

Town of Marcellus  
End of Year Meeting  
Monday, December 30, 2024  
6:30 PM

Call to Order

Salute to Flag

**Public Hearing- Local Law D-2024 Regulating Solar Energy System**

**Public Hearing- Proposed 2025 Contracts for Fire Service and Ambulance Service**

I. Approve Financials

**II. Old Business**

- A. Tim's Pumpkin Patch PUD
- B. Sewer Contract with the Village
- C. 30 day Sewer Extension Agreement

**III. New Business**

- A. Appoint Deputy Court Clerk
- B. Re-Introducing Local Law C-2024 – Outdoor Concerts
- C. Local Law C-2024- Outdoor Concerts SEQR
- D. Comprehensive Plan SEQR
- E. Comprehensive Plan- Adoption Resolution
- F. Regulating Solar Energy Systems- Adoption Resolution
- G. OCMBOCES 2025 Contract
- H. Joey's Wish Benefit- Recreation recommends June 22, 2025

**IV. Discussion Agenda**

- A. Fire Department

**V. Adjournment**

**Future Meeting Dates**

Planning/Zoning Meeting- Monday, January 6, 2024 - 6:30 pm- Town Hall  
Organizational Meeting- Wednesday, January 8, 2025 - 6:00pm – Town Hall  
Town Board Meeting- Wednesday, January 8, 2025 - 6:30pm – Town Hall  
Workshop Meeting – Wednesday, January 22, 2025 - 6:30pm - Town Hall

**TOWN OF MARCELLUS AND MARCELLUS FIRE DEPARTMENT  
AGREEMENT FOR FIRE SERVICE (2025)**

**THIS AGREEMENT**, made the 1<sup>st</sup> day of January, 2025, by and between the Town of Marcellus, a municipal corporation situated in the County of Onondaga, State of New York (hereinafter "Town"), and Marcellus Fire Department, Inc., a Not-For-Profit corporation, organized and existing under the laws of the State of New York and having its principal place of business in Marcellus, New York (hereinafter "Department").

**WITNESSETH:**

**WHEREAS**, Department is a Not-For-Profit Corporation organized exclusively for charitable and educational purposes and as part of those purposes, desires to provide fire protection and rescue services to persons in the Town of Marcellus including the entire corporate limits of the village of Marcellus; and

**WHEREAS**, such fire protection and rescue services are vital and necessary to the health and welfare of the inhabitants of the Town of Marcellus including the corporate limits of the village of Marcellus, as now included in the Marcellus Fire Protection District; and

**WHEREAS**, the Department maintains adequate and suitable apparatus, appliances and equipment for the furnishing of fire protection of said district; and

**WHEREAS**, the Town agrees that Department shall be the exclusive provider of primary fire protection services in the Town of Marcellus, including the village of Marcellus as now included in the fire protection district; and

**WHEREAS**, the Department does not maintain an ambulance and will not provide general ambulance services.

**WHEREAS**, a special law has been enacted that has permitted the town and village to extend the Marcellus Fire Protection District into the village of Marcellus, thus creating one fire protection district encompassing all of the limits of the town, including the corporate limits of the village of Marcellus, and such extension has now occurred.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions herein contained, the parties hereto mutually agree as follows:

**1. PROVISION OF EMERGENCY SERVICES**

Department will provide Town with personnel, apparatus, vehicles and equipment necessary to provide fire protection and rescue services capable of properly responding to emergencies on an on-going basis within the Town of Marcellus Fire Protection District. Fire protection shall be defined as Section 184 of the Town Law, but shall not include inspections of buildings and properties in the Town of Marcellus for the purposes specified in and as authorized by sections 187-a and 183 of the Multiple Residence Law, and section 189 of the Town Law. Fire Protection shall not include the provision of general ambulance services.

**2. THE FIRE STATION**

During the term of this agreement, the Town shall provide Department with suitable housing in order to house the Department's apparatus, equipment, vehicles and supplies and in order to provide such fire protection and shall maintain such housing in good order.

The Department acknowledges the Marcellus Fire Hall located at 4242 Slate Hill Road, Marcellus, New York constitutes suitable housing. The Department acknowledges the Fire Hall is to be used solely for fire fighting services unless otherwise permitted by the Town Board. Commercial use of the kitchen is prohibited.

The maintenance of the building and property shall be the responsibility of the Department utilizing designated funds from Schedule "A." The Department is required to have professionally cleaned, twice annually, the oil water separator. The first cleaning must occur prior to April 30<sup>th</sup>, and the second cleaning must occur prior to October 30<sup>th</sup>.

The Department may establish a reserve fund for the maintenance of the fire station. The balance of said building maintenance reserve fund shall not exceed \$75,000. The Department further agrees to notify the Town Board and obtain approval from the Town, for any maintenance projects in excess of \$5,000 and follow all Department procurement policies with respect to same.

**3. TERM**

The term of this Agreement shall commence on January 1, 2025 and shall continue until December 31, 2025 unless sooner terminated as herein provided.

**4. COMPENSATION AND VFBL**

Town agrees to pay Department those amounts as provided in Schedule "A", payable in installments as set forth in Schedule "B". Such funds shall be used by the Department solely for the administration of the fire department equipping fire department as necessary for recruitment and retention, and for such other purposes as related to providing fire protection or administering a fire department and as permitted by the Department's not-for-profit status. The installment payments will only be due if the Department is in full compliance with its obligations under this Agreement.

Department shall provide reports to the Town, no less than monthly, with itemized income and expenses which, at a minimum, disclose all income received from any and all sources. This report must be received and approved by the Town Board prior to and as a prerequisite to any installment payment made by the Town to the Fire Department pursuant to Schedules "A" and "B" to this Agreement. Department shall notify the town of any change in expense line item from which funds were originally budgeted, but in no event shall the Department expend funds in excess of \$5,000 outside the line item budget without Town approval. Except as may be restricted by paragraph two (2) above, the Department may transfer any unexpended portion of any line item to a capital or reserve fund. The Department will provide a report annually of the amount of the capital and reserve funds. The report will also include the line item surpluses from that year applied to the capital or reserve fund.

In addition to the foregoing, the Fire Department will provide to the Town each year prior to and in preparation for the Town's budget process the following:

- a statement itemizing the estimated costs attributable to the contract with the Town, including costs related to supplies, materials, operation, maintenance and repair of equipment and apparatus; insurance; training; protective clothing, gear and other personnel costs; building rental, maintenance and operation; and a specified proportionate share of capital costs.
- the fire company's most recent annual report of directors pursuant to Not-For-Profit Corporation Law Section 519 (if applicable);
- the fire company's most recent verified certificate pursuant to Not-For-Profit Corporation Law Section 1402(f) (if applicable);
- the fire company's most recent internal revenue service form 990; and
- the fire company's most recent annual report pursuant to General Municipal Law Section 30-a.

Town shall arrange coverage for benefits required under the Volunteer Firefighters Benefit Law and the New York State Firefighter Cancer Benefit program and shall be responsible for all increases in costs of any coverage under these benefit programs. The Department shall be responsible for all costs of maintenance of this program.

**5. HOLD HARMLESS AGREEMENT**

Town recognizes that Department is staffed by volunteers and that Department can only make reasonable efforts to recruit and retain volunteers. Town agrees to hold Department harmless for Department's failure to provide sufficient manpower at any single incident. Town shall also hold Department harmless for all claims, actions and suits against the Town for any act or omission of the Department beyond the amount of any exposure covered by insurance.

**6. INSURANCE**

Town agrees to maintain liability insurance sufficient to insure itself against claims for unintentional torts resulting in personal injuries in an amount of not less than One Million Dollars (\$1,000,000.00). Town shall name the Department as an additional insured in Town's insurance policy and shall provide proof of such insurance to the Department.

Department shall at all times and without any gap in coverage maintain automobile insurance for personal injuries and property damage arising out of the operation of emergency and firefighting vehicles in an amount of not less than One Million Dollars (\$1,000,000.00). Department shall name the Town as an additional insured, shall provide proof of such coverage to the Town, and shall cause the Town to be notified by the insurance carrier in case of any lapse of coverage.

**7. BILLING**

Department shall not bill any person for any fire protection or rescue services.

**8. EXPIRATION OR TERMINATION OF RESPONSIBILITIES**

Upon expiration or termination of the Agreement as provided hereunder, Department shall have no liability or responsibility for providing services under this Agreement to any person or property within the boundaries of the Town of Marcellus. Town agrees to defend, indemnify and hold Department harmless for any claim, suit, proceeding or action, arising from Department's failure to provide adequate or sufficient services to any person or property within the Town of Marcellus's boundaries after this Agreement expires or terminates.

**9. GROUNDS FOR TERMINATION**

Department may terminate this Agreement upon the Town's failure to deliver the monies due Department under this Agreement by the date due, so long as Department provides twenty (20) days written notice to the Town of the date it will cease providing services. If the Town remits such funds to the Department during this twenty (20) day notice period, Department shall not terminate services based upon the Town's failure to pay this annual contract payment.

Town may terminate this Agreement upon the loss or suspension of Department's ability to deliver fire protection services, or upon the failure of Department to continuously respond to requests for fire protection or rescue services within the Town's boundaries for a period of no less than two (2) weeks, so long as Town provides Department written notice of the date services will no longer be permitted. Department shall be provided the opportunity to cure such loss, suspension or failure, and shall have three (3) days from receipt of notice from the Town to provide such protection under the terms of this Agreement.

**10. EQUIPMENT**

The parties agree that trucks and equipment purchased in whole or in part with public funds provided by the Town shall be owned and maintained by the Department. The Department agrees however that said trucks and equipment shall be made available for the exclusive benefit of the residents of the Town of Marcellus and for mutual aid, without limitation, for the duration of this agreement and for a period of five (5) years following the termination or expiration of this Agreement.

It is furthermore the clear intent of the parties that Department trucks and equipment always be available for the benefit of the Town residents. Accordingly, in addition to the foregoing, the Department, as consideration for the right to own and hold title to the trucks and equipment, will also amend its Certificate of Incorporation to state that said equipment and trucks will be available for and utilized without limitation for the benefit of the residents of the Town of Marcellus and for mutual aid.

The Department further agrees to amend the Certificate of Incorporation such that the intent of the Department is that upon dissolution of the Department, said equipment and trucks' ownership revert to the Town of Marcellus or to an entity designated by the Town.

The foregoing amendments to the Certificate of Incorporation may not be altered or amended without the approval of the Town of Marcellus and are a condition precedent to this Agreement.

The Department agrees to establish and maintain a separate capital account for vehicle purchases and agrees that said funds will be restricted to the purchase of said vehicles only.

All of the provisions of this paragraph ten (10) pertaining to Equipment shall survive the expiration or termination of this Agreement.

**11. RESTRICTION ON CAPITAL PURCHASES**

Department shall not make any capital purchase or incur any debt, either of which requires financing, if such purchase/financing would require an increase in the Department's budget in the future years for the term of the financing beyond the term of this Agreement, unless Department first obtains the approval of the Town.

**12. QUARTERLY REPORTS**

Department shall provide quarterly reports to town no later than May 15, August 15, November 15, February 15, detailing the number of calls to which the Department responded, in which town the call was located, and of such other information as the town may from time to time require.

Department shall also provide each month the prior month's income and expense report detailing the income and expenses of the Department pertaining to the contractual funds. Notwithstanding and in addition to the requirements within this paragraph, the Department will also comply with the requirements of paragraph 4 of this Agreement when rendering its monthly reports. The expenses shall be itemized by line item. Each line item shall indicate the amount of funds budgeted, spent and remaining. The Department shall also obtain a semi-annual independent audit and provide a report of the audit along with an inventory of equipment to the Town within thirty (30) days of its receipt of the audit report. The Town has paid for that portion of the audit which relates to public funds as part of the funds budgeted in Schedule A.

**13. NOTICES**

All notices, requests, demands and other communications required or permitted to be given hereunder shall be in writing, and shall be deemed duly given if delivered by hand or mailed by registered or certified mail, return receipt requested, to the parties at the following address:

Marcellus Fire Department, Inc.  
Attn: President  
4242 Slate Hill Road  
Marcellus, New York 13108

Town of Marcellus  
Attn: Supervisor  
22 East Main Street  
Marcellus, New York 13108

**14. SAVINGS CLAUSE**

If any provision of this Agreement is determined to be legally invalid, inoperative or unenforceable, only that particular provision shall be affected, such determination shall have no effect whatsoever on any other provision of this Agreement, and all other provisions shall remain in full force and effect. Should the law be amended such that any term of this Agreement shall be rendered null and void or unenforceable, or should the law require a provision in this Agreement that is not presently recited, such agreement shall be deemed amended as of the effective date of the amendment to the law.

**15. WAIVER**

No delay or failure to exercise any remedy or right occurring upon any default shall be construed as a waiver of such remedy or right, or acquiescence in such default, nor shall; it affects any subsequent default of the same or a different nature. All rights and remedies herein conferred shall be in addition to and not exclusive of any and all other rights or remedies now or hereafter existing at law or in equity.

**16. HEADINGS**

All headings and captions in this Agreement are for convenience only. They shall not be deemed part of this Agreement and shall in no way define, limit, extend or describe the scope or intent of any provisions hereof.

**17. FURTHER ASSURANCES**

The parties shall execute and deliver all documents, provide all information and take or forbear from all such action as may be necessary or appropriate to achieve the purposes set forth in this Agreement.

**18. BINDING EFFECT**

This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, executor, administrators, successors and assigns.

**19. COUNTERPARTS**

This Agreement may be executed in counterparts and each such counterpart, when taken together, shall constitute a single and binding Agreement.

**20. GOVERNING LAW**

This Agreement shall be governed by and construed in accordance with the laws of the State of New York. The County of Onondaga in the State of New York is hereby designated as the place of trial for any action or proceeding arising from or in any way connected to this Agreement.

**21. NO ASSIGNMENT**

In accordance with the provisions of Section 109 of the General Municipal Law of the State of New York, Department is hereby prohibited from assigning, transferring, conveying, or otherwise disposing of this agreement, or its power to execute this Agreement, to any other person or corporation without the express written consent of Town. Any such assignment or disposition without such consent shall be void and unenforceable.

**22. ENTIRE AGREEMENT**

This Agreement is the entire agreement among the parties and shall not be changed, except by a writing signed by the party to be charged. This Agreement shall supersede all prior agreements between the parties.

**IN WITNESS WHEREOF**, the parties hereto have set their respective hands and seals as of the day and year first above written.

**Town of Marcellus**

**Marcellus Fire Department, Inc.**

By: \_\_\_\_\_  
**Laurie Stevens, Supervisor**

By: \_\_\_\_\_  
**, President**



**SCHEDULE A**

Contractual Payment:	\$244,934.00
-plus-	
Truck & Equipment Reserve:	\$ 75,000.00
-plus-	
Building Maintenance Fund:	<u>\$ 30,000.00</u>
TOTAL:	\$349,934.00

**SCHEDULE B**

On or before January 15, 2025	Twenty-five Percent (25%) of Schedule A
On or before April 15, 2025	Twenty-five Percent (25%) of Schedule A
On or before June 15, 2025	Twenty-five Percent (25%) of Schedule A
On or before September 15, 2025	Twenty-five Percent (25%) of Schedule A

**AGREEMENT FOR  
AMBULANCE SERVICE (2025)**

**THIS AGREEMENT** made the 1st day of January, 2025 by and between the Town of Marcellus, Marcellus, New York hereinafter referred to as the "TOWN" and Marcellus Volunteer Emergency Services, Inc., a not-for-profit corporation, having its principal office in Marcellus, New York, hereinafter referred to as "MAVES."

**WITNESSETH**

**WHEREAS**, the Town Board has determined that it is in the public interest for the Town of Marcellus to enter into a contract with MAVES to furnish emergency medical ambulance services for all persons in the Town of Marcellus including the entire corporate limits of the Village of Marcellus; and

**WHEREAS**, at a meeting of the Board of Directors of MAVES held in Marcellus, New York on the 30<sup>th</sup> day of December, 2024, MAVES agreed to furnish such emergency medical Ambulance Services; and

**WHEREAS**, this contract is authorized by Town Law Article 12-A.

**NOW, THEREFORE**, it is mutually agreed by the parties as follows:

**1. SERVICES TO BE PROVIDED**

- a. MAVES shall provide 24 hour, 7 days per week, emergency medical ambulance services for all persons situated in the entire corporate limits of the Town of Marcellus, including the Village of Marcellus requiring such service and shall provide pre-hospital emergency medical treatment and shall transport sick or injured persons found within the boundaries of the Town to a hospital or other treatment facility for treatment of such illness or injury. MAVES warrants and represents that it has, and will continue to have, sufficient trained and certified personnel, equipment and supplies to provide the services provided herein. The Town recognizes that MAVES has a limited supply of ambulances and is not capable of responding to unlimited emergencies at one time, or while "out of service." "Out of service" shall mean such times as when the ambulances have arrived at a health care facility with a patient but, it is either cleaning or restocking the ambulance, or at such times as the ambulances are being routinely serviced and are "out of service" for a temporary short period of time during such routine service.
- b. When notified of the need for ambulance services within the Town, MAVES will respond and attend to any such request without delay.
- c. MAVES shall make reasonable and necessary efforts to employ or contract with a person or persons certified at the advance life support level as an emergency

medical technician in New York State, who shall be available to respond to emergencies twenty-four (24) hours per day, seven (7) days per week.

- d. Nothing herein shall prohibit MAVES from serving other municipalities on a primary or mutual aid basis.

## 2. INSURANCE

The parties agree that members of MAVES, who provide such services on a volunteer basis, will be covered with the statutory coverage under the Volunteer MAVES Worker's Benefit Law, which insurance coverage shall be paid by the Town. MAVES shall pay for the insurance coverage of MAVES' employees.

## 3. CERTIFIED AMBULANCE

- a. MAVES agrees that it shall provide an ambulance service with all of the personnel, equipment and supplies required by the Public Health Law and the regulations promulgated by the Department of Health.
- b. MAVES agrees to keep in force its Ambulance operating certificate and comply with all the applicable requirements of Article 30 of the Public Health Law and State Emergency Medical Services Code (10 NYCRR Part 800).
- c. MAVES shall procure and pay all permits and licenses necessary for the ambulance services to be rendered hereunder.

## 4. BILLING; FUND RAISING

- a. MAVES may charge its usual and customary rate, which shall not be unreasonable.
- b. Town recognizes that MAVES intends to bill patients directly for services and transportation it renders and approves of the practice. MAVES may collect these fees directly and retain such fees. MAVES reserves the right to initiate legal action against any person who does not tender payments for MAVES' services. Attached by Schedule B is the list of user fees MAVES may bill. Incorporated by reference into Schedule B and this Agreement are any rates paid by any government private employer-based or third-party insurance. Town and MAVES have established a contract price that includes payment for an estimated co-payment (but not deductible) of an ambulance bill to be due from residents. In light of such contract amount, MAVES shall not attempt to collect any co-payment from any resident of the Town of Marcellus. MAVES accepts the annual payment made by the Town to MAVES as payment for residents' co-payments. However, MAVES shall make

all reasonable and necessary attempts to collect these funds from non-residents and from persons located in other municipalities.

- c. Nothing herein shall be construed to prevent MAVES from soliciting and accepting donations and from conducting fund-raising activities to assist in defraying its operating and capital expenses.

**5. CONSIDERATION; PAYMENT; TERM**

- a. The term of this Agreement shall be one (1) year and shall commence on January 1, 2025 and expires on December 31, 2025.
- b. The Town shall pay to MAVES, for the calendar year 2025, that amount listed in Schedule A on the dates herein stated, subject only to the presentation of proof of insurance and proof that the Town has been named as an additional insured.
- c. MAVES, for such consideration, shall pay all expenses incurred by the operation of such ambulance service, including, but not limited to all personnel and personnel related expenses, personal training costs, repairs and maintenance of equipment, supplies including consumables, gas and oil, and insurance premiums for the insurance coverage hereinafter specified.

**6. INSURANCE; HOLD HARMLESS**

- a. MAVES agrees that it will insure and keep insured, during the term of this Agreement, at its own cost and expense, its vehicles, equipment and members against any and all claims and damages arising from personal injury or property damage, with a policy of commercial general liability insurance with at least \$1,000,000/\$3,000,000 limits and vehicle insurance with a policy limit of at least \$1,000,000. The Town shall be named as additional insured on said policy.
- b. MAVES agrees to defend, indemnify and hold harmless the Town, its offices, agents, and/or employees from any liability imposed or threatened upon the Town, its officers, agents, and/or employees arising from the acts of negligence, active or passive, of MAVES, in providing emergency medical care.
- c. Town shall have the right to review the insurance policy purchased by MAVES upon reasonable notice to MAVES at reasonable hours.

