Town of Marcellus
Workshop Meeting
Wednesday, November 18, 2026
6:30 PM

Call to Order

Salute to Flag

I. **Approve Financials**

II. **Old Business**
- A. Town Hall Security
- B. Local Law NO. F of 2026 Moratorium on Battery Energy Storage Systems

III. **New Business**
- A. Close Town Hall Early on Christmas Eve
- B. Local Law NO. C of 2026 Regulating Battery Energy Storage Systems in the Town of Marcellus
  - a. SEQR
  - b. Introduction
- C. Marcellus Community Tree Lighting Ceremony
- D. Marcellus Together- Community Tree Decorating
- E. A Right to Know Officer
- F. Advanced Mechanical Services

IV. **Discussion Agenda**
- A. Fire Department
- B. Fire Department Financials
- C. Toshiba outdated device notice

V. **Adjournment**

Future Meeting Dates

Town Board Meeting- Wednesday, December 2, 2026- 6:30 pm- Town Hall
Planning/Zoning Meeting-Monday, December 7, 2026 - 6:30 pm- Town Hall
Comprehensive Plan Committee Meeting- Tuesday, December 8, 2026 – 2:00 pm- Town Hall
Workshop Meeting- Wednesday, December 16, 2026- 6:30 pm- Town Hall
End of Year Meeting- Monday, December 28, 2026- 6:30 pm – Town Hall

TOWN OF MARCELLUS
LOCAL LAW NO. C OF 2026

A LOCAL LAW TO AMEND THE SUPPLEMENTARY REGULATIONS OF CHAPTER 235 OF THE CODE OF THE TOWN OF MARCELLUS TO ADD NEW REGULATIONS FOR BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN OF MARCELLUS

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

SECTION 1. LEGISLATIVE PURPOSE AND INTENT.

The purpose of this Local Law is to enact battery energy storage system regulations in the Town of Marcellus. The Town Board of the Town of Marcellus makes the following findings, which are cumulative and interrelated and shall be liberally construed. Throughout New York State, shortsighted and haphazard planning has frequently resulted in the creation or exacerbation of industries which adversely impact public health and quality of life, cause proliferation of pollution, compromise aesthetics, and degrade community character, including the solar industry and associated battery energy storage:

A. Battery energy storage systems have increased significantly in number throughout the State and country and without careful planning, they can be sited without sufficient regard for their impact on the health, welfare, and safety of residents;

B. The Town of Marcellus is a suburban rural community with a diverse landscape consisting of extensive water frontage, a significant amount of wetlands, and sensitive soils;

C. The Town of Marcellus has a significant agricultural community supporting various agricultural uses;

D. If not properly regulated, installation of battery energy storage systems can create drainage problems through erosion and lack of sediment control for facility and access roads and can harm farmland and wetlands through improper construction methods;

E. Battery energy storage systems, when improperly sited, are known to adversely affect property values and cause economic hardship to property owners;

F. Battery energy storage systems may be significant sources of noise, including infrasound, that, if unregulated, can negatively affect quiet enjoyment of the area, properties, and the health and quality of life of residents;

G. Construction of battery energy storage systems can create traffic problems and can cause damage to local roads and infrastructure due to the weight of the units;

H. Battery energy storage systems have the potential to cause electromagnetic interference with various types of communications;

I. Battery energy storage systems need to be regulated for removal when no longer utilized. It is incumbent upon the Town of Marcellus to ensure that funding for removal is secured as part of the permitting process;

(1) As of the date of enactment of this Law, the overwhelming majority of utility- or grid-scale battery energy storage systems in the United States, which are classified as "Tier 3" herein, utilize lithium-ion cells. While lithium-ion battery technology offers numerous advantages in terms of longevity, energy density, and weight, it has numerous drawbacks as well, many of which are of concern to the Town Board, including but not limited to the following: lithium-ion batteries utilize flammable electrolytes rather than the aqueous (water-based) electrolytes found in older battery technologies such as lead-acid and nickel-metal hydride;

(2) Lithium-ion batteries are particularly vulnerable to a condition known as "thermal runaway" whereby heat is generated at a higher rate than it can be dissipated. If a cell-specific critical temperature is reached, the internal cell structure can break down and the flammable electrolyte generates a flammable gas. If the internal pressure within the cell exceeds the mechanical strength of the battery housing, the housing may rupture. Alternatively, if the pressure exceeds a pre-set limit, a safety valve may open. In either case, a situation known as an "off-gas" event has occurred, and if an ignition source is present, the gaseous electrolyte may ignite;

(3) Ignition of gaseous electrolyte or the heat generated by the thermal runaway itself can heat adjacent cells above their critical temperatures, resulting in a cascading thermal runaway. Thus, a failure in a single cell failure may propagate and cause a catastrophic event involving the entire system;

(4) Off-gas events can release substantial amounts of electrolyte and combustion gases. Off-gases from lithium-ion batteries are extremely toxic and can contain mixtures of carbon monoxide, hydrogen, ethylene, methane, ethane, benzene, hydrogen fluoride, hydrogen chloride, and hydrogen cyanide, depending on the battery type. Hydrogen fluoride forms hydrofluoric acid upon contact with water, including water vapor in the air and moisture in the lungs and on the eyes. Hydrofluoric acid is highly corrosive and can cause chemical burns and blindness and, in addition, is a powerful contact poison that is readily absorbed through the skin, eyes, and lungs and can cause cardiac arrest. Hydrogen chloride forms hydrochloric acid upon contact with water, including water vapor in the air and moisture in the lungs and on the eyes. Hydrochloric acid is corrosive and can cause chemical burns on the skin, respiratory tract, and eyes, and in severe cases can cause permanent eye damage and death; and

(5) If off-gas accumulates within a space, there is a high risk of instantaneous ignition. The pressure from the resulting deflagration can rupture the structure;

J. In the event of a thermal runaway, other battery failure, or a conventional fire that spreads to the batteries, the foregoing constitute a serious danger to first responders, passers-by, and persons on nearby properties. They also constitute a serious environmental hazard;

K. Due to the foregoing risks, this Local Law contains regulations requiring passive and active fire protection, explosion prevention, and other measures to mitigate the serious risks inherent to battery energy storage systems. However, no policy, procedure, or measure can provide complete safety or an absolute guarantee against a catastrophic event. Accordingly, strict rules and regulations regarding the construction, operation, and placement of battery energy storage systems are appropriate; and when considering the construction and maintenance of large-scale systems, appropriate weight and consideration should be given to numerous factors, including but not limited to the following:

(1) The proximity of the proposed system to residential areas, schools, environmental resources including but not limited to wetlands, rivers, lakes, streams, and creeks;

(2) The relative distress and disruption caused to the community;

(3) The actual necessity for such facility given energy production in the area and region, including but not limited to clean energy production;

(4) Past and present stresses and disruption imposed upon an area due to all types of energy production;

(5) Alternatives to the proposed facility, including location in other areas, location in areas where demand is greater; and

(6) The need to balance the burden upon the community with the potential benefits that the community may enjoy if the facility is approved.

