



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-03-ALEX-11-22**

Review Date **11/10/2022**

Municipality	ALEXANDER, T.
Board Name	TOWN BOARD
Applicant's Name	Alexander Town Board
Referral Type	Zoning Text Amendments
Variance(s)	
Description:	Zoning Text Amendments to address solar energy uses.
Location	Entire Town of Alexander
Zoning District	Entire Town

PLANNING BOARD RECOMMENDS:

APPROVAL WITH MODIFICATION(S)

EXPLANATION:

The required modifications are that the solar law be amended to address the following issues: 1) the proposed law does not define the terms used in Sec. B under Purpose "residential solar use" and "small solar array" which determines if the solar law applies to the project. 2) Furthermore, the same section states that these "residential" or "small" solar projects are "exclusively for on-site energy usage." With net-metering no solar project is "exclusively" for on-site usage as the energy flows into the grid when the site is producing more energy than using it. 3) Section A under Permit Required fails to identify any current Town of Alexander zoning districts where such solar projects would be allowed. 4) The term Repair is defined twice, and 5) The 10 acre limit is unrealistic as most solar projects proposed are 5 MW in size and require 35-60 acres. This is especially true given the large setbacks and buffers required by this proposed law. It is recommended that the Town utilize the Model Local Law available through NYSERDA, instead of the Town of Stafford's Solar Law as the basis for its zoning amendments. NYSERDA's model is comprehensive and provides court tested best practices with clear and consistent language.

Director

November 10, 2022

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 343-1229

Clear Form

DEPARTMENT USE ONLY:

GCDP Referral # T-03-ALEX-11-22



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

RECEIVED
Genesee County
Dept. of Planning
11/3/2022

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) Alexander Town Board
Address 3350 Church St
City, State, Zip Alexander, NY 14005
Phone (585) 591 - 2455 Ext. _____

2. APPLICANT INFORMATION

Name Alexander Town Board
Address 3350 Church St
City, State, Zip Alexander, NY 14005
Phone (585) 591 - 2455 Ext. _____ Email _____

MUNICIPALITY: City Town Village of Alexander

3. TYPE OF REFERRAL: (Check all applicable items)

- | | | |
|---|--|---|
| <input type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change | <input type="checkbox"/> Subdivision Proposal |
| <input type="checkbox"/> Use Variance | <input checked="" type="checkbox"/> Zoning Text Amendments | <input type="checkbox"/> Preliminary |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Comprehensive Plan/Update | <input type="checkbox"/> Final |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Other: _____ | |

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

- A. Full Address Town of Alexander in Entirety
- B. Nearest intersecting road N/A
- C. Tax Map Parcel Number N/A
- D. Total area of the property 0 Area of property to be disturbed 0
- E. Present zoning district(s) N/A

5. REFERRAL CASE INFORMATION:

- A. Has this referral been previously reviewed by the Genesee County Planning Board?
 NO YES If yes, give date and action taken _____
- B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law
N/A
- C. Please describe the nature of this request See attached Local Law for Solar development throughout the Town

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- | | | |
|---|--|--|
| <input type="checkbox"/> Local application | <input checked="" type="checkbox"/> Zoning text/map amendments | <input type="checkbox"/> New or updated comprehensive plan |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Location map or tax maps | <input type="checkbox"/> Photos |
| <input type="checkbox"/> Subdivision plot plans | <input type="checkbox"/> Elevation drawings | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> SEQR forms | <input type="checkbox"/> Agricultural data statement | |

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Matthew Mahaney Title CEO Phone (585) 343 - 1729 Ext. 238
Address, City, State, Zip 3833 West Main St Rd Batavia, NY 14020 Email mmahaney@townofbatavia.com

Town of Alexander Solar Law

Purpose

A.

The Alexander Town Board of Alexander, New York, adopts this chapter to regulate the placement of industrial solar energy facilities (SEFs) to protect the public health, safety and welfare of its citizens and visitors; to minimize the adverse impacts on the Town of Alexander character and economy; to minimize negative impacts on the unique scenic resources, including, but not limited to, adjacent lands and waterways; to minimize the adverse impacts on property values of nearby citizens; to minimize the adverse impacts on the Town's farming communities; and to minimize the adverse impacts on the Town's environment and ecosystems.

