GENESEE COUNTY PLANNING BOARD REFERRALS
NOTICE OF FINAL ACTION

GCDP Referral ID	**T-05-BAT-3-22**
Review Date	**3/10/2022**

Municipality	**BATAVIA, T.**
Board Name	**TOWN BOARD**
Applicant's Name	**Batavia Town Board**
Referral Type	**Zoning Text Amendments**
Variance(s)	
Description:	**Zoning Text Amendments to replace the Town's Solar Energy Systems regulations.**
Location	**Entire Town of Batavia**
Zoning District	**Entire Town**

PLANNING BOARD RECOMMENDS:

APPROVAL

EXPLANATION:

The proposed Zoning Text Amendments are intended to protect the health, safety, and welfare of the Town and should pose no significant county-wide or inter-community impact.

Felice A. Altman

Director

March 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) 815-7901

DEPARTMENT USE ONLY:
GCDP Referral # **T-05-BAT-3-22**

* GENESEE COUNTY * PLANNING BOARD REFERRAL

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

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) Town of Batavia Town Board
Address 3833 West Main Street Road
City, State, Zip Batavia NY 14020
Phone (585) 343 - 1729 Ext.

2. APPLICANT INFORMATION

Name Town of Batavia Town Board
Address 3833 West Main Street Road
City, State, Zip Batavia NY 14020
Phone (585) 343 - 1729 Ext. Email

MUNICIPALITY: ☐ City ☒ Town ☐ Village of Batavia

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

- ☐ Area Variance
- ☐ Use Variance
- ☐ Special Use Permit
- ☐ Site Plan Review
- ☐ Zoning Map Change
- ☒ Zoning Text Amendments
- ☐ Comprehensive Plan/Update
- ☒ Other: New Solar to replace e

Subdivision Proposal
- ☐ Preliminary
- ☐ Final

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

A. Full Address All Town of Batavia
B. Nearest intersecting road All Town of Batavia
C. Tax Map Parcel Number All Town of Batavia
D. Total area of the property All TOB Area of property to be disturbed NA
E. Present zoning district(s) All Town of Batavia

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

NA

C. Please describe the nature of this request Remove Solar Code and add the new updated Solar Code

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

- ☐ Local application
- ☐ Site plan
- ☐ Subdivision plot plans
- ☒ SEQR forms
- ☒ Zoning text/map amendments
- ☐ Location map or tax maps
- ☐ Elevation drawings
- ☐ Agricultural data statement
- ☐ New or updated comprehensive plan
- ☐ Photos
- ☐ Other:

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

Name Daniel Lang Title CEO/ZEO Phone (585) 343 - 1729 Ext. 222
Address, City, State, Zip 3833 West Main St Rd Batavia NY 14020 Email dlang@townofbatavia.com

LOCAL LAW NO. __ OF THE YEAR 2022
TOWN OF BATAVIA
COUNTY OF GENESEE, STATE OF NEW YORK

A Local Law Amending Article V of Chapter 235 of the Town Code, Section 235-53.1 – Solar Energy Systems

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

Article V., Section 235-53.1. "Solar Energy Systems" of the Batavia Zoning Code is hereby repealed and replaced with a new Article entitled Solar Energy Systems as follows:

ARTICLE V. SOLAR ENERGY SYSTEMS

1. Authority

This Solar Energy Local Law is adopted pursuant to Sections 261-263 of the Town Law and Section 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town law of New York State, "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefore."

2. Statement of Purpose

A. This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of the Town of Batavia by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

1. To take advantage of a safe, abundant, renewable and non-polluting energy resource;

2. To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;

3. To increase employment and business development in the Town to the extent reasonably practical, by furthering the installation of Solar Energy Systems;

4. To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources;

5. To create synergy between solar and the Town's Comprehensive Plan; and

6. To facilitate the location of the larger solar energy systems in a way that best fits into the surrounding neighborhood and the adjoining uses.

3. Definitions

The following definitions shall apply to this Chapter and supersede any conflicting definitions found elsewhere in the Code:

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

FARMLAND OF STATEWIDE IMPORTANCE: Land, designated as "Farmland of Statewide Importance" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of state-wide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law. The Town of Batavia Farmland Protection Plan shall be reviewed.

FRONT YARD: The unoccupied, open space within and extending the full width of the lot from the front lot line to the front line of the principal building which is nearest to such front lot line.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for onsite or offsite consumption.