In light of the foregoing, the Town Board finds a need to properly site battery energy storage systems within the boundaries of the Town to protect residential, business areas, and other land uses, to preserve the overall beauty, nature and character of the Town, to promote the effective and efficient use of battery energy resources, and to protect the health, safety and general welfare of the citizens of the Town. This Local Law is adopted to do so with the following objectives:

A. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;

B. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;

C. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources;

D. To ensure appropriate siting of battery energy storage systems in accordance with the Town's Comprehensive Plan, and other Town policy and land use goals;

E. To create synergy between battery energy storage system development and:

(1) Promotion and management of new development in the Town which protects resources and the Town's unique identity;

(2) General growth of the Town, which shall occur in a manner that preserves the quality of life and character of the community;

(3) Preservation and enhancement of the character of existing neighborhoods;

(4) Preservation and protection of natural resources and farmland, and support for the agricultural economy; and

(5) The availability of public facilities, infrastructure, and services that adequately serve the present and future needs of the Town.

SECTION 2. AUTHORITY.

This Local Law is adopted pursuant to the New York State Constitution, Article IX, Section 2(c)(6), (10); New York Statute of Local Governments, Section 10(1), (7); New York State Town Law Sections 261-263; and Municipal Home Rule Law Section 10; all which authorize the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

SECTION 3. AMENDMENT OF SECTION 235-26 ("SUPPLEMENTARY REGULATIONS") OF CHAPTER 235 ("ZONING") OF THE CODE OF THE TOWN OF MARCELLUS.

Section 235-26, "Supplementary Regulations," of Chapter 235, "Zoning," of the Code of the Town of Marcellus shall be amended to add a new Subsection "N," titled "Battery energy storage systems," which shall read in its entirety as follows:

"**N.** Battery energy storage systems.

(1) Definitions. As used in this section, the following terms shall have the meanings indicated:

ANSI

American National Standards Institute.

BATTERY(/IES)

A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this Subsection, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM

An electronic supervisory system that protects energy storage systems from operating

outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected. One of the main functions of the BMS is to keep the cells operating within their designed operating parameters to prevent thermal runaway.

BATTERY ENERGY STORAGE SYSTEM

A collection of cells, assembled together, housed in a self-contained unit, or in a building that is constructed to meet specific standards related to industry and local fire codes, that is capable of storing energy in order to supply electrical energy to a building, a group of buildings, and/or the electrical grid at a future time. A battery energy storage system is classified as a Tier 1, Tier 2, or Tier 3 battery energy storage system as follows:

(a) Tier 1 Battery Energy Storage Systems include either:

[1] Battery energy storage systems for one- to two-family residential dwellings within or outside the structure with an aggregate energy capacity that shall not exceed:

- **i.** 40 kWh within utility closets and storage or utility spaces;
- **ii.** 80 kWh in attached or detached garages and detached accessory structures;
- **iii.** 80 kWh on exterior walls; or
- **iv.** 80 kWh outdoors on the ground.

[2] Other battery energy storage systems with an aggregate energy capacity less than or equal to the threshold capacity listed in Table 1.

(b) Tier 2 Battery Energy Storage Systems include battery energy storage systems that are not included in Tier 1, have an aggregate energy capacity greater than the threshold capacity listed in Table 1, and have an aggregate energy capacity less than 600 kWh.

Table 1: Tier 2 Battery Energy Storage System Threshold Quantities

Battery Technology	Capacity
Flow batteries	20 kWh
Lead acid, all types	70 kWh
Lithium, all types	20 kWh
Nickel cadmium (Ni-Cd)	70 kWh
Nickel metal hydride (Ni-MH)	70 kWh
Other battery technologies	10 kWh

(c) Tier 3 Battery Energy Storage Systems include either:

[1] Battery energy storage systems with an aggregate energy capacity greater than or equal to 600 kWh; or

[2] Battery energy storage systems with more than one storage battery technology provided in a room or indoor area.

CELL

The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

CODE ENFORCEMENT OFFICER

The Code Enforcement Officer of the Town of Marcellus.

COMBUSTIBLE STORAGE FACILITY

Any facility dedicated to the large-scale storage of gasoline, propane, natural gas, fuel oil, or similar products stored in permanent and stationary storage.

COMMISSIONING

A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

CORRELATED COLOR TEMPERATURE

The specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K).

CRITICAL TRANSPORTATION INFRASTRUCTURE

Roadways or railways that, if closed, isolate residents, seasonal dwellings, or camping sites from egress from the region.

DEDICATED-USE BUILDING

A building that is built for the primary purpose of housing battery energy storage system equipment and is classified as Group F-1 occupancy as defined in the International Building Code, and is constructed in accordance with the New York State Uniform Code, and complies with the following:

(a) The building's only permitted primary use is for battery energy storage, energy generation, and other electrical-grid-related operations;

(b) No other occupancy types are permitted in the building; and

(c) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems;

(d) Administrative and support personnel are permitted in incidental-use areas within the buildings that do not contain battery energy storage system, provided the following:

[1] The areas do not occupy more than 10 percent of the building area of the story in

which they are located; and

[2] A means of egress is provided from the incidental-use areas to a public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy systems.

DISASTER RESPONSE FACILITY

Any building or structure that serves a disaster response role for the community, including, but not limited to, schools, hospitals, police stations, fire stations, public libraries, animal or human detention or shelter facilities, and garages or marina berths (and the berthing access pathways) providing dedicated storage of emergency response equipment.

DWELLING UNIT

One or more rooms arranged for complete, independent housekeeping purposes with space for eating, living, and sleeping, facilities for cooking, and provisions for sanitation.

ENERGY CODE

The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Section, as currently in effect and as hereafter amended from time to time.

FIRE CODE

The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Section, as currently in effect and as hereafter amended from time to time.

FLOW BATTERY

A type of rechargeable battery that uses typically large, separated liquid reservoirs of electrolytes that flow through a reaction zone to store, charge, and discharge energy. These electrolytes are typically nonflammable.

INSTALLED HEIGHT

The height above average finished grade of the lowest point on an installed luminaire.

KELVIN

A unit increment of temperature which is used as a color temperature scale of a light bulb. The symbol for Kelvin is "K."

LEAD-ACID BATTERY

A rechargeable battery that is comprised of lead electrodes immersed in sulfuric acid electrolyte. These batteries may be flooded, vented, sealed, or may come in other form factors. They may produce hazardous gases during normal operations.

LITHIUM-ION BATTERY

A storage battery with lithium ions serving as the charge carriers of the battery. The electrolyte is typically a mixture of organic solvents with an inorganic salt and can be in a

liquid or a gelled polymer form.

LUMENS PER NET ACRE

The total number of lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, of the property to be illuminated. For the purpose of this calculation, the initial lumen rating declared by the manufacturer, which consists of the lumen rating of a lamp at the end of 100 hours of operation, shall be used.