B.

This chapter is not addressing residential solar use, or a small solar array that is on a farm or other business, exclusively for on-site energy usage. This chapter is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or laws. The provisions of this chapter shall not be deemed to nullify any provisions of any state or federal law.

Authority and references.

The Alexander Town Board, Alexander, New York, enacts this chapter establishing comprehensive regulations for solar energy facilities for the Town of Alexander, New York, providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of law.

Intent.

A.

The New York General Statute (e.g. 272-a) gives our local legislators the power to write zoning and regulation laws "for the purpose of promoting power to write zoning and regulation laws" "for the purpose of promoting the health, safety, or general welfare" of their community. It states, "While municipalities are given the power to regulate land uses in the community, it is understood that these decisions should be based on sound planning principles and are not to be arbitrary or capricious."

B.

Alexander's Comprehensive Plan desires to maintain the pastoral, rural nature of this region. An industrial solar energy facility conflicts with the culture and character of the community.

C.

While solar is a semi-renewable energy resource of electricity generation, and under some circumstances it may reduce the use of nonrenewable energy sources, the possible benefit must be balanced against potential negative impacts to local citizens, local economy, and local ecosystems of Alexander.

D.

Regulation of the siting and installation of solar arrays is necessary for protecting the health, safety, and well-being of neighboring property owners, the general public, local agricultural lands and local ecosystems in Alexander.

Permit required.

A.

Large solar energy facilities shall be permitted within the Town of Alexander only in an industrial, industrial park or brownfield sites designated as such. Such facilities shall be subject to the requirements and permitting process of this chapter, in addition to other applicable local, state, and federal laws.

B.

This chapter shall apply to all areas of the Town of Alexander, New York.

Definitions.

As used in this chapter, the following terms shall have the meanings indicated. Words not defined in this chapter shall be given their ordinary and common meanings:

ACCESSORY BUILDING

A building that is located on the solar energy facility (SEF) property.

ACCESSORY EQUIPMENT

Any equipment serving or being used in conjunction with an SEF. The term includes utility or transmission equipment, power supplies, generators, batteries, equipment sheds, and storage sheds, shelters, or similar structures.

BROWNFIELD

With certain legal exclusions and additions, the term "brownfield site" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

COMPLETED APPLICATION

An application that contains all information and/or data required and requested, to enable an informed decision to be made with respect to that application.

CONSERVATION AREA

Such areas include natural areas protected by law, such as wetlands that meet the definition in the Clean Water Act, 33 USC § 1251 et seq.; shoreland areas; water bodies; riparian buffers; populations of endangered or threatened species, or habitat for such species; archaeological sites, cemeteries, and burial grounds; important historic sites; other significant natural features and scenic view sheds; and existing trails or corridors that connect the tract to neighboring areas.

ESCROW ACCOUNT: ACCOUNTING

Account in which funds are accumulated for specific disbursements.

MAINTENANCE

The cleaning, painting, repair, or replacement of defective parts (including plumbing, electrical, or mechanical work that might require a building permit) in a manner that does not alter the basic design or composition of a structure, such as a solar array.

MODIFICATION or MODIFY

Any change, addition, removal, swap-out, exchange, and the like that does not qualify as "repairs" and/or "maintenance" as defined herein is a modification. Also included is any change, addition, swap-out, exchange, and the like that requires or results in changes and/or upgrades to the structural integrity of a solar array.

PERSON

An individual, trustee, executor, receiver, other fiduciary, corporation, firm, partnership, association, organization, club, etc., acting as an entity.

REPAIR

The replacement of existing work with the same kind of material used in the existing work, not including additional work that would:

A.

Change the structural safety of the structure.

B.

Affect or change required existing facilities, a vital element of an elevator, plumbing, gas piping, wiring, or heating installations, that would be in violation of a provision of law or this chapter.