**7. INDEPENDENT CONTRACTOR**

It is hereby mutually covenanted and agreed that the relation of MAVES to the work performed by it under this contract shall be that of an independent contractor. The Town shall not supervise or control the method or manner of providing emergency services.

**8. REVIEW OF FINANCES AND PERFORMANCE**

- a. MAVES shall provide Town a report on or within five days of January 15, April 15, July 15 and October 15, indicating all of the line item expenses and income of MAVES. The purpose of such review is not for the Town to supervise or control MAVES, but instead to predict the expenses and income for the future years and to plan accordingly. MAVES covenants that it maintains the record of the finances in a form sufficient to be audited and/or reviewed and that upon a request from the Town, an audit or review will be permitted upon reasonable notice, so long as the Town bears the expenses. MAVES covenants that it has put in place reasonable steps to monitor the funds and prevent theft, or improper accounting practices.
- b. On or within five days of January 15, April 15, July 15, and October 15, MAVES shall provide to the Town a report indicating the following;
  - i. The number of calls to which MAVES was dispatched
  - ii. The number of calls to which MAVES responded
  - iii. The number of calls to which MAVES was unable to respond
  - iv. The town, village or other area in which each patient was located, if possible, the number of BLS calls and ALS calls
  - v. If possible, the number of patients that refused transport
  - vi. If possible, the collection rate of all patients served in each respective town or village
- c. MAVES shall make a good faith attempt to present a preliminary budget to the Town no later than September 1.

**9. NO ASSIGNMENT**

In accordance with the provisions of Section 109 of the General Municipal Law, MAVES is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in the Agreement, or its power to execute the Agreement, to any other person or corporation without the previous consent in writing of the Town.

**10. COMPLIANCE WITH LAWS**

MAVES shall at all times comply with all applicable laws, statutes, codes, rules, and regulations.

**11. APPLICABLE LAW**

This agreement is governed by the laws of the State of New York.

**12. MODIFICATION**

This Agreement constitutes the complete understanding of the parties. No modifications of any provisions thereof shall be valid unless in writing and signed by both, parties.

**13. NOTICES**

Any and all notices and payments required hereunder shall be addressed as follows, or to such other address as may hereafter be designed in writing by either party hereto:

To Town:           Attention Supervisor  
                          22 E. Main Street  
                          Marcellus, New York 13108

To MAVES:         Attention President  
                          MAVES  
                          3707 Lee Mulroy Road  
                          Marcellus, New York 13108

**14. WAIVER**

No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

**15. COMPLIANCE WITH LAWS; SEPERABILITY OF TERMS**

Should any clause be deemed to be illegal or unenforceable by action of law or regulation, this Agreement shall be amended by the parties within sixty (60) days of the effective date of such law or regulation. Should a sufficient amendment not be obtainable in order to adhere to the spirit of this Agreement, such clause shall, be stricken without affection the validity of any other clause of term of this Agreement. Any clause deemed void, illegal or otherwise unfair or unenforceable shall be stricken from the Agreement without voiding the Agreement or otherwise affecting the other rights or obligations imposed by this Agreement.

**16. TERMINATION**

The Town may terminate this Agreement if MAVES fails to provide the services required under this Agreement for a period of nine (9) continuous days. MAVES may terminate this Agreement should the Town fail to make payment as required herein.

**IN WITNESS WHEREOF**, the parties caused this Agreement to be executed by their duly authorized officers as the day and year first above written

**TOWN OF MARELLUS**

By: \_\_\_\_\_

Laurie Stevens, Supervisor

**MARCELLUS AMBULANCE VOLUNTEER EMERGENCY SERVICES, INC.**

By: \_\_\_\_\_

, President



**Schedule A**

**Agreement for Ambulance Service**

**2025**

**Contract Amount: \$306,900.00**

**Method of Payment:** Payments are to be made in twelve (12) equal monthly installments of \$25,575.00.

## Schedule B

### Agreement for Ambulance Service

2025

#### Usual and customary user fees

Town and Village of Marcellus  
Resident

ALS 1	\$1,800.00
ALS 2	\$2,050.00
ALS Refusal	\$ 300.00
BLS	\$1,400.00
Emerg Srv	
At Scene	\$ 200.00
Mileage	\$ 34.50

**INTERMUNICIPAL AGREEMENT  
BETWEEN**

The Town of Marcellus on behalf of  
the Marcellus Sewer Districts # 1 and 2  
and  
The Village of Marcellus

Agreement made as of this \_\_\_\_ day of \_\_\_\_\_, 2024, by and between the Town of Marcellus, a municipal corporation, with its offices at 22 East Main Street, Marcellus, New York (hereinafter referred to as the "Town") on behalf of the Marcellus Consolidated Sewer Districts # 1 and 2, and the Village of Marcellus, a municipal corporation of the State of New York, with its offices at 6 Slocombe Ave, Marcellus, New York (hereinafter referred to as the "Village").

**WITNESSETH:**

**WHEREAS**, the Town has formed, operates and maintains the Marcellus Sewer Districts # 1 and 2 within the Town, to include sewer lines and the Platt Road pumping station, for the purpose of providing public sanitary sewer services to Town residents ("Town Sewer System"),

**WHEREAS**, the Village operates and maintains a sewer system within its corporate boundaries, which includes sewer lines, pumping stations, and a wastewater treatment plant ("Village Sewer System"),

**WHEREAS**, the Town and Village consolidated the operation, maintenance, and repair of their sewer systems in order to optimize operational efficiency, and reduce flow within the system by addressing I & I issues and reduce taxpayer expense.

**NOW, THEREFORE**, in consideration of the terms, covenants and conditions contained herein, the Town and Village do hereby agree as follows:

1. **VILLAGE SERVICES**

a. The Village, by virtue of the authority invested in it pursuant to Article 5-D of the General Municipal Law, hereby grants the Town the right to continue all existing connections and to discharge sanitary sewage into the Village Sewer System. If there is adequate capacity at the Village Water Pollution Control Plant (WPCP), upon approval of the Village Board of Trustees, the Town may make additional connections to the Village Sewer System.

b. The Town shall use such sewer system for sanitary purposes only, and said shall not be used for the disposal of fluids, chemicals or solids which may cause injury or damage to the sewer pipes, equipment or treatment plant or said sewer system, or for surface or roof water drain runoff.

c. If at any time during the term of this Agreement, the Village Sewer System is determined by written order of any authorized agency of the State of New York to be inadequate for the use of the Village and its inhabitants within the meaning of Section 14-1404 of the Village Law, the parties to this Agreement shall work together to find an acceptable solution to the determination. If such a solution is not reached, this Agreement shall terminate as of the date of such order, and the Town shall cease to discharge into the Village Sewer System. Upon any such termination, any payment due would be pro-rated to the date of termination. If by any reason of any natural calamity (force majeure) or act beyond the control of the Village (e.g. loss of power, vandalism, or sabotage) and, as a result, the service of the Town hereunder is terminated, any payment due shall be pro-rated to date of termination.

d. The Village shall continue to bill Town sewer users through the Town of Marcellus pursuant to the formula set forth in section 3 below.

## 2. TOWN ACTIONS

The Town agrees to:

a. Comply with the Village of Marcellus Sewer Ordinance and all written orders, directions and regulations of the Village for the use of such sewer system which are now in force and which shall hereafter be adopted by the Village or by the County of Onondaga, or by the State of New York.

b. In the event a sewer line breaks or other significant repairs are needed to the Town Sewer System described above, which the Village determines are beyond its capabilities to address, the Town shall pay for such repairs directly to the vendors selected by the Village to make the repairs.

c. Obtain the approval of the Board of Trustees of the Village before making any additional connections to or extensions of the Town Sewer System and make corresponding adjustments for sewer rent payments to the Village as necessary;

d. Report any and all sewer leaks/spills that happen within the Town Sewer System per the Sewage Pollution Right to Know Act (2013);

e. Continue to have Town sewer users in Town Sewer Districts (#1 and #2) make payment for sewer services to the Town pursuant to the formula listed in section 3 below; and

f. Make the Village whole for any outstanding sewer charges by March 1<sup>st</sup> of each year.

g. Ensure that the oil/grit separator located at the Firehouse is professionally cleaned out biannually to the satisfaction of the Village. The frequency of such cleanings may be amended upon mutual written consent of the parties.

h. Ensure that the oil/grit separator located at the Town Highway Garage is professionally cleaned out biannually to the satisfaction of the Village. The frequency of such cleanings may be amended upon mutual written consent of the parties.

### 3. SCHEDULE OF PAYMENTS

The Town shall bill Town Sewer users at the beginning of each calendar year, when Town taxes are levied. Said payment shall be based upon a Basic Service Fee (average Village sewer user payment), plus a thirty percent (30%) Outside User Fee, times the number of Town sewer units, to be prepared by the Village and submitted to the Town on or before October 1<sup>st</sup> of each year.

a. The Town agrees to transfer to the Village, by the 1<sup>st</sup> of March each year, in a single payment, to be approved at the Town's Organizational Meeting each year, those sewer rent payments that have been made to the Town by the Town sewer users.

### 4. CLASSIFICATION OF UNITS

The following classification of units will be used in both the Village and Town to determine the applicable annual sewer use payments to be made by the Town to the Village:

	CLASSIFICATION	FACTOR
1.	Single Family House	1 Unit
2.	Multi-Family House	1 Unit per residence.
3.	Apartment Houses and 1 Unit for each additional Apt.	1 Unit for 1 <sup>st</sup> Apt.
4.	Mobile Home or Private Lot	1 Unit
5.	Mobile Home in Park	1 Unit each
6.	Church	1 Unit
7.	Parsonage – Separate Structure	1 Unit
8.	Parsonage – Attached to Church	1 Unit
9.	Town Municipal Building	1 Unit
10.	Town Highway Garage	3 Units
11.	Firehouse	5 Units
12.	Town Park Facilities	6.5 Units
13.	Campsite or RV Rental Unit w/Sanitary Facilities	1/8 Unit
14.	Industrial & Commercial (Stores, Restaurants, Motels, Hotels, Gas Stations, Laundromat, etc.) 80,000 gals. of sewage per year or part thereof over 80,000 gals	1 Unit and 1 Unit per

The number of units to be used in calculating the applicable annual sewer use payments as per Sections 2(f) and 3 herein shall be determined annually.

- (a) The Village shall determine and submit its actual unit count on or before October 1<sup>st</sup> of each year.
- (b) Any unexpected or necessary adjustments to the cost of services, or any change in the number of units within the Town prior to October 1<sup>st</sup> of any given year, shall be used in making the final count for the March payment.

### 5. OTHER AGREEMENTS

a. This Agreement supersedes all prior negotiations and written or oral understandings, if any, and may not be amended or supplemented except by an instrument in writing signed by both parties hereto.

b. This Agreement shall replace all prior Agreements both written and oral between Village and Town for the Town Sewer System, including the Intermunicipal Agreement entered into on October 10<sup>th</sup>, 2014, except as referenced in c. below

c. The Sewer Line and Pump Addendum to this Agreement dated January 1<sup>st</sup> 2025 relating to the Town Fire Department, Town Highway Department and Town Park sewer mains and Park Pump Station herein attached as Exhibit 1 here to shall remain in effect until December 31<sup>st</sup> 2027.

## 6. INTERPRETATION

a. The paragraph captions are for convenience only and shall not affect the interpretation of this Agreement.

b. This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

## 7. ASSIGNMENT

This Agreement will be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns to which this Agreement relates.

## 8. NOTICES

Notices will be deemed properly given when in writing sent by certified mail, postage prepaid and addressed:

If to the Town:            Supervisor, Town of Marcellus  
   22 East Main Street  
   Marcellus, New York 13108

If to the Village:        Mayor, Village of Marcellus  
   6 Slocombe Avenue  
   Marcellus, New York 13108

## 9. HOLD HARMLESS

The parties agree as follows: 1) the Village covenants and agrees to indemnify, defend, and hold harmless the Town, its officers, agents and employees from and against any and all loss or expense that may arise by reason of claims, costs, damages, suits, actions, judgements, injury or death, or for invasion of personal or property rights, of every name and nature, and whether causal or continuing trespass or nuisance, and any other claim for damages arising at law and equity alleged to have been caused or sustained in whole or in part by or because of any omission of duty, negligence or wrongful act on the part

of the Village, its employees and agents as it relates to the Village Sewer System; 2) the Town covenants and agrees to indemnify, defend, and hold harmless the Village, its officers, agents and employees from and against any and all loss or expense that may arise by reason of claims, costs, damages, suits, actions, judgements, injury or death, or for invasion of personal or property rights, of every name and nature, and whether causal or continuing trespass or nuisance, and any other claim for damages arising at law and equity alleged to have been caused or sustained in whole or in part by or because of any omission of duty, negligence or wrongful act on the part of the Town, its employees and agents as it relates to the Town Sewer System and Sewer Line and Pump Addendum.

10. LENGTH OF AGREEMENT

The term of this Agreement shall be from the date upon which the Agreement is executed by the Village Mayor and continue until December 31<sup>st</sup> 2027.

11. SEVERABILITY

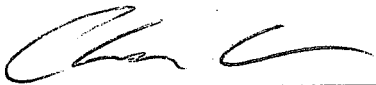
If any term or provision of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and every other term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

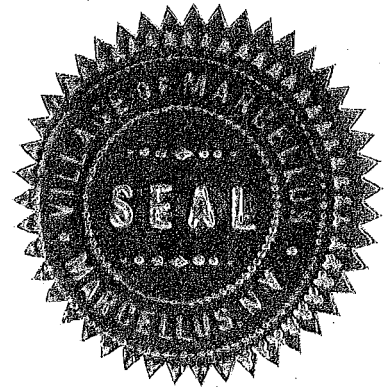
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and their respective seals to be hereunto affixed by their duly authorized officers the day and year first above written.

TOWN OF MARCELLUS

By \_\_\_\_\_  
Town Supervisor

VILLAGE OF MARCELLUS

By   
Mayor



STATE OF NEW YORK )  
COUNTY OF ONONDAGA ) ss.  
TOWN OF MARCELLUS )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me personally known, who, acknowledged that \_\_\_\_\_ is the \_\_\_\_\_ of the Town of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in \_\_\_\_\_ vested.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK )  
COUNTY OF ONONDAGA ) ss.  
VILLAGE OF MARCELLUS)

On this 26 day of November, 2024, before me personally appeared Chad Clark, to me personally known, who, acknowledged that he is the Mayor of the Village of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in him vested.

  
\_\_\_\_\_  
Notary Public

**CHARNLEY A. ABBOTT**  
Notary Public, State of New York  
Reg. No. 01AB6381323  
Qualified in Onondaga County  
Commission Expires 10-01-2026



EXHIBIT 1

Marcellus Sewer Line and Pump Addendum

This Agreement is made this \_\_\_\_ day of \_\_\_\_\_ 2024, by and between the Town of Marcellus, a municipal corporation organized and existing under the laws of the State of New York with its principal offices as 22 East Main Street, Marcellus New York 13108 (“Town”) and the Village of Marcellus, a municipal corporation organized and existing under the laws of the State of New York with its principal offices at 6 Slocombe Avenue, Marcellus, New York 13108 (“Village”).

WITNESSETH

WHEREAS, the Town owns, operates and maintains the Marcellus Park located at 2443 Platt Road, Marcellus, New York 13108 (“Marcellus Park”);

WHEREAS, the Town owns the Park Pump Station and sewer lines within the Marcellus Park boundaries for the purpose of providing public sanitary sewer services to the Marcellus Park (“Marcellus Park Sewer System”);

WHEREAS, the Town is the owner of three-bathroom facilities located in Marcellus Park, including the grinder pumps located outside of each, and responsible for all maintenance excluding the Village from any responsibility;

WHEREAS, the Town is the owner of the fire hall facilities located at 4242 Slate Hill Road, Marcellus, New York 13108 (“Firehouse”);

WHEREAS, the Town is the owner of the highway garage facilities located at 4262 Slate Hill Road, Marcellus, New York, 13108 (“Town Highway Garage”);

WHEREAS, the Town is responsible for maintenance, repair and replacement of the Park Pump Station, including the right of way or easement for the pipe leading westerly to the Firehouse and Town Highway Garage, thereof and whereby the Town agreed to pay the Village for such sewer service at a rate commensurate with the amount of wastewater entering the system to be billed by the Village on a quarterly basis.

NOW, THEREFORE, in consideration of the terms, covenants and conditions contained herein, the Town and Village do hereby agree as follows:

To the extent requested by the Town, and pursuant to existing practice, the Village will monitor and oversee the normal operation, maintenance and repair of the Park Pump Station and sewage lines described above. The Town agrees to reimburse the Village for any reasonable costs incurred by the Village in providing such service.... In the event a line breaks or other repairs are needed to the Marcellus Park Sewer System, which the Village determines are beyond its capabilities to address, the Town shall pay for such repairs directly to the vendors selected by the Village to make the repairs.

The Town is responsible to report any and all sewer spills that happen for the Marcellus Park Sewer System mentioned above per the Sewage Pollution Right to Know Act (2013) State Law.

The Town shall use such sewer system for sanitary purposes only, and said shall not be used for the disposal of fluids, disposal of grit/oil separators, chemicals or solids which may cause injury or damage to the sewer pipes, equipment or treatment plant or said sewer system, or for surface or roof water drain runoff.

The Town shall ensure that the oil/grit separator located at the Firehouse is professionally cleaned out biannually to the satisfaction of the Village. The frequency of such cleanings may be amended upon mutual written consent of the parties.

The Town shall ensure that the oil/grit separator located at the Town Highway Garage is professionally cleaned out biannually to the satisfaction of the Village. The frequency of such cleanings may be amended upon mutual written consent of the parties.

Notwithstanding the foregoing, the Town may contract for and retain the services of another entity for maintenance and repair of the Town Sewer Districts and Park Pump Station and sewer lines upon ninety (90) days notice to the Village.

The Term of this Agreement shall be from the date of execution and continue until December 31<sup>st</sup> 2027.

TOWN OF MARCELLUS

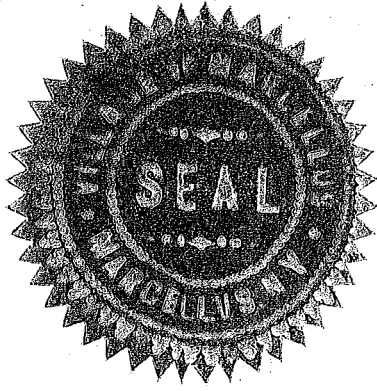
By \_\_\_\_\_

Laurie Stevens, Town Supervisor

VILLAGE OF MARCELLUS

By  \_\_\_\_\_

Chad Clark, Mayor



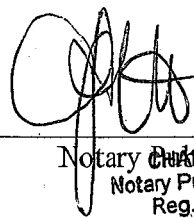
STATE OF NEW YORK )  
COUNTY OF ONONDAGA ) ss.  
TOWN OF MARCELLUS )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me personally known, who, acknowledged that \_\_\_\_\_ is the \_\_\_\_\_ of the Town of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in \_\_\_\_\_ vested.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK )  
COUNTY OF ONONDAGA ) ss.  
VILLAGE OF MARCELLUS)

On this 26 day of November, 2024, before me personally appeared Chad Clark, to me personally known, who, acknowledged that he is the Mayor of the Village of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in him vested.



\_\_\_\_\_  
Notary **CHARLEY A. ABBOTT**  
Notary Public, State of New York  
Reg. No. 01AB6381323  
Qualified in Onondaga County  
Commission Expires 10-01-2026

**SEWER EXTENSION AGREEMENT**

This Agreement is made this 31<sup>st</sup> day of December, 2024, by and between the Town of Marcellus, New York, ("Town") and the Village of Marcellus, New York, ("Village").

**WHEREAS**, the Village presently provides for the transportation and treatment of sewage for the Marcellus Sewer Districts # 1 and 2 within the Town, delivered by the Town to the Village Sewer System, pursuant to the "Intermunicipal Agreement Between the Town of Marcellus on behalf of the Marcellus Sewer Districts # 1 and 2 and the Village of Marcellus" dated October 10, 2014 (the "Agreement"); and

**WHEREAS**, the term of the Agreement expires on December 31, 2024; and

**WHEREAS**, it is the desire of the Village and Town to extend the term of said Agreement so as to permit officials of the Village and Town to investigate the current needs and capabilities of the Village and Town to negotiate a new agreement and to prevent an interruption in service to the residents within Marcellus Sewer Districts #1 and #2.