LUMINAIRE

An individual lighting assembly, including the lamp and any housings, reflectors, globes, lenses, shields, or other components designed to block or distribute light. For the purposes of this Subsection, an internally illuminated sign is not considered a luminaire.

MODULE

A combination of multiple battery cells electrically connected and housed within a protective casing.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL)

A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC

National Electric Code.

NFPA

National Fire Protection Association.

NICKEL-BASED BATTERY

A rechargeable battery in which the positive active material is nickel oxide, the negative contains either cadmium (Nickel-cadmium, Ni-Cd), hydrogen ions stored in a metal-hydride structure (Nickel-metal hydride, Ni-MH), or zinc (Nickel-zinc, Ni-Zn) as the electrode and the electrolyte is potassium hydroxide.

NON-DEDICATED-USE BUILDING

All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements, including all other occupancy types such as, but not limited to, commercial, industrial, offices, and multifamily housing.

NON-PARTICIPATING PROPERTY

Any property that is not a participating property.

NON-PARTICIPATING RESIDENCE

Any residence located on non-participating property.

OCCUPIED COMMUNITY BUILDING

Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, day-care facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

ONE- TO TWO-FAMILY DWELLING

A building that contains not more than two dwelling units with independent cooking and bathroom facilities.

PARTICIPATING PROPERTY

A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate), regardless of whether any part of a battery energy storage system is constructed on the property.

PLANNING BOARD

The Planning Board of the Town of Marcellus.

SPECIAL FLOOD HAZARD AREA

The land area covered by the floodwaters of the base flood is the special flood hazard area (SFHA) on NFIP maps. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

THERMAL RUNAWAY

A condition whereby individual battery cells enter an uncontrollable, self-heating state in which heat is generated at a higher rate than it can be dissipated. Thermal runaway events can result in ejection of shrapnel, particulates, and/or toxic/flammable gas, as well as extremely high temperatures, smoke, and fire. Fires caused by thermal runaway or the thermal runaway itself can heat adjacent cells to critical temperatures, resulting in a cascading thermal runaway.

TOWN

The Town of Marcellus, New York.

TOWN BOARD

The Town Board of the Town of Marcellus.

UNIFORM CODE

The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

ZONING BOARD OF APPEALS

The Zoning Board of Appeals of the Town of Marcellus.

(2) Applicability.

(a) The requirements of this Subsection shall apply to all battery energy storage systems permitted, installed, or modified in the Town after the effective date of this Subsection excluding general maintenance and repair, but including all battery energy storage systems for which an application of any type was pending as of the effective date of this Subsection.

(b) Battery energy storage systems constructed or installed prior to the effective date of this Subsection shall not be required to meet the requirements of this Subsection.

(c) Modifications to, retrofits, or replacements of a battery energy storage system constructed or installed prior to the effective date of this Subsection that increase the total battery energy storage system designed discharge duration, storage capacity, or power rating shall be subject to this Subsection.

(d) In the event the language of this Subsection cannot be harmonized with § 235-26(M) ("Solar energy systems"), the more stringent requirement(s) will apply.

(3) General Requirements.

(a) A Building Permit shall be required for the installation of all battery energy storage systems. A special permit granted by the Zoning Board of Appeals, pursuant to the criteria established at Section 235-27 and the additional criteria established at the relevant parts of this Subsection, as applicable, shall be required for installation of Tier 2 and Tier 3 battery energy storage systems.

(b) For all battery energy storage systems, regardless of Tier, the Zoning Board of Appeals shall review special permit applications on the following general criteria:

[1] Consistency with the goals of the Town's adopted plans and studies;

[2] The meeting of all relevant standards, guidelines and requirements set forth in the Zoning Law of the Code of the Town of Marcellus, including any applicable additional requirements included in this Subsection;

[3] The economically viable use of the property and/or whether there shall be a significant decrease in the future economic viability of the property;

[4] The compatibility with existing uses adjacent to and near the property;

[5] The providing of adequate measures (such as landscaping and screening) to mitigate potential adverse impacts on surrounding property and preserve or enhance the character of the Town;

[6] Whether there will be an undue burden or effect on the orderly development and character of the neighborhood or upon the development and conduct of other lawful uses in the vicinity;

[7] Whether there will be a nuisance to adjacent residents and property in terms of the production of obnoxious or objectionable noise, dust, glare, odor, refuse, fumes, vibrations, traffic, crowds, parking of automobiles, unsightliness, contamination or other similar conditions;

[8] Whether there will be undue harm to or destruction of existing sensitive natural features on the site or in the surrounding area or adverse environmental impacts such as significant erosion and/or sedimentation, slope destruction, flooding or ponding of water, or degradation or water quality;

[9] Whether there will be destruction of or adverse impact on significant historic and/or cultural resource sites; and

[10] Whether the use will otherwise be detrimental to the convenience and general health, safety or welfare of the public.

Upon closing of the public hearing, the Zoning Board of Appeals shall take action on the special permit application within 62 days of the public hearing, which can include approval, conditional approval, or denial. The 62-day period may be extended upon consent of the Zoning Board of Appeals and applicant.

(c) Tier 2 and Tier 3 battery energy storage systems shall additionally require the issuance of Site plan approval by the Town Planning Board.

(d) Issuance of permits and approvals shall include the requisite review pursuant to Article 8 of the Environmental Conservation Law and its implementing regulations at 6 N.Y.C.R.R. Part 617, also known as the State Environmental Quality Review Act ("SEQRA").

(e) Prior to operation, electrical connections must be inspected by an appropriate licensed electrical inspection person or agency, as determined by the Town. An electrical inspector must supply written verification that all electrical connections pass inspection.

(f) All battery energy storage systems, all dedicated use buildings, and all other buildings or structures that contain or are otherwise associated with a battery energy storage system and subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Code of the Town of Marcellus.

(g) Applicable fees for any of the permits and/or approvals shall be established by the Town Board and may be amended from time to time by resolution.

(h) For battery energy storage systems subject to Site plan review and approval, the Town shall impose, and may update as appropriate, a schedule of fees or a deposit, to recover expenses associated with engineering, environmental, other professional services, and/or legal services determined to be reasonably necessary in the processing of an application under this Section. All fees for outside professionals shall be paid by the applicant.

(i) All approved sites and buildings shall be demarcated with a weatherproof decal, sticker, or sign to uniformly identify the presence of a battery energy storage system. Such decal, sticker, or sign shall be consistent with the requirements of Uniform Code, and shall be placed on the electric meter, on the main electrical switch panel, and by the front entry door.

(j) Tier 1 batter energy storage systems shall be an allowed use in all Zoning Districts. Tier 2 and Tier 3 battery energy storage systems may be permitted on sites occupied by approved solar farms located within the Agricultural Zone (A-1) or the Light Industry Zone (L-1).

(k) Where a conflict exists between two or more codes, the more stringent code(s) shall apply.