REPAIR or REPAIRS

Shall not apply to any change in construction.

SOLAR ARRAY

An active solar energy system that converts sunlight into electricity using either thermal or photovoltaic methods. Such a system has multiple solar collectors, and might include transformers, generators, batteries, and other additional structures and/or facilities.

SOLAR COLLECTOR

A device that converts sunlight into electricity using either thermal or photovoltaic methods.

SOLAR ENERGY

There are two general ways sunlight is converted into useful energy: passive and active. Passive refers to such actions as opening a window shade to let sunlight in to heat a room. Active uses mechanical devices to collect, convert, store, and distribute solar energy. The two most common active conversions of sunlight into electricity are thermal and photovoltaic.

SOLAR ENERGY FACILITY (SEF)

A commercial electricity-generating facility (PV or CSP), whose primary purpose is to supply electricity. This consists of one or more solar arrays and other accessory structures and buildings, including substations, electrical infrastructure, generators, transmission lines, and other additional structures and/or facilities. This large-scale sale and production of energy is for off-site usage. Also referred to as "industrial solar energy facility."

SOLAR FARM

A marketing term for an SEF.

STATE

The State of New York.

UTILITY POLE

A structure owned and/or operated by a public utility, municipality, electric membership corporation, or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

Permit requirements.

A.

General. Before a building permit may be submitted for an SEF, a solar energy permit application must first be approved by the Town Board.

B.

Permit application. Throughout the permit process, the applicant/owner/operator shall promptly notify the Town Board of any changes to the information contained in the permit application. Changes that do not materially alter the initial site plan may be administratively accepted. The application for an SEF shall consist of five paper copies and electronic (digital) filing that contains at least the following:

(1)

Summary. A narrative overview of the SEF, including its generating capacity.

(2)

Inventory. A tabulation describing the:

(a)

Number and type of each proposed solar array, including their generating capacity.

(b)

Dimensions and respective manufacturers.

(c)

Additional structures and/or facilities.

(3)

Vicinity map. Identification of the property on which the proposed SEF will be located.

(4)

Site plan. A plan showing the:

(a)

Planned location of each solar array.

(b)

All property lines within 1,000 feet of the property lines of the proposed site.

(c)

Each array's setback distance from the closest SEF boundary.

(d)

Access road and turnout locations.

(e)

Substation(s) and ancillary equipment, buildings, and structures.

(f)

Electrical cabling from the SEF to the substation(s), and from the substation(s) to where the electricity will leave the site, and associated transmission lines.

(g)

Conservation areas, including natural areas protected by law, such as wetlands that meet the definition in the Clean Water Act; shoreland areas; water bodies; riparian buffers; populations of endangered or threatened species (federal or state), or habitat for such species; flyways; archaeological sites, cemeteries, and burial grounds; important local historic sites; existing healthy, native forests consisting of at least one acre of contiguous area; individual existing healthy trees that are at least 100 years old; other significant natural features and scenic view sheds; existing trails or corridors that connect the tract to neighboring areas.

(h)

A landscaping plan that shows proposed screening and buffering of all arrays, buildings and other non-array structures on the site or sites.

(5)

Miscellaneous. The applicant/owner/operator shall provide the following information to the Town Board:

(a)

Documentation that the project will meet all the requirements of the nationally recognized electrical code.

(b)

A stand-down plan for high-wind conditions.

(c)

Signed copies of all original leases/easements and agreements for this SEF.

(6)

Economic impact study. The Town of Alexander will hire independent experts (paid for from the escrow account) who will do a thorough, realistic assessment of the SEF's net economic impact on the community. This will include possible tourism impact, property values, cost to community, health effects, higher cost of electricity, etc. This will be compared to any guaranteed incomes from the SEF.