**NOW, THEREFORE**, in consideration of the terms, covenants and conditions contained herein, the Town and Village do hereby agree as follows:

1. The term of the Agreement is hereby extended thirty (30) days upon the same terms, covenants and conditions set forth in the Agreement as if more fully set forth herein; and

2. The fees paid by the residents of Marcellus Sewer Districts # 1 and 2 to the Village shall be based upon the same formula as set forth in the Agreement. The payments made under this extension will be on a pro rata basis that the term of this extension (or any additional extension) represents to a yearly expense for said services.

IN WITNESS WHEREOF, the parties have caused this extension to be signed and executed on the day and year first above written and by so doing, represent they have the authority to do from their respective boards.

DATED: 12/27/24

BY: 

**Chad Clark**

**Mayor, Village of Marcellus, New York**

DATED: \_\_\_\_\_

BY: \_\_\_\_\_

**Laurie Stevens**

**Supervisor, Town of Marcellus, New York**

TOWN OF MARCELLUS JUSTICE COURT  
22 EAST MAIN STREET  
MARCELLUS, NEW YORK 13108

December 3, 2024

Olivia Dunn  
[REDACTED]

Marcellus, New York 13108

Dear Ms. Dunn.

Marcellus Justice Court is pleased to offer you the position of Deputy Court Clerk. We are very excited about the potential you bring to the Court.

We anticipate your start date will be Monday January 6<sup>th</sup>, 2025.

As discussed, you will work directly with Mary Beth Lollis-Barnell, Sr. Clerk in the Court Office, as your immediate supervisor.

Once you complete your orientation as Deputy Clerk, you will also work with and under the supervision of myself and The Honorable Daniel J. Falge.

You will also be required to complete the mandatory yearly training provided by the Office of Court Administration, throughout the year.

Your duties will vary including but not limited to:

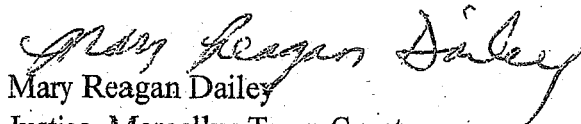
- 1) Answering telephone calls
- 2) Opening and distributing mail
- 3) Talking with the public at the Court Window
- 4) Assisting during weekly Court proceedings

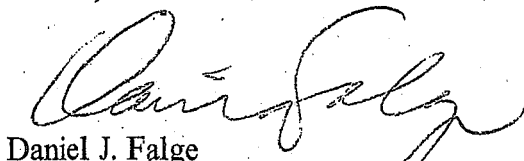
Your will have 10 hours per week, at \$18.00 per hour, there are no benefits offered at this time.

Please contact the Court Office when you receive this letter.

Welcome.

Sincerely,

  
Mary Reagan Dailey  
Justice, Marcellus Town Court

  
Daniel J. Falge  
Justice, Marcellus Town Court

**TOWN OF MARCELLUS**

**LOCAL LAW NO. C-2024**

**A LOCAL LAW TO AMEND CHAPTER 235 OF THE CODE OF THE TOWN OF MARCELLUS REGARDING OUTDOOR CONCERTS**

**BE IT ENACTED** by the Town Board of the Town of Marcellus as follows:

**SECTION 1. PURPOSE AND INTENT.**

The purpose of this Local Law is to amend Chapter 235 of the Code of the Town of Marcellus pertaining to the uses allowed within the Town's Zoning Districts and to specifically allow outdoor concerts subject to the receipt of a special permit for the same, such that the Town may allow outdoor concerts, but in a manner that preserves the health, safety and welfare of the Town.

**SECTION 2. AUTHORITY.**

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10 and New York State Town Law § 274-B.

**SECTION 3. AMENDMENT OF SUBSECTION B OF SECTION 235-4 OF THE CODE OF THE TOWN OF MARCELLUS.**

Section 235-4(B), "Definitions," is hereby amended to add a new term, "Outdoor Concert," which shall read in its entirety as follows:

**"OUTDOOR CONCERT**

Music event, open to the general public and/or for compensation, conducted outdoors and consisting of amplified music or music made with three or more instruments, including voices."

**SECTION 4. AMENDMENT OF SUBSECTION B OF SECTION 235-12 OF THE CODE OF THE TOWN OF MARCELLUS.**

Section 235-12(B) is hereby amended to add a new Paragraph "3," which shall read in its entirety as follows:

**"(3)** Outdoor concert(s), subject to special permit and the following conditions:

- (a) The lot must be ten acres or more in size;
- (b) The Zoning Board of Appeals, upon receipt of an application for a special use permit, shall among other things, be empowered to limit the number of events as said Board deems appropriate, as well as set time, place and/or manner

restrictions;

- (c) The applicant must notify the relevant Fire Departments, Police Agencies and any other agency or entity as identified by the Zoning Board of Appeals, of the application and shall provide to the Zoning Board of Appeals, in writing, documentation showing compliance with all requirements from those entities;
- (d) The applicant shall provide in writing, documentation showing adequate measures have been taken in connection with fire protection, crowd security, police protection, public safety, traffic regulation, parking, sanitary facilities, adequate water supply, garbage disposal, emergency evacuation plan, first aid and site cleanup;
- (e) If a person(s) or entity(ies) other than the property owner will be engaged in the sale and distribution of food and beverages, the name(s) and address(es) of such shall be submitted to the Zoning Board of Appeals, when determined, on an ongoing basis;
- (f) A medical services plan specifying the number and qualifications of first aid station personnel and other medical facilities to be available for emergency treatment of any person(s) that might require immediate medical or nursing attention shall be provided;
- (g) A public safety plan, including the precautions to be utilized for fire protection and a map specifying the location of fire lanes and water supply for fire control, accessibility of fire and emergency equipment, whether any private security guards or police will be engaged, and, if so, the number thereof and the duties to be performed by such persons, shall be provided;
- (h) No soot, cinders, smoke, noxious acids, fumes, gases or unusual odors shall be permitted to unreasonably emanate beyond the property line;
- (i) There shall be no fireworks, pyrotechnic displays or incendiary devices permitted;
- (j) The Zoning Board of Appeals shall, in its discretion, based upon the nature of the event(s), and the location and parcel size, as well as the Town of Marcellus Noise Ordinance, set the maximum decibel levels that shall be permitted, as well as the allowable hours of event(s) and event activities;
- (k) The applicant shall execute a written authorization permitting officials of the Town, County and State, or their designated agents, including fire personnel and police to enter the premises and conduct inspections before, during and after event(s);
- (l) The applicant shall provide satisfactory proof to the Zoning Board of Appeals that there will be removal of all structures erected for use during an event within 72 hours after conclusion of that event;
- (m) The applicant shall obtain adequate insurance to be reviewed and approved by the attorney for the Town. The applicant shall be required to name the Town as an additional insured for any approved use on a primary and non-contributory basis:
  - a. Such insurance shall be for a minimum of one million (\$1,000,000.00) for bodily injury or death and not less than one million dollars





This Local Law shall be effective upon filing with the office of the Secretary of State.

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: TOWN OF MARCELLUS LOCAL LAW NO. C-2024		
Project Location (describe, and attach a general location map): TOWN-WIDE AND QUALIFYING PARCELS		
Brief Description of Proposed Action (include purpose or need): A Local Law to amend the Code of the Town of Marcellus to allow outdoor concerts as an accessory use subject to the receipt of a special permit and other conditions.		
Name of Applicant/Sponsor: Town of Marcellus Town Board		Telephone: 315-673-3269
		E-Mail: <a href="mailto:inc1erk1@windstream.net">inc1erk1@windstream.net</a>
Address: 22 East Main Street		
City/PO: Marcellus	State: New York	Zip Code: 13108
Project Contact (if not same as sponsor; give name and title/role): Laurie Stevens, Supervisor		Telephone: 315-673-3269
		E-Mail: <a href="mailto:lstevens@marcellusny.com">lstevens@marcellusny.com</a>
Address: 22 East Main Street		
City/PO: Marcellus	State: New York	Zip Code: 13108
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	TOWN BOARD - LOCAL LAW APPROVAL	PENDING
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ONONDAGA COUNTY PLANNING DEPARTMENT GML 239 REFERRAL	PENDING
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

All Zones/Districts: \_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? N/A

b. What police or other public protection forces serve the project site?

N/A

c. Which fire protection and emergency medical services serve the project site?

N/A

d. What parks serve the project site?

N/A

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres  
b. Total acreage to be physically disturbed? \_\_\_\_\_ acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
  
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

• Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

• Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

Yes  No  
 Yes  No

• Do existing sewer lines serve the project site?  
 • Will a line extension within an existing district be necessary to serve the project?  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

• Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

---

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

---

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

---

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 • Operation: \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_  
\_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_  
\_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
\_\_\_\_\_

iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
\_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_  
\_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
\_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

**h. Surface water features.**

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No

If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No

If Yes:  
 i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 If Yes:  
 i. Species and listing (endangered or threatened): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
 If Yes:  
 i. Species and listing: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

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f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  Yes  No

---

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

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h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: \_\_\_\_\_

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

---

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Town of Marcellus Town Board Date December 30, 2024

Signature Laurie Stevens Title Supervisor

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only (If applicable)  
 Project: LL C-2024 (Outdoor Concerts)  
 Date: December 30, 2024

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>		
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  
 If "Yes", answer questions a - c. If "No", move on to Section 3.

NO  YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  
 If "Yes", answer questions a - l. If "No", move on to Section 4.

NO  YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>



I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2-3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b>			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b>			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**  
 The proposed action may result in a change to existing transportation systems.  NO  YES  
 (See Part 1. D.2.j)  
*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part 1. D.2.k)  
*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part 1. D.2.m., n., and o.)  
*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health.**  
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  
If "Yes", answer questions a - m. If "No", go to Section 17.

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.1, C.2. and C.3.) If "Yes", answer questions a - h. If "No", go to Section 18.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b> The proposed project is inconsistent with the existing community character. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>



**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

1. If adopted, proposed Local Law No. C-2024 will provide more comprehensive regulations to potentially permit and regulate the ability to have and host outdoor concerts within the Town of Marcellus in a manner that preserves the health, safety and welfare of the Town.
2. The Town and businesses within the Town are growing such that more tourists are attracted to the area and this Local Law will allow the Town to address environmental/safety/welfare concerns associated with such growth (e.g., incompatibility with surrounding neighborhoods, congestion and other environmental impacts) in a more tailored manner.
3. This Local Law seeks to accommodate public demand that exists for the allowance of outdoor concerts within the Town, again in manner that protects the health, safety and welfare of the Town.
4. While it is recognized that there is public demand (and benefits to the Town as a result, e.g., tourism) in allowing outdoor concerts, this Local Law allows for the Town to take into consideration important factors such that the allowance of outdoor concerts will not have a negative impact on the neighborhood/environment.
5. Enactment of this Local Law will be more protective of the environment than the absence of such regulations.
8. This Local Law ultimately seeks to minimize aesthetic and other impacts of such a use on neighbors/neighborhoods/environment, and as such, its adoption will have no significant effect on land use, air or water quality, traffic, solid waste production, drainage, animal or vegetation life; will not create any conflict with the Town's plans or goals; will not impair the character of any community or neighborhood resource; will not create any health hazard; will not result in any major change in energy use; and will not create any demand for other action which would result in the above consequences.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:       Type 1                       Unlisted

Identify portions of EAF completed for this Project:    Part 1               Part 2               Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
TOWN OF MARCELLUS TOWN BOARD as lead agency that:

- A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.
- B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

- C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Local Law C-2024 (A Local Law to Amend Chapter 235 of the Code of the Town of Marcellus Regarding Outdoor Concerts)

Name of Lead Agency: Town of Marcellus Town Board

Name of Responsible Officer in Lead Agency: Laurie Stevens

Title of Responsible Officer: Supervisor

Signature of Responsible Officer in Lead Agency: Date: December 30, 2024

Signature of Preparer (if different from Responsible Officer) Date:

**For Further Information:**

Contact Person: Laurie Stevens, Supervisor, Town of Marcellus

Address: 22 East Main Street, Marcellus, New York 13108

Telephone Number: 315-673-3269

E-mail: [lstevens@marcellusnv.com](mailto:lstevens@marcellusnv.com)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)  
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**TOWN BOARD RESOLUTION  
RE-INTRODUCING LOCAL LAW C-2024**

(A Local Law Amending Chapter 235 of the Code of the Town of Marcellus  
Regarding Outdoor Concerts)

**TOWN OF MARCELLUS**

**December 30, 2024**

At an end of the year meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 22 East Main Street, in said Town, County of Onondaga, State of New York, on December 30, 2024, at 6:30 P.M., there were:

<b>PRESENT:</b>	Jeff Berwald	Councilor
	Percy Clarke	Councilor
	Gabe Hood	Councilor
	Terry Hoey	Councilor
	Laurie Stevens	Town Supervisor

**WHEREAS**, Councilor \_\_\_\_\_ introduced proposed Local Law No. C-2024, “A Local Law Amending Chapter 235 of the Code of the Town of Marcellus” and made the following motion, which was seconded by Councilor \_\_\_\_\_; and

**WHEREAS**, previously on November 6, 2024, the Town Board of the Town of Marcellus introduced proposed Local Law No. C-2024, “A Local Law Amending Chapter 235 of the Code of the Town of Marcellus Regarding Outdoor Concerts,” which Local Law would allow outdoor concert(s) as an accessory use in certain Zoning Districts within the Town subject to a special use permit; and

**WHEREAS**, a public hearing on the issue of the proposed Local Law was noticed for December 4, 2024 and publication of the Notice of Public Hearing was accomplished as per law; and

**WHEREAS**, subsequent to the public hearing held on December 4, 2024, it was determined by the Town Board to revise and amend proposed Local Law C-2024, which revisions clarify conditions for receiving a special use permit for outdoor concerts as an accessory use in certain Zoning Districts; and

**WHEREAS**, the Town Board believes such revised and amended Local Law C-2024 should be considered for further public comment; and

**WHEREAS**, the full text of said Local Law, as revised and amended, is on file at the Clerk’s Office at the Town Hall, 22 East Main Street, in said Town, and may be viewed by all interested persons during normal business hours, Monday through Friday; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Marcellus, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

**WHEREAS**, the adoption of said Local Law is a Type I Action for purposes of environmental review under SEQRA; and

**WHEREAS**, the Town Board has determined that Full Environmental Assessment Form (EAF) shall be required in connection with this matter; and

**WHEREAS**, the said full EAF has been prepared and has been reviewed by the Town Board; and

**WHEREAS**, the Town Board has considered the adoption of said Local Law, revised and amended, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

**NOW, THEREFORE, BE IT**

**RESOLVED AND DETERMINED** that the enactment of said proposed Local Law C-2024 is a Type I Action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

**RESOLVED AND DETERMINED** that the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

**RESOLVED AND DETERMINED** that the Town Board shall conduct a new public hearing as to the enactment of proposed Local Law No. C-2024, as revised and amended, at the Town Hall located at 22 East Main Street, in the Town of Marcellus on January 15, 2025 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

**RESOLVED AND DETERMINED** that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Marcellus and to any affected municipalities described above.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<b>VOTE:</b>	Laurie Stevens	Town Supervisor	Yes/No
	Jeff Berwald	Councilor	Yes/No
	Percy Clarke	Councilor	Yes/No
	Gabe Hood	Councilor	Yes/No
	Terry Hoey	Councilor	Yes/No

The foregoing resolution was thereupon declared duly adopted.

**DATED: December 30, 2024**

**CERTIFICATE**

**STATE OF NEW YORK            )**  
**COUNTY OF ONONDAGA        )**

I, the undersigned Town Clerk of the Town of Marcellus, Onondaga County, New York,  
**DO HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in the Office of the Town Clerk of the Town of Marcellus, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Town on December 31, 2024

---

**ROSEMARY TOZZI, Town Clerk**

**(SEAL)**

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

<b>Name of Action or Project:</b> Adoption of the Town of Marcellus 2024 Comprehensive Plan		
<b>Project Location (describe, and attach a general location map):</b> Town of Marcellus, Onondaga County, State of New York		
<b>Brief Description of Proposed Action (include purpose or need):</b> The Town Board proposes to adopt the Town of Marcellus 2024 Comprehensive Plan, recognizing it as an important update to the Town's planning framework that will positively impact the environment, as well as protect the health, safety, and welfare of the community. The updated Plan builds upon the foundations of the 2001 Comprehensive Plan, considers evolving community needs and environmental priorities, and outlines a vision for the future of the town over the next decade (2024-2033).  The development of the plan was guided by a steering committee, informed by public input, and grounded in a detailed community profile. It also references the 2022 Onondaga County Agriculture & Farmland Protection Plan and Onondaga County's 2023 Comprehensive Plan. With detailed policies, objectives, actions, and a future land use strategy, the Plan serves as a guide for regulating land use and supporting strategic public and private investment. The resulting Plan supports decision-making based on a shared vision for preserving rural character, protecting natural resources, diversifying residential options, promoting sustainable economic growth, and enhancing and celebrating community resources.		
<b>Name of Applicant/Sponsor:</b> Town of Marcellus	<b>Telephone:</b> (315) 673-3269	<b>E-Mail:</b>
<b>Address:</b> 22 East Main Street		
<b>City/PO:</b> Marcellus	<b>State:</b> NY	<b>Zip Code:</b> 13108
<b>Project Contact (if not same as sponsor; give name and title/role):</b> Supervisor Laurie Stevens	<b>Telephone:</b> (315) 673-3269	<b>E-Mail:</b> lstevens@marcellusny.com
<b>Address:</b> 22 East Main Street		
<b>City/PO:</b> Marcellus	<b>State:</b> NY	<b>Zip Code:</b> 13108
<b>Property Owner (if not same as sponsor):</b>	<b>Telephone:</b>	<b>E-Mail:</b>
<b>Address:</b>		
<b>City/PO:</b>	<b>State:</b>	<b>Zip Code:</b>

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board Approval	October 2024
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Onondaga County NYS GML 239-m review	November 2024
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<ul style="list-style-type: none"> <li>• <b>If Yes</b>, complete sections C, F and G.</li> <li>• <b>If No</b>, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): Onondaga County's Agricultural District #2.	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): 2022 Onondaga County Agriculture & Farmland Protection Plan.	



**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
A-1 Agricultural Zone, R-1 Residential Zone, R-2 Residential Zone, R-3 Residential Zone, R-4 Residential Zone, B-1 Business Zone, L-1 Light Industrial Zone, Planned Unit Development Zone, Critical Environmental Area (CEA) Overlay Zone, and Highway Overlay Zone.

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
If Yes,  
i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Marcellus Central School District, Skaneateles Central School District, and Onondaga Central School District.

b. What police or other public protection forces serve the project site?  
Onondaga County Sheriff.

c. Which fire protection and emergency medical services serve the project site?  
Marcellus Ambulance Voluntary Emergency Services (MAVES) and Marcellus Volunteer Fire Department.

d. What parks serve the project site?  
Marcellus Park and Baltimore Woods Nature Center.

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?  
\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres  
b. Total acreage to be physically disturbed? \_\_\_\_\_ acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
ii. Is a cluster/conservation layout proposed?  Yes  No  
iii. Number of lots proposed? \_\_\_\_\_  
iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No  
i. If No, anticipated period of construction: \_\_\_\_\_ months  
ii. If Yes:  
• Total number of phases anticipated \_\_\_\_\_  
• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
  
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?

Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
  
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? If Yes:  <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul> </li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?  _____ Square feet or _____ acres (impervious surface)  _____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____ _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____ _____</li> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

---

n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
 i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
 If Yes,  
 i. Identify Facilities: \_\_\_\_\_  
 \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
 If Yes:  
 i. Dimensions of the dam and impoundment:  
 • Dam height: \_\_\_\_\_ feet  
 • Dam length: \_\_\_\_\_ feet  
 • Surface area: \_\_\_\_\_ acres  
 • Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
 ii. Dam's existing hazard classification: \_\_\_\_\_  
 iii. Provide date and summarize results of last inspection: \_\_\_\_\_  
 \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
 If Yes:  
 i. Has the facility been formally closed?  Yes  No  
 • If yes, cite sources/documentation: \_\_\_\_\_  
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
 \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
 If Yes:  
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_  
 \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
 If Yes:  
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
 ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
 If yes, provide DEC ID number(s): \_\_\_\_\_  
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
 \_\_\_\_\_



v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No

If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No

If Yes:

i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
If Yes:

- i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_
- ii. Source(s) of description or evaluation: \_\_\_\_\_
- iii. Extent of community/habitat:
  - Currently: \_\_\_\_\_ acres
  - Following completion of project as proposed: \_\_\_\_\_ acres
  - Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No

If Yes:  
i. Species and listing (endangered or threatened): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No

If Yes:  
i. Species and listing: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
\_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
i. If Yes: acreage(s) on project site? \_\_\_\_\_  
ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
If Yes:  
i. Nature of the natural landmark:  Biological Community  Geological Feature  
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
If Yes:  
i. CEA name: \_\_\_\_\_  
ii. Basis for designation: \_\_\_\_\_  
iii. Designating agency and date: \_\_\_\_\_

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Town of Marcellus Town Board Date December 30, 2024

Signature \_\_\_\_\_ Title Supervisor

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]

Project:   
 Date:

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**  
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  NO  YES  
*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**  
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  NO  YES  
*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part I. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part I. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) If "Yes", answer questions a - f. If "No", move on to Section 7.			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES If "Yes", answer questions a - j. If "No", move on to Section 8.			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**8. Impact on Agricultural Resources**

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)  
If "Yes", answer questions a - h. If "No", move on to Section 9.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>



**9. Impact on Aesthetic Resources**  
 The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)  NO  YES  
*If "Yes", answer questions a - g. If "No", go to Section 10.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**10. Impact on Historic and Archeological Resources**  
 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)  NO  YES  
*If "Yes", answer questions a - e. If "No", go to Section 11.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**  
 The proposed action may result in a change to existing transportation systems.  NO  YES  
 (See Part 1. D.2.j)  
 If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part 1. D.2.k)  
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part 1. D.2.m., n., and o.)  
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  
*If "Yes", answer questions a - m. If "No", go to Section 17.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____			

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)

NO

YES

*If "Yes", answer questions a - h. If "No", go to Section 18.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)

NO

YES

*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Project: Date: 

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See Attachment.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1  Unlisted

Identify portions of EAF completed for this Project:  Part 1  Part 2  Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Marcellus Town Board \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Adoption of the Town of Marcellus 2024 Comprehensive Plan

Name of Lead Agency: Marcellus Town Board

Name of Responsible Officer in Lead Agency: Laurie Stevens

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Laurie Stevens

Address: 22 East Main Street

Telephone Number: (315) 673-3269

E-mail: [lstevens@marcellusny.com](mailto:lstevens@marcellusny.com)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**

The purpose of the Town of Marcellus 2024 Comprehensive Plan is to provide a comprehensive roadmap for the town's future, addressing both immediate and long-term needs. This plan updates the 2001 Comprehensive Plan by setting forth a clear vision and policy framework and a future land use strategy that reflects the evolving needs of the community. Informed by a Steering Committee and public input gathered during the planning process, the 2024 Comprehensive Plan emphasizes smart growth principles, focusing on preserving the town's rural character and natural resources while guiding sustainable development. Furthermore, the Comprehensive Plan aligns with regional initiatives such as the 2022 Onondaga County Agriculture & Farmland Protection Plan and PlanONondaga, which aim to protect farmland, encourage responsible development, and foster positive growth throughout the region.

As evaluated in Part II, the Comprehensive Plan itself will not cause any direct moderate or large environmental impacts. The potential impacts that could arise are related to future development projects, which will be guided by the objectives and policies in the plan. These policies are designed to mitigate adverse impacts on important aspects of the Town, including its rural character, natural resources, residential living environment, sustainable economic growth and community resources. Specific areas where small impacts may occur include surface water, groundwater, agricultural resources, historic and archeological resources, critical environmental areas, and transportation.

Surface water impacts are a concern primarily for developments near Nine Mile Creek and other local water bodies. Future development has the potential to increase runoff or cause erosion, which could negatively affect surface water quality. However, the Comprehensive Plan prioritizes the protection of surface water resources through improved stormwater management. Measures such as the use of bioswales, vegetative buffers, and low-impact development techniques are embedded in the plan to mitigate runoff and reduce erosion. Although the plan includes a recommendation to explore a feasibility study for the expansion of the wastewater treatment facility, such changes are not directly proposed by the plan. As a result, the magnitude of any impact on surface water is expected to be small, and the plan focuses on maintaining and improving water quality through responsible development practices.

With regard to groundwater, the town has limited areas that are serviced by public water and sewer systems, so the risk to groundwater stems primarily from the private development of water and septic infrastructure. However, the Comprehensive Plan does not propose any



immediate physical changes, and the potential impacts to groundwater are anticipated to be small. To mitigate these risks, the plan envisions alternative housing arrangement, such as senior living and/or multi-family dwellings that higher in density, closer to the Village of Marcellus in areas that already have public water and sewer services, and it promotes residential development in locations where soil conditions are suitable for on-site septic systems. The plan also includes public education efforts to raise awareness about the potential threats to well water from faulty septic systems and underground fuel tanks, helping to prevent contamination and protect groundwater resources.

Agriculture remains a defining feature of the landscape in the Town of Marcellus, and any conversion of farmland to other uses could have a significant impact on the community's agricultural resources. However, the Comprehensive Plan is designed to prevent such outcomes by including strong policies to preserve farmland and restrict development on prime agricultural soils. The plan aligns with the 2022 Onondaga County Agriculture & Farmland Protection Plan, which supports the long-term viability of farming in the region. By restricting non-agricultural development in critical farming areas and promoting economic sustainability for farming operations, the plan ensures that agricultural resources are protected and that any impact from future development remains small.

Although Marcellus has only one property identified as eligible for listing on the State or National Registers of Historic Places, there are several additional properties that have been recognized for their historic buildings. With this limited inventory of historic properties, the impact on these resources from future development is expected to be small. To enhance the rural character and historic landscape patterns, the Comprehensive Plan includes actions to codify the 1999 Town of Marcellus Design Guidelines. By integrating these guidelines into local regulations, the plan aims to safeguard both the architectural integrity of historic buildings and the town's cultural heritage. Any developments near known historic or archeological sites will be subject to review by the State Historic Preservation Office (SHPO), further ensuring that impacts are minimized.

One of the most important environmental features in Marcellus is the Nine Mile Creek corridor, which has been designated as a Critical Environmental Area (CEA). Development near this area could pose risks to its unique environmental characteristics. However, the Town's zoning regulations, which include a special Overlay Zone for CEAs, help mitigate these risks by requiring special permits for any development in these sensitive areas. The Comprehensive Plan goes further by expanding this protection to include steep slopes within the Overlay Zone,

thereby reducing the likelihood of erosion or other impacts from development on vulnerable terrain. Given these protections, the overall impact on CEAs is expected to be small.

In terms of transportation, future development may lead to increased traffic and put additional pressure on existing infrastructure. However, the Comprehensive Plan does not propose immediate changes to traffic patterns or infrastructure. Instead, the plan includes a Complete Streets initiative that focuses on improving transportation options for pedestrians and cyclists by widening road shoulders and installing sidewalks. By promoting non-motorized forms of transportation and enhancing connectivity between key destinations, the plan aims to reduce vehicle traffic and relieve stress on the transportation system. As a result, any impacts on transportation infrastructure are expected to be minimal and manageable.

Overall, the Town of Marcellus 2024 Comprehensive Plan provides a robust framework for managing future growth and mitigating potential impacts. The plan's emphasis on smart growth, environmental protection, and the preservation of rural character ensures that any future development will be carefully managed to minimize adverse effects. The magnitude of potential impacts on the environment is expected to be small, as the plan incorporates thoughtful policies and actions that address concerns related to surface water, groundwater, agricultural resources, historic sites, critical environmental areas, and transportation. Based on this assessment, a negative declaration under SEQR is anticipated, as the Comprehensive Plan itself is not expected to result in any significant adverse environmental impacts. Any future developments guided by this plan will undergo further site-specific environmental reviews to ensure continued environmental protection.

**AT A REGULAR MEETING OF THE TOWN BOARD OF THE  
TOWN OF MARCELLUS, ONONDAGA COUNTY, NEW YORK,  
HELD AT THE TOWN HALL, 22 EAST MAIN STREET, MARCELLUS, NEW YORK  
ON THE 30th DAY OF DECEMBER, AT 6:30 P.M., THERE WERE:**

**PRESENT:**

**ABSENT:**

**RESOLUTION TO:**

**ISSUE A NEGATIVE SEQRA DECLARATION FOR THE ADOPTION OF THE 2024  
TOWN OF COMPREHENSIVE PLAN.**

**MOTION BY: COUNCILOR \_\_\_\_\_**

**SECONDED BY: COUNCILOR \_\_\_\_\_**

**WHEREAS**, the Town Board of Marcellus has declared itself lead agency for the purposes of the adoption of the 2024 Comprehensive Plan; and

**WHEREAS**, the Town Board has completed Parts 1, 2, and 3 of the SEQRA Environmental Assessment Form for such Plan; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board issues a Negative Declaration for the purpose of SEQRA and has determined that the 2024 Comprehensive Plan will not have any significant adverse environmental impacts for the following reasons:

1. There were no significant adverse impacts to land, water, air, plants or animals, aesthetic resources, critical environmental areas, noise and odor, and public health identified.
2. As a result of the Plan's adoption, there were positive environmental impacts regarding land use, water quality, agricultural resources, historic resources, open space and recreation, transportation, and character of community. Adoption of the Comprehensive Plan emphasizes managed growth and the use of currently existing infrastructure. The Plan encourages the preservation of open space, agricultural lands and historic assets.
3. Specific projects developed as a result of the Plan's adoption must undergo further site-specific review. Specific agencies with further discretionary review include, but are not limited to the New York State Office of Parks, Recreation and Historic Preservation (cultural resources), New York State Department of Agriculture and Markets (agricultural lands), New York State Department of Transportation (road improvements).

This resolution shall take effect immediately:

<b>VOTE:</b>	<b>Laurie Stevens</b>	<b>Town Supervisor</b>	<b>Voted</b>	<b>Yes/No</b>
	<b>Jeff Berwald</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>
<b>ABSENT:</b>	<b>Percy Clarke</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>
	<b>Gabe Hood</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>
	<b>Terry Hoey</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>

**DATED: December 30, 2024**



J.Ryan McMahon, II  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: December 04, 2024

OCPB Case # Z-24-338

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a COMPREHENSIVE PLAN from the Town of Marcellus Town Board at the request of Town of Marcellus for the property located ; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of comprehensive plans; and
- WHEREAS, the applicant is proposing to adopt the "Town of Marcellus 2024 Comprehensive Plan"; and
- WHEREAS, the Plan details current demographics and trends for the Town, examples include the age group of 25 to 34 year olds has experienced recent growth within the Town, the population is 98% white, and school enrollments have decreased 32% since 2005 citing this as similar to regional population trends; current land use shows 50% of the total acreage of the Town is in agriculture, but 74% of total parcels are zoned residential (notably located in the northern half of the Town and along major routes); and
- WHEREAS, after the 2001 Comprehensive Plan, the Town implemented two zoning overlays: a Critical Environmental Area (CEA) Overlay Zone to preserve the Nine Mile Creek corridor and tributaries by requiring a special permit and a Highway Overlay Zone to "preserve scenic vistas while providing additional control and/or opportunities for specific development, notably requiring a 100' front yard setback from the street line; and
- WHEREAS, the Town utilized two public workshops to assist in developing this Comprehensive Plan, a booth at Olde Home Days, "the Town's biggest community event" and a Community Open House at Town Hall; and
- WHEREAS, the Plan notes "the agricultural landscape is a defining feature in the Town of Marcellus" and agriculture has been a "main industry of the community since the late 1800s"; within the Town, "75% of all lands are classified as important farmland" and the Town in cooperation with the County, has promoted protecting agriculture with 12,000 acres of farmland protected through conservation easements countywide and encouraging agritourism as a way to increase profit margins for farmers; and
- WHEREAS, the Plan identifies categories to achieve their Community Vision: preserving rural character, protecting natural resources, diversifying residential living options, promoting sustainable economic growth, and enhancing community resources; and
- WHEREAS, as "open spaces and agricultural lands play a significant role in defining the character of the Town", the Plan identifies four Action Items to promote and maintain the Town's rural character; working with the Onondaga County Soil and

Water Conservation District to encourage farmers to reduce “surface water runoff impacts and water quality impacts” and address potential adverse impacts of manure storage; developing an Agricultural Outreach Campaign in partnership with multiple agencies (including Onondaga County Department of Planning [OCDOP] and Cornell Cooperative Extension [CCE]) to encourage use of Conservation easements, education related to local farms and practices, and increase “knowledge of and participation in County efforts and directives”; develop a Town-wide Open Space and Recreation Plan; and Update the Local Development Regulations and Review Process; and

WHEREAS, to ensure protection of Natural Resources within the Town, the Plan identifies six Action Items: expand the Critical Environmental Areas (CEA) Overlay Zone to include steep slopes/reduce erosion, work with partner agencies to “utilize vegetated swales along roadways to “convey stormwater and reduce runoff and erosion”, update the Local Development Regulations and Review Process, Develop an Incentive Package for Development that encourages natural stormwater management practices including green infrastructure in new developments, Develop a Water Quality Outreach Campaign to educate the public and prevent contamination of groundwater, and Develop a Town-wide Open Space and Recreation Plan; and

WHEREAS, guiding Residential Development to appropriate areas within the Town while promoting a diversity of housing options, connected streets, and improving aesthetics; the Plan has identified three Action Items: Review and Revise the Town of Marcellus Zoning Law to ensure the regulations support reducing residential sprawl and promote the rural character of the Town, senior living, appropriate locations for septic systems, and promote conservation subdivisions; Conduct a Needs Assessment and Feasibility Study for the Development of Various Senior Housing Options; and Work with the Village to assess feasibility of expansion of the wastewater treatment facility; and

WHEREAS, promoting Economic Growth with four identified Action Items: Review and Revise the Town of Marcellus Zoning Law to ensure appropriate placement of commercial uses, establish a Business Advisory Committee (BAC), Develop a Town marketing package, and support the establishment of a Marcellus Farmers Market in Marcellus Park; and

WHEREAS, to expand Community Resources, the Plan identifies six Action Items: develop a Complete Streets policy which will maximize shoulder widths on roads and install sidewalks in appropriate locations; Develop a Master Plan for Marcellus Park; develop a Town-wide Open Space and Recreation Plan to ensure maintenance of public facilities and increase sidewalk and trail networks; establish a community outreach program; develop a Rail-to-Trail Feasibility Study along Nine Mile Creek; and develop community events or festivals surrounding and celebrating Nine Mile Creek; and

WHEREAS, some Action Items were listed as keys ways to achieve multiple Town objectives: Develop a Town-wide Open Space and Recreation Plan, Update the Local Development Regulations and Review Process, and Review and Revise the Town of Marcellus Zoning Law; and

WHEREAS, the Plan’s Future Land Use Strategy identified five “character areas” to guide

future decisions: Agriculture, throughout the Town, but specifically in the southern half of the Town; Residential, in the northern half of the Town and along major routes; Local Commercial to support daily residential living in central areas; Corridor Commercial along the NYS Route 20 corridor; and Open Space and Recreation to preserve and protect undeveloped land, open space areas, and natural resources, specifically found along Ninemile Creek and tributaries; ADVISORY NOTE: Per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality; such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications. The Board has offered the following COMMENT(S) in regards to the above referral:

The Board commends the Town of Marcellus for its well-considered comprehensive plan as it relates to current and projected needs to protect and preserve its agriculture, increase housing options in response to demographic shifts, and a focus on the Town's invaluable natural resources, open spaces and recreational opportunities, themes which are compatible with those of the County's Plan ONondaga comprehensive plan. The County encourages and offers its assistance as the Town embarks on next steps such as zoning to foster development and redevelopment within and near existing centers, encouraging complete streets infrastructure and policy, and development of an Open Space and Recreation Plan.

The Board also encourages consideration of two areas within the Future Land Use mapping of note. Lands upon which agricultural conservation easements are protected in perpetuity from intensive development, and parcels with such protections should be reflected on the land use plan as agricultural in nature. And Route 20 is a valued scenic corridor, in an area with strong agricultural heritage and requires high-quality highway access management along its length. As such, preservation of scenic and agricultural assets and protections from incompatible strip-style development along this corridor is discouraged to the extent practicable. The Town may wish to focus instead on more compact, nodal development at select intersections as an alternative land use pattern.

In continued support of local agricultural land protection, the Town may also wish to consider acting as a more formal partner, and potential easement holder, for agricultural conservation easement projects. Cornell Cooperative Extension of Onondaga County may be contacted for more information.



Martin E. Voss, Chairman  
Onondaga County Planning Board



# GML 239 Report of Final Action

NYS GML § 239-m.6. and n.6. require the referring body to file a report of the final action it has taken on a referred matter with the county planning agency within 30 days after the final action (separate from the minutes taken at the meeting). A referring body which acts contrary to a County Planning Board recommendation of MODIFICATION or DISAPPROVAL of a referred matter shall also set forth the reasons for the contrary action in such report.

This section to be completed by the Syracuse-Onondaga County Planning Agency

**To:** Onondaga County Planning Board      **From:** Town of Marcellus Town Board

**Fax:** 435-2439      **Phone:** 435-2611

**Re: Applicant:**      Town of Marcellus

**Address:**

**Referral Type:**      COMPREHENSIVE PLAN

**OCPB Date:**      December 04, 2024

**OCPB Action:**      No Position With Comment

**OCPB Case #:**      Z-24-338

*The local board took the following action regarding the above referenced referral (Check one box. If checking Other, please specify the final action taken. Use the space at the bottom of the report to identify reasons if acting contrary to the OCPB recommendation.):*

- Approved the proposed action with regard to the OCPB's No Position or No Position with Comment.
- Approved the proposed action as modified by the OCPB.
- Approved the proposed action contrary to some of the modifications recommended by the OCPB.\*
- Approved the proposed action contrary to all of the modifications recommended by the OCPB.\*
- Approved the proposed action contrary to the disapproval recommended by the OCPB.\*
  
- Disapproved the proposed action with regard to the OCPB's no position or no position with comment.
- Disapproved the proposed action with regard to the recommended modification(s) by the OCPB.
- Disapproved the proposed action as recommended and for reasons set forth by the OCPB.
- Disapproved the proposed action as recommended but for reasons other than those set forth by the OCPB. (Please list reasons below for local disapproval.)
  
- Other \_\_\_\_\_

Local Board Date: \_\_\_\_\_

\*List reasons for acting contrary to the OCPB recommendation and include a copy of the local board resolution. Attach additional reasons on a separate sheet of paper as necessary.

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**TOWN OF MARCELLUS TOWN BOARD  
SEQRA NEGATIVE DECLARATION AND ADOPTION OF THE 2024  
COMPREHENSIVE PLAN**

**December 30, 2024**

The following resolution was offered by Councilor \_\_\_\_\_, who moved its adoption, and seconded by Councilor \_\_\_\_\_, to wit:

**WHEREAS**, the Town of Marcellus Town Board has previously appointed a Special Board (the “Comprehensive Plan Committee”) pursuant to Town Law §272-a for the purposes of preparing an update and amendments to the Town’s Comprehensive Plan for consideration by the Town Board; and

**WHEREAS**, the Town Board was previously advised that the Comprehensive Plan Committee completed its work and prepared a draft update to the Comprehensive Plan document, after additional public participation to said proposed update and amendments in June of 2024 and August of 2024, for the Town Board’s review and consideration; and

**WHEREAS**, the Town Board of the Town of Marcellus, at its regular meeting of November 6, 2024, received from the Comprehensive Plan Committee copies of the proposed update and amendments to the Town of Marcellus Comprehensive Plan (titled “Town of Marcellus 2024 Comprehensive Plan”), all in accordance with Town Law; and

**WHEREAS**, a public hearing was held on the proposed Town of Marcellus 2024 Comprehensive Plan on December 4, 2024 by the Town Board of the Town of Marcellus and proofs of publication of notices of such public hearings, as required by law, have been submitted and filed, and all persons desiring to be heard in connection with said proposed Comprehensive Plan have been heard; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Sections 617.3 and 617.6 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (SEQRA), requires that as

early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, the Town Board has reviewed the Full Environmental Assessment Form Part 1, which was prepared in connection with the proposed update and amendments to the Town of Marcellus 2024 Comprehensive Plan, and previously on November 6, 2024 determined that:

1. This action, which anticipates the adoption of an updated and amended Town of Marcellus 2024 Comprehensive Plan, will require SEQRA review;
2. This action is a Type I Action;
3. The Town Board of the Town of Marcellus shall act as Lead Agency;
4. The following are interested agencies in connection with the SEQRA review:
  - a. **Village of Marcellus**, c/o Hon. Chad Clark, Mayor, 6 Slocombe Ave. Marcellus, NY 13108;
  - b. **Onondaga County Planning Department**, Attn: Martin Voss, Chair, Carnegie Building 335 Montgomery Street, 1<sup>st</sup> Floor, Syracuse, NY 130202; and
5. The Town Board directed that a Lead Agency notification letter be circulated among the interested agencies, together with a copy of the proposed “Town of Marcellus 2024 Comprehensive Plan”, the Full Environmental Assessment Form and such other information as has been prepared and submitted to date; and

**WHEREAS**, more than thirty (30) days has elapsed since said Lead Agency notification to all interested agencies and as no objections or environmental comments were received by the Town Board, the Town Board hereby confirms that it shall act as Lead Agency for purposes of SEQRA; and

**WHEREAS**, the Town Board, as Lead Agency, has now completed and submitted the Full Environmental Assessment Form Parts 1, 2 and 3, has carefully reviewed same, as well as all comments and concerns received from interested agencies and the public in general

concerning the potential environmental impacts of the action; and

**WHEREAS**, each of the various areas of environmental concern, as identified pursuant to the Regulations, the Town Board and local residents have been fully considered, analyzed and discussed by the Town Board; and

**WHEREAS**, the Town Board has fully considered and discussed the advisability of adopting an updated Comprehensive Plan for the Town of Marcellus; and

**WHEREAS**, the Town Board believes it is in the best interest of the Town to adopt said updated Comprehensive Plan for the Town of Marcellus.