(l) Nothing listed herein shall be deemed to restrict the Planning Board or the Zoning Board of Appeals, as appropriate, from requiring stricter standards for safety, for the mitigation of environmental impacts, and/or to protect the character of existing neighborhoods.

(4) Permitting requirements for Tier 1 battery energy storage systems.

Tier 1 battery energy storage systems shall be permitted in all Zoning Districts through the issuance of a Building Permit.

(5) Permitting requirements for Tier 2 battery energy storage systems.

Tier 2 battery energy storage systems shall be permitted only within the Agricultural Zone (A-1) and the Light Industry Zone (L-1), and only upon the approval of a Site plan by the Planning Board, the granting of a special permit by the Zoning Board of Appeals, pursuant to Section 235-27 and this Subsection, and the issuance of a Building Permit. The application for a Site plan shall contain the information and materials required pursuant to Section 235-28 and Section 235-26(N)(7) of the Code of the Town of Marcellus, and any other information and materials that the Planning Board may deem necessary.

(6) Permitting requirements and procedures for Tier 3 battery energy storage systems.

Tier 3 battery energy storage systems shall be permitted only within the Agricultural Zone (A-1) and the Light Industry Zone (L-1), and only upon the approval of a Site plan by the Planning Board, the granting of a special permit by the Zoning Board of Appeals, pursuant to Section 235-

27 and this Subsection, and the issuance of a Building Permit. In addition, the application for a special permit shall contain the information and be evaluated on the requirements set forth below. The application for a Site plan shall contain the information and materials required and be reviewed pursuant to Section 235-28 and Section 235-26(N)(7) of the Code of the Town of Marcellus, and any other information and materials that the Planning Board may deem necessary.

(a) Applications for the installation of Tier 3 battery energy storage system shall be:

[1] Reviewed by the Code Enforcement Officer and the Chair of the Planning Board for completeness. An application shall be complete when it addresses all matters listed in this Subsection, including, but not necessarily limited to compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and matters relating to the proposed battery energy storage system and floodplain utility lines and electrical circuitry, signage, lighting, vegetation and tree-cutting, noise, decommissioning, site plan and development, special use and development, ownership changes, safety, permit time frame, and abandonment. Applicants shall be advised of the completeness of their application or any deficiencies that must be addressed prior to substantive review. Once an application has been deemed complete it will be considered "received" for the purposes of Town Law § 274-b;

[2] Subject to a public hearing to hear all comments for and against the application. The Zoning Board of Appeals shall have a notice printed in a newspaper of general circulation in the Town at least five (5) days in advance of such hearing. Applicants shall have delivered the notice by first-class mail to adjoining landowners or landowners within 1,000 feet of the property at least ten (10) days prior to such a hearing. Proof of mailing shall be provided to the Zoning Board of Appeals at the public hearing;

[3] Referred to the Onondaga County Planning Board pursuant to General Municipal Law § 239-m, as required; and

[4] Referred to the Planning Board for an advisory report to the Zoning Board of Appeals and further be subject to official Site plan review and approval by the Planning Board pursuant to this Subsection. Said Site plan review and approval may be done concurrently or following the granting of a special permit from the Zoning Board of Appeals, at the determination of the Planning Board.

(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 rights-of-way.

(c) Vehicular paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

(d) Signage.

[1] Pursuant to NFPA 855 Annex B, Section B.4 — Hazard Considerations Under Emergency/Abnormal Conditions, NFPA 704 placarding in connection with all battery energy storage systems and signage in compliance with ANSI Z535 shall be of an appropriate size and material and shall be placed outside the access gate or facility door. Such placard shall also include the following:

i. The type of battery technology;

ii. Any special hazards associated with said technology;

iii. The type of fire-suppression system installed in the area of the battery energy storage systems;

iv. Twenty-four-hour emergency contact information (name/number), including applicable local, public, and private entities.

[2] As required by the 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) Lighting.

[1] Except as otherwise provided herein, all outdoor lighting at Tier 3 battery energy storage system sites shall be designed, installed, and operated in such a manner as to reduce light pollution. Where practicable, and if consistent with applicable law, reflective paints and self-luminous markers shall be used for signs, curbs, steps, and other locations to reduce the need for permanently installed outdoor lighting.

[2] Luminaires:

i. All outdoor luminaires shall be fully shielded and installed in the proper orientation to achieve fully shielded performance with respect to the horizontal plane.

ii. The installed height of an outdoor luminaire shall not exceed twenty-five (25) feet.

iii. All light sources shall have a correlated color temperature of 3,000° Kelvin or less.

iv. Upward-directed lighting is prohibited.

v. All outdoor luminaires shall be controlled by a system that automatically extinguishes them when sufficient daylight is available using a control

device or system such as a photoelectric switch, astronomic time switch, or equivalent functions from a programable lighting controller, building automation system, or lighting energy management system.

[3] The total light output from all luminaires used for outdoor lighting shall not exceed 100,000 lumens per net acre. Lighting installations located under canopies shall contribute 50 percent of their light output toward this limit.

[4] Exemptions. The following are exempt from the lighting restrictions set forth herein:

i. Lighting required by Town, county, state, or federal law, including single-purpose emergency egress lighting on a structure;

ii. Portable lighting temporarily used for maintenance or repair, provided that it does not create a hazard or nuisance and is deployed in such a manner as to minimize transmission of light offsite;

iii. Upward-directed lighting to illuminate a flag. Flag illumination shall have a maximum inclination of 45° with a light output of up to 1,100 lumens and 60° with a light output of up to 800 lumens;

iv. Upward-directed lighting to illuminate a ground-mounted, non-internally illuminated sign. Sign illumination shall have a maximum inclination of 45° and a maximum light output is 1,100 lumens;

v. Lighting controlled a motion-activated sensor that illuminates the luminaire for no more than five (5) minutes upon activation, provided that said luminaire has the necessary shielding and/or beam-angle control such that the light source is not visible along any property line, as viewed at a height of 36 inches above grade;

vi. Lighting activated automatically in response to an alarm, provided that said lighting is programmed to deactivate no more than thirty (30) minutes after the event that triggered the alarm has ended; and

vii. Lighting under canopies and garage entrances are exempt from the automatic lighting control requirement only.

(f) Vegetation and tree cutting. Areas within 20 feet on each side of Tier 3 battery energy storage systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt, provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

(g) Noise. The 10-minute average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the extremities of the battery energy storage system-sited property, as well as the outside wall of any nonparticipating property and occupied community building. The "average noise" requirement shall be conducted when all cooling systems and associated fans/blowers are running at their loudest speed setting. Applicants may submit equipment and component manufacturers' noise ratings to demonstrate initial compliance only if in situ readings are also provided as taken by a qualified acoustical consultant or engineer upon commissioning of the project. Applicants may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard. No momentary noise generation shall exceed 90 dBA.

(h) Decommissioning.

[1] Battery energy storage systems that have been abandoned, or not operational, for one year shall be removed at the owner's and/or operator's expense which, at the owner's option, may come in part or whole from any security made with the Town.