(7)

Maintenance plan. The applicant/owner/operator shall detail storm and other severe weather event follow-up, and other actions that shall be taken to keep the SEF operating quietly, efficiently, and not polluting land, water, air. Steps should be taken to ensure proper operation of inverters, inverter filters and associated electrical equipment. This should include checks for electrical pollution. The applicant/owner/operator shall conduct preventive maintenance inspections at least every six months, and after any wind event defined as severe wind, which would be wind over 40 miles per hour for one hour or wind gust 58 miles per hour or greater. Each inspection shall look for such things as metal fatigue, nut loosening, leakage, and other potential failures that might impact the public health and safety. Such inspection reports shall be provided to the Town of Alexander Zoning or Code Enforcement Officer within 30 days of the inspection. Once a year, the Alexander Building Inspector or designee will inspect for safety of the SEF.

(8)

Decommissioning plan. A description of how the structural and array materials will be disposed of, how the site will be restored, as well as:

(a)

Anticipated life of the SEF.

(b)

Estimated decommissioning costs, including contingency costs of at least 20% (in current dollars), as provided by an appropriately experienced licensed engineer.

(c)

A verifiable means of determining if the decommissioning plan needs to be activated due to cessation of use, if electricity is not received from any array within the SEF for any 30 consecutive days.

(d)

The applicant/owner/operator's plan to dispose of all hazardous waste contained in the SEF.

(e)

Method for ensuring that funds will be available for decommissioning and restoration as set forth in a decommission bond.

(9)

Ancillary materials. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by the Town of Alexander to ensure compliance with this chapter, or to protect the health, safety and well-being of the Town's citizens, or local ecosystems. The input of local citizens will be solicited in at least one public hearing on this application.

(10)

Town Board decision. The approval by the Town Board shall be via special use permit. The required SEQR shall include, but is not limited to, information and recommendations developed by the Alexander Planning Board. The Town Board is responsible for completion of the SEQR, and final approval of the permit required for the solar energy project.

C.

Setbacks; power collection; signs; landscape buffer; security.

(1)

Setbacks. To provide for at least minimal operational safety for persons and property located outside of an SEF, all SEFs shall comply with the following: 1,000 feet from residential property lines*, 200 feet from nonresidential property lines*, highway right-of-way, and maximum height of 20 feet**.

*Such minimum setback for an SEF shall be measured from its outermost extension that is nearest the SEF property line, public or private right-of-way, and access easement.

**Height is measured from the lowest adjacent grade to the highest point of the structure, including any attachments (such as a lightning-protection device).

(2)

Power collection. The electrical connection system from the solar arrays to a substation shall, to the maximum extent possible, be placed underground. The power from that substation may use overhead transmission lines, if approved by the Town Board.

(3)

The SEF shall:

(a)

Not contain any signs or other advertising (including flags, streamers or decorative items or any identification of the array manufacturer (applicant/owner/operator). This does not include any identification plaques that might be required by the electric utility or a governmental agency.

(b)

Have a minimum landscape buffer of 25 feet on sides where neighboring homes can see into the SEF. The buffer shall contain evergreen trees or bushes planted no more than eight feet apart and at least four feet tall at time of planting.

(c)

To be limited to 10 acres with no more than 2 SEF's having contiguous borders.

(4)

Security. The applicant/owner/operator shall submit design plans to verify that the SEF is:

(a)

Located, fenced, or otherwise secured to prevent unauthorized access inside the planted buffer.

(b)

Installed in such a manner that they are accessible only to persons authorized to operate or service them, and inaccessible to nonauthorized individuals.

D.

SEF escrow account. The applicant/owner/operator shall pay to the Town of Alexander a nonrefundable application fee. The Town Board is required to obtain engineering, economic impact, environmental impact, or other professional services to aid it in the review of any submitted SEF application. These costs (and other expenses incurred by the Town of Alexander) are reimbursable only from the escrow account, not the application fee. The amount of the escrow account will be determined by consulting with the appropriate professional organizations. There will be a minimum amount of \$150,000 in the account at all times.

(1)

The applicant/owner/operator shall reimburse the Town of Alexander for all oversight expenses incurred relating to the SEF, from application through decommissioning.