**NOW, THEREFORE, BE IT RESOLVED** the Town of Marcellus Town Board hereby reaffirms that the proposed action is a Type I Action; and it is further

**RESOLVED** that the Town of Marcellus Town Board hereby determines that the proposed action will not have a significant adverse effect on the environment, and that this Resolution shall constitute a Negative Declaration for the update and amendments to the Town's Comprehensive Plan, as proposed and subsequently amended, for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the NYCRR Section 617.3 for the reasons set forth in the findings attached hereto as Appendix "A"; and it is further

**RESOLVED** that the Town of Marcellus Town Board hereby adopts the updated Comprehensive Plan for the Town of Marcellus, titled "Town of Marcellus 2024 Comprehensive Plan", pursuant to Town Law §272-a and such document shall serve as the Town's Comprehensive Plan and shall guide the Town Board in furtherance of its future actions relating thereto; and it is further

**RESOLVED** that the Town Board hereby authorizes the Town Supervisor to execute any necessary documentation relative to this matter.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<b>Terry Hoey</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>
<b>Gabe Hood</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>
<b>Percy Clarke</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>
<b>Jeff Berwald</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>
<b>Laurie Stevens</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes/No</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED: December \_\_, 2024**

**AT A REGULAR MEETING OF THE TOWN BOARD OF THE  
TOWN OF MARCELLUS, ONONDAGA COUNTY, NEW YORK,  
HELD AT THE TOWN HALL, 22 EAST MAIN STREET, MARCELLUS, NEW YORK  
ON THE 30th DAY OF DECEMBER, AT 6:30 P.M., THERE WERE:**

**PRESENT:**

**ABSENT:**

**RESOLUTION TO:  
ADOPT THE 2024 TOWN OF COMPREHENSIVE PLAN.**

**MOTION BY: COUNCILOR \_\_\_\_\_**

**SECONDED BY: COUNCILOR \_\_\_\_\_**

**WHEREAS**, the Town of Marcellus began the development of a Comprehensive Plan in January of 2022, to provide the community, advisory board members, and elected officials with a guide upon which future land use and infrastructure investment decisions may be based; and

**WHEREAS**, the ongoing Comprehensive Planning process under the direction of a Steering Committee has resulted in the Draft 2024 Comprehensive Plan; and

**WHEREAS**, the Town Board has determined that it is in the best interest of the community to adopt the Plan, recognizing that it not only identifies a unified policy for the Town, but also provides an action-oriented framework for the achievement of such policy in cooperation with local partners such as the village, county, and state.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board adopts the 2024 Town of Marcellus Comprehensive Plan; and

**BE IT FURTHER**, that this Plan hereby replaces and rescinds the Comprehensive Plan for the Town of Marcellus adopted November, 2001.

This resolution shall take effect immediately:

<b>VOTE:</b>	<b>Laurie Stevens</b>	<b>Town Supervisor</b>	<b>Voted</b>	<b>Yes/No</b>
	<b>Jeff Berwald</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>
<b>ABSENT:</b>	<b>Percy Clarke</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>
	<b>Gabe Hood</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>
	<b>Terry Hoey</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>

**DATED: December 30, 2024**



J. Ryan McMahon, II  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: December 23, 2024

OCPB Case # Z-24-363

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a LOCAL LAW from the Town of Marcellus Town Board at the request of Town of Marcellus for the property located ; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law; and
- WHEREAS, the applicant is proposing Local Law No. D-2024 to amend Section 235-26M of the Town of Marcellus Code to add a new section regulating solar energy systems within the Town of Marcellus; and
- WHEREAS, per the Purpose and Intent of the proposed law, the Town recognizes “that solar energy is a clean, readily available and renewable energy source” and wishes to “establish provision for the placement, design, construction, operation and removal of” solar energy systems; the Town also expresses that solar energy systems can “enhance agricultural viability” and would like to promote co-location of solar energy systems “within active farming and agricultural lands” while ensuring no significant adverse impacts; and
- WHEREAS, numerous definitions pertaining to solar energy are being added to the Town Code including “Commercial Solar Project”, “a solar energy system or collection of solar energy systems” with “the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity”; a Solar Energy System is defined and categorized as either “Building-Integrated Solar Energy System”, “Flush-Mounted Solar Energy System”, “Ground-Mounted Solar Energy System”, or Rooftop-Mounted Solar Energy System; and
- WHEREAS, proposed section 235-26M (7) details “general requirements applicable to all solar energy systems” with requirements including the system must be installed by a qualified solar installer, non-commercial systems are only permitted to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected; electrical connections must be inspected by the Town Code Enforcement Officer or other appropriate person/agency; the system must be “maintained in good working order”, “be consistent in size and use with the character of surrounding neighborhood”, must comply with appropriate NYS Uniform Fire Prevention and Building Code Standards, and the owner shall completely remove a system which ceases performing as intended for a period of 12 months; and
- WHEREAS, building-integrated and rooftop-mounted Solar Energy Systems will be allowed in all zoning districts, is subject to the general requirements, and “application for and review and issuance of an applicable building permit”; roof-top mounted systems are also subject to provisions for firefighter and emergency responder safety and safe access to the rooftop; and
- WHEREAS, ground-mounted solar energy systems are “permitted as accessory structures in all zoning districts” subject to site plan approval by the Planning Board; they’re

prohibited from front yards and requirements include a minimum lot size of 3 acres, maximum height of 15', they must be screened "when possible and practicable from adjoining lots and street right-of-ways," and are subject to the general requirements; and

WHEREAS, commercial solar projects will be allowed, with a building permit and special use permit, in the Agricultural (A-1), Business (B-1) and Light Industry (L-1) zoning districts; commercial projects may be allowed in a State Certified Agricultural District "but only when it is demonstrated not to have negative impacts on the soils deemed to be USDA prime soils, prime farmland, prime soils, prime soil lands and lands deemed to be farmlands of statewide importance; bulk regulations for commercial solar projects include a minimum street frontage of 200'; minimum lot area of 25 contiguous acres, minimum front yard setback of 250', and minimum rear and side yard setbacks of 50'; the projects must also be set back 100' from any Important Bird Area and federal or NYS wetlands; and

WHEREAS, additional requirements for special use permits for commercial projects include having protections for scenic viewsheds, require emergency shutdown/safety and signage, the project cannot have "a significant impact on fish, wildlife, animal or plant species or their critical habitats or other significant habitats", additional setbacks may be required by the Zoning Board of Appeals, screening, berms, and other screening methods may be required, and the Town may require "compensatory offsets to reduce the overall impacts to visual resources"; and

WHEREAS, commercial solar project have extensive submission requirements including plans and drawings showing details including the proposed layout of the site, existing vegetation, proposed clearing, grading, and fencing, property lines and contours with five-foot intervals, location and approximate dimensions of all structures, location and elevations of the proposed commercial solar project, all existing aboveground utility lines within 1,200 linear feet of the site, a landscape plan, screening, soil types, submission of a written operation and maintenance plan, photographic simulations, electrical diagrams detailing installation, components, and interconnection methods, access road maintenance agreement, a Stormwater Pollution Prevention Plan (SWPPP), a NYS Agriculture and Markets findings and report (if applicable), a US Army Corps of Engineers wetlands determination (if applicable), details for all gates and fencing, neutral colors so the system may "achieve visual harmony with the surrounding area", signage, and details of "the proposed noise that may be generated by solar inverter fans or other commercial solar project components"; and

WHEREAS, commercial solar projects also require a public hearing compliance with the NYS Uniform Fire Prevention and Building Code, compliance with state, local, and national codes, all disturbed area shall be reseeded with grass or vegetation, post-construction certification, insurance, and a Decommissioning Plan and security; the Town reserves the right to inspect the premises and has the power to impose conditions; and

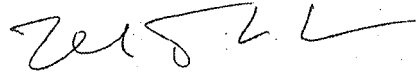
WHEREAS, for commercial projects located on agricultural lands, additional protections and requirements including consideration of soils on site, cooperation with NYS Agriculture and Markets where practicable; an environmental monitor is required for projects located on Prime Farmland, Prime Soils, Prime Soil Lands, and/or Farmland of Statewide Importance; topsoil areas to be used for vehicle and equipment traffic, parking, equipment laydown, and storage areas are to be stripped and all topsoil stockpiled, along with additional restoration requirements; and



WHEREAS, the proposed law also includes Solar Project Guidelines regarding which lands are best suited for commercial solar projects with guidance regarding types of agriculture, soil types, woodland sites, visual mitigation, and design and construction of commercial solar arrays; and

WHEREAS, ADVISORY NOTE: Per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality; such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.



Martin E. Voss, Chairman  
Onondaga County Planning Board

# GML 239 Report of Final Action

NYS GML § 239-m.6. and n.6. require the referring body to file a report of the final action it has taken on a referred matter with the county planning agency within 30 days after the final action (separate from the minutes taken at the meeting). A referring body which acts contrary to a County Planning Board recommendation of MODIFICATION or DISAPPROVAL of a referred matter shall also set forth the reasons for the contrary action in such report.

This section to be completed by the Syracuse-Onondaga County Planning Agency

**To:** Onondaga County Planning Board      **From:** Town of Marcellus Town Board

**Fax:** 435-2439      **Phone:** 435-2611

**Re: Applicant:**      Town of Marcellus

**Address:**

**Referral Type:**      LOCAL LAW

**OCPB Date:**      December 23, 2024

**OCPB Action:**      No Position

**OCPB Case #:**      Z-24-363

*The local board took the following action regarding the above referenced referral (Check one box. If checking Other, please specify the final action taken. Use the space at the bottom of the report to identify reasons if acting contrary to the OCPB recommendation.):*

- Approved the proposed action with regard to the OCPB's No Position or No Position with Comment.
- Approved the proposed action as modified by the OCPB.
- Approved the proposed action contrary to some of the modifications recommended by the OCPB.\*
- Approved the proposed action contrary to all of the modifications recommended by the OCPB.\*
- Approved the proposed action contrary to the disapproval recommended by the OCPB.\*

- Disapproved the proposed action with regard to the OCPB's no position or no position with comment.
- Disapproved the proposed action with regard to the recommended modification(s) by the OCPB.
- Disapproved the proposed action as recommended and for reasons set forth by the OCPB.
- Disapproved the proposed action as recommended but for reasons other than those set forth by the OCPB. (Please list reasons below for local disapproval.)

Other \_\_\_\_\_

Local Board Date: \_\_\_\_\_

\*List reasons for acting contrary to the OCPB recommendation and include a copy of the local board resolution. Attach additional reasons on a separate sheet of paper as necessary.

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**TOWN BOARD RESOLUTION  
ENACTING LOCAL LAW D-2024**

(A Local Law Amending Chapter 235-26M of the Town of Marcellus Code  
To Add A New Section Regulating Solar Energy Systems Within the Town of Marcellus)

**TOWN OF MARCELLUS**

**December 30, 2024**

At a regular meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 22 East Main Street, in said Town, County of Onondaga, State of New York, on December 30, 2024, at 6:30 P.M., there were:

<b>PRESENT:</b>	Jeff Berwald	Councilor
	Percy Clarke	Councilor
	Gabe Hood	Councilor
	Terry Hoey	Councilor
	Laurie Stevens	Town Supervisor

**WHEREAS**, the following resolution was offered by Councilor \_\_\_\_\_, who moved its adoption, seconded by Councilor \_\_\_\_\_; and

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. D-2024, "A Local Law Amending Chapter 235-26M of the Town of Marcellus Code To Add A New Section Regulating Solar Energy Systems Within the Town of Marcellus," was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on December 4, 2024; and

**WHEREAS**, a public hearing was held on such proposed local law on this 30th day of December, 2024, by the Town Board of the Town of Marcellus and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Marcellus in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, on December 4, 2024, the Town Board pursuant to Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Quality Review Act (SEQRA) declared that adoption of Local Law D-2024 was a Type I Action, that the Town Board would act as lead agency for purposes of SEQRA and made a determination that the aforementioned law would not result in any adverse environmental impacts and therefore issued a Negative Declaration; and

**WHEREAS**, the proposed Local Law was duly referred to the Onondaga County Department of Planning for review and comment pursuant to the New York State General Municipal Law; and

**WHEREAS**, the Onondaga County Planning Board has previously reviewed the application for county-wide or intermunicipal impacts and returned the application for local determination; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. D-2024.

**NOW, THEREFORE**, it is

**RESOLVED**, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No. D-2024 as Local Law No. \_\_\_-2024 as follows:

**“TOWN OF MARCELLUS  
LOCAL LAW NO. \_\_\_-2024**

**A LOCAL LAW TO AMEND SECTION 235-26M OF THE TOWN OF MARCELLUS  
CODE TO ADD A NEW SECTION REGULATING SOLAR ENERGY SYSTEMS  
WITHIN THE TOWN OF MARCELLUS**

**BE IT ENACTED** by the Town Board of the Town of Marcellus as follows:

**SECTION 1. PURPOSE AND INTENT.**

The purpose of this Local Law is to amend Section 235-26M of the Town of Marcellus Code pertaining to the regulation of solar energy systems within the Town of Marcellus and to regulate the construction of solar energy systems in the Town Marcellus in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy.

**SECTION 2. AUTHORITY.**

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

**SECTION 3. REPEAL OF SECTION 235-26M OF THE TOWN OF MARCELLUS  
ZONING REGULATIONS**

Section 235-26M of the Town of Marcellus Zoning Regulations is hereby repealed in its entirety.

**SECTION 4. AMENDMENT OF SECTION 235-26M OF THE TOWN OF  
MARCELLUS CODE TO ADD A NEW SECTION 235-26M TITLED  
“SOLAR ENERGY SYSTEMS.”**

## **“SECTION 235-26M SOLAR ENERGY SYSTEMS.**

### **(1) Purpose and intent.**

The Town of Marcellus recognizes that solar energy is a clean, readily available and renewable energy source. Development of solar energy systems offers an energy source that can prevent fossil fuel emissions, reduce the Town’s energy demands and attract and promote green business development within the Town. The Town of Marcellus has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and businesses. This Section is intended to promote the effective and efficient use of solar energy systems; establish provisions for the placement, design, construction, operation and removal of such systems in order to uphold the public health, safety and welfare, promote the co-location of solar energy systems within active farming and agricultural lands in a manner that preserves the rural character of the Town of Marcellus; to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and maintain the rural character of the Town. The Town, when appropriate, will promote the location of smaller commercial solar projects in multiple locations to further mitigate impacts from such larger projects. Further, the Town of Marcellus wishes to enhance agricultural viability within the Town and preserve productive agricultural land resources, mitigate the impacts of solar energy systems on environmental resources such as prime farmlands, prime soils (including USDA Prime Soils), prime soil lands, Farmland of Statewide Importance, other important agricultural lands, forests, wildlife, and other protected resources. This Section also recognizes that such uses in the Town may, in some instances, represent large disturbances of lands, the hosting of complex equipment and the need to assure that such projects and property are removed or disposed of at the time of the discontinuance, while minimizing impacts to local roads and nearby property values and avoiding financial burdens on taxpayers.

### **(2) Applicability.**

This Section shall apply to all solar energy systems (including solar heating panels) in the Town of Marcellus which are installed or modified after the effective date of this Section. All solar energy systems which are installed or modified after the effective date of this Section shall be in compliance with all of the provisions hereof. Any proposed solar energy system subject to review by the New York State Board on Electric Generation Siting and the Environment pursuant to Section 10 of the New York State Public Service Law, or the Office of Renewable Energy Siting pursuant to Section 94-c of the New York State Executive Law or any subsequent law, shall be subject to all substantive provisions of this Section and any other applicable provisions of the Town of Marcellus Zoning Regulations and applicable local laws.

### **(3) Definitions.**

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

**ALTERNATING CURRENT (AC)** - An electric current that reverses direction at regular intervals, having a magnitude that varies continuously in sinusoidal manner.

**ATTERBERG LIMITS AND FIELD TESTS** - A basic measure of the critical water contents of a fine-grained soil and its shrinkage limit, plastic limit, and liquid limit. Establishes the moisture

contents at which fine-grained clay and silt soils transition between solid, semi-solid, plastic, and liquid states.

**COMMERCIAL SOLAR PROJECT** - A solar energy system or collection of solar energy systems or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

**COMMUNITY SOLAR PROJECT** - Proposed commercial solar projects sited in the Town of Marcellus that will feature the ability to participate in subscriptions for lower electricity costs to Town residents.

**DIRECT CURRENT** - An electric current of constant direction, having a magnitude that does not vary or varies only slightly.

**ENVIRONMENTAL MANAGER (EM)** - An individual possessing the skills and knowledge to effectively develop a site for use as a solar PV system and then reclaim the site restoring it, to the greatest extent practical, to its original use.

**FARMLAND OF STATEWIDE IMPORTANCE** - Land, designated as "Farmland of Statewide Importance" in the U. S. Department of Agriculture Natural Resources Conservation Service's (NRCS) Soil Survey Geographic (SSURGO) Database on Web Soil Survey, and/or pursuant to the New York State classification system for Onondaga County, that is of statewide importance for the production of food, feed, fiber, forage, and oil seed. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by New York State.

**HOST COMMUNITY AGREEMENT** - A contract between a developer and a local governing body, whereby the developer agrees to provide the community with certain negotiated benefits and mitigate specified impacts of the solar project.

**IMPORTANT BIRD AREA ("IBA")** - An area determined by the New York Audubon to meet 1 of 3 criteria: (1) a place where birds congregate in large numbers at one time; (2) a place for species that are at-risk; and/or (3) a place that supports groups of birds representing certain habitats such as forests, wetlands, grasslands and shrublands.

**KILOWATT (kW)** - A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used; 1,000 kW is equal to one megawatt (MW).

**MEGAWATT (MW)** - A unit of electrical power equal to 1,000 kilowatts, which constitutes a unit of electrical demand.

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

**NET-METERING** - A billing arrangement that allows solar customers to receive credit for excess electricity which is generated from the customer's solar energy system and delivered back to the grid so that customers only pay for their net electricity usage for the applicable billing period.

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

**PRIME FARMLAND, PRIME SOILS, AND PRIME SOIL LANDS** - Soils and land that are best suited for producing food, feed, forage, fiber, and oilseed crops, and must be available for this use. Such soils have the soil quality, growing season, and moisture supply needed to economically produce a sustained high yield of crop when it is treated and managed according to acceptable farming methods. Prime Farmland may now be in crops, pasture, woodland, or other land, but not in urban and built-up land or water areas.

**QUALIFIED SOLAR INSTALLER** - A person who has skills and knowledge related to the construction and operation of solar energy systems (and the components thereof) and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSEDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town Code Enforcement Officer or such other Town officer or employee as the Town Board designates determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

**SOLAR ACCESS** - Space open to the sun and clear of overhangs or shade, including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

**SOLAR COLLECTOR** - A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

**SOLAR ENERGY SYSTEM** - A complete system of solar collectors, panels, controls, energy devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy, including but not limited to thermal and electrical, stored and protected from dissipation and distributed. For purposes of this Section, a solar energy system does not include any solar energy system of four square feet in size or less.