[2] Decommissioning plan. The applicant shall submit a decommissioning plan developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall also include:

i. The anticipated life of the battery energy storage system;

ii. The anticipated years to large (>10 percent of initial equipment capital cost) reinvestments or component replacements;

iii. A narrative description of the activities to be accomplished for removing all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;

iv. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed;

v. The estimated decommissioning costs and how said estimate was determined.

vi. An affirmative statement that the requisite cash security, as set forth below, will provided at the outset of the project.

vii. Disposal of all solid, liquid, and/or hazardous waste in accordance with local, State, and federal waste disposal regulations; and

viii. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system that has been damaged by a fire or other event.

[3] The Town at its option may obtain its own decommissioning plan, the cost of which shall be borne by the applicant.

[4] Security, limited access agreement, assessment of expenses, and insurance.

i. The Town recognizes the importance of the need to possess adequate security in an easily convertible and usable form in the event the Town is forced to act to decommission the arrays and remediate a property if a permitted operation is abandoned. The Town also recognizes the long-term nature of some of these projects and the need to have full cash security at the outset of such projects. Accordingly, the Town will require the posting of a cash component of 100 percent of the total security amount determined. The deposit, executions, or filing with the Town of cash shall be in an amount set by the Town Engineer or Attorney, and 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. In addition to the NYSERDA guidelines, the security amount shall factor in: mobilization costs, a minimum 2.5-percent escalation, a 30-percent contingency and consideration that prevailing wage rates will be required should the decommissioning fall to the Town. The Town shall cause the security amount to be evaluated by the Code Enforcement Officer, from time to time, for the life of the project, and may demand additional cash security as required based on said evaluation(s). The Town may waive the requirement for a full cash security and instead require security in the form of bond or letter of credit within its discretion.

ii. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed. The Town may also bring legal action against the applicant for any unrecovered losses.

iii. In the event of default or abandonment of the battery energy storage system, the system shall be decommissioned as set forth herein.

iv. Any expenses or losses incurred by the Town and not reimbursed by any security in connection with the cost of removal of abandoned equipment or

other related items and legal fees and expenses shall be levied and collected in the same manner as provided in the Town Law for the levy and collection of a special ad valorem levy on the real property on which the battery energy storage system is located. This assessment shall be assessed on the next assessment against said property, and the same shall be levied and collected in the same manner as the regular Town tax.

v. The applicant and/or owner shall maintain a current insurance policy which will cover the installation and operation of the Tier 3 project at all times in the minimum amount of $5,000,000 property and personal liability coverage and provide proof of such policy to the Town on an annual basis. If the Zoning Board of Appeals requires, the Town shall be named as an additional insured on such insurance policy.

vi. The Town shall require all applicants to enter into a limited site access agreement upon the posting of security to ensure the Town may access the property in the event the Town is forced to act to decommission the project. The agreement shall be prepared by the Town Attorney in a form and content acceptable to the Zoning Board of Appeals.

(i) Battery energy storage system owner's representative.

[1] Any applicant and subsequent battery energy storage system owner shall have an individual on-site within two hours of any emergency at any time to manage the emergency scene in conjunction with Town authorities, fire department(s), and other first responders. All emergency response activities shall be under the command of the local fire authority in accordance with the Incident Command System (ICS). For the purposes of this provision, emergencies include but are not limited to fire, explosions, smoke, leakage, excessive noise, and requests for medical assistance.

[2] Any applicant and subsequent battery energy storage system owner shall have a trained representative available by telephone within fifteen (15) minutes to provide direction to first responders in case of an emergency. Said representative shall be fluent in the English language. The applicant and battery energy storage system owner shall consult with local fire departments to determine if two-way communication can be established from the site location or if a landline must be added to provide for such communication.

[3] A battery energy storage system owner shall provide and maintain in working order a first responder panel that displays, in real-time, the operational status of the facility as well as clear language for fire response procedures. The battery energy storage system owner shall provide and keep operational a system for automated notification of any emergency events to inform local first responders.

(j) Setbacks.

[1] All battery energy storage system applications shall comply with the minimum yard, setback, and dimensional requirements applicable to the underlying zoning district in which the project is to be located. Required setbacks shall be measured from the nearest property line of the subject parcel to the closest exterior component of the battery energy storage system facility, including but not limited to equipment enclosures, battery units, inverters, transformers, and security fencing.

[2] In recognition of the scale and potential operational impacts associated with larger facilities, battery energy storage systems shall provide the following modified setbacks:

i. There shall be an additional fifty (50) feet of setback beyond the minimum setback otherwise required by the applicable zoning district along any property line directly abutting an existing non-participating residence and/or a residential zoning district. The additional setback requirement shall apply only to those portions of the site adjoining the non-participating residence and/or residential zoning district and shall not be construed to apply to the entire perimeter of the battery energy storage system site.

ii. There shall be a setback of a minimum of 750 feet from any occupied community building, disaster response facility, combustible storage facility or other similarly sensitive location.

iii. There shall be a setback of a minimum of 500 feet from any critical transportation infrastructure.

iv. No portion of the battery energy storage system facility, including fencing or associated equipment, shall be located within any required setback area.

(k) Roads.

[1] Applicants shall avoid damaging roads and shall be responsible for mitigation of damage, if any. If the Zoning Board of Appeals shall so direct, a Town Roads Damage Avoidance and Mitigation Plan may be required and shall contain the following:

i. Identification of potential road usage. The applicant shall identify, with the approval of the Highway Superintendent and Town Engineer, all State, county, and Town roads to be used within the Town to transport equipment, parts, and material for construction, operation, and/or maintenance of the battery energy storage system and related components.

ii. Documentation of road conditions. Prior to construction and prior to decommissioning, the Highway Superintendent, Town Engineer, and/or their designee shall document the then-current road conditions of the Town roads identified for use, with all associated costs paid by the applicant as provided in this Subsection. Conditions shall be reassessed and

documented within sixty (60) days after the completion of construction and decommissioning, or as soon thereafter as weather allows.

[2] Any road preparation and/or maintenance necessitated or occasioned by the construction or decommissioning of the proposed battery energy storage system or damage caused by the applicant, operator, and/or their contractors during construction and decommissioning shall be promptly completed or required, as appropriate, at the applicant or operator's expense.

[3] If a Town Roads Damage Avoidance and Mitigation Plan is prepared, a copy shall be forwarded to the Onondaga County Department of Transportation and the New York State Department of Transportation.

(7) Site plan review.

(a) Site plan approval by the Planning Board is required for Tier 2 and Tier 3 battery energy storage systems. In addition to the requirements imposed by Section 235-28 of the Code of the Town of Marcellus, Site plan applications shall include the following information:

[1] Property lines and physical features, including roads, and all improvements for the project site as shown on a current survey prepared and certified by a licensed land surveyor;

[2] Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures;

[3] A one- or three-line (as determined by the Planning Board) electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all NEC-compliant disconnects and over-current devices;

[4] A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters, and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a Building Permit;

[5] Name, address, and contact information of the proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of a Building Permit.