(2)

These SEF-related oversight expenses include (but are not limited to) amounts required for building permits, licensing, relicensing, and decommissioning, e.g., administration, engineering, expert health and wildlife evaluations, handling complaints, legal, etc. "Legal" includes reasonable attorney fees for the Town of Alexander if the Town of Alexander in the event that an action is commenced by the Town to enforce provisions of this chapter by the applicant/owner/operator.

(3)

Any escrow account interest shall stay with the account and be considered new principal.

(4)

Escrow account set up; initial deposit; application determination.

(a)

This escrow account will be set up by the applicant/owner/operator at the time of the SEF permit application. This escrow account will be at a financial institution approved by the Town of Alexander, solely in the name of the Town of Alexander, to be managed by the Town of Alexander (or designee appointed by the Alexander Town Board).

(b)

The applicant/owner/operator will make an initial deposit of \$150,000 determined by the Alexander Town Board. An SEF permit application will not be processed until the applicant/owner/operator has provided proof of deposit. An SEF permit application determination will not be made until all costs incurred to date have been reimbursed by the applicant/owner/operator.

(5)

If the SEF application is denied, all escrow account funds will be returned to the applicant/owner/operator, less related expenses incurred by the Town of Alexander. The money will be returned, along with a statement as to these costs, within 30 days of the application being formally denied, or receipt of a letter of withdrawal. Permit fees are nonrefundable.

(6)

This escrow account will be funded during the life of the SEF by the applicant/owner/operator. The applicant/owner/operator will replenish any escrow funds used by the Town of Alexander within 30 calendar days of being sent written notification (and explanation) of said withdrawals. Failure to maintain the escrow account at a minimum balance set by the Town of Alexander Town Board (within 30 days of being given notice) shall be cause for revocation (or denial of renewal) of the SEF permit.

(7)

Once the SEF applicant/owner/operator believes that they have satisfactorily complied with the decommissioning conditions specified herein, they will send the Town of Alexander written notification. The Town of Alexander then has 90 days to verify to their satisfaction that all decommissioning conditions have been complied with. If there is material noncompliance, the Town of Alexander will so notify the SEF applicant/owner/operator, and the process starts over. Otherwise, the Town of Alexander will return all escrow account funds to the SEF applicant/owner/operator, less related expenses incurred by the Town of Alexander, along with an explanatory statement.

E.

SEF real property value protection plan. The SEF applicant/owner/operator shall assure the Town of Alexander that there will be no loss in real property value for any property within 2,500 feet of the SEF. To legally support this claim, the applicant/owner/operator shall consent in writing to a real property value protection agreement as a condition of approval for the SEF. This agreement shall provide assurance to nonparticipating real property owners (i.e., those with no solar facilities on their property) near the SEF, that they have some protection from SEF-related real property value losses. A study must be made based on information for the Town of Alexander.

(1)

If a property owner wants to exercise this option, they must do so within 10 years of the SEF receiving final approval from the Town of Alexander.

(2)

A property owner may elect to exercise this option only once.

(3)

The applicant/owner/operator and the property owner may accept mutually agreeable modifications of this agreement, although the applicant/owner/operator is not allowed to put other conditions on a financial settlement (e.g., confidentiality). If the property owner accepts some payment for property value loss based on an alternative method, that acceptance and payment shall be considered an exercise of this option.

(4)

This agreement applies to the property owner of record as of the date of the SEF approval and is not transferrable to subsequent owners.

(5)

The property owner of record as of the date of the SEF approval must reasonably maintain the property from that time, until they choose to elect this option.

(6)

The property owner must permit full access to the property by the appraisers, as needed, to perform the appraisals.

(7)

The property owner must inform the appraisers of all known defects of the property as may be required by law, as well as all consequential modifications or changes to the property subsequent to the date of the SEF application.