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEM** - A solar energy system incorporated into and becoming part of the overall architecture, design and structure of

a building in manner that the solar energy system is a permanent and integral part of the building structure.

**FLUSH-MOUNTED SOLAR ENERGY SYSTEM** - A rooftop-mounted solar energy system with solar panels which are installed flush to the surface of a roof and which cannot be angled or raised.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM** - A solar energy system that is affixed to the ground either directly or by mounting devices and which is not attached or affixed to a building or structure.

**ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM** - A solar energy system in which solar collectors/panels are mounted on the roof of a building or structure either as a flush-mounted system or as panels fixed to frames which can be tilted to maximize solar collection. Rooftop-mounted solar energy systems shall be wholly contained within the limits of the building's or structure's roof surface.

**SOLAR PANEL** - A device which converts solar energy into electricity and/or heat.

**SOLAR SKYSPACE** - The space between a solar energy system and the sun through which solar radiation passes.

**SOLAR STORAGE BATTERY** - A device that stores energy from the sun and makes it available in an electrical form.

**(4) Building-integrated solar energy systems.**

- A. Districts where allowed. Building-integrated solar energy systems shall be permitted in all zoning districts within the Town subject to the submission of, application for and review and issuance of an applicable building permit.
- B. Building-integrated solar energy systems shall be subject to the general requirements set forth at Section (7).

**(5) Rooftop-mounted solar energy systems.**

- A. Districts where allowed. Rooftop-mounted solar energy systems shall be permitted in all zoning districts within the Town subject to the following requirements:
  - (1) A building permit shall be required for installation of all rooftop-mounted solar energy systems.
  - (2) Rooftop-mounted solar energy systems shall not exceed the maximum allowed height of the principal use in the zoning district in which the system is located and shall specifically prohibit solar racking systems extending from the roof surface more than 12 inches when measured from average grade of roof surface at maximum height.
  - (3) Rooftop-Mounted Solar Energy Systems shall be mounted parallel to the roof plane on which they are mounted. However, in the case of buildings



which have a flat roof, a tilted mount may be permitted subject to site plan review before the Planning Board.

- (4) In order to ensure firefighter and other emergency responder safety, except in the case of accessory buildings under 1,000 square feet in area, there shall be a minimum perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all rooftop-mounted solar energy systems. Additionally, installations shall provide for adequate access and spacing in order to:
  - (a) Ensure access to the roof.
  - (b) Provide pathways to specific areas of the roof.
  - (c) Provide for smoke ventilation opportunity areas.
  - (d) Provide for emergency egress from the roof.
  - (e) Exceptions to these requirements may be requested where access, pathway or ventilation requirements are reduced due to:
    - [1] Unique site specific limitations;
    - [2] Alternative access opportunities (such as from adjoining roofs);
    - [3] Ground level access to the roof area in question;
    - [4] Other adequate ventilation opportunities when approved by the Codes Office;
    - [5] Adequate ventilation opportunities afforded by panels setback from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment);
    - [6] Automatic ventilation devices; or
    - [7] New technology, methods or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.
  - (f) In the event any of the standards in this Subsection (A)(3) are more stringent than the New York State Uniform Fire Prevention and Building Code, they shall be deemed to be installation guidelines only and the standards of the Code shall apply.

- B. Rooftop-mounted solar energy systems shall be subject to the general requirements set forth at Section (7).
- C. On structures having significant architectural features as defined by the U.S. Department of Interior, all installations will conform to the Secretary of the Interior's Standards for Rehabilitation of historical structures. Locational placement of such panels shall be made such that there is no direct adverse effect or visual impact on any significant architectural features. Destruction or alteration of historic or architecturally significant features or materials that characterize the structure shall be prohibited.
- D. Permit application requirements for roof-top mounted solar energy systems.
  - (1) In addition to the requirements specified in Section (5) (A)-(B), an applicant must submit the following materials to the Code Enforcement Officer:
    - (a) A site plan showing location of major components of the solar energy system and other equipment on the roof or legal accessory structure. This plan should represent relative locations of components at the site, including, but not limited to, location of arrays, existing electrical service locations, utility meters, inverter locations, system orientation and tilt angles. This plan should show access and pathways that are compliant with New York State Uniform Fire Prevention and Building Code, if applicable.
    - (b) One-line or three-line electrical diagram. The electrical diagram required by NYSERDA for an incentive application and/or utilities for an interconnection agreement may also be provided here.
    - (c) Specification sheets for all manufactured components. If these sheets are available electronically, a web address will be accepted in place of an attachment, at the discretion of the Town.
    - (d) All diagrams and plans must be prepared by a professional engineer or registered architect as required by New York State law and include the following:
      - [1] Project address, section, block and lot number of the property;
      - [2] Owner's name, address and phone number;
      - [3] Name, address and phone number of the person preparing the plans; and
      - [4] System capacity in kW-DC.

**(6) Ground-mounted solar energy systems.**

- A. Districts where allowed. Ground-mounted solar energy systems are permitted as accessory structures in all Zoning Districts within the Town subject to the granting of site plan approval by the Planning Board and further subject to the following requirements:
- (1) A building permit and site plan approval shall be required for installation of all Ground-Mounted Solar Energy Systems.
  - (2) Ground-mounted solar energy systems are only permitted as an accessory use on parcels of land with a minimum lot size of 3 acres.
  - (3) Ground-Mounted Solar Energy Systems are prohibited in front yards. For purposes of this Section, a corner lot shall be considered to have a front yard on each street frontage. Ground-mounted solar energy systems shall be situated with a minimum side yard setback of 25 feet and a rear yard minimum setback of 35 feet. Further setbacks, area and yard requirements and total area/lot coverage restrictions may be required by the Planning Board in order to protect the public's safety, health and welfare. To the extent the provisions of this Section conflict with any other provision of the Town of Marcellus Zoning Regulations, the provisions of this Section shall apply.
  - (4) The height of the solar collector/panel and any mounts shall not exceed 15 feet in height when oriented at maximum tilt measured from the ground (average grade) and including any base. Ground-mounted Solar Energy Systems shall be fixed angle installations.
  - (5) A Ground-Mounted Solar Energy System shall be screened when possible and practicable from adjoining lots and street rights-of-way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and the surrounding area. The proposed screening shall not interfere with the normal operation of the solar collectors/panels.
  - (6) The Ground-Mounted Solar Energy System shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for the Solar Energy System.
  - (7) Neither the Ground-Mounted Solar Energy System nor any component thereof shall be sited within any required buffer area, easement, right-of-way or setback.
  - (8) The criteria for site plan as set forth in Section 235-28 of the Town of Marcellus Zoning Regulations shall also be demonstrated for each application.

- (9) The Town Planning Board shall have the discretion to require that a Glare Study be performed of the proposed ground-mounted solar energy system.
- B. Ground-mounted solar energy systems shall be subject to the general requirements set forth in Section (7).

**(7) General requirements applicable to all solar energy systems.**

- A. All solar energy system installations must be performed by a qualified solar installer.
- B. Solar energy systems, unless part of a commercial solar project, shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a net-metering arrangement in accordance with New York Public Service Law §66-j or similar state or federal statute. However, solar energy system applications in a residential setting and serving a residential use on a single parcel or lot shall be limited to 35 kW but not to exceed 110% of energy anticipated to be consumed on the site in the next 12 months. Solar energy system applications serving an associated commercial or industrial use shall not exceed 110% of the energy anticipated to be consumed on the site in the next 12 months. The applicant shall be responsible for demonstrating the anticipated energy usage.
- C. Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town. The electrical components and connections shall be in compliance with the most recently adopted National Electric Code (NEC) standards.
- D. Any connection to the public utility grid must be inspected by the appropriate public utility and proof of inspection shall be provided to the Town.
- E. Solar energy systems shall be maintained in good working order.
- F. Solar energy systems shall be permitted only if they are determined by the Town to be consistent in size and use with the character of surrounding neighborhood.
- G. Solar energy systems shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including but not limited to:
  - (1) Weight load;
  - (2) Wind resistance; and
  - (3) Ingress or egress in the event of fire or other emergency.

- H. All solar energy systems described in this Section shall meet and comply with all relevant and applicable provisions of the New York State Uniform Fire Prevention and Building Code Standards. To the extent the provisions of the New York State Uniform Fire Prevention and Building Code are more restrictive than the provisions set forth in this Section, the provisions of the New York State Uniform Fire Prevention and Building Code shall control.
- I. The application for any solar energy system shall specifically recite the use or nonuse of solar storage batteries, their placement, capacity, and compliance with all existing New York State and Federal rules and regulations. If solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with any existing laws and regulations of the Town and other applicable laws and regulations.
- J. All utility services and electrical wiring/lines shall be placed underground and otherwise be placed within the walls or unobtrusive conduit. No conduits or feeds may be laid on the roof. Feeds to the inverter shall run within the building and penetrate the roof at the solar panel location.
- K. If a solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall completely remove the system, mount and all other associated equipment and components by no later than 90 days after the end of the twelve-month period or within 10 days of written notice from the Town.
- L. To the extent practicable, solar energy systems shall have neutral paint colors, materials and textures to achieve visual harmony with the surrounding area.
- M. The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings. All panels and supporting structures shall utilize materials and colors that are non-reflective in nature.
- N. Marking of equipment.
  - (1) Solar energy systems and components shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather-resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover.
  - (2) In the event any of the standards in this subsection for markings are more stringent than applicable provisions of the New York State Uniform Fire

Prevention and Building Code, they shall be deemed to be guidelines only and the standards of the State Code shall apply.

- O. Prior to the time of the issuance of a solar building or construction permit, the applicant/owner shall demonstrate to the Town Code Enforcement Officer a reliable and safe master method for the deenergizing of the solar energy system in the event of an emergency. The method and location to de-energize the Solar Energy System, once approved by the Code Enforcement Officer, shall be provided by the applicant to all applicable emergency services and first responders, including, but not limited to, the Town of Marcellus Fire Department, MAVES, the Village of Marcellus Police Department, the New York State Police, and the Onondaga County Sheriff's Department.
- P. For applications requiring screening, the applicant may be encouraged to incorporate plantings that balance the need for screening against the impacts of shading. Applicant should propose a balanced planting plan to allow for the most protected energy efficiency.

**(8) Commercial Solar Projects.**

- A. Districts where allowed. Subject to the issuance of a special use permit and other requirements as set forth herein, commercial solar projects shall be a permitted use in the A-1, B-1 and L-1 Zoning Districts. Such use maybe permitted by the Zoning Board of Appeals ("ZBA") in a State Certified Agricultural District but only when it is demonstrated not to have negative impacts on the soils deemed to be USDA prime soils, prime farmland, prime soils, prime soil lands and lands deemed to be farmlands of Statewide importance.
- B. Lot area, yard and other regulations. The following lot area, yard regulations and siting criteria shall apply to commercial solar projects:
  - (1) Minimum street frontage: 300 feet or such road frontage as determined by the Planning Board necessary to protect the health, safety and welfare of the area.
  - (2) Minimum lot area: 25 contiguous acres under single ownership or such acreage as determined by the Planning Board necessary to protect the health, safety and welfare of the area (when such parcel is not bisected by a public road).
  - (3) Minimum front yard setback to fence: 250 feet.
  - (4) Minimum rear yard setback to fence: 50 feet.
  - (5) Minimum side yard setback to fence: 50 feet.
  - (6) Commercial solar projects shall be set back at least 100 feet from any Important Bird Area as identified by the New York Audubon, and from

Federal or State-listed wetlands as identified by the New York State Department of Environmental Conservation and/or the U.S. Army Corps of Engineers.

- (7) Each commercial solar project application shall demonstrate that the facility operator owns or controls sufficient land area to properly operate and maintain the facility.
  - (8) To prevent the oversaturation of commercial solar projects in one (1) area of the Town of Marcellus, no commercial solar project shall be approved if it is within one (1) mile of an already approved commercial solar project unless the ZBA makes specific findings that it will not have a significant impact on the community character of the area.
  - (9) In siting of commercial solar projects, the applicant shall avoid areas that substantially contribute to and are important to the scenic quality of the landscape.
  - (10) Each application shall formally address and assess the availability and feasible use of alternative sites.
- C. Permits required. No person, firm or corporation, or other entity being the owner, occupant, or lessee of any land or premises within the Town of Marcellus shall use or permit the use of land or premises for the construction or installation of a commercial solar project without obtaining a building permit and a special use permit as hereinafter provided. The ZBA shall refer all commercial solar project applications to the Planning Board for review and recommendations.
- D. Special use permit.
- (1) In addition to the criteria established pursuant to Section 235-27 of the Town of Marcellus Zoning Regulations, the following criteria are hereby established for purposes of granting a special use permit for a commercial solar project under this Section:
    - (a) Scenic viewsheds. A commercial solar project shall not be installed in any location that would materially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, as viewed from any public road, right-of-way or publicly owned land within the Town of Marcellus or that extends beyond the border of the Town of Marcellus. For purposes of this subsection, consideration shall be given to any relevant portions of the current, amended and/or future Town of Marcellus Comprehensive Plan and/or any other prior, current, amended and/or future officially recognized Town planning document or resource.
    - (b) Emergency shutdown/safety and signage. The applicant shall demonstrate the existence of adequate emergency/safety measures.

The applicant shall post an emergency telephone number, in addition to 911, so that the appropriate entities may be contacted should any solar panel or other component of the commercial solar project need immediate repair or attention. This emergency telephone number should be clearly visible and in a location which is convenient and readily noticeable to someone likely to detect a problem. The manufacturer's, or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.

- (c) Security. All commercial solar projects shall be secured to the extent practicable to restrict unauthorized access.
- (d) Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of constructing any roadways necessary to access the commercial solar project, they shall be constructed in a way that allows for the passage of emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress to and egress from the commercial solar project site.
- (e) The development and operation of the commercial solar project shall not have a significant impact on fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the Town of Marcellus or federal or state regulatory agencies.
- (f) Setbacks. Additional setbacks may be required from those set forth in Section (8) by the ZBA in order to provide for the public's safety, health and welfare.
- (g) In the granting of a special use permit, the ZBA will strive to permit the location of commercial solar projects in such a manner so that no one area or neighborhood in the Town shall be over-burdened by the placement of any proposed commercial solar project(s). Screening, including plantings, berms, and other screening methods may be required to mitigate any unavoidable impacts. Such plantings and screening shall be continuously maintained and replaced if dead, dying, or falling into disrepair.
- (h) Mitigation. When it is determined that an applicant's proposed mitigation of visual impacts to the site or area is insufficient, the ZBA may under such circumstances and in the exercise of its reasonable discretion require compensatory offsets to reduce the overall impacts to visual resources from such project. Such offsets



may include but are not limited to financial or in-kind donations to a community project such as environmental conservation of a stream or site; restoration of a park, historic structure, or cultural resource; planting of trees along nearby streets; and other similar projects that enhance the community character and are of benefit to the Marcellus community at large.

- (i) Equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, batteries and inverters that are to be installed.
- (j) Non-invasive, native ground cover, under and between the rows of solar panels, which are suitable for animal grazing and/or pasturing shall be low-maintenance, drought-resistant, non-fertilizer-dependent and shall be pollinator-friendly to provide a habitat for bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.
- (k) For projects proposed by the applicant to be community solar projects, the reviewing board has the authority to require that the applicant open subscription services to Town residents before offering subscriptions to others.
- (l) The use is oriented in its location upon the site as to layout, coverage, screening, means of access and aesthetics so that:
  - [1] The flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;
  - [2] There is reasonable compatibility in all respects with any structure or use in the surrounding area, actual or permitted, which may be directly substantially affected;
  - [3] There shall not be any unreasonable detriment to any structure or use, actual or permitted, in the surrounding area;
  - [4] There is a reasonable provision for open space and yard areas as appropriate to the surrounding area.
  - [5] The removal of existing trees larger than 6 inches in diameter has been minimized to the extent possible.
  - [6] It has been demonstrated that the establishment of the proposed solar facility will not have negative impacts to surrounding property values as established by competent evidence.

E. Submission Requirements.

- (1) The following submission requirements must be observed regarding an application for a commercial solar project, in addition to any further requirements required by the Planning Board pursuant to Section 235-28 of the Town of Marcellus Code:
  - (a) A completed application form as supplied by the Town of Marcellus for site plan approval for a commercial solar project.
  - (b) Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application.
  - (c) Plans and drawings of the proposed commercial solar project installation signed and stamped by a professional engineer registered in New York State showing the proposed layout of the entire commercial solar project along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved, along with proposed screening and fencing. Clearing and/or grading activities are subject to review by the ZBA and shall not commence until the issuance of site plan approval and written authorization from the Town's Code Enforcement Officer. The plans and development plan shall be drawn in sufficient detail and shall further describe:
    - [1] Property lines and physical dimensions of the proposed site, including contours at five-foot intervals.
    - [2] Location, approximate dimensions and types of all existing structures and uses on the site.
    - [3] Location and elevation of the proposed commercial solar project and all components thereof.
    - [4] Location of all existing aboveground utility lines within 1,200 linear feet of the site.
    - [5] Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a commercial solar project shall be buried underground and include necessary encasements in accordance with the National Electric Code and Town requirements. The ZBA may recommend waiving this requirement if sufficient engineering data is submitted by the applicant demonstrating that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead electric

utility/transmission lines (if permitted) and underground electric utility/transmission 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 public utility company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility.

- [6] Location of all service structures proposed as part of the installation.
- [7] Landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features, including size and type of plant material, and for screening purposes.
- [8] The plan shall show any trees and/or vegetation which is proposed to be removed for purposes of providing greater solar access.
- [9] A berm, landscape screen, or any other combination acceptable to the Town capable of screening the site, shall be provided along any property line.
- [10] Soil type(s) at the proposed site.
- [11] Submission of a written operation and maintenance plan for the proposed commercial solar project that include measures for maintaining safe access, operational maintenance of the commercial solar project, and general property upkeep, such as mowing and trimming and an agricultural soils preservation plan if applicable. The operation and maintenance plan shall be filed and recorded by the applicant in the Onondaga County Clerk's Office (indexed to the property) following approval of the special use permit.
  - i. for installations on farmland, projects shall comply with the most recently published New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands. Where an agricultural soils preservation plan has been approved as part of a project, it shall be a condition of any such approval that such agricultural component will be maintained as approved. (*See also* the "Town of Marcellus Solar

Project Guidelines”, as adopted by the Town of Marcellus Town Board).

- ii. Herbicides are prohibited except where the ZBA finds it impractical to use mechanical means to control vegetation and will not have a deleterious effect on the quality of soils.
- (d) Photographic simulations shall be included showing the proposed commercial solar project including elevation views with dimensions in accordance with the manufacturer’s specifications and photos of the proposed solar energy system, solar collectors, solar panels and all other components comprising the commercial solar project from all neighboring properties and from other vantage points and at selected hourly increments (including seasons) at full tilt in both directions (shadow study), all as selected by the ZBA. Such photos will depict before and after simulations showing the extent of mitigation from vantage points selected by the ZBA.
- (e) When applicable, certification from a professional engineer or architect registered in New York State indicating that any building or structure to which a solar panel or solar energy system is affixed is capable of handling the loading requirements of the solar panel or solar energy system and various components.
- (f) 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.
- (g) Documentation of access to the project site(s), including current and proposed location of all access roads, gates, parking areas, etc.
- (h) Access Road Maintenance Agreement.
- (i) A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site. The SWPPP shall be filed and recorded in the Onondaga County Clerk’s Office (indexed against the property) by the applicant following ZBA approval (prior to commencement of construction) and shall provide for access to the Town of Marcellus in the event of a default of the operator’s obligations under the SWPPP. The SWPPP shall include a security amount approved by the Town’s Consulting Engineer and shall remain in place until decommissioning is complete.
- (j) Documentation of utility notification, including an electric service order number.