[6] 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 battery energy storage system;

[7] Zoning district designation for the parcel(s) comprising the project site and all parcels immediately adjacent thereto, including the identification of any existing residences and/or residential zoning districts adjoining the project site;

[8] Commissioning plan.

i. Such plan shall document and verify that the battery energy storage system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Battery energy storage system commissioning shall be conducted by a New York State-licensed professional engineer or New York State-registered architect after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the battery energy storage system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Code Enforcement Officer prior to final inspection and approval and maintained at an approved on-site location.

ii. Such plan shall comply with the Uniform Code and include, at a minimum, the following information:

A. A narrative description of the activities that will be accomplished during each phase of commissioning, including the personnel intended to accomplish each of the activities;

B. A listing of the specific battery energy storage system and associated components, controls and safety-related devices to be tested, a description of the tests to be performed and the functions to be tested;

C. Conditions under which all testing will be performed that are representative of the conditions during normal operation of the system;

D. Documentation of the owner's project requirements and the basis of design necessary to understand the installation and operation of the battery energy storage system;

E. Verification that required equipment and systems are installed in accordance with the approved plans and specifications;

F. Integrated testing for all fire and safety systems;

G. Testing for any required thermal management, ventilation, or exhaust systems associated with the battery energy storage system installation;

H. Preparation and delivery of operation and maintenance documentation;

I. Training of facility operating and maintenance staff;

J. Identification and documentation of the requirements for maintaining system performance to meet the original design intent during the operation phase; and

K. Identification and documentation of personnel who are qualified to service, maintain, and decommission the battery energy storage system, and respond to incidents involving the battery energy storage system, including documentation that such service has been contracted for.

iii. Energy storage system commissioning shall not be required for lead-acid and nickel-cadmium battery systems at facilities under the exclusive control of communications utilities that comply with NFPA 76 and operate at less than 50 VAC and 60 VDC;

[9] Fire safety compliance plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.

[10] System and property operation and maintenance manual.

i. Such manual or plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing, and commissioning information and shall meet all requirements set forth in the Uniform Code.

ii. The operation and maintenance manual shall be provided to both the battery energy storage system owner and its operator before the battery energy storage system is put into operation. The battery energy storage system shall be operated and maintained in accordance with the manual and a copy of the documentation shall be retained at an approved on-site location to be accessible to facility personnel, fire code officials, and emergency responders.

iii. In addition to complying with the Uniform Code, the battery energy storage system operation and maintenance manual shall, at a minimum, include

design, construction, installation, testing, and commissioning information associated with the battery energy storage system as initially approved after being commissioned, as well as the following information:

A. Manufacturer's operation manuals and maintenance manuals for the entire battery energy storage system or for each component of the system requiring maintenance, that clearly identify the required routine maintenance actions;

B. The name, address, and telephone number of a service agency that has been contracted to service the battery energy storage system and its associated safety systems;

C. Maintenance and calibration information, including wiring diagrams, control drawings, schematics, system programming instructions, and control sequence descriptions for all energy storage control systems;

D. Desired or field-determined control set points that are permanently recorded on control drawings at control devices or, for digital control systems, in system programming instructions;

E. A schedule for inspecting and recalibrating all battery energy storage system controls;

F. A service record log form that lists the schedule for all required servicing and maintenance actions and space for logging such actions that are completed over time and retained on site; and

G. Inspection and testing records.

[11] Erosion and sediment control and stormwater 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;

[12] Emergency operations plan. An emergency operations plan shall include the following information:

i. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe startup following cessation of emergency conditions;

ii. Procedures for inspection and testing of associated alarms, interlocks, and controls;

iii. Procedures to be followed in response to notifications from the battery energy storage management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure;

iv. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures shall include at a minimum activation of an alarm, notification of a local fire department, evacuation of personnel, de-energization of equipment, and control/extinguishing of the fire if appropriate;

v. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required;

vi. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility;

vii. Other procedures as determined necessary by the Planning Board to provide for the safety of occupants and emergency responders;

viii. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures;

ix. A map of the area indicating emergency access roads with turning radii dimensions and a turn-around loop; and

x. A listing of the required personal protective equipment (including self-contained breathing apparatus) to be on-site immediately;

[13] In the case of a battery energy storage system utilizing lithium-ion batteries, a Hazard Mitigation Analysis (HMA) and Fire Risk Assessment pursuant to NFPA 855 Annex G and New York State Fire Code.

i. Such analysis and assessment shall include, in addition to or supplemental to the requirements of NFPA 855 Annex G:

A. A detailed analysis of the available water supply for the fire

suppression system and intended fire suppression system design. Capacity for a minimum of two external fire hose streams shall be included for potential fire department use of intervention is required by local fire department(s), provided, however, that the required quantity of hose streams may be increased based on consultation with the local responsible and backup fire departments;

B. Emergency equipment availability;

C. Availability of operator supervision in a timely manner in accordance with the current New York State Fire Code (Uniform Code) as well as any requirements set forth herein;

D. Capability and required actions of local first responders. Special consideration shall be given to prior response data of the local fire departments and the applicant, and the documentation shall be clear as to who has decision making power in an emergency. This shall be reinforced through the first responder panel;

E. Environmental considerations in the event of an emergency; and

F. A determination as to whether a backup natural gas or propane generator with a power output and runtime satisfactory to the Planning Board shall be required sufficient to operate the cooling system and other critical components if the electric grid is not delivering power;

ii. The Hazard Mitigation Analysis shall be a "living document" which shall be updated to reflect changes in operation, configuration, and response requirements, including a post-installation update to account for changes in design, if any, that occurred between its initial preparation and final installation.

[14] A traffic safety circulation plan, taking into account general internal circulation, loading/truck movements, and similar factors. The plan shall identify appropriate impact protection including but not limited to traffic barriers, bollards, and walls.

[15] Any other procedure or measure deemed necessary by the Planning Board to provide for the safety of occupants, neighboring properties, and first responders.

(b) Height. The maximum height for both Tier 2 and Tier 3 battery energy storage systems shall be 16 feet, which shall be depicted in plans submitted with the site plan review application.

(c) Fencing requirements. Tier 2 and Tier 3 battery energy storage systems, including all

mechanical equipment, shall be enclosed by a fence at least eight (8) feet high with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building. Fences shall not interfere with ventilation or exhaust ports and shall bear warning/no trespassing signs in the English and Spanish languages no greater than fifty (50) feet apart.

(d) Screening and visibility. Tier 2 and Tier 3 battery energy storage systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfere with ventilation or exhaust ports.