LOT: Land occupied, or which may be occupied by a building and its accessory uses, together with required open spaces, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated, and having frontage on a street or other means of access as may be determined by the Planning Board to be adequate as a condition for issuance of a building permit. Any land included in a public road, street or highway right-of-way shall not be considered part of the lot for zoning purposes.

LOT AREA: The total area within property lines. Any land included in a public road, street or highway right-of-way shall not be included in calculating lot area.

LOT, CORNER: A lot located at the junction of and fronting on two or more intersecting streets. (Also see the definition "lot line, front.")

LOT DEPTH: The mean horizontal distance from the street right-of-way line of the lot to its opposite rear line measured at right angles to the street right-of-way line.

LOT FRONTAGE: The horizontal distance between the side lot lines, measured at the street right-of-way line.

LOT LINE: The property lines bounding a lot as defined herein.

LOT LINE FRONT**:** In the case of a lot abutting upon only one street, the line separating the lot from the street right-of-way. In the case of a lot abutting more than one street, each street line shall be considered a front lot line.

LOT LINE, REAR: The lot line which is generally opposite the front lot line. If the rear lot line is less than 10 feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line, not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.

LOT LINE, SIDE: The property line or lines extending from the front lot line to the rear lot line, except in the case of corner lots which have no rear lot line.

LOT WIDTH: The horizontal distance between the side lot lines, measured at right angles to the lot depth.

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

NON-PARTICIPATING PROPERTY: Any property that is not a participating property.

PARTICIPATING PROPERTY: A host property or any real property that is the subject of an agreement between the property owner and a Solar Energy System owner (or affiliate) regardless of whether any part of a Solar Energy System is constructed on said property (this agreement status will impacts certain requirements of this Code; specifically setbacks).

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

PRIME FARMLAND: Land, designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses. In determining Prime Farmland consideration must also be given to the Town of Batavia’s Farmland Protection Plan.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

SETBACK –The distance from a front, side or rear lot line or structure to the fence that surrounds the solar installation, or any equipment not located within the fence line.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, Tier 3 or Tier 4 Solar Energy System as follows:

A. Tier 1 Solar Energy Systems include the following:

    a. Roof-Mounted Solar Energy Systems
    b. Building-Integrated Solar Energy Systems

B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems (that are accessory uses/structures) with a total surface area of all solar panels on the lot of up to 4,000 square feet and that generate up to 110% of the electricity consumed on the site over the previous 12 months (information on consumption to be provided at time of application).

C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems and do not exceed 30 acres in size (as defined by the fenced in area). They can be primary or accessory uses/structures.

D. Tier 4 Solar Energy Systems are systems that are not included in the list of Tier 1, Tier 2, and Tier 3 systems.

SOLAR FARM: An area of land used primarily for the purpose of producing electricity by means of a solar energy system.

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

SOLAR SKYSPACE: See Solar Access

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

STRUCTURE: For this law, a structure is defined as a residential dwelling, commercial or industrial building (habitable buildings). It does not include such things as garages, sheds, barns, etc.

The following definitions are acronyms used in this solar code.

Per- and polyfluoroalkyl substances (PFASs) are synthetic organofluorine chemical compounds that have multiple fluorine atoms attached to an alkyl chain. As such, they contain at least one perfluoroalkyl moiety, $–C_nF_{2n}–$.[1][2] According to the Organisation for Economic Co-operation and Development (OECD):[3][4]

PFASs are defined as fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom (without any H/Cl/Br/I atom attached to it), i.e. with a few noted exceptions, any chemical with at least a perfluorinated methyl group ($–CF_3$) or a perfluorinated methylene group ($–CF_2–$) is a PFAS.

Perfluorooctanesulfonic acid (PFOS) (conjugate base perfluorooctanesulfonate) is an anthropogenic (human-made) fluorosurfactant, now regarded as a global pollutant. PFOS was the key ingredient in Scotchgard, a fabric protector made by 3M, and related stain repellents. In many contexts, PFOS refers to the parent sulfonic acid and its various salts of perfluorooctanesulfonate. These are all colorless or white, water soluble solids. Although of low acute toxicity, PFOS has attracted much attention for its pervasiveness and environmental impact.

Perfluorooctanoic acid (PFOA) (conjugate base perfluorooctanoate) — also known colloquially as C8 — is a perfluorinated carboxylic acid produced and used worldwide as an industrial surfactant in chemical processes and as a material feedstock. PFOA is considered a surfactant, or fluorosurfactant, due to its chemical structure, which consists of a perfluorinated, *n*-octyl "tail group" and a carboxylate "head group". The head group can be described as hydrophilic while the fluorocarbon tail is both hydrophobic and lipophobic. The tail group is inert and does not interact strongly with polar or non-polar chemical moieties; the head group is reactive and interacts strongly with polar groups, specifically water.

