

Town of Marcellus
Board Meeting
Wednesday, December 4, 2024
6:30 PM

Call to Order

Salute to Flag

PUBLIC HEARING- Local Law No. C-2024, titled, "A Local Law to Amend Chapter 235 of the Code of the Town of Marcellus Regarding Outdoor Concerts

PUBLIC HEARING- Town of Marcellus 2024 Comprehensive Plan

- I. **Waive the Reading and Accept the Minutes**
- II. **Approve Monthly Financials**
- III. **Old Business**
 - A. Solar Law
 - B. Tim's Pumpkin Patch PUD
 - C. Comprehensive Plan- SEQR
 - D. Sewer Contract with the Village
 - E. Modify Zoning Regulations to Include Outdoor Music Events
- IV. **New Business**
 - A. Solar Law SEQR
 - B. Town Hall Hours of Operation
 - C. Recreation Office Hours
 - D. Bishop Hill and Lee Mulroy Road Safety Evaluation Update
- V. **Reports From Department Heads**
 - A. Codes
 - B. Highway
 - C. Parks/Rec
 - D. Town Clerk - Monthly Report
- V. **Discussion Agenda**
 - A. Fire Department
- VII. **Adjournment**

Future Meeting Dates

Workshop Meeting- Wednesday, December 18, 2024 - 6:30 pm- Town Hall

Town Board- End of the Year Meeting- Monday, December 30, 2024 - 6:30 pm- Town Hall

Planning/Zoning Meeting- Monday, January 6, 2025 - 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

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 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."

SECTION 5. 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 6. EFFECTIVE DATE.

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

Marcellus Town Board
Regular Meeting
Wednesday, November 6, 2024
6:30 PM

A Regular Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, November 6, 2024, in the Town Hall, 22 East Main Street, Marcellus, New York.

Present: Laurie Stevens	Supervisor
Jeff Berwald	Councilor
Percy Clarke	Councilor
Terry Hoey	Councilor
Gabe Hood	Councilor

Also Present: Mike Ossit, Highway Superintendent; Phil Coccia, Recreation Director; Jim Gascon, Town Attorney; John Houser, Codes Officer; Gary and Linda Wilcox, John Pawlewicz, Tom Lathrop, Bill Southern, Steve Bolewski, Scott Stearns, Chris Christensen, Susan Clarke-Williams, Barrie Potter, Joann Potter, Lynda Kianka, Michael Kianka, Drew Johnson, Ryan Welch, Josh Magiera, Claudia Hastings, Jojo Leubner, Cal Amidon, Matt Barbaro, Robert Hakes, Kyle Duggleby, Even Fullagar, Garret Isgar, Brandon Tompkins, Dave Card, Fire Department; Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk

Approve Tentative Budget and Move to Preliminary: Councilor Hood made a motion seconded by Councilor Clarke to approve the tentative budget and move it to the preliminary stage.
Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

PUBLIC HEARING- Preliminary Budget: The public hearing was opened at 6:32pm. Supervisor Stevens informed the public that the Town Board worked hard on the budget and the Town is \$32,219 under the tax cap. There were no questions or comments from the public. Councilor Clarke made a motion seconded by Councilor Berwald to close the public hearing at 6:33pm.
Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

Waive the Reading and Accept the Minutes: Councilor Hoey made a motion seconded by Councilor Hood to waive the reading and accept the minutes as presented by the Town Clerk. The minutes were from the October 2, 2024, Town Board Meeting and October 16, 2024, Workshop Meeting.
Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

Monthly Activity: The abstract of Audited Vouchers for October 23, 2024, given to the Board Members as submitted by the Town Clerk. Abstract #10 as of October 22, 2024. Claim #s 157276-157283.

	<u>Expenses</u>
General Fund	\$13,721.15
Part Town General	1,909.45
Townwide Highway	3,403.75
Trust and Agency	1,824.58
Total	\$20,858.93

The abstract of Audited Vouchers for November 6, 2024, given to the Board Members as submitted by the Town Clerk. Abstract #11 as of November 1, 2024. Claim #s 157293-157321, 157331-157354.

	<u>Expenses</u>
General Fund	\$16,817.67
Part Town General	755.56
Townwide Highway	13,755.38
Part Town Highway	800.05
Total	\$32,208.66

Board Members were given the Activities Report as of October 30, 2024. Fiscal year 2024 Period 10.

