provided to

the Town Board. Where agricultural dual-use projects are proposed, an O&M plan shall also include an agricultural monitor, approved by the Town, to ensure that approved agricultural uses within the project area are active and maintained.

(2) Solar energy systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the utility-scale solar energy system is located in an ambulance district, the local ambulance corps.

(3) Utility-scale solar energy system owners shall develop, implement, and maintain native perennial vegetation to the extent practicable pursuant to a vegetation and soil management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native perennial vegetation. Such plan shall be developed in coordination with the Erie County Soil and Water Conservation District.

§ 172-9 **Completion; inspections; continued operation; removal; determination of abandonment; fees; alterations; transferability.**

A. Time limit for completion of utility-scale solar energy systems. After the granting of a special use permit of a utility-scale solar energy system with site plan approval, a building permit shall be obtained within six months. The project shall be completed within 12 months thereafter. If not then constructed, the special use permit shall automatically expire.

B. Inspections. Upon reasonable notice, the Code Enforcement Officer or his or her designee may inspect any solar energy system for the purpose of compliance with this chapter. Twenty-four hours' advance notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. Furthermore, a utility-scale solar energy system shall be inspected annually by a New York State-licensed professional engineer that has been approved by the Town or at any other time, upon a determination by the Code Enforcement Officer that damage may have occurred, or that the solar energy system is not in compliance with the requirements of this chapter. A copy of the inspection report shall be submitted to the Code Enforcement Officer. Fees or expenses associated with inspections shall be borne entirely by the permit holder.

C. Continued operation. All solar energy systems shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all approval requirements and conditions. Further, the Code Enforcement Officer shall have the right to require annual documentation of the on-site usage and total electricity output of any solar energy system.

D. Removal. All solar energy systems shall be dismantled and removed immediately, at the cost of the owner, when the special use permit or approval has been revoked by the Town of Eden Town Board, or the solar energy system has been deemed by the Code Enforcement Officer to be inoperative or abandoned for a period of more than 180 days consecutively. If the owner does not dismantle and

remove the solar energy system as required, the Town may do so and shall apply the required bond to the cost, followed by a tax lien on said parcel for expenses not covered by the bond.

(1) Decommissioning Plan. A decommissioning plan signed by the Owner/Operator of the Solar Energy System and prepared by an engineer licensed in the State of New York, shall be submitted, addressing the following:

a. The anticipated viable life of the solar energy system in accordance with industry standards.

b. The plan for the removal of all infrastructure and restoration conducted to return the parcel to its original state prior to construction. Developer shall include photo documentation of the site prior to construction to document restoration goals as part of the decommissioning plan.

c. The time required to decommission and remove the Solar Energy System and any ancillary structures, including repair of any damage caused to the property by the installation or removal of the Solar Energy System.

d. An expected timeline for execution and a cost estimate for decommissioning prepared by a professional engineer or qualified contractor. Cost estimates shall take inflation into consideration and be revised every three (3) years during the operation of the system and include any salvage value, though this value shall not be included in the financial surety for decommissioning. Removal of the large-scale solar energy system must be completed in accordance with the approved decommissioning plan and the standards provided as follows:

i. All structures and foundations associated with the large-scale solar energy systems shall be removed, including all above and below ground improvements and equipment, structures, and foundations including, but not limited to solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and other associated facilities, so that any agricultural ground upon which the facility or system was located is again tillable and suitable for agricultural use;

ii. All disturbed ground surfaces shall be restored to original conditions, including topsoil and seeding as necessary; and

iii. All electrical systems shall be properly disconnected, and all buried cables and wiring shall be removed.

(2) Decommissioning Security.

a. Amount: The deposit, executions, or filing with the Town Clerk of cash, bond, or other form of security reasonably acceptable to the Town attorney and/or engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site after removal. The amount of the bond or security shall be 150% of the cost of removal of the

utility-scale solar energy systems and restoration of the property with an escalator of 2% annually for the viable life of the Solar Energy System. Security shall cover the full decommissioning costs without recoverable costs from salvage value; applicant to include anticipated salvage value, but this shall not be factored into the decommissioning costs. All expenses or costs of establishing or maintaining financial assurance shall be borne solely by the applicant, or its successors or assigns. Any remaining security available after full removal and restoration of the site, to the satisfaction of the Town, will be returned to the applicant or any subsequent owner.

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

E. Determination of abandonment or inoperability. A determination of the abandonment or inoperability of a solar energy system shall be made by the Code Enforcement Officer, who shall provide the owner with written notice of such determination by personal service or certified mail. The owner may appeal the Code Enforcement Officer's determination of abandonment or inoperability by written request to the Town Board filed within 30 days of the owner's receipt of the written notice from the Code Enforcement Officer. The Town Board shall hold a public hearing on the owner's appeal on not less than 10 days' written notice to said owner. Any person aggrieved by the decision of the Town Board, following such hearing may apply to the Supreme Court for review under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within 30 days after the filing of the Town Board's decision in the office of the Town Clerk.

F. Fees. Solar energy systems shall pay all applicable fees set forth in the Town's Schedule of Fees, including an application fee, special use permit fee, building permit fee and annual inspection fee.

G. Alterations. Any changes or alterations post-construction to a utility-scale solar energy system shall be done only after amendment of the special use permit and/or site plan (if required) and/or the building permit, and subject to all requirements of this chapter.

H. Transferability. Special use permits for utility-scale solar energy systems shall be assignable or transferable so long as they are in full compliance with this chapter, and the Code Enforcement Officer is notified in writing at least 15 days prior thereto. If the owner/operator of the utility-scale solar energy system changes or the owner of the property changes, the new owner/operator shall notify the Code enforcement officer of such change in ownership or operator within 30 days of the ownership change. The successor owner or operator shall assume in writing all of the obligations within the decommission plan. Proof of acknowledgement of the decommission plan and proof of bond may be requested by the Town at time of ownership change.

§ 172-10 **Revocation.**
If the applicant violates any of the conditions of its special use permit or site plan approval or building permit, or violates any other local, state or federal laws, rules or regulations, this shall be grounds for revocation of the special use permit, site plan approval or building permit. Revocation may occur after the applicant is notified in writing of the violations.

§ 172-11 **Interpretation; conflict with other law; severability.**
In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. It is not intended to interfere with, abrogate, or annul other rules, regulations or laws, provided that whenever the requirements of this chapter are at a variance with the requirements of any other lawfully adopted regulations, rules or laws, the most restrictive, or those which impose the highest standards, shall govern. If any portion of this chapter is for any reason held invalid, void, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 2. This local law shall be effective upon filing with the New York State Secretary of State.