GenX is a Chemours trademark name for a synthetic, short-chain organofluorine chemical compound, the ammonium salt of hexafluoropropylene oxide dimer acid (HFPO-DA) fluoride. It can also be used more informally to refer to the group of related fluorochemicals that are used to produce GenX.

4. Applicability

A. The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in the Town of Batavia after the effective date of this Local Law, excluding general maintenance and repair.

B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

C. Modifications to an existing Solar Energy System that increase the Solar Energy System area by more than 5% of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Local Law.

D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), the NYS Energy Conservation Code (“Energy Code”), the NYS Property Maintenance Code and the Code of the Town of Batavia.

5. General Requirements

A. A Building permit shall be required for installation of all Solar Energy Systems.

B. It is the developer's responsibility to ensure solar skyspace/access.

C. Issuance of permits and approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act (SEQRA).

D. This Article shall take precedence over any inconsistent provision of the Zoning Law of the Town of Batavia.

6. Permitting Requirements for Tier 1 Solar Energy Systems

All Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the following conditions for each type of Solar Energy Systems:

A. Roof-Mounted Solar Energy Systems

1. Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:

    a. Solar Panels on pitched roofs shall be mounted with a maximum distance of 8 inches between the roof surface and the highest edge of the system.

    b. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.

    c. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.

    d. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.

2. Glare: All Solar Panels shall have anti-reflective coating(s). These coatings shall not contain per- polyflouoroalkyl (PFAS) substances(including PFOA, PFOS and GenX chemicals) or other hazardous substances (documentation of such to be provided with the application).

3. Height: Roof-Mounted Solar Energy Systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.

B. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

7. **Permitting Requirements for Tier 2 Solar Energy Systems**

All Tier 2 Solar Energy Systems shall be permitted in all zoning districts as accessory structures and shall be exempt from site plan review under the local zoning code or other land use regulations, subject to the following conditions:

A. Glare: All Solar Panels shall have anti-reflective coating(s). These coatings shall not contain per-polyflouoroalkyl (PFAS) substances(including PFOA, PFOS and GenX chemicals) or other hazardous substances (documentation of such to be provided with the application).

B. Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district (but in no case should they be within 20 feet of a property line). All Ground-Mounted Solar Energy Systems shall only be installed in the side or rear yards in residential districts.

C. Height: Tier 2 Solar Energy Systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district (but in no case should be greater than 15 feet in height).

D. Screening and Visibility.

1. All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable as provided by the Town of Batavia Planning Board.

2. Solar Energy Equipment shall be located in a manner to avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.

E. Lot Size: Tier 2 Solar Energy Systems shall comply with the existing lot size requirement specified for accessory structures within the underlying zoning district.

8. Permitting requirements for Tier 3 Solar Energy Systems

All Tier 3 Solar Energy Systems are permitted within the Agricultural Residential Zoning District, subject to both the Special Use process and site plan requirements set forth in this local law and/or any other applicable requirements of the existing Zoning Ordinance.

These Tier 3 units have the following restrictions. Within the area denoted as the Genesee County Smart Growth areas, the total amount (measured as the area leased or purchased) of solar arrays (Tier 3 and tier 4) to be installed in this area shall be limited to 15% of the total land area of the Smart Growth area within the Town (The Town will monitor this amount and provide any applicant with the existing quantity of lands dedicated to solar within the Smart Growth boundary). If a solar energy system is proposed to be installed within the "Ag Production Zone" as illustrated in the Town's Comprehensive Plan (Map 5), the applicant must limit impacts to Prime or Statewide important farming soils as detailed in later sections of this law.

These systems may be eligible for a Solar Energy System PILOT and will require a Host Community Agreement as determined by the Town Board.

All Tier 3 systems are restricted in the Town of Batavia Wellhead Protection Overlay districts.

A. Applications for the installation of Tier 3 Solar Energy System shall be:

   1. Application. Applications for special use permits shall be made in writing on the appropriate form obtained from the Building Inspector. Four hard copies of each application and an electronic copy, including site plan, shall be submitted to the Building Inspector, who shall review the application for completeness prior to forwarding it to the Town Clerk and the Planning Board. One copy shall be retained by the Building Inspector. Applicants will be advised of the completeness of their application or any deficiencies that must be addressed prior to substantive review.