(e) Special and additional requirements for Tier 3 battery energy storage system site plan review applications:

[1] Plans and drawings of the proposed Tier 3 installation signed, marked and/or stamped by a professional engineer or architect registered in New York State showing the proposed layout of the entire site along with a description of all components whether on-site or off-site, existing vegetation and proposed clearing and grading of all sites involved. The plans and development plan shall be drawn in sufficient detail and shall further describe:

i. Property lines and physical dimensions of the proposed site, including contours at five-foot intervals;

ii. Location, approximate dimensions and types of all existing structure(s) and uses on the site;

iii. Location and elevation of the proposed Tier 3 battery energy storage system installation;

iv. Location of all existing aboveground utility lines showing the connection of the system to the utility line within 1,500 linear feet of the site;

v. Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a Tier 3 battery energy storage system project shall be buried underground and include necessary encasements in accordance with the NEC and Town requirements. The Planning Board may waive this requirement if sufficient engineering data is submitted by the applicant demonstrating that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead electric utility/transmission lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility

company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility;

vi. Location of all structures proposed as part of the installation;

vii. Documentation of access to the project site(s), including location of all access roads, gates, parking areas, and similar features;

viii. A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site;

ix. Documentation of utility notification, including an electric service order number; and

x. The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.

(f) Prior to the issuance of a Building Permit, engineering documents must be signed and sealed by a New York State licensed professional engineer or registered architect.

(8) Ownership changes. If the owner or operator of a Tier 2 or Tier 3 battery energy storage system changes or the owner of the property upon which such a battery energy storage system is sited changes, the special permit shall remain in effect, provided that the original owner or operator notifies the Town of such upcoming change pursuant to this provision and the successor owner or operator assumes in writing all of the obligations of the special permit, site plan approval, as applicable, and decommissioning plan, as applicable, pursuant to this provision. The original owner or operator of the battery energy storage system or the property upon which a battery energy storage system is sited shall notify the Town of such change in ownership or operator at least thirty (30) days prior to the ownership change by certified mail to both the Town Clerk and Town Supervisor and addressed to the Town Hall. The successor owner or operator of the battery energy storage system or the property upon which a battery energy storage system is sited shall notify the Town of its assumption of all the obligations of the special permit, site plan approval, as applicable, and decommissioning plan, as applicable, within thirty (30) days of the ownership change by certified mail to both the Town Clerk and Town Supervisor and addressed to the Town Hall. The special use permit and all other local approvals for the battery energy storage system shall be void if either the original owner or operator fails to provide written notification to the Town as set forth above or if the successor owner or operator fails to provide written assumption to the Town as set forth above. Reinstatement of a void special permit shall be subject to the same review and approval processes for new applications under this Subsection.

(9) Safety.

(a) System certification.

[1] Battery energy storage systems and equipment shall be listed by a nationally recognized testing laboratory to UL 9540 or CAN 9540 (standard for battery energy storage systems and equipment) with subcomponents meeting each of the following standards that are applicable based on the storage type (electrochemical, thermal, mechanical):

i. UL 1973 (Standard for batteries for use in stationary, vehicle auxiliary power and light electric rail applications);

ii. UL 1642 (Standard for lithium batteries);

iii. UL 1741 or UL 62109 (inverters and power converters);

iv. Certified under the applicable electrical, building, and fire prevention codes as required; and

v. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.

[2] Lead-acid and nickel-cadmium battery systems installed in facilities under the exclusive control of communications utilities and operating at less than 50 VAC and 60 VDC in accordance with NFPA 76 are not required to be listed.

(b) Battery energy storage 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(s) and, if the Tier 3 battery energy storage system is located in an ambulance district, the local ambulance corps.

(c) Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

(d) Where deemed necessary by the Zoning Board of Appeals or the Planning Board, or both, the applicant shall ensure emergency access to the Facility Area for local first responders by installing an emergency lock box or similar device, in a location and of a type subject to approval by the Fire Chief of the volunteer fire department(s) responsible for fire protection at the site.

(e) The battery energy storage system owner or operator shall notify local fire department(s), the Onondaga County Department of Emergency Management, and the Town at least ten (10) days prior to any scheduled maintenance or battery removal/installation.

(f) Security cameras shall be installed if required as part of the Hazard Mitigation Analysis or if recommended by the Code Enforcement Officer or their designee.

(g) Compliance with the Uniform Code and applicable standards of NFPA 855 shall be certified annually to the Code Enforcement Officer.

(10) Permit timeframe and abandonment.

(a) The special permit and Site plan approvals shall remain valid for a period of twelve months from the date of approval, provided that a Building Permit is issued and substantial construction is commenced within such period. If construction is not completed in accordance with the approved final Site plan, as may be amended, within twelve months of approval, the Planning Board may authorize an extension of time upon a determination that substantial progress has been made, and the applicant is proceeding in good faith toward completion. If an extension is not granted, all approvals shall become null and void.

(b) If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the security for the removal of the Tier 3 battery energy storage system and restoration of the site in accordance with the decommissioning plan.

(11) Additional environmental regulations.

(a) Avoidance Areas. Battery energy storage systems shall not be located in the following areas:

[1] Flood Hazard Zones, unless compliance with FEMA regulations can be achieved without significant visual or safety impacts;

[2] Open space, as defined and/or identified by the State Department of Environmental Conservation;

[3] On parcels containing prime agricultural soils; provided, however, that a Tier 1 battery energy storage system may be placed on a portion of the parcel not containing prime agricultural soils;

[4] Near historically and culturally significant resources, unless it can be demonstrated that an installation will not adversely affect the resource and is fully reversible;

[5] Areas of exceptional or unique social archaeological, recreational, or educational value;

[6] Designated conservation areas;

[7] Areas adjacent to public, parklands, trails, or active recreation;

[8] Areas within a disadvantaged community as identified by New York State; and

[9] Any Critical Environmental Areas adopted pursuant to SEQRA and/or the habitats of endangered species.

(b) Wetlands compliance. All battery energy storage systems proposals shall comply with all applicable federal and New York State freshwater wetland laws, rules and regulations, including those administered by the New York State Department of Environmental Conservation. Where regulated wetlands or adjacent areas are present on or near the project site, the applicant shall identify and delineate such resources and obtain all required permits, approvals, and jurisdictional determinations from the State Department of Environmental Conservation prior to the issuance of any local approval, Building Permit, or commencement of construction.

The applicant shall provide documentation satisfactory to the Zoning Board of Appeals or the Planning Board, whichever the case may be, demonstrating compliance with all applicable State Department of Environmental Conservation wetland requirements. No land disturbance, clearing, grading, or construction activity shall occur within any regulated wetland or adjacent area except in accordance with duly issued permits.

(c) If ethylene glycol is used as part of a liquid cooling system, a containment pan shall be installed underneath the facility as a supplemental secondary containment, together with an off-site disposal plan satisfactory to the Planning Board, as part of the site plan review process.

(d) In the event of a fire or explosion, all expenses related to cleanup and remediation shall be paid or reimbursed by the system owner or operator.

(12) Enforcement. Any violation of this Subsection shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town.

(13) Waiver. The Town Board, the Zoning Board of Appeals or the Planning Board, whichever is applicable, may, under appropriate conditions or circumstances, and in its absolute discretion, waive one or more of the requirements contained herein or require additional measures or conditions beyond those set forth herein.