(8)

This agreement will be guaranteed by the applicant/owner/operator (and all its successors and assigns), for 10 years following the SEF receiving final approval from the Town of Alexander, by providing a bond (or other surety) to the Town of Alexander, in an amount determined to be acceptable by the Town of Alexander. This surety account will ensure execution of all aspects of this agreement (including compensation of eligible property owners in the case of default by applicant/owner/operator). Failure to maintain this surety account shall be cause for revocation (or denial of renewal) of the SEF permit. The amount of affected property should be determined during the permitting process.

(9)

Payment by the applicant/owner/operator not made within 60 days will accrue an interest penalty. This will be 12% annually, from the date of the written election from the property owner.

(10)

For any litigation regarding this agreement, all reasonable legal fees and court costs will be paid by the applicant/owner/operator.

F.

SEF surety for removal, when decommissioned.

(1)

The applicant/owner/operator shall place with the Town of Alexander an acceptable letter of credit, bond, or other form of security that is sufficient to cover the cost of removal at the end of each SEF array's useful life, as detailed in the decommissioning plan. Such surety shall be determined based on best practices and research for each acre of a solar array. The Town Board may approve a reduced surety amount that is not less than 150% of a cost estimate that is certified by an engineer, salvage company, or other expert acceptable to the Town Board. This calculation will not take into account any estimated salvage values.

(2)

The Town of Alexander shall use this surety to assure the faithful performance of the decommissioning terms and conditions of the applicant/owner/operator's plan and this chapter. The full amount of the bond or security shall remain in full force and effect until all necessary site restoration is completed to return the site to a condition comparable to what it was prior to the SEF, as determined by the Town Board. The applicant/owner/operator will be responsible for assuring that any subsequent assigns of the SEF will provide acceptable surety to the Town of Alexander, prior to any transfer of ownership.

G.

SEF liability insurance.

(1)

The holder of a permit for an SEF shall agree to secure and maintain for the duration of the permit public liability insurance, as follows:

(a)

Commercial general liability covering personal injuries, death and property damage: \$5,000,000 per occurrence (\$10,000,000 aggregate), which shall specifically include the Town of Alexander and its officers, councils, employees, committee members, attorneys, agents and consultants as additional named insured.

(b)

Umbrella coverage: \$10,000,000.

(2)

The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with at least a Best's rating of "A."

(3)

The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town of Alexander with at least 30 days' prior written notice in advance of a cancellation.

(4)

Renewal or replacement policies shall be delivered to the Town of Alexander at least 15 days before the expiration of the insurance that such policies are to renew or replace.

(5)

No more than 15 days after the grant of the permit and before construction is initiated, the permit holder shall deliver to the Town of Alexander a copy of each of the policies or certificates representing the insurance in the required amounts.

(6)

A certificate of insurance that states that it is for informational purposes only and does not confer sufficient rights upon the Town of Alexander shall not be deemed to comply with this chapter.

H.

SEF indemnification. Any application for an SEF within the Town of Alexander shall contain an indemnification provision. The provision shall require the applicant/owner/operator to at all times defend, indemnify, protect, save, hold harmless, and exempt the Town of Alexander, and its officers, councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, equipment's performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said SEF, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town of Alexander, or its employees or agents. With respect to the penalties, damages, or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Town of Alexander.

I.

SEF permit fees. The nonrefundable permit application fee shall be set annually by the Town Board.

J.

Standards for Town Board's SEF permit application decision. The Town Board may disapprove an SEF permit application for a variety of legal reasons, including, but not limited to, the following:

(1)

Conflict with safety and safety-related codes and requirements.

(2)

The use or construction of an SEF that is contrary to an already-stated purpose of a specific zoning or land use designation.

(3)

The operation of an SEF would be a net economic liability to the community.

(4)

The operation of an SEF would create unacceptable health risks to the public.

(5)

The placement and operation of an SEF that would create unacceptable risks to wildlife and/or regional ecosystems.

(6)

The placement and location of an SEF would result in a conflict with, or compromise or change in, the nature or character of the surrounding area.

(7)

The operation of an SEF would create unacceptable interference with any type of military or aviation operations.

(8)

Conflicts with any provisions of this chapter.

SEF post-permit approval requirements.