	<u>Revenue</u>	<u>Expense</u>
General Fund	(1,715,922.64)	1,206,836.70
Part Town General	(214,830.81)	131,300.93
Townwide Highway	(649,218.93)	322,027.87
Part Town Highway	(376,725.29)	364,914.74
Fire District	(398,784.94)	390,472.00
Hydrant Fund	(3,081.11)	3,227.00
Ambulance Fund	(313,384.79)	313,365.00
Sewer District	(195,953.55)	195,952.00
Water District	(181,977.12)	185,268.28

Bank Balances:

The total of all Bank Balances for September 2024 is \$4,120,737.76

Councilor Berwald made a motion seconded by Councilor Hoey to approve the Abstract of Audited Voucher Reports as of October 23, 2024, November 6, 2024, and the Activities Report as of October 30, 2024, and the Bank Balances of September 2024.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

Old Business:

Solar Law: This topic was tabled for review.

Tim's Pumpkin Patch PUD: This topic was tabled. The Town Board is still in the discussion phase.

Comprehensive Plan- SEQRA:

TOWN OF MARCELLUS TOWN BOARD

INTRODUCTION OF THE DRAFT 2024 COMPREHENSIVE PLAN AND SEQRA RESOLUTION DESIGNATING LEAD AGENCY

November 6, 2024

The following resolution was offered by Councilor Hoey, who moved its adoption, and seconded by Councilor Hood, 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 had been advised that the Comprehensive Plan Committee has 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, 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 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.

NOW, THEREFORE, BE IT RESOLVED that the Town of Marcellus Town Board hereby determines that:

1. The action is a Type I Action;
2. The Town Board of the Town of Marcellus shall act as Lead Agency;
3. The following are interested agencies in connection with the SEQRA review:
 - **Village of Marcellus**, c/o Hon. Chad Clark, Mayor, 6 Slocombe Ave. Marcellus, NY 13108;

- **Onondaga County Planning Department**, Attn: Martin Voss, Chair, Carnegie Building 335 Montgomery Street, 1st Floor, Syracuse, NY 130202; and

4. The action will require the preparation of a Full Environmental Assessment Form (Parts 1, 2 and 3) to provide information with regard to the environmental issues pertinent therein; and it is further

RESOLVED that the Town of Marcellus Town Board hereby shall notify all agencies, interested/involved, that it shall be lead agency for this action unless it receives written objection to this determination within thirty (30) days from the date of mailing of such notice; and it is further

RESOLVED that the Town of Marcellus Town Board hereby directs that the “Draft 2024 Comprehensive Plan Update” shall be forwarded to the Onondaga County Planning Department for review and comment; and it is further

RESOLVED, that the Town Board shall conduct a public hearing as to the adoption of the proposed Town of Marcellus 2024 Comprehensive Plan at the Town of Marcellus Town Hall, 22 East Main Street, Marcellus, New York on December 4, 2024 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.

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

Terry Hoey	Councilor	Voted	Yes
Gabe Hood	Councilor	Voted	Yes
Percy Clarke	Councilor	Voted	Yes
Jeff Berwald	Councilor	Voted	Yes
Laurie Stevens	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: November 6, 2024

Sewer Contract with the Village: This topic has been tabled. The Town and Village are still negotiating the terms. The Village wants to increase the unit charge for the Marcellus Fire Department from 1 unit to 10 units and has some concerns about the oil water separators. The Village would like them cleaned twice annually. The Town Board does not want the Town or Town taxpayers to pay more than they should with the proposed contract. Bill Southern voiced his concerns regarding the surcharge the Village charges Town residents for the use of their system. It is proposed the percentage will go up to 30%. Bill questioned if the Village is putting the revenue from the surcharge into a Reserve Fund for future repairs or is it to reduce the overall cost to Village users on the same system.

New Business:

Preliminary Budget: Councilor Clarke made a motion seconded by Councilor Hood to approve the preliminary budget and adopt the 2025 budget.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

4457 Dublin Road: Residents voiced their concerns regarding a rat infestation on Dublin Road. This property is vacant. Residents have concerns that the proper steps are not being taken. John Houser, Code Officer and Jim Gascon, Town Attorney served the homeowner with code violation 90-8H unsafe buildings, structures, and equipment and conditions of imminent danger. The homeowner is complying with the Town to correct the issue. The Codes Officer is in contact with the companies hired to correct this issue and is satisfied that progress is being made.