(14) Fees. Fees for applications are those as established by resolution of the Town Board by, and it shall be the responsibility of the applicant to reimburse the Town for any and all reasonable and necessary legal, engineering, and other professional fees incurred by the Town in reviewing and administering an application for a battery energy storage system under this Subsection.

(15) Host community agreement authorization.

(a) For any proposed Tier 2 or Tier 3 battery energy storage system, the Town Board shall have the authority, but not the obligation, to require the applicant to enter into a host community agreement (HCA) as a condition of any of the approvals required pursuant to this Subsection, the recommendation for which shall come from either the Planning Board or the Zoning Board of Appeals.

(b) The Town Board may authorize such negotiations upon receipt of a complete application or at any time during the review process. The purpose of the host community agreement shall be to address potential impacts associated with the project and to ensure that the Town and its residents are appropriately protected and compensated. Such agreement may include, but shall not be limited to, provisions relating to community benefits, impact mitigation, emergency services coordination, infrastructure improvements, decommissioning assurances, and other matters deemed necessary by the Town Board.

(c) Nothing herein shall be construed to limit the Town Board's authority to impose conditions pursuant to its zoning and police powers in the absence of a host community agreement."

SECTION 4. SEVERABILITY.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Section, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional or in any way null and/or void, 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.

SECTION 5. EFFECTIVE DATE.

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

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies that 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 following sub-questions. If the answer to the initial question is "No," proceed to the next question. Section F allows the project sponsor to identify and attach additional information. Section G requires the name and signature of the applicant or project sponsor to verify the information in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Battery Energy Storage Systems Regulations		
Project Location (describe and attach a general location map): Town-wide		
Brief Description of Proposed Action (include purpose or need): Local Law C-2026, revised and amended: A Local Law to Amend Chapter 235 of the Code of the Town of Marcellus to Add a New Section Regulating Battery Energy Storage Systems in the Town of Marcellus. The purpose of this local law is to enact battery energy storage system regulations in the Town of Marcellus and provide a permitting process for the establishment of battery energy storage systems.		
Name of Applicant/Sponsor: Town of Marcellus Town Board	Telephone: 315-673-3269 E-Mail: clerk@townofmarcellusny.gov	
Address: 22 East Main Street		
City/PO: Marcellus	State: New York	Zip Code: 13108
Project Contact (if not same as sponsor; give name and title/role):	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, ☑Yes ☐No or Village Board of Trustees	Town of Marcellus Town Board	
b. City, Town or Village ☐Yes ☐No Planning Board or Commission		
c. City, Town or ☐Yes ☐No Village Zoning Board of Appeals		
d. Other local agencies ☐Yes ☐No		
e. County agencies ☑Yes ☐No	Onondaga County Planning Board	
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) that 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):

d. Is the proposed action in a municipality with an adopted comprehensive or individual plan that addresses climate change? ☑ Yes ☐ No

If Yes , identify the elements of the plan that are relevant to the action:
The Town's adopted Comprehensive Plan includes climate change and sustainability elements that support the reduction of greenhouse gas emissions. The proposed battery energy storage system regulations are consistentWith
consistent with these elements by establishing standards that facilitate the safe siting of energy storage.

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?
Town-wide

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, what is the proposed new zoning for the site?

C.4. Existing community services.

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

b. What police or other public protection forces serve the project site?
Village of Marcellus Police Department, Onondaga County Sheriff's Office, New York State Police

c. Which fire protection and emergency medical services serve the project site?
Marcellus Volunteer Fire Department, Marcellus Ambulance Volunteer Services

d. What parks serve the project site?
Marcellus Park, Howlett Hill Park, Baltimore Woods Nature Center, Sycamore Hill Gardens, Marcellus Falls/Nine

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
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? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☐ No

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, boilers, electric generation, surface coating)

_____

g. Will any air emission sources named in D.2.f (above), require an Air Facility Registration, Air State Facility Permit, Title IV Permit or Title V Permit? ☐Yes ☐No

If Yes:

i. Is the proposed action subject to the Nonattainment New Source Review or Prevention of Significant Deterioration requirements discussed in 6 NYCRR Part 231? ☐Yes ☐No

ii. As calculated in the air permit application, the proposed action has the potential to emit:

- _____Tons/year (short tons) of carbon monoxide (CO)
- _____Tons/year (short tons) of oxides of nitrogen (NOx)
- _____Tons/year (short tons) of particulate matter (PM-10, PM-2.5)
- _____Tons/year (short tons) of volatile organic compounds (VOC)
- _____Tons/year (short tons) of sulfur dioxide (SO_2)

iii. Will emissions of air contaminants from the proposed action described above exceed the corresponding major source thresholds? ☐Yes ☐No

iv. Does the proposed action have the potential to emit 10 tons/year or more of any one designated hazardous air pollutant or 25 tons/year or more of any combination of such hazardous air pollutants (6NYCRR 200.1(ag))? ☐Yes ☐ No

If Yes, provide the total potential to emit hazardous air pollutants in short tons/year: _____

h. Will the proposed action generate or emit annual direct and indirect greenhouse gas emissions, such as carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons in excess of 10,000 metric tons of total carbon dioxide equivalents per year at any point in the lifetime of the proposed action (estimated using the carbon dioxide equivalent definition and global warming potentials provided in 6 NYCRR Part 496)? ☐Yes ☐ No

If Yes:

i. Estimate the proposed action's metric tons of carbon dioxide equivalents in tons/year (metric): _____

ii. Describe any greenhouse gas capture, control, or elimination measures included in project design: _____

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 energy demand? ☐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, insecticide) 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 cover types on the project site.

Land use or Cover type	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces (total)			
• Industrial or manufacturing			
• Commercial			
• Residential			
• 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 that 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 listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYSOffice 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 New York 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

E.4. Disadvantaged Communities Designated Pursuant to ECL Article 75

a. Is the project located within, or within ½ mile of, a disadvantaged community? ☐Yes ☐No

If No, could impacts(see examples below in E.4.b) from the project affect a disadvantaged community? ☐Yes ☐No

If Yes to either question in E.4.a, answer the remaining questions in this section.

b. Will there be direct or indirect impacts that may affect a disadvantaged community, such as those listed below? ☐Yes ☐No

i. new noise sources or expansions/modification of existing noise sources;
- noise from operational sources
- noise from construction activities

ii. emissions of air pollutants including, mobile emissions;

iii. wastewater discharges;

iv. generation of odors;

v. light pollution;

vi. new or modified radiation sources;

vii. new or modified sources of solid waste generation, management, or disposal.

If Yes, describe the impacts:

c. Do any of the State agency approvals identified in question B.g include any of the following DEC permits?

State Pollutant Discharge Elimination System (SPDES)	☐Yes	☐No
Solid Waste Management Facility	☐Yes	☐No
Hazardous Waste Management Facility	☐Yes	☐No
Air