- (k) Soil analysis, as performed by an independent third party.
- (l) NYS Agriculture and Markets findings and report, applicable.
- (m) U.S. Army Corps of Engineers wetlands determination, if applicable.
- (n) Detail and specifications for all gates and/or fencing.
- (o) Sign-off from First Responders/Emergency Medical Service providers.
- (p) Sunchart. Where deemed appropriate, the ZBA may require that the applicant submit a sunchart for the proposed site indicating the sun angle for the southern boundary of the site for a minimum four-hour continuous period during the time of the highest sun angle on December 21, along with the potential for existing buildings, structures, and/or vegetation on the site or on adjacent sites to obstruct the solar skyspace of the proposed commercial solar project. The sunchart shall also indicate the potential for obstructions to the solar skyspace of the proposed commercial solar project under a scenario where an adjacent site is developed as otherwise permitted by applicable provisions of the Town of Marcellus Land Use Regulations with a building/structure built to maximum bulk and height at the minimum setback. Where no standards for setback are established and/or when existing adjacent structures are present, this scenario shall assume a maximum setback of five feet from the property line on the sunchart. The sunchart shall be kept on file at the Town Code Enforcement Office and determine the minimum setback required for any solar collectors from the south property line as well as the solar skyspace that should be considered when development of neighboring properties occurs. This Section in no way places responsibility on the Town for guaranteeing the solar skyspace of a solar energy system in the event setbacks are waived at the applicant's request.
- (q) Solar energy systems shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the electric systems. Materials used for marking shall be weather-resistant. The marking shall be placed adjacent to the main service disconnect location clearly visible from the location where the lever is operated.
- (r) The average height of the solar panel array shall not exceed 15 feet at its highest tilt measured from the ground and including any base or supporting materials. However, the ZBA may consider heights in excess of 15 feet in circumstances when active agricultural uses

are proposed for the life of the lease, but in no case shall panel height exceed 20 feet.

- (s) Color. Neutral paint colors, materials and textures may be required for commercial solar project components, buildings and structures to achieve visual harmony with the surrounding area as approved by the ZBA.
- (t) The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.
- (u) Artificial lighting of commercial solar projects shall be limited to lighting required for safety and operational purposes, shall be shielded from all neighboring properties and public roads, downcast and shall meet dark skies requirements.
- (v) Commercial solar projects shall be enclosed by perimeter fencing to restrict unauthorized access, with "HIGH VOLTAGE" placards affixed every 50 feet, and as otherwise approved by the ZBA. Style and type of fence shall be approved by the ZBA as part of the site plan.
- (w) Only signage used to identify the location of the commercial solar project shall be allowed and such signage shall otherwise comply with the Town's sign regulations and requirements as applicable.
- (x) All applications shall be accompanied by a full environmental assessment form for purposes of environmental review under the New York State Environmental Quality Review Act (SEQRA), including a visual impact analysis. The following additional material may be required by the ZBA:
  - [1] A digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations to distances as determined by the reviewing board from the center of the project. Scaled use shall depict the area as not smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features.
  - [2] No fewer than four (4) color photos taken from locations, as selected by the ZBA and computer- enhanced to simulate the appearance of the as-built aboveground commercial solar project components as they would appear from these locations.

- (y) Applicant shall submit details of the proposed noise that may be generated by solar inverter fans or other commercial solar project components. The ZBA may require a noise analysis to determine potential adverse noise impacts.
  - (z) Applicant shall submit a detailed review and evaluation concerning existing drainage conditions as found on the site for any condition that may have been created by prior owners that has impacted the neighboring owners or has caused the water flow from the site to exceed the downstream capacity or has resulted in excessive erosion, overflow, or increased velocities or has been directed to areas that did not have such capacity. Construction plans must take into consideration how to correct such existing conditions during the approval process. The same applies to any issues that should arise over the life of the project and as a part of any operation and maintenance plan or final decommissioning plan since operation and maintenance of the site may develop issues that were not foreseen during the approval process. Capacity for expansion of runoff retention or detention facilities should be a demonstrated alternative should that be required during the life of the project.
- F. Public hearing. No action shall be taken to issue a special use permit nor the granting of a use or area variance in relation to an application for a commercial solar project until after public notice and a public hearing. Proper notice of a hearing before a board shall be given by legal notice published in the official newspaper of the Town of Marcellus at least five days before the date set for such public hearing(s) and written notice mailed to the applicant or his agent at the address given in the application to be considered. The applicant shall be responsible for notifying, by certified mail, all property owners of record within 500 feet of the outside perimeter of the boundary line of the property involved in the application of the time, date and place of such public hearing at least 10 days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the Town Assessor or at the property address. At least seven days prior to such hearing, the applicant shall file with the Board his/her affidavit verifying the mailing of such notices. Failure of the property owners to receive such notice shall not be deemed a jurisdictional defect.
- G. Compliance with New York State Uniform Fire Prevention and Building Code.
- (1) Building permit applications shall be accompanied by standard drawings of structural components of the commercial solar project and all its components (including but not limited to solar panel, solar collector, solar energy system, etc.). Drawings and any necessary calculations shall be certified, in writing, by a New York State-registered professional engineer that the system complies with the New York State Uniform Fire Prevention

and Building Code. This certification would normally be supplied by the manufacturer.

- (2) Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York State-registered professional engineer for compliance with the structural design provisions of the New York State Uniform Fire Prevention and Building Code.

H. Compliance with state, local and national electric codes.

- (1) Building permit applications shall be accompanied by a line drawing identifying the electrical components of the commercial solar project to be installed in sufficient detail to allow for a determination that the manner of installation conforms with the National Electric Code. The application shall include a statement from a New York State-registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electric Code, as well as applicable state and local electrical codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.
- (2) Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State-registered professional engineer for compliance with the requirements of the National Electric Code and good engineering practices.

I. Following construction/installation of the commercial solar project, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust and demonstrating established growth. Every Operations and Maintenance Plan shall include provisions for reseeded and established growth.

J. Post-construction/installation certification. Following the construction/installation of the commercial solar project, the applicant shall provide a post-construction/installation certification from a professional engineer registered in New York State that the project complies with any and all applicable codes and industry practices and has been constructed and operating according to the drawings and development plan(s) submitted to the Town.

K. Insurance. The applicant, owner, lessee or assignee shall at all times during construction and operation maintain a current insurance policy which will cover installation and operation of the commercial solar project and shall be increased annually per industry standards. Said policy shall provide a minimum of \$5,000,000 property and personal liability coverage. Proof of such policy shall be provided to the Town on an annual basis. Notwithstanding any terms, conditions, or provisions



in any other writing between the parties, the applicant shall agree to effectuate the naming of the Town as an additional insured on the applicant's insurance policies, with the exception of workers' compensation and NYS disability insurance. The policy naming the Town as an additional insured shall:

- (1) Be an insurance policy from an A.M. Best rated "secured" or better insurer, authorized to conduct business in New York State. A New York State licensed insurer is preferred.
- (2) State that the applicant's insurance coverage shall be primary and noncontributory coverage for the Town, its Board, employees, agents, and volunteers.
- (3) Additional insured status shall be provided by standard or other endorsements that extend coverage to the Town for both on-going and completed operations. A completed copy of the endorsements shall be attached to the certificate of insurance.
- (4) The applicant shall provide a copy of the declaration page of the liability policies with a list of endorsements and forms. If so requested, the applicant will provide a copy of the policy endorsements and forms.
- (5) The certificate of insurance shall contain a provision that coverage afforded under the applicable policy shall not be cancelled or terminated until at least 30 days' prior notice has been provided to the Town. In the event of a termination, cancellation, or lapse of the required insurance coverage, the special use permit to operate the solar energy system shall be immediately suspended and operation of the system shall cease. Upon restoration of the required insurance coverage, to the satisfaction of the Town, permission to operate the commercial solar project may be restored.

L. Inspections. The Building Inspector, Zoning Enforcement Officer, Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or its agent, the premises on which a commercial solar project is being or is constructed, to inspect all parts of said commercial solar project installation and require that repairs or alterations be made if, in their judgment, there exists a deficiency in the operation or the structural stability of the commercial solar project or any component thereof. If necessary, the Building Inspector or Town Engineer may order the system secured or to otherwise cease operation. It shall not be required that the owner or agent be present in the event of an emergency situation involving danger to life, limb or property.

M. Power to impose conditions. In granting any special use permit or variance for a commercial solar project, the ZBA may impose reasonable conditions to the extent that such board finds that such conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties and to protect the general health, safety and welfare of the Town.

N. Decommissioning and removal of commercial solar project facilities. The following shall be the minimum requirements to be addressed for the decommissioning of every commercial solar project:

- (1) The submission of an acceptable Decommissioning Plan and Decommissioning Cash Security subject to review by the Town's consulting Attorneys and Engineers and approved by the Town of Marcellus. For purposes of the Decommissioning Plan and Decommissioning Security, the following shall constitute "Decommissioning Events" triggering the decommissioning of the site and/or a call on the Decommissioning Cash Security: (a) if construction and installation of the project improvements are not completed within 18 months of commencement of construction (such time period may be reasonably extended upon notification to the Town and with good cause shown for any delays in completion);<sup>1</sup> (b) if the solar energy facility ceases to be used for its intended purpose for twelve (12) consecutive months (such time period may be reasonably extended upon notification to the Town with good cause shown); (c) at the time of decommissioning, complete removal of the project within ninety (90) days thereafter, except for any portions of the project access roads otherwise requested by the owner to remain to facilitate agricultural access to the property or conduit buried more than 4' below ground; (d) upon the end of the project's operation; (e) if the applicant, or its successors or assigns, seeks dissolution or files for bankruptcy or (f) failure to have in place or timely replace adequate decommissioning securities. Renewal securities shall be in place no less than ninety (90) days prior to the expiration of any existing securities.
- (2) All decommissioning activities shall be completed to the reasonable satisfaction of the Town, and consistent with the Decommissioning Plan.
- (3) Such plan shall also include a commitment by the applicant to impose a similar obligation to remove any unused and/or obsolete solar panels upon any person subsequently securing rights to relocate the solar panels.
- (4) At a minimum, the applicant shall include the following binding terms in the decommissioning plan:
  - (a) Complete removal of above-ground and below-ground equipment, fencing, structures, and foundations, including all cables and conduit.
  - (b) Restoration of the surface grade and soil after removal of equipment to the condition (or better), which existed prior to the installation. This includes adding an adequate layer of topsoil where existing

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<sup>1</sup> Such reasonable extensions as noted above may be granted upon a demonstration that said delay or default is caused by forces outside of the Applicant's control.

topsoil has been removed or eroded, and reseeded and/or reforestation of areas that were cleared of mature trees (with established growth demonstrated).

- (c) Replanting/replacement of trees destroyed or lost in the decommissioning process with a species that will be capable of re-establishment after 25 years from planting (for those trees installed by the developer).
- (d) Herbaceous revegetation of restored soil areas with native seed mixes, excluding any invasive species.
- (e) Specifically address: the useful lifespan of proposed solar facility and any storage batteries; the current New York State and Federal rules and regulations regarding placement thereof and disposal thereof at the end of their useful lifespan; together with plans for replacement of solar storage batteries. The financial surety required by the Town shall take into account maintenance, replacement, and disposal of solar storage batteries if included in the application for a commercial solar project.
- (f) Such Decommissioning Plan shall be executed by the applicant and the property owner and shall be recorded against the property in the Onondaga County Clerk's Office.

O. Cash Security. The applicant shall be required to deposit with the Town of Marcellus cash security in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this Section, and to provide for expenses associated with the decommissioning removal and restoration of the site subsequent to the removal of the solar farm, including but not limited to removal of all solar panels, as well as all above and below ground installed equipment and structures. The amount of the cash security shall be no less than 150% of the cost of the removal of the solar panels and restoration of the site, and shall further be reviewed and adjusted at five-year increments. Such amounts shall account for inflation and prevailing wage costs for decommissioning. In the event of a default upon performance of such conditions or any of them, the cash security shall be forfeited to the Town, upon demand. The cash security shall remain in full force and effect until the complete removal of the solar panels and site restoration is finished.

P. Fees. Fees for applications and permits under these regulations shall be established by resolution of the Town Board of the Town of Marcellus. It shall be the applicant's responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application and operation of a commercial solar project under this Section.

- Q. Waiver. The ZBA may, under appropriate circumstances, waive one or more of the submission requirements contained herein.
- R. Road remediation. The applicant shall be responsible for remediation of any roads or other public property damaged, during the construction of and/or completion of the installation (or removal) of any commercial solar projects approved pursuant to this Section. The Code Enforcement Officer is hereby authorized and directed to ensure a public improvement (road repairs) cash security be posted prior to the issuance of any building permit in an amount sufficient to compensate the Town for any damage to local roads that is not corrected by the applicant. The Highway Superintendent or Town Engineer is authorized to consult with any necessary professional to determine or confirm the cash security amount all at the sole cost and expense of the applicant. Such cash security shall be in addition to other securities required by this Section.
- S. Agricultural resources. For projects located on agricultural lands:
- (1) The ZBA shall in all instances give special consideration to areas that consist of Prime Farmland, Prime Soils, Prime Soil Lands, and/or Farmland of Statewide Importance and the removal of such lands when reviewing applications and granting special use permits and site plan approvals to commercial solar project applicants under this law.
  - (2) To the maximum extent practicable, commercial solar projects approved to be located on Prime Farmland, Prime Soils, Prime Soil Lands, and/or Farmland of Statewide Importance shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
  - (3) Commercial solar project applicants shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, pollinators and grazing or pastured animals. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the applicants shall use native plant species and seed mixes.
  - (4) Where a commercial solar project is to be located on Prime Farmland, Prime Soils, Prime Soil Lands, and/or Farmland of Statewide Importance, the applicant shall retain and designate an environmental monitor to oversee the construction, restoration, and subsequent monitoring of the agricultural lands. The environmental monitor is to be on site whenever construction is occurring on the agricultural land(s) and any construction shall be coordinated with the Town's Code Enforcement Officer and the New York State Department of Agriculture and Markets to develop an appropriate schedule for inspections to assure these lands are being preserved and protected to the greatest extent possible.

- (5) Fencing and watering systems associated with rotational grazing systems and reduction in farmland viability due to the reduction in remaining productive farmland shall be assessed and mitigated to the greatest extent possible.
- (6) Structures for overhead collection lines, interconnect cables and transmission lines installed aboveground (when unavoidable) shall be located outside agricultural field boundaries. When above-ground cables and transmission lines must cross agricultural fields, applicant shall use taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable.
  - (a) All buried electric cables in cropland, hay land and improved pastures shall have a minimum depth of 48 inches of cover.
  - (b) The Onondaga County Planning Department is to be consulted concerning the type of intercept drain lines whenever buried electric cables alter the natural stratification of soil horizons and natural soil drainage patterns.
- (7) Access roads are to be located along the edge of agricultural fields, in areas next to hedgerows and field boundaries, and in the nonagricultural portions of the site.
- (8) There shall be no cut and fill so as to reduce the risk of creating drainage problems by locating access roads, which cross agricultural fields, along ridge tops and by following field contours to the greatest extent possible.
- (9) The width of access roads across or along agricultural fields is to be no wider than 20 feet so as to minimize the loss of agricultural lands and comply with the New York State Fire Code.
- (10) The surface of commercial solar project access roads to be constructed through agricultural fields should be level with the adjacent field surface where possible.
- (11) All existing drainage and erosion control structures such as diversions, ditches, and tile lines shall be preserved, and applicants shall take appropriate measures to maintain the design and effectiveness of these structures. Applicants shall repair any structure disturbed during construction to as close to original condition as possible unless such structures are to be eliminated based upon an approved site plan for the commercial solar project.
- (12) Culverts and water bars are to be installed to maintain natural drainage patterns.

- (13) All topsoil areas to be used for vehicle and equipment traffic, parking, equipment laydown, and as storage areas are to be stripped. All topsoil stripped from work areas (parking areas, electric cable trenches, along access roads) is to be stockpiled separate from other excavated materials (rock and/or subsoil).
- (14) Where an open trench is required for cable installation, topsoil stripping from the entire work area may be necessary. As a result, additional workspace may be required as part of site plan approval.
- (15) A maximum of 50 feet of temporary workspace is to be provided along open-cut electric cable trenches for proper topsoil segregation. All topsoil will be stockpiled immediately adjacent to the area where stripped/removed and shall be used for restoration on that particular site. No topsoil shall be removed from the site. The site plan shall clearly designate topsoil stockpile areas in the field and on the construction drawings.
- (16) All vehicle and equipment traffic and parking to the access road and/or designated work areas, such as laydown areas, are to be limited in size to the greatest extent practical.
- (17) No vehicles or equipment are to be allowed outside the work area without prior approval from the Environmental Manager.
- (18) In pasture areas, it is necessary to construct temporary or permanent fences around work areas to prevent livestock access, consistent with any applicable landowner agreements.
- (19) Excess concrete used in the construction of the site is not to be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas.
- (20) Restoration requirements. Applicants shall restore all agricultural lands temporarily disturbed by construction as follows:
  - (a) Be decompacted to a depth of 18 inches with a deep ripper or heavy-duty chisel plow. Soil compaction results should be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. In areas where the topsoil was stripped, soil decompaction should be conducted prior to topsoil replacement. Following decompaction, removal of all rocks four inches in size or greater from the surface of the subsoil shall occur prior to replacement of topsoil. Topsoil shall be replaced to original depth and original contours reestablished where possible. All rocks shall be removed that are four inches and larger from the surface of the topsoil. Subsoil decompaction and topsoil replacement shall be avoided after October 1 of each year.

- (b) Regrade all access roads to allow for farm equipment crossing and to restore original surface drainage patterns, or other drainage pattern incorporated into the approved site design by ZBA.
- (c) Seed all restored agricultural areas with the seed mix specified by the environmental monitor and this Section, in order to maintain consistency with the surrounding areas.
- (d) All damaged subsurface or surface drainage structures are to be repaired to preconstruction conditions, unless said structures are to be removed as part of the site plan approval. All surface or subsurface drainage problems resulting from construction of the solar energy project shall be remedied with the appropriate mitigation measures as determined by the Environmental Manager.
- (e) Postpone any restoration practices until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration is not to be conducted while soils are in a wet or plastic state of consistency. Stockpiled topsoil should not be regraded, and subsoil should not be decompacted until plasticity, as determined by the Atterberg Limits and Field Test, is adequately reduced. No project restoration activities are to occur in agricultural fields between the months of October and May unless favorable soil moisture conditions exist.
- (f) Following site restoration, remove all construction debris from the site.
- (g) Following site restoration, the project sponsor is to provide a monitoring and remediation period of no less than two years. General conditions to be monitored include topsoil thickness, relative content of rock and large stones, trench settling, crop production, drainage and repair of severed subsurface drain lines, fences, etc.
- (h) Mitigate any topsoil deficiency and trench settling with imported topsoil that is consistent with the quality of topsoil on the affected site. All excess rocks and large stones are to be removed from the site.
- (i) All concrete piers, footers, or other supports are to be removed to a depth of 48 inches below the soil surface.”
- (j) Restoration should include complete removal of conduits.
- (k) There shall be no mixing of the subsoil with the topsoil and there shall be removal and replacement of soil contaminated with subsoil to restore the rich soil for farming.

- T. Payment in Lieu of Tax (“PILOT”) Agreement and Host Community Agreement.
- (1) In every instance of a commercial solar project application, the applicant shall be required to propose a Payment in Lieu of Tax (“PILOT”) Agreement. The developer shall also comply with the notice requirements of NYS Real Property Tax Law Section 487. The applicant will then contact the Town’s legal counsel to negotiate the terms of said Agreement.
  - (2) In addition to a PILOT Agreement, the applicant shall propose to the Town, on projects involving 1 megawatt and above, a Host Community Agreement benefit package for consideration by the Town Board as part of the approval process. Once the application package materials are deemed complete and while the ZBA is completing its reviews, the project/application shall be referred to the Town Board to decide on the completion and terms of a Host Community Agreement. This Agreement shall be in addition to a PILOT Agreement.
- U. Reference to Section 94-c. Any proposed solar energy system subject to review by the New York State Board on Electric Generation Siting and the Environment pursuant to Section 10 of the New York State Public Service Law, or the Office of Renewable Energy Siting pursuant to Section 94-c of the New York State Executive Law, shall be subject to all substantive provisions of this Section and any other applicable provisions of the Town of Marcellus Land Use Regulations and applicable local laws.
- V. Adherence to “Solar Project Guidelines”. In addition to the above regulations, all commercial solar project applicants shall demonstrate to the ZBA compliance with the Town of Marcellus “Solar Project Guidelines”, as amended from time-to-time.”

**SECTION 5. AMENDMENT OF “TABLE OF LAND USES BY ZONING DISTRICT”.**

The Table of Land Uses by Zoning District is hereby amended to add “Commercial Solar Project” as a Principal Use and Ground-Mounted Solar Energy Systems as an “Accessory Use” consistent with the terms of this Local Law.