Closing Town Hall at 11:00am on Christmas Eve: Supervisor Stevens is requesting a motion from the Town Board to approve Town Hall to close at 11:00am on Tuesday, December 24, 2024.

Councilor Hoey made a motion seconded by Councilor Hood to approve Town Hall to close at 11:00am on Tuesday, December 24, 2024.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

Moonlight Walk: Phil Coccia would like to continue to offer the Moonlight Walk at Marcellus Park to the community this winter. The events will be held on Saturday December 14th and January 11th from 4:00pm- 9:00pm. S'mores and refreshments will be offered at the events.

Councilor Hoey made a motion seconded by Councilor Berwald to approve the Park Department to hold the Moonlight walks.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

IMA Between Town Highway and School District: Jim Gascon explained that the Town has a shared services agreement with the Village of Marcellus. Mike Ossit, Highway Superintendent has requested a similar agreement with the School District. This agreement allows the Town to share equipment and services up to an amount of \$2,500. Any amount above that will require additional Town Board approval. If the Town Board approves the contract Supervisor Stevens will need to sign the contract, then it will be sent to the School District for review and signature.

Councilor Clarke made a motion seconded by Councilor Berwald to approve Supervisor Stevens to sign the IMA agreement between the Town and School District.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

Modify Zoning Regulations to Include Outdoor Concerts:

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 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."

SECTION 5. 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 6. EFFECTIVE DATE.

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

After a brief introduction by attorney Jim Gascon and responding to comments from Board members, the formal process of introducing Local Law C-2024 began. Attorney Gascon read aloud

the entire Long Form Environmental Assessment Form and the “Town Board Resolution Introducing Local Law C-2024”.

**TOWN BOARD RESOLUTION
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

November 6, 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 November 6, 2024, at 6:30 P.M., there were:

PRESENT:	Jeff Berwald	Councilor
	Percy Clarke	Councilor
	Gabe Hood	Councilor
	Terry Hoey	Councilor
	Laurie Stevens	Town Supervisor

WHEREAS, Councilor Hood 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 Berwald; 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, 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 conduct a public hearing as to the enactment of proposed Local Law No. C-2024 at the Town Hall located at 22 East Main Street, in the Town of Marcellus on December 4, 2024 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:

VOTE: Laurie Stevens	Town Supervisor	Yes
Jeff Berwald	Councilor	Yes
Percy Clarke	Councilor	Yes
Gabe Hood	Councilor	Yes
Terry Hoey	Councilor	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: November 6, 2024

County of Onondaga Snowplow Contract: Jim Gascon, Town attorney reviewed the annual contract between Onondaga County and the Town of Marcellus. Mr. Gascon recommended the Town Board approve the contract and authorize Supervisor Stevens to sign the contract.

Councilor Hoey made a motion seconded by Councilor Clarke to approve Supervisor Stevens to sign the 2025 County of Onondaga snowplow contract.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

Departments Reports:

Codes: John Houser, Codes Officer; Nothing to report

Highway: Mike Ossit, Highway Superintendent; The Park Department put three pieces of equipment up for auction through Auctions International; 2016 Snapper 550XT 36' Zero Turn Mower current bid \$1,225.00, 2005 E-Z-GO Golf cart current bid \$1,075.00 and 2008 E-Z-GO Golf Cart with Charging current bid \$1,575.00. The Town Board needs to approve the bids for the equipment to authorize the sale.

Councilor Clarke made a motion seconded by Councilor Berwald to approve the bids to enable the equipment to be sold.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

Parks/Rec: Phil Coccia, Recreation Director; Thanked the Park staff for their great job. It was a busy October.

Town Clerk: Rosemary Tozzi, Town Clerk; Presented the monthly report for September 2024

Dog Licensing \$391.00

Certified Copies-Marriage \$70.00

One-day Marriage Officiant \$25.00

Returned Check Fee \$20.00

Passport \$105.00

Conservation \$51.86

Freon Permit \$135.00

Marriage Licensing \$12.50

Trash Passenger One Trip \$90.00

Mattress Permit \$125.00

Trash Permit-Trailer \$185.00

Tire \$49.00

Trash Permit-Passenger 6 trip \$125.00

Trash Permit- Truck \$440.00

Building \$1,177.00

Zoning Fees \$100.00

Discussion Agenda:

Fire Department: Dave Card had nothing to report

Adjournment: Councilor Hood made a motion seconded by Councilor Clarke to adjourn the meeting at 8:11pm.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

Respectfully submitted,

Rosemary Tozzi

Town Clerk

Marcellus Town Board
Workshop Meeting
Wednesday, November 20, 2024
6:30 PM

A Workshop Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, November 20, 2024, in the Town Hall, 22 East Main Street, Marcellus, New York.