   2. Notice and public hearing. The Planning Board shall hold a public hearing as part of the special use permit process. The public hearing shall be held at a time fixed within 62 days from the date the application for a special use permit is received by the Board, and public notice thereof shall be published in a newspaper of general circulation in the town at least five days prior to the date of the hearing. At least 10 days before such hearing, the Planning Board shall mail a notice of the hearing to the applicant and also send, by regular mail, a copy of the notice of hearing to all Town of Batavia property owners whose property(ies) is located within 250 feet of the property which is the subject of the application when the property involved is located in an R District, or within 500 feet when the involved property is located in any other district. The Town also requires signage to be placed on the subject parcel notifying residents of the area that the site is subject to an action before the Town. All signage shall be installed in accordance with the Town of Batavia sign code. When necessary, under § 239 of the General Municipal Law, the Planning Board shall forward the site plan to the Genesee County Planning Board for its review prior to taking any final action.

   3. Upon closing of the public hearing, the Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period does not start to run until the SEQR process is completed and may be extended upon consent by both the Planning Board and applicant.

B. Underground Requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way. The applicant shall provide copies of the written notification to the utility for proposed interconnection.

C. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction. These access roads shall be designed as “limited use pervious access” roads in accordance with NYSDEC standards and designed to handle appropriate loads (emergency equipment) and will meet requirements of the Town’s Emergency Service Providers.

D. Signage.

1. No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than 8 square feet.

2. As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

E. Glare. All Solar Panels shall have anti-reflective coating(s). These coatings shall not contain per-polyflouoroalkyl (PFAS) substances(including PFOA, PFOS and GenX chemicals) or other hazardous substances (documentation of such to be provided with the application).

F. Lighting. Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

G. Tree-cutting. Removal of existing trees larger than six (6) inches in diameter should be minimized to the extent possible, as determined by the Planning Board. Clearing limits shall be clearly shown on the site plan, indicating where trees shall be removed.

H. Screening and Landscaping – A Tier 3 Solar Energy System shall be screened from adjoining uses and any roadway – see section N. for specific requirements.

I. Decommissioning.

1. Solar Energy Systems that have been abandoned and/or not producing electricity for a period of one year shall be removed at the Owner and/or Operator's expense, which at the Owner's option may come from any security made with the Town as set forth in this Code.

2. A Decommissioning Plan is required to ensure the proper removal of a large scale or utility-scale solar energy systems. The Decommissioning Plan is to be submitted as part of the special use permit application to the Building Inspector for approval and must specify that after the large scale or utility-scale solar energy system is no longer in use (as determined by the owner/operator or the Building Inspector per this law), it shall be removed by the applicant or any subsequent owner. The Decommissioning Plan shall identify the anticipated life of the project. The plan shall demonstrate how the removal of all infrastructure and restoration shall be conducted to return the parcel to its original state prior to construction (for projects located on Agricultural properties, the site shall be restored in accordance with NYS Department of Agriculture and Markets – NYSDAM). The plan shall also include an

expected timeline for execution and a cost estimate for decommissioning prepared by a Professional Engineer or qualified Contractor (and approved by the Town Engineer). Cost estimates shall take inflation into consideration and be revised every three (3) to five (5) years (as determined by the Town and its designees) during operation of the system (recycle and salvage value shall be excluded in these estimates as they are unpredictable in nature). Removal of the large-scale or utility-scale solar energy system must be completed in accordance with the approved Decommissioning Plan and the standards provided as follows:

(1) All structures and foundations associated with the large-scale or utility scale solar energy systems shall be removed.

(2) All disturbed ground surfaces shall be restored to original conditions including topsoil and seeding as necessary.

(3) All electrical systems shall be properly disconnected, and all cables and wiring buried shall be removed.

(4) Prior to the conclusion of the Special Use permit process, execution of a Decommissioning Agreement after approval by the Town Attorney.

3. Security.

   a. The deposit, executions, or filing with the Town Clerk of cash, bond, or other form of security acceptable to the Town attorney, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System (except when the estimate is updated in each third to fifth year). The decommissioning amount shall not be reduced by the amount of the estimated salvage value of the Solar Energy System.

   b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the Decommissioning Plan is completed.

   c. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in this law.

   d. All decommissioning agreements and bonds shall remain consistent with one another and in accordance with the Town Decommissioning Standards.

e. No later than 30 days before the expiration date of any required bonds: (1) the developer shall notify the Town Building Department about the expiration date, and provide a copy of the new proposed bond to this Department, and (2) the developer shall require the bonding company to directly provide to the Town Building Department this 30 day prior notice of expiration; as well as direct notice of any early bond termination.