A.

SEF construction-related damage. The owner of any permitted SEF shall, to the extent practicable, repair or replace all real or personal property, public or private, damaged during the SEF construction.

(1)

Any road damage during construction that is caused by the applicant/owner/operator or one or more of its subcontractors that is identified by the New York State Department of Transportation ("NYSDOT") Genesee County Highway, and Town of Alexander Highway (as appropriate) shall be repaired or reconstructed to the satisfaction of NYSDOT, Genesee County Highway, and Town of Alexander Highway (as appropriate) at the applicant/owner/operator's expense, prior to the final inspection. In addition, the applicant/owner/operator shall pay for all costs related to NYSDOT, Genesee County Highway, and Town of Alexander Highway (as appropriate) pre-inspection work prior to receipt of the final inspection.

(2)

The surety for removal of a decommissioned SEF shall not be released until the Town Board or designee is satisfied that any road damage identified during and after decommissioning that is done by the applicant/owner/operator and/or one or more of its contractors or subcontractors has been repaired or reconstructed to the satisfaction of the NYSDOT, Genesee County Highway and/or Town of Alexander Highway at the applicant/owner/operator's expense. In addition, the applicant/owner/operator shall pay for all costs related to work of the NYSDOT, Genesee County Highway, and Town of Alexander Highway (as appropriate) inspection prior to receipt of the release of the surety.

B.

SEF environmental monitoring.

(1)

The applicant/owner/operator will permit post-construction environmental studies deemed appropriate by the Alexander Town Board/Building Inspector or designee, which will be funded by the escrow account. The applicant/owner/operator is responsible to see that the Town of Alexander has a current written list of all chemicals used for maintenance, etc., of the SEF (e.g., pesticides, herbicides, cleaners). This list shall include quantity and frequency of application of each of these chemicals. At any time if this information is out of date, the applicant/owner/operator will be subject to a fine of \$250 per incident.

(2)

Post-construction field studies will include scientific assessments of regional nesting failures, and territory abandonment of special status species within one mile of the SEF. When these assessments are being done, only researchers involved with these studies will be legally allowed to touch carcasses. SEF personnel who move carcasses without written Town of Alexander approval will be subject to a fine per law as solar arrays have been known to kill endangered and other highly protected species. During the life of the project, carcasses found anywhere within the SEF must be reported to the Town of Alexander Building Inspector by the applicant/owner/operator within seven days. The fine for violation is \$250 per carcass per incident.

C.

SEF decommissioning. The Town of Alexander Town Board will review the projected decommissioning costs every five years. The SEF owner will adjust their security to any changes from the original calculation. If the Town of Alexander Building Codes Official condemns any portion of an SEF, or if no electricity is generated from any solar array for three consecutive months, the applicant/owner/operator and/or property owner shall have three months to remedy the safety issues or complete the decommissioning of the SEF, according to the approved plan.

(1)

The Town Board may, through the Code Enforcement Officer, grant reasonable extensions of time for repair and/or maintenance, for good cause, such as the need to back-order parts that are not currently available from the supplier or the need to repair an SEF damaged by a storm.

(2)

Decommissioning shall include the complete removal of solar arrays, buildings, electrical components, cabling, roads, and any other associated facilities and/or structures, buffered fencing, including below-ground items (e.g., foundations), to a depth of four feet below grade.

(3)

Disturbed earth shall be graded and reseeded unless the landowner requests in writing that the access roads or other land surface areas not be restored.

(4)

The Town Board shall pay (from the escrow account) for at least 10 representative soil sample tests, to assure that no new contaminants are left behind. If evidence of new contaminants is found, the applicant/owner/operator is obligated to remedy the situation to the Town of Alexander Town Board's satisfaction.

D.

SEF complaints. The Town of Alexander shall set up a procedure for filing and handling SEF complaints. The applicant/owner/operator shall initially be given a reasonable opportunity to resolve all complaints. The cost of such resolution shall be borne by the applicant/owner/operator. If resolution is not made in a reasonable time or 60 days (reasonable as determined by the Alexander Town Board), the Town of Alexander may utilize its escrow account to attempt to resolve any SEF issues. The Town of Alexander shall establish a monitoring committee to oversee resolution of complaints regarding SEFs.