Present: Laurie Stevens	Supervisor
Jeff Berwald	Councilor
Percy Clarke	Councilor
Terry Hoey	Councilor
Gabe Hood	Councilor

Also Present: Mike Ossit, Highway Superintendent; Jim Gascon, Town Attorney; Jim Rossiter, Bill Southern, Gary and Linda Wilcox, Steven Bolewski, Tom Lathrop, John Pawlewicz, Josh Magiera, Tim and Erica Leubner, Scott Stearns, Dave Card, Fire Department; Joel McNalley, Fire Department; Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk

Abstract of Audited Vouchers: The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #11 as of November 19, 2024. Claim #'s 157388-157402.

Expense

General Fund	\$16,313.03
Part Town General	1,909.45
Townwide Highway	4,030.80
Part Town Highway	7.19
Trust and Agency	581.05
Total	\$22,841.52

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #11 as of November 20, 2024. Claim #'s 157364-157387.

Expense

General Fund	\$10,240.98
Part Town General	49.58
Townwide Highway	3,250.19
Part Town Highway	1,513.20
Fire District	404.00
Trust and Agency	1,243.53
Total	\$16,701.48

Councilor Hoey made a motion seconded by Councilor Berwald to approve the Abstract of Audited Vouchers and pay the bills as of November 20, 2024.

Ayes –Berwald, Clarke, Hoey, Hood and Stevens

Carried

Old Business:

Solar Law: This topic has been tabled.

Tim’s Pumpkin Patch PUD: This topic has been tabled for discussion.

Sewer Contract with the Village: This topic has been tabled.

Comprehensive Plan- SEQR: This topic has been tabled.

Modify Zoning Regulations to Include Outdoor Concerts: This topic has been tabled. A Public Hearing is set for December 4, 2024.

New Business:

Advance Mechanical Servies- Preventative Maintenance Contract: A contract was presented by Advance Mechanical Services for 2025 labor and material to perform preventative maintenance services two times per year at the cost of \$1,515.29.

Councilor Clarke made a motion seconded by Councilor Hoey to approve the 2025 contract with Advance Mechanical Services.

Ayes –Berwald, Clarke, Hoey, Hood and Stevens

Carried

2025 Organizational Meeting Date: After some discussion, the Town Board decided to hold the 2025 Organizational meeting Wednesday, January 8, 2025, at 6:00pm followed by the Town Board meeting at 6:30pm.

Councilor Hood made a motion seconded by Councilor Berwald to set the 2025 Organizational Meeting for January 8, 2025, at 6:00pm, Town Board Meeting on January 8, 2025, at 6:30pm and the Workshop Meeting for January 22, 2025, at 6:30pm.

Ayes –Berwald, Clarke, Hoey, Hood and Stevens

Carried

Community Tree Lighting Ceremony: The Village of Marcellus requested the Village, and the Town of Marcellus agree to share the cost of the horse drawn wagon rides provided by Route 80 Stables on Friday, December 6, 2024, from 6:00pm-8:00pm during the annual tree lighting ceremony. The cost for 2 hours is \$700.00 and will be split evenly between the Town and Village.

Councilor Hood made a motion seconded by Councilor Clarke to approve the Village’s request and split the cost of the wagon rides during the tree lighting ceremony. The Town will pay \$350.00.

Ayes –Berwald, Clarke, Hoey, Hood and Stevens

Carried

Increase Marriage License Fee: The Town Clerk’s office will be increasing the marriage license fee to \$40.00 effective January 1, 2025, it is a \$5.00 increase. Surrounding municipalities are currently charging \$40.00.

Councilor Hoey made a motion seconded by Councilor Berwald to approve the marriage license fee of \$40.00.