J. Noise: All Solar projects shall not result in any adverse noise impacts on any surrounding homes or other sensitive receptors (use of NYSDEC regulations concerning noise). Specifically, the project must be shown to not generate noise at 45 dBA or above at any non-participating property line. A frequency study may be required to analyze any "interference" effects.

K. Hazardous Materials: The Tier 3 or 4 project components shall not contain any hazardous materials that could contaminate soils or the air by their release (units shall not contain cadmium or other hazardous substances, such as PFAS). Specific material data information/specifications (SDS/MSDS sheets) shall be submitted on all components of the project. The applicant must ensure that no harmful chemicals will be leaked into the soils over the life of the project. For certain components of the project, information on spill containment systems will need to be provided. This required information shall be reviewed by the Planning Board, their consultants and the Fire Department.

L. Airport Impacts (Encroachment issues): All Tier 3 or 4 Solar energy projects must complete a study to be submitted to the local Airport (when requested by the Town Planning Board) that discusses the following:

1. Distance from installation
2. Location relative to approach/departure and flight patterns associated with the airport.
3. Glare Impact on airport sensitive receptors. Analysis should include a knowledge of sun position, observer location, and the solar module/array characteristics (e.g. tilt, azimuth or orientation, location, extent and if tracking those parameters for the entire path of the moving panels) Note: Though not required by the FAA it is strongly encouraged to utilize the Solar Glare Hazard Analysis Tool (SGHAT) to predict potential glare with assessed results relative to the FAA's Policy and Ocular hazard standard (also adopted by the U.S. Department of Defense DoD) under Instruction (DODI) 4165.57 and implemented by US Air Force AFI 32-7063.
4. Any additional lighting of the field to include anti-collision.
5. Storm water runoff which may affect the airport or the tributaries transitioning through the airport or the creation of storm ponds which would attract wildlife and waterfowl.
6. Possible changes to wildlife habitat or migratory patterns that will affect the aircraft flight path.

M. Site plan application. For any Solar Energy system requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

1. Property lines and physical features, including roads (Ingress and Egress), for the project site

2. Size and location of panels (setbacks to property lines and adjoining residential structures).

3. Nature of land use on the existing property, adjacent properties, nearby properties (as directed by the Town) and any solar energy systems in or proposed in the surrounding area.

4. Existing conditions including topography, vegetation, structures, etc.

5. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

6. Proposed fencing (required) and type (fitting nature of the area and National Electrical Code (NEC) requirements.

7. A one- or three-line electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

8. A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.

9. Glare and reflectivity information.

10. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit.

11. Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the Solar Energy System.

12. Zoning district designation for the parcel(s) of land comprising the project site.

13. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing (describe frequency of mowing and any impacts to pollinator species or bee colonies) and trimming (or other methodologies), maintenance of access drives, maintenance of ditches or other waterways through the site (potential emergency access easement provided to the Town), and maintenance of the plantings for the required screening. This Operation and Maintenance Plan shall reflect all lands that are being leased or owned by the applicant. The Applicant shall use the guidelines set forth by the Genesee County Soil and Conservation for all plantings below a Solar Farm as

requested by the Town of Batavia Planning Board.

14. Fire Safety Plan shall be reviewed by the Building Department and shall meet all applicable NYS Uniform Codes.

15. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board and Town Engineering office.

16. Other information requested by the Planning Board.

17. All engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.

N. Special Use Permit Standards.

1. Lot size

    a. The property on which the Tier 3 Solar Energy System is placed shall be on a lot of a size that allows for the project to meet all setback and other requirements of this law.

2. Setbacks

    The Tier 3 Solar Energy Systems shall meet the following setback requirements:

    a. Be setback on all sides and rear from any non- participating property line by 75 feet.
    b. Be setback from any participating property line by 20 feet.
    c. Be setback from any adjoining, participating property existing structure by 30 feet.
    d. Be setback from any adjoining, non-participating structure by 200 feet.
    e. Be setback from front of property line by 200 feet.

3. Height

    a. The Tier 3 Solar Energy Systems shall be limited in height to 15 feet.

4. Lot coverage

    a. The following components of a Tier 3 Solar Energy System shall be used in the calculations for lot coverage requirements within the fenced in areas:

        i. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

        ii. All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.

iii. Paved access roads servicing the Solar Energy System.

b. Lot coverage of the Solar Energy System, as defined above, shall not exceed 50% of the total lot size.