**SECTION 6. SEVERABILITY.**

If the provisions of any Section, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Local Law.

**SECTION 7. EFFECTIVE DATE.**

This Local Law shall be effective upon filing with the office of the Secretary of State.



## **SCHEDULE "A"**

### **SOLAR PROJECT GUIDELINES**

Commercial solar projects are long term temporary, non-agricultural land developments in a community. They generally occur on leased farmlands that are proposed to be returned to the original condition at the end of the lease. Commercial solar projects often propose to use active or fallow agricultural lands as their construction sites. The following presents guidelines as to what lands are considered best suited for commercial solar projects use in the Town of Marcellus and are deemed consistent with the Town's long term goals to balance renewable energy benefits and the potential impacts with agricultural resources.

#### **Prime Farmlands**

Where possible Commercial solar projects should be located using a site design that limits the potential for negative impacts to the long term use of productive farmland. "NYS Department of Agriculture and Markets (NYSDAM) recommends that project sponsors avoid installing solar arrays on the most valuable or productive farmland. The following is the order of importance recommended by NYSDAM for solar array avoidance:

- Active rotational farmland (most important)
- Permanent hay land
- Improved pasture
- Unimproved pasture
- Other support lands
- Fallow/inactive farmland (least important)"

Active rotational farmlands are generally considered to be prime farmland.

"Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 8 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service." (NRCS)

**Based upon this definition the Town of Marcellus considers soils designated by the NRCS as well drained soils with 0 to 8 percent slopes to be prime community farmland and that commercial solar project development on lands with these soils should be avoided.**

## **Submittals**

Prior to submitting engineering drawings for a commercial solar project development, the applicant for a commercial solar project shall submit three drawings/maps that will give provide information for the Town of Marcellus ZBA to better under the features of the site when engineered drawings are submitted.

**Site Specific Soil Survey:** This document shall field identify the borders of existing site soils in accordance with NRCS standards and shall be performed by an accredited Soil Scientist whose name shall be noted on the drawing. Existing published soil maps and data shall only be used as guideline information by the Sol Scientist. In addition to field identifying site soils the Soil Scientist shall document the depth of the plow layer on the site.

**Topographic Map:** This document shall be a map of the property (commercial solar project area) showing topographic features and shall be drawn displaying existing contours at two-foot intervals.

**Visibility Map:** This document shall be a map depicting existing natural (vegetation, topography) and manmade landscape features along roadways bordering the commercial solar project and within a 1/2 mile radius of the site that provide potential visual screening for the proposed commercial solar project location. The map may use published data as its base. This document should include a graphic representation of the potential natural screening of a proposed commercial solar project site with a rating of high, medium, or low. The regulations include an option for the ZBA to request of a “digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations to a distance radius of three miles from the center of the project.” However, this map may be more appropriate to use in areas of documented vistas and viewsheds established by the ZBA.

## **Commercial Solar Project Features**

When engineering drawings are submitted for review, the following important features of the solar commercial solar project should be considered:

- Avoiding the use of concrete footings and driving the support posts into the ground to reduce or minimize disturbance of the existing farmland soil profile.
- Designing the structural system that the panels will sit upon so that a single post to can be used to support the individual solar panels.
- Spacing of solar panels and panel rows with sufficient distances between them that will allow adequate sunlight penetration for viable plant growth on the farmland surfaces under the panels.
- Enabling the potential for dual use of the commercial solar farmland by setting panels approximately 2 meters above grade so that grazing (cattle, cows, sheep) and planting of some farm crops may occur.
- Stringing electrical connections/wires on the panel structures or burying wires in shallow laid conduits setting them in the plow layer so the original soil profile is not disrupted.

- Designing the site plan and its management of stormwater runoff to work with existing topography to minimize site grading and disruption of existing farm soils.
- Restoration of the solar ground surfaces after construction. If not proposed for dual use the site should use pollinator plant species (grasses, wildflowers) to create habitat features for small animals, birds, butterflies, and insects. Mowing of these areas should be limited to no more than twice a year, once before May first and once near the end of October.
- If the commercial solar project surfaces are restored to habitat landscape small openings in the bottom of the fence should be made to allow movement of small animals in and out of the farm.

### **Visual Mitigation**

The commercial solar project applicants should provide a system for screening views of commercial solar project from surrounding areas. This commonly entails a monoculture planting of smaller growth evergreen trees set in a line along the borders of the commercial solar project, but in a naturalistic way. Plant species often include arborvitae or red cedar. In suburban and rural areas, the arborvitae is deer food and the red cedar is a host for cedar apple rust (apple grower's problem). The monoculture evergreen planting when installed with 6 foot high plants will take a significant portion of the lease to provide a meaningful screen for the commercial solar project. Other visual mitigation solutions may exist.

On a relatively landscape area with a bordering local road a commercial solar project may be screened with a constructed low (6 foot +/-) mowable earthen berm following the roadway alignment that is planted to pollinator species of grasses and wildflowers.

Rather than installing a monoculture line of plants a commercial solar project plan may propose a hedgerow character planting using a mix of evergreen (60%) and deciduous (40%) species. The plantings should be clustered and staggered in much the same manner of natural hedgerow growth. Plants should be installed on a low mound thereby giving better height at time of planting and maintaining the original farm soil profile.

Planting of larger growth evergreen trees (white pine, white spruce) at locations in or bordering the commercial solar project that would be out of the sun angle and thereby not impact the electrical system. The mature growth would help to mitigate the overall visual impact of the commercial solar project.

### **Woodland Commercial Solar Project Sites**

Woodland sites that may be proposed for commercial solar project use generally do not have prime agricultural soils. Use of a wooded area for a commercial solar project would require land clearing, stumping the land surface, and modifying of the soil profile.

Should a wooded site be proposed for commercial solar project use it should not be dominated by the growth of native plant species. These would include sugar maple, red maple, black birch, beech, hickory, red oak, white oak, shadblow, and white pine.

A commercial solar project site proposed in a woodland dominated by the alien buckthorn and Norway maple or an old declining plantation of spruce or pine could be an ideal woodland location for a commercial solar project."

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<b>VOTE:</b>	Laurie Stevens	Town Supervisor	Yes/No
	Jeff Berwald	Councilor	Yes/No
	Percy Clarke	Councilor	Yes/No
	Gabe Hood	Councilor	Yes/No
	Terry Hoey	Councilor	Yes/No

The foregoing resolution was thereupon declared duly adopted.

**DATED: December 30, 2024**

**CERTIFICATE**

**STATE OF NEW YORK            )**  
**COUNTY OF ONONDAGA        )**

I, the undersigned Town Clerk of the Town of Marcellus, Onondaga County, New York,

**DO HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in the Office of the Town Clerk of the Town of Marcellus, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Town on December \_\_, 2024

---

**ROSEMARY TOZZI, Town Clerk**

**(SEAL)**



Health, Safety & Risk Management  
Phone: (315) 431-8591  
Fax: (315) 433-2633

December 3, 2024

Laurie Stevens, Town Supervisor  
Town of Marcellus  
24 East Main Street  
Marcellus, NY 13108

RECEIVED

DEC 06 2024

Town of Marcellus

Dear Ms. Stevens:

Enclosed are two copies of the 2025 Contract for Professional Services between the Onondaga-Cortland-Madison BOCES and the Town of Marcellus for your review. The text of the agreement and scope of services has been updated per our conversation to remove Workplace Violence Training as this is provided by your Workers Compensation Carrier.

If this contract meets your needs, please sign and return both copies to my attention at: Onondaga-Cortland-Madison BOCES, P.O. Box 4754, Syracuse, NY 13221-4754. I will then have our administration sign and return an original to you for your records.

If you have any questions regarding services, please feel free to contact me at 315-431-8591.

Sincerely,

Jessica Fletcher  
Coordinator of Health, Safety & Risk Management

encl.

cc: Joseph Bufano, Director of Human Resources/School Attorney  
Suzanne Slack, Asst. Superintendent for Administration  
Dr. Matthew Cook, District Superintendent

## INTERMUNICIPAL AGREEMENT

This agreement (the "Agreement") made this \_\_\_\_ day of \_\_\_\_\_, 2024 by and between the Onondaga-Cortland-Madison Board of Cooperative Educational Services, ("**Contractor**") and the Town of Marcellus ("**Client**"). Contractor and Client shall be collectively referred to as "the Parties".

### Recitals

**WHEREAS**, the Contractor will provide the services herein listed, to the Client, pursuant to the Public Employee Safety and Health Act of 1980;

**WHEREAS**, the Client desires to engage the Contractor for the professional services outlined herein (the "Services");

**WHEREAS**, the Contractor has agreed to provide the Client with trained personnel to offer such Services;

**WHEREAS**, the Client and Contractor are municipalities and pursuant to the authority contained in Article 5-G of the General Municipal Law of the State of New York and in Title 1-A of the Local Finance Law and, pursuant to the authority granted generally to school districts and BOCES, wish to cooperate with one another for the provision of training services; and

**WHEREAS**, Client and Contractor deem the entry into this AGREEMENT essential for their mutual benefit.

NOW, THEREFORE, in consideration of the premises, the mutual covenants and agreements hereinafter set forth, the mutual benefits expected to be derived from the performance thereof, and other good and valuable consideration, the Parties agree as follows:

**1. SERVICES**. Contractor shall provide to Client the Services. The Services shall consist of: **Health, Safety, and Risk Management Services**:

- A. Review and Update Written Programs;
  - 1. Hazard Communication Program, 29 CFR 1910.1200 (e) (1);
  - 2. Lock-out/Tag-out Energy Control Program, 29 CFR 1910.147 (c) (1).
  
- B. Training for Town Highway, Parks & Recreation Employees:
  - 1. Personal Protective Equipment Training, 29 CFR 1910.132 (f) (1);
  - 2. Lock-out/Tag-out for Affected Employees Training, 29 CFR 1910.147 (c) (7) (i) – General Overview for Parks & Recreation Employees;
  - 3. Lock-out/Tag-out Training for Authorized Employees - Highway Employees;

**SERVICES** – *continued*

4. Hazard Communication- (Globally Harmonized System (GHS) compliant) /Right-to-Know Training, 29 CFR 1910.1200 (h) Labor Law § 878 (1), (2).

C. Recordkeeping:

1. Employee Chemical Product Usage - Labor Law § 879 and 12 NYCRR § 820.5 (a);
2. Training Records - Labor Law § 878 (1), (2)

**TERM AND TERMINATION.** and 12 NYCRR § 820.4 (g).

2.

a. The term of this Agreement shall commence on January 1, 2025 and continue through and until December 31, 2025. Either PARTY may terminate this Agreement at any time and for any reason by giving sixty (60) days prior written notice to the other party.

b. In addition to termination without cause, the PARTY not otherwise in breach may terminate this Agreement immediately upon written notice in the event of any of the following:

- i. The other PARTY becomes disqualified to perform its obligations under this Agreement; or
- ii. The other PARTY breaches any covenant, obligation, condition, or requirement imposed upon it by this Agreement, and such breach continues for a period of ten (10) days after written notice thereof from the non-breaching PARTY.

3. **PRICING AND PAYMENT.** The provisions of this section shall govern the pricing and rates to be paid under this Agreement and the payment terms. Pricing is as follows:

\$2,000 for services rendered as outlined above.

4. **INVOICING.** The Contractor will submit invoices for fees to the Client during the Term. Client shall pay invoices forty-five (45) days after Client's receipt of Contractor's invoice.

5. **INDEMNIFICATION.**

a. The Client, in consideration of the agreements contained herein, accepts full and complete responsibility and liability for the training content. Client shall indemnify, defend and hold harmless Contractor, its employees, Board Members and agents, from and against all loss, damage, fines, expense, actions (including reasonable attorneys' fees) and claims arising out of its acts or omissions under the Agreement and its use of the Services and the training services. This indemnity shall not apply to losses adjudicated to be caused solely or in part by the negligence of Contractor or its employees, representatives or agents but shall be assessed as to comparative negligence and cost shared accordingly.



5. **INDEMNIFICATION.** - *continued*

b. Subject to the availability of lawful appropriations and to the extent permitted by applicable law, Contractor shall indemnify, defend and hold harmless Client its employees, and agents, from and against all loss, damage, fines, expense, actions and claims proximately caused by and arising out of or in connection with Contractor's acts or omissions under the Agreement. This indemnity shall not apply for losses caused solely or in part by the negligence of Client, but shall be assessed as to comparative negligence and cost shared accordingly.

6. **ASSIGNMENT.** Neither PARTY may assign or transfer this Agreement, in whole or in part. Any attempt to assign or transfer any of the rights, duties or obligations hereunder is null and void.

7. **DISCLAIMER OF ALL REPRESENTATIONS AND WARRANTIES.** THE TRAINING AND SERVICES ARE PROVIDED "AS IS" AND CONTRACTOR DISCLAIMS ANY AND ALL WARRANTIES, CONDITIONS OR REPRESENTATIONS, WHETHER OR NOT IMPLIED, ORAL OR WRITTEN, WITH RESPECT TO THE TRAINING AND SERVICES OR ANY OF THE TRANSACTIONS REASONABLY CONTEMPLATED BY THE PARTIES HERETO PURSUANT TO THIS AGREEMENT, INCLUDING, WITHOUT LIMITATION, ANY AND ALL IMPLIED WARRANTIES OF FITNESS OR SUITABILITY FOR ANY PURPOSE (WHETHER OR NOT CLIENT KNOWS, HAS REASON TO KNOW, HAS BEEN ADVISED OR IS OTHERWISE, IN FACT, AWARE OF ANY SUCH PURPOSE), WHETHER ALLEGED TO ARISE BY LAW, BY REASON OF CLIENT USAGE IN THE TRADE OR BY COURSE OF DEALING.

8. **LIMITATIONS LIABILITY.** CONTRACTOR SHALL NOT BE LIABLE TO CLIENT FOR INCIDENTAL, INDIRECT, CONSEQUENTIAL OR SPECIAL DAMAGES ("INDIRECT DAMAGES") OF ANY KIND INCLUDING, WITHOUT LIMITATION, LOST REVENUES OR PROFITS, LOSS OF BUSINESS OR LOSS OF CONTENT ARISING OUT OF THIS AGREEMENT, IRRESPECTIVE OF WHETHER THE PARTIES HAVE ADVANCE NOTICE OF THE POSSIBILITY OF SUCH DAMAGES

9. **MERGER.** This Agreement, including any supplements to or revisions thereof, exclusively states the rights and obligations of the PARTIES and supersedes all other agreements between the PARTIES.

10. **AMENDMENT.** This Agreement may not be amended or modified except by written agreement signed by a duly authorized representative of both PARTIES.

11. **SEVERABILITY.** In the event that the operation of any portion of this Agreement results in a violation of any law, the PARTIES agree that such portion shall be severable and that the remaining provisions of this Agreement shall continue in full force and effect.

**DISPUTE RESOLUTION.** This Agreement shall be deemed to have been drawn in accordance with the statutes and laws of the state of New York and in the event of any disagreement or dispute, the laws of this state shall apply. The PARTIES hereby submit to the personal jurisdiction of all state and federal courts in the County of Onondaga, state of New York and submit to the exclusive jurisdiction of such courts for purposes of resolving any dispute arising under this Agreement.

**12. ENTIRE AGREEMENT.** This Agreement states the entire agreement between the PARTIES with respect to the subject matter hereof and superseded all prior written and oral negotiations, agreements and understandings with respect thereto. Each PARTY to this Agreement acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by any PARTY which are not embodied herein, and any such agreements, statement or promise not contained in this Agreement shall not be binding. As of the date of this Agreement, all previous agreements concerning the same subject matter between the PARTIES shall be canceled.

IN WITNESS WHEREOF, the PARTIES hereto have caused this Agreement to be executed in their respective names by their duly authorized representatives as of the date first above written.

15-6001033  
\_\_\_\_\_  
Client (Tax ID #)

24 East Main Street  
Marcellus, NY 13108  
\_\_\_\_\_  
Address

\_\_\_\_\_  
Director of Human Resources/School Attorney

\_\_\_\_\_  
Assistant Superintendent for Administration

\_\_\_\_\_  
District Superintendent

\_\_\_\_\_  
Laurie Stevens Supervisor, Town of  
Marcellus

Joey's Wish Inc.  
P.O. Box 372  
Elbridge, NY 13060  
315-406-6608  
[Joeyswish97@icloud.com](mailto:Joeyswish97@icloud.com)  
[Joeyswish.org](http://Joeyswish.org)

Hello all, my name is Ann Morrell, I am the chairperson for Joey's Wish Inc. We developed a not for profit to raise funds to support research to aid in ending the addiction crisis after losing our son to a fentanyl poisoning in 2022. Some of you may remember us from last year as we attended your meeting and spoke about our organization. Your board allowed us to have our yearly walk run at your beautiful park. I am writing to see if you would possibly allow us to return in 2025 to have our walk. We will not be doing a run this upcoming year. We are looking for June 21st or 22nd from 9am-12pm. My husband works for the sheriff's department, and it is hard to get weekend days off for him. He can try to get another weekend day off if necessary however on the 21st and 22nd he is already off. We absolutely loved your park and have returned many times since to enjoy walking and fishing. It is absolutely gorgeous there and we would love to return to have our walk. Please have a great new year and we look forward to hearing from you.

Thank you,  
Ann Morrell  
Chairperson  
Joey's Wish Inc.



## Joey's Wish Inc.

Joey's Wish is a legacy nonprofit that honors an amazing man whose life was taken by addiction. Devastated and unwilling to sit back and let these abusive substances continue to take the lives of the next generations to come, Joey's friends and family have vowed to raise as much money and awareness as possible to fund the research that will stop addiction at its source in the human brain. Below is a story written by Joey's older sister that explains our heart and mission.

It's been a little over a month since I have unexpectedly lost my brother to a drug overdose at the age of 24. Trying to live my life and function normally day to day through the pain radiating through my body feels unreal and unfair. People are smiling and laughing, and life is going on all around me meanwhile my life feels as though it's unraveling and falling apart. It makes me wonder how many other people I encounter daily that are silently suffering. Statistics show that depression and anxiety are rapidly increasing in our country each year. That thought quickly reminds me to try and be more kind and compassionate to those around me because my pain is invisible which means so is theirs.

Majority of people are not compassionate to those suffering with substance abuse disorders unless they have personally known or lost someone to the battle even though it is now considered the number one killer in the United States. Drugs are taking away our youth and the next generation before their time and contributions can be made to the world. The choices that drug users make affect not only themselves, but their family, friends, and in turn our neighborhoods, our workplaces, our societies and the culture at large. With this knowledge, we can argue that there is not enough research being done to help break the cycle of addiction. While we are and should be thankful to the many mental health and addiction services that are currently making great contributions to the lives that are polluted, there is a disconnect with scientifically trying to "cure" or break the addiction cycle at the root before death does it for us.

My brother was a vibrant young man whose smile and blue eyes could light up a room. Those eyes often helped to get him out of trouble growing up, but they couldn't save him from his addiction. As he got older and began experimenting with drugs to help cope with his depression and anxiety our family became increasingly frustrated. Drugs were not a part of our family culture and none of us could understand why that was the path he chose. I have learned that everyone deals with pain and trauma in their own way. For Joey, drugs numbed or made the pain disappear for a while and ultimately isn't that what we all want for our lives? To be free of pain and suffering? I believe it is. While I do not condone or agree with the methods he chose to deal with his pain, I can understand them. He was human and he was hurting. The danger lied in the seductive pull and sense of temporary relief they must have offered to keep him coming back for more. Which he did and so do so many others. I know my brother did not want to die. That it





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/18/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Liberty Mutual Insurance PO BOX 188065  Fairfield OH 45018		<b>CONTACT NAME:</b> <b>PHONE (A/C No. Ext):</b> 800-962-7132 <b>FAX (A/C No.):</b> 800-845-3666 <b>E-MAIL ADDRESS:</b> BusinessService@LibertyMutual.com	
<b>INSURED</b> Joey's Wish Inc. 5219 Dodier Dr  Weedsport NY 13166		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Ohio Security Insurance Company <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	
		<b>NAIC #</b> 24082	

**COVERAGES**

CERTIFICATE NUMBER: 0206558653


REVISION NUMBER: 2016-03

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:	X	X	BKS66385389	06/08/2024	06/08/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**CERTIFICATE HOLDER****CANCELLATION**

Marcellus Park  2443 Platt Road  Marcellus NY 13108	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  Curtis Luken
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