Ayes –Berwald, Clarke, Hoey, Hood and Stevens

Carried

DEC Agent Print Fee: DEC started offering agents the option to charge customers a \$1.00 print fee on Wednesday, November 13, 2024. The print fee is to help offset the cost of printing materials. After discussion between the Town Board and the Town Clerk it was decided to waive the fee and consider it a service we offer.

Councilor Hood made a motion seconded by Councilor Clarke to wave the \$1.00 DEC print fee and offer this service at no additional charge to our customers.

Ayes –Berwald, Clarke, Hoey, Hood and Stevens

Carried

Parks and Recreation Budget Transfer: Phil Coccia, Recreation Director asked the Town Board to approve a budget transfer into A.7110.1 Marcellus Park Salary. He requested \$12,000 from A.7310.1 Youth Programs Salary and \$4,000 from A.7620.1 Adult Recreation Salary. The Town Board decided that a transfer was not needed at this time and denied the request.

OCCRA Hauler Agreement: Mike Ossit, Highway Superintendent; presented the Town Board with a 2025 OCRRA Hauler Agreement. The Onondaga County Resource Recovery Agency (OCRRA) is offering a one-year extension to the existing Hauler Agreement. The extension will be through the 2025 calendar year. The agreement will be extended without an increase in the Residential Tip Fee and the Acceptable Waste Tipping Fee. All terms and conditions are the same as the 2024 agreement.

Councilor Hoey made a motion seconded by Councilor Hood to approve Supervisor Stevens to sign the 2025 OCRRA Hauler Agreement.

Ayes –Berwald, Clarke, Hoey, Hood and Stevens

Carried

Discussion Agenda:

Councilor Hood inquired about how many retired employees receive Town contributions to their health insurance. Supervisor Stevens said it was under ten but would need to confirm with Lori Petrocci.

Supervisor Stevens asked Dave Card for an update on the Fire Department Audit. Dave Card stated it is in the process of being completed.

Fire Department:

Dave Card addressed one concern with the 2025 Fire Department Contract regarding the wording “no commercial kitchen use” of the kitchen. He is concerned this could affect events held at the Fire Department. Supervisor Stevens informed Dave that commercial use is an outside vendor renting and using the kitchen, Jim Gascon, Town Attorney agreed.

Dave Card informed the Town Board the Fire Department’s grit pit was cleaned. He is going to contact the company as he feels the bill of \$1,200 was an immense amount of money.

Adjournment: Councilor Hood made a motion seconded by Councilor Hoey to adjourn the Workshop Meeting at 6:55 pm.

Ayes –Berwald, Clarke, Hoey, Hood and Stevens

Carried

Respectfully submitted,

Rosemary Tozzi
Town Clerk

**TOWN OF MARCELLUS
LOCAL LAW NO. D-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);¹ (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 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).

¹ 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.

- (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 understand 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 Soil 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.

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

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

TOWN OF MARCELLUS

December 4, 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 4, 2024, at 6:30 P.M., there were:

PRESENT:	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. C-2024, "A Local Law to Amend Chapter 235 of the Code of the Town of Marcellus Regarding Outdoor Concerts," was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on November 6, 2024; and

WHEREAS, a public hearing was held on such proposed local law on this 4th 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 November 6, 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 C-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. C-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. C-2024 as Local Law No. 3-2024 as follows:

“TOWN OF MARCELLUS

LOCAL LAW NO. 3-2024

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 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."

SECTION 5. 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 6. EFFECTIVE DATE.

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

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

VOTE:	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 4, 2024

**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. __-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 adopt more comprehensive regulations for the construction of solar energy systems in the Town of Marcellus in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy.		
Name of Applicant/Sponsor: Town of Marcellus Town Board		Telephone: 315-673-3269
		E-Mail: inc1erk1@windstream.net
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: lstevens@marcellusny.com
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. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
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

C.1. Planning and zoning actions.	
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"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
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?

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

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ 	<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? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ <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>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<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? _____</p> <p>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> <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"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<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? _____</p> <p>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? _____</p> <p>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? _____</p> <p>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"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	<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"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
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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 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: _____	
<hr/>	
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
<hr/>	
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
<hr/>	
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.	
<hr/>	
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 _____, 2024

Signature _____ Laurie Stevens Title Supervisor

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

Agency Use Only [If applicable]

Project:	LL ___-2024 (Solar Regulations)
Date:	_____, 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.

1. Impact on Land	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	
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>			
	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 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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4. Impact on groundwater

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. NO YES
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If "Yes", answer questions a - h. If "No", move on to Section 5.