5. Fencing Requirements. All mechanical equipment, panels, and structures shall be enclosed by a seven-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access. *Design of the Fencing shall fit into the area in which the project is proposed. In some cases, accommodations for animal movement will be necessary.*

6. Screening and Visibility.

1. Solar Energy Systems shall have views minimized from adjacent properties using architectural features, earthen berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.

2. Solar Energy Systems shall be required to complete the following when directed by the Town of Batavia Planning Board.

a) Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. This analysis must consider conditions at day one of operation and when the landscaping has matured. At a minimum, a line-of-sight profile analysis shall be provided, but photo-simulations are required for all areas that will have a view of the project site. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including, for example, a digital viewshed report, may be required to be submitted by the applicant. The Town may hire an independent consultant, at the cost of the applicant, to review and/or conduct their own visual assessment.

b) Submit a screening and landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible. The Planning Board will in good faith determine the adequacy of these measures in its sole and absolute discretion.

c) The screening and landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system. The landscaped screening shall, at a minimum, be comprised of evergreen/coniferous trees (planted at recommended spacing for the type of tree), at least 8-10 feet high at the time of planting (depending on site conditions and the result of the visualizations) and may need to be installed in a “zig-zag pattern to maximize screening), plus supplemental shrubs (deer resistant) placed

in between the evergreen trees at the reasonable discretion of the Town Planning Board. These plantings are to be planted, typically, within 10 linear feet of the Solar Energy System fencing or as directed by the Planning Board to achieve maximum screening. In some cases, existing vegetation located on participating properties, may be used to satisfy all or a portion of the required landscaped screening. Suitable evergreen tree and shrub species are to be determined by a professional arborist and approved by the Town. This minimum screening requirement will be reduced if adjoining properties are participating properties. All plantings shall come with a 10-year guarantee and must be replaced if dead or diseased (include this in Operation and Maintenance Plan required in this Code). This will be enforced by the Town through the required yearly inspections. Berms can also be utilized to reduce heights of proposed plantings, but the berms must not interfere with site drainage and must be properly designed to maintain vegetation.

Landscape plans must be completed by a NYS registered Landscape Architect.

d) For any buildings or structures (not panels) to be placed on the site, the applicant shall be required to submit plans illustrating how these structures will blend into the character of the area. For example, buildings can be made to look like agricultural structures such as barns.

7. Agricultural Resources. For projects located on agricultural lands:

a. Any Tier 3 Solar Energy System located in the Town's Ag Protection Zone (as illustrated in the Town's Comprehensive Plan), on lands that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed (construct facilities on) 50% of the area of Prime Farmlands or Farmland soils of Statewide Importance on that parcel.

b. Any Tier 3 Solar Energy System located on farmland outside of the Ag Production zone that consist of Prime Farmland or Farmland of Statewide Importance shall minimize the impact to these important soils by avoiding those areas to the maximum extent practicable.

c. Tier 3 Solar Energy Systems on lots containing Prime Farmland or Farmland of Statewide Importance shall be required to seed a minimum of 20% of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators in accordance with the plantings provided by the Genesee County Soil and Conservation Department.

d. To the maximum extent practicable, Tier 3 Solar Energy Systems located on lots containing Prime Farmland or Farmland of Statewide Importance shall be

constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.

e. Tier 3 Solar Energy System owners 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, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.

f. To address the above requirements, the applicant and Town shall consult with the Genesee County Soil Conservation Service. If the project is located in or adjacent to a NYS certified Agricultural District, the NYS Department of Agriculture and Markets shall also be contacted, and comments received and followed.

9. Permitting requirements for Tier 4 Solar Energy Systems

All Tier 4 Solar Energy Systems are permitted within the Agricultural Residential Zoning District, subject to both the Special Use process and site plan requirements set forth in this local law and/or any other applicable requirements of the existing Zoning Ordinance.

These systems may also be eligible for a Solar Energy System PILOT and will require a Host Community Agreement as determined by the Town Board.

Tier 4 Solar Energy Systems have all the same restrictions and requirements as Tier 3 systems, but with the following additional or modified restrictions and requirements. These additional restrictions and requirements are due to the potential significant impacts that occur for these large-scale projects.

These Tier 4 systems are also restricted (not allowed) in the Wellhead Protection Overlay area.

A. Additional Application and Permitting Requirements for Tier 4 Solar Energy Systems:

(1) All the information/requirements listed for a Tier 3 system plus the following additional information/requirements.