Miscellaneous.

A.

Fiscal responsibility.

(1)

The Town Board may, at its discretion, request the most recent annual audited financial report of the permittee prepared by a duly licensed certified public accountant, during the review process. If such report does not exist, the Town Board may, in its sole discretion, require a suitable alternative to demonstrate the financial responsibility of the applicant/owner/operator and its ability to comply with the requirements of this chapter.

(2)

No transfer or sale of any SEF, including the sale of more than 30% of the stock of such entity (not counting sale of shares on a public exchange) shall occur without advanced written acceptance by such entity of the obligations of the permittee under this chapter. Any such transfer shall not eliminate the liability of any entity for any act occurring during its ownership or status as permittee.

Applicability.

The requirements of this chapter shall apply to all SEFs proposed, operated, modified, or constructed after the effective date of this chapter.

Severability.

Should any provision of this chapter be declared by any court, administrative body, or board, or any other government body or board, to be unconstitutional, invalid, preempted, void, or otherwise inapplicable for any reason, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so decided to be unconstitutional, invalid, preempted, void, or otherwise inapplicable.

**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 Alexander Solar Law		
Project Location (describe, and attach a general location map): Entire Town of Alexander		
Brief Description of Proposed Action (include purpose or need): Adoption of a Solar PV Local Law to regulate development for the Town of Alexander		
Name of Applicant/Sponsor: Town of Alexander Board		Telephone: 585-591-2455
		E-Mail:
Address: 3350 Churh St		
City/PO: Alexander	State: NY	Zip Code: 14005
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
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 Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Alexander Town Board	
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	Genesee County Planning Board	
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. <ul style="list-style-type: none"> 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? Yes No

- 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? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes 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?) Yes 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? Yes 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? New Local Law Adoption

C.4. Existing community services.

a. In what school district is the project site located? Alexander

b. What police or other public protection forces serve the project site?
Genesee County, NYS Police

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

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)? Commercial

b. a. Total acreage of the site of the proposed action? _____ 0 acres
b. Total acreage to be physically disturbed? _____ 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0 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.

	One Family	Two Family	Three Family	Multiple Family (four or more)
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

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

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

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

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

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

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (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)

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.

- i. During Construction:
- Monday - Friday: _____
 - Saturday: _____
 - Sunday: _____
 - Holidays: _____

- ii. During Operations:
- Monday - Friday: _____
 - Saturday: _____
 - Sunday: _____
 - Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration: _____

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

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____

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

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

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s): _____

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

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
- ii. Anticipated rate of disposal/processing: _____
 - _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 - _____ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
- ii. Generally describe processes or activities involving hazardous wastes or constituents: _____
- iii. Specify amount to be handled or generated _____ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____
- v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

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

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban Industrial Commercial Residential (suburban) Rural (non-farm)
- Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

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

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

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

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

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

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

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

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

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

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

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

E.2. Natural Resources On or Near Project Site

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

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

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

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

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

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

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

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

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

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

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

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

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

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

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

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

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

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

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

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

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

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

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

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

If Yes:

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

ii. Name: _____

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

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

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

i. Identify the name of the river and its designation: _____

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

F. Additional Information

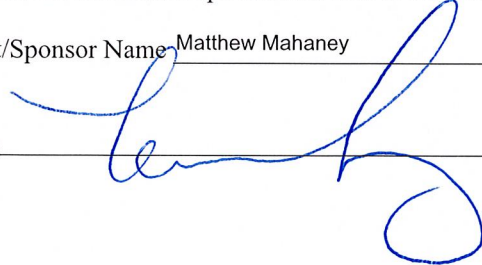
Attach any additional information which may be needed to clarify your project.

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

G. Verification

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

Applicant/Sponsor Name Matthew Mahaney Date 11/10/2022

Signature  Title CEO