	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"/>

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. NO YES
 (See Part 1. E.2)
If "Yes", answer questions a - g. If "No", move on to Section 6.

	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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6. Impacts on Air
 The proposed action may include a state regulated air emission source. NO 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.

	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 ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflouorocarbons (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"/>

7. Impact on Plants and Animals
 The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) NO YES
If "Yes", answer questions a - j. If "No", move on to Section 8.

	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"/>

8. Impact on Agricultural Resources			
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>			
	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 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.	E1a, 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"/>

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.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</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. 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.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</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 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"/>

11. Impact on Open Space and Recreation			
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"/>

12. Impact on Critical Environmental Areas			
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	
	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 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. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	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. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	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. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	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.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</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 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.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</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'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) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</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 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"/>

PRINT FULL FORM

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. __-2024 will provide more comprehensive regulations to potentially permit and regulate the construction of solar energy systems in the Town of Marcellus in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy;
2. In reviewing and regulating the placement and use of solar energy systems, the Town has recognized that a carefully coordinated special use permit and site plan review will be undertaken by the Town prior to any approval of a solar energy system;
3. In regulating the placement and use of solar energy systems, the Town proposed regulations are designed to minimize the impact of such uses on the environment and surrounding properties while encouraging appropriate placement of those solar energy systems in the proper circumstances;
4. While it is recognized solar energy systems may be perceived to be aesthetically detrimental to surrounding properties in some instances, especially residential neighbors, the proposed regulations provide for aesthetic impacts to be considered in the review process and further provide for tools available to the permitting board to mitigate impacts;
5. This Local Law seeks to accommodate public demand for solar energy systems, while minimizing potential adverse impacts upon neighboring uses;
6. Aesthetic impacts will be reduced as a result of this Local Law which imposes various site requirements upon these facilities, including screening, height limitations, separations, design, proliferation, landscaping, lighting, utility services, setbacks, visibility and others;
7. Enactment of proposed Local Law No. __-2024 will be more protective of the environment than the absence of such regulations on the solar energy systems; and
8. Proposed Local Law No. __-2024 seeks to minimize aesthetic and other impacts of such uses on their neighbors, 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 attract numbers of people to the Town; 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 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 No. __-2024: A LOCAL LAW TO AMEND SECTION 235-26M OF THE TOWN OF MARCELLUS CODE...

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: _____, 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

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>

**NOTICE OF PUBLIC HEARING
TOWN OF MARCELLUS**

NOTICE IS HEREBY GIVEN that, pursuant to Municipal Home Rule there has been presented to the Town Board of the Town of Marcellus, New York, at a regular meeting thereof held on _____, 2024, proposed Local Law No. __-2024, titled, “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.” Said Local Law, if enacted, will amend certain provisions of the Town of Marcellus Town Code as they pertain to solar energy systems. The full text of said Local Law is on file at the Town Clerk’s Office at the Town Hall located at 22 East Main Street, Marcellus for inspection by all interested persons.

NOTICE IS FURTHER GIVEN that on _____, 2024, the Town Board determined that this proposed Local Law is a Type I Action pursuant to the State Environmental Quality Review Act and a negative declaration was adopted at that time.

NOTICE IS FURTHER GIVEN that the Town Board will hold a public hearing on the proposed Local Law at the Town of Marcellus Town Hall located at 22 East Main Street, Marcellus on _____, 2025, at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested will be heard.

_____, 2024
Rosemary Tozzi
Town Clerk
Town of Marcellus

**TOWN BOARD RESOLUTION
INTRODUCING 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 4, 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 4, 2024, at 6:30 P.M., there were:

PRESENT:	Jeff Berwald	Councilor
	Percy Clarke	Councilor
	Gabe Hood	Councilor
	Terry Hoey	Councilor
	Laurie Stevens	Town Supervisor

WHEREAS, Councilor _____ introduced proposed 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” and made the following motion, which was seconded by Councilor _____; 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, 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 D-2024 is a Type I Action, there are not 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 reasons supporting the foregoing Negative Declaration are as follows:

1. If adopted, proposed Local Law D-2024 will provide more comprehensive regulations to potentially permit and regulate the construction of solar energy systems in the Town in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy;
2. In reviewing and regulating the placement and use of solar energy systems, the Town has recognized that a carefully coordinated special use permit and site plan review will be undertaken by the Town prior to any approval of a solar energy system;
3. In regulating the placement and use of solar energy systems, the Town proposed regulations are designed to minimize impact of such uses on the environment and surrounding properties while encouraging appropriate placement of those solar energy systems in the proper circumstances;
4. While it is recognized solar energy systems may be perceived to aesthetically detrimental to surrounding properties in some instances, especially residential neighborhoods, the proposed regulations provide for aesthetic impacts to be considered in the review process and further provide for tools available to the permitting board to mitigate impacts;
5. This Local Law seeks to accommodate public demand for solar energy systems, while minimizing potential adverse impacts upon neighboring uses;
6. Aesthetic impacts will be reduced as a result of this Local Law which imposes various site requirements upon these facilities, including screening, height limitations, separations, design, proliferation, landscaping, lighting, utility services, setbacks, visibility and others;
7. Enactment of proposed Local Law No D-2024 will be more protective of the environment than the absence of such regulations or the prior regulations on solar energy systems;
8. Proposed Local Law No. D-2024 seeks to minimize aesthetic and other impacts of such uses on their neighborhoods, 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 attract numbers of people to the Town; 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 change in energy use; and will not create any demand for other action which would result in the above consequences; 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 conduct a public hearing as to the enactment of proposed Local Law No. D-2024 at the Town Hall located at 22 East Main Street Street, in the Town of Marcellus on _____, 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:

VOTE:	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 4, 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 _____, 2024

ROSEMARY TOZZI, Town Clerk

(SEAL)

INTEROFFICE MEMORANDUM

TO: Phil Coccia

FROM: Town Board

SUBJECT: Recreation Office Hours

DATE: November 21, 2024

CC: Lori Petrocci

Effective January 1, 2025, the Recreation Office will be staffed 25 hours per week. The hours will be Monday, Wednesday, Friday 11:00am-4:00pm and Tuesday and Thursday 8:30am-1:30pm.

Rosemary Tozzi

From: Laurie Stevens
Sent: Friday, November 22, 2024 10:57 AM
To: Rosemary Tozzi
Subject: Fwd: Bishop Hill and Lee Mulroy Road

Please add this response from the county to agenda

Laurie

Sent from my iPad

Begin forwarded message:

From: Patricia Jeschke <PatriciaJeschke@ongov.net>
Date: November 21, 2024 at 2:52:58 PM EST
To: Laurie Stevens <lstevens@marcellusny.com>
Subject: Bishop Hill and Lee Mulroy Road

Supervisor Stevens -

Thank you for your recent inquiry regarding a concern at the corner of Bishop Hill and Lee Mulroy Road. We greatly appreciate you sharing your constituents concerns.

After careful consideration and a thorough review of the current traffic data, we have concluded that there will be no changes to the signage or striping at the intersection of Bishop Hill & Lee Mulroy Road. There is plenty of sight distance for the current speed limit and passing zones. In addition, there was a study of accidents at this location and none of those reported in a four year span were due to sight issues or signage. The existing conditions meet our safety and traffic flow standards.

We understand this may not be the outcome you were hoping for, but please rest assured that we will continue to monitor the area and consider any future developments that may warrant revisiting this decision.

Thank you for your understanding and for your active role in helping us maintain a safe and efficient road network.

Have a Happy Thanksgiving!

Patty Jeschke
Senior Project Coordinator
Onondaga County Department of Transportation
Administrative Office
6230 East Molloy Road

East Syracuse, NY 13057

Phone: 315-435-5786

Fax: 315-435-5744

Email: Patriciajeschke@ongov.net

Account#	Account Description	Fee Description	Qty	Local Share
A2544	Dog Licensing		1	0.00
		Female, Spayed	19	171.00
		Male, Neutered	15	135.00
			Sub-Total:	\$306.00
A2545	Passport	Passport	6	210.00
A2590	Conservation	Conservation	12	80.21
B2110	Building Plan & Zone	Building	4	236.00
		Zoning Fees	2	100.00
				Total Local Shares Remitted: \$932.21
Amount paid to: NYS Ag. & Markets for spay/neuter program				34.00
Amount paid to: NYS Environmental Conservation				1,563.79
Total State, County & Local Revenues:		\$2,530.00	Total Non-Local Revenues: \$1,597.79	