(2) Submittal of an Agricultural Impact Statement to determine the impact to Agriculture in the Town and community. The Planning Board, on a project-by-project basis, will work with the applicant on finalizing the requirements of this Agricultural Impact Statement, but at a minimum will include whether the farmland is active (how long it has been

farmed or not farmed) and if it is farmed by the property owner or leased. If leased, how the removal of this leased land will affect the farmer who leases this site and other farmlands and other leases that the farmer has in the Town. Include information on the improvements that have been made to the lands (tiling, irrigation, etc.), history of the farm and its products, number of workers, products purchased and used for farming operations, etc.

(3) Submittal of an Economic Impact Analysis to determine the impact of the project on the economy of the Town. This includes the agricultural impacts in the Ag Impact statement and information as noted by the Town Planning Board (Town to work with the applicant on the scoping of this study, but will include, at a minimum, the estimated PILOT and HCA payments to the Town).

(4) Proposal for a Host Community Agreement (to be reviewed and approved by the Town Board prior to any approvals granted by other boards or agencies) that reflects the large-scale impacts of the project.

10. Construction, Maintenance, procedures, and fees.

A. Time limit on completion. After the granting of a special permit of a Tier 3 or Tier 4 solar energy system with concurrent site plan approval or site plan approval of a freestanding or ground-mounted solar energy system by the Planning Board, the building permit shall be obtained within six months and the project shall be completed within twelve months after the Building Permit has been issued. A six-month extension to obtain a building permit or the completion time can be issued by the Planning Board upon application by the applicant. If not constructed, the special permit and/or site plan approval shall automatically lapse within twelve months after the date of approval by the Planning Board (unless an extension is granted).

B. For Tier 3 and 4 solar energy systems, the Town will require appropriate insurances to be in place prior to construction beginning. The Town shall provide these standards and requirements.

C. Inspections. Upon reasonable notice, the Town of Batavia Building Inspector or his or her designee may enter a lot on which a solar energy system has been approved for the purpose of compliance with any requirements or conditions. Twenty-four (24) hours advance notice by telephone or email to the owner/operator or designated contact person shall be deemed reasonable notice. Furthermore, a Tier 3 (and Tier 4) energy system shall be inspected annually by a New York State licensed professional engineer that has been approved by the Town or at any other time, upon a determination by the Town's Building Inspector that damage may have occurred, and a copy of the inspection report shall be submitted to the Town Building Inspector. Any fee or expense associated with this inspection shall be borne entirely by the permit holder.

D. General complaint process. During construction, the Town Building Inspector can issue a stop order at any time for any violations of a special permit or building permit. The permit holder of a Tier 3 or Tier 4 solar energy system shall establish a contact person, including name and phone number, for receipt of any complaint concerning any permit requirements.

E. Continued Operation. A solar energy system shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all approval requirements and conditions. Further, the Building Inspector shall also have the right to request documentation from the owner for a solar energy system regarding the system's usage at any time.

F. Removal. All solar energy systems shall be dismantled and removed in accordance with the time approved by the Building Department from a lot when the special permit or approval has been revoked by the Town Planning Board or the solar energy system has been deemed inoperative or abandoned by the Building Inspector in accordance with the Decommissioning and Security sections of this law. If the owner does not dismantle and remove said solar energy system as required, the Town Board may, after a hearing at which the owner shall be given an opportunity to be heard and present evidence, dismantle and remove said facility in accordance with the Decommissioning Plan. If the Owner fails to act, the Town will act in accordance with the Security requirements of this law.

G. Determination of Abandonment or Inoperability. The Town Building Inspector shall have the authority to determine the abandonment or inoperability of a solar energy system. Written notice of this determination shall be served within 10 days upon the Owner by personal service or by certified mail. Any appeal of the Building Inspector's determination must be made to the Zoning Board of Appeals pursuant to the terms and conditions set forth in Section 235-62 of the Town Zoning Ordinance. The filing of an appeal does not stay the following time frame unless the Zoning Board of Appeals or a court of competent jurisdiction grants a stay or reverses said determination. At the earlier of the three hundred and sixty-six (366) days from the date of determination of abandonment or inoperability without reactivation or upon completion of dismantling and removal, any approvals for the solar energy system shall automatically expire.

H. Application and annual fees.

1. Tier 3 and Tier 4 solar energy system. An applicant shall pay an initial application fee in the amount as set by the Town Board, upon filing its special permit and site plan application to cover the cost of processing and reviewing the application. Per sections of this law, if the Planning Board needs to hire specialists/consultants to review

reports/materials submitted by the applicant, the Town will charge the costs of these reviews to the applicant and may require escrow monies to be deposited to cover such costs. If the project is approved, the Owner shall pay an annual fee in the amount as set by the Town Board, to cover the cost of processing and reviewing the annual inspection reports and for administration, inspections, and enforcement.

2. Applications for Tier 2 ground-mounted solar energy systems. An applicant shall pay a review fee as determined from time to time by the Town Board, by resolution.

3. The Town of Batavia reserves the right, by local law, to provide that no exemption pursuant to the provision of the New York State Real Property Tax Law (RPTL) § 487 shall be applicable within its jurisdiction.

I. Prior to the issuance of a building permit, the applicant shall document that all applicable federal, state, county, and local permits have been obtained.

J. Upon completion of the construction of a Tier 3 or Tier 4 solar energy system, the applicant shall provide a certification from a NYS licensed engineer that the project has been constructed in accordance with the approved plans, conditions of the SUP, and all applicable NYS and Federal regulations and laws.

K. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect so long as they are in full compliance with this article and all the conditions and provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, Decommissioning plan and Decommissioning agreement. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within 30 days of the ownership change.

11. Safety

A. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.

B. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 and Tier 4 Solar Energy System is located in an ambulance district, the local ambulance corps.

C. If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town of Batavia and any applicable federal, state, or county laws or regulations. See the Town's Battery Energy Storage Law.

12. Permit Time Frame and Abandonment

A. Upon cessation of electricity generation and consistent with decommissioning regulations of a Solar Energy System on a continuous basis for 12 months, the Town may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within 360 days of notification.

B. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

13. Enforcement/ Penalties

A. Any person, firm, corporation or entity which may violate any provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be subject to the penalties set forth in § **235-65** of the Code of the Town of Batavia Zoning Ordinance. Any person, firm, corporation or entity which may violate any provisions of this chapter shall become liable to the Town for any actual expense or loss or damage occasioned by the Town by reason of such violation; in addition to any actual losses or damages sustained by the Town, such expense shall also include, but not be limited to, statutory costs, disbursements and reasonable attorney's fees in the event that an action is commenced to enforce this chapter. The imposition of penalties herein prescribed shall not preclude the Town or any person from instituting appropriate legal action or proceedings to prevent a violation of this chapter or to restrain or enjoin the use or occupancy of premises or any part thereof in violation of this chapter.

B. Upon at least 7 days prior written notice by mail or email, the Town Building Inspector shall have the right, which must be granted by the Owner, to inspect a solar energy system or any part thereof, for the purposes of enforcement, compliance or determinations required pursuant to this Local Law.

14. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

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 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Adopt a new Solar Law as part of the Town of Batavia Town Code		
Project Location (describe, and attach a general location map): All of the Town of Batavia		
Brief Description of Proposed Action (include purpose or need): Update of Solar Law for the Town of BAtavia Town Code		
Name of Applicant/Sponsor: Town of Batavia	Telephone: 585-343-1729 E-Mail: supervisor@townofbatavia.com	
Address: 3833 West main Street Road		
City/PO: Batavia	State: NY	Zip Code: 14020
Project Contact (if not same as sponsor; give name and title/role): Daniel J Lang	Telephone: 585-343-1729 ext. 222 E-Mail: dlang@townofbatavia.com	
Address: 3833 West mMain Street Road		
City/PO: Batavia	State: NY	Zip Code: 14020
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, or Village Board of Trustees ☑Yes☐No	Town of Batavia Town Board	NA
b. City, Town or Village Planning Board or Commission ☐Yes☑No		
c. City, Town or Village Zoning Board of Appeals ☐Yes☑No		
d. Other local agencies ☐Yes☑No		
e. County agencies ☑Yes☐No	Genesee County Planning Board	NA
f. Regional agencies ☐Yes☑No		
g. State agencies ☐Yes☑No		
h. Federal agencies ☐Yes☑No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑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?
All zoning 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? All school districts located within Town

b. What police or other public protection forces serve the project site?
City of Batavia, Genesee County Sheriffs, NYS Trooper, East Pembroke Fire, Town of Batavia Fire

c. Which fire protection and emergency medical services serve the project site?
Town of Batavia, East Pembroke

d. What parks serve the project site?
NA

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.

	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 (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (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 ½ 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 fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐Yes ☐No

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Town of Batavia Town Board Date 2-2-2022

Signature _____ Title 3-3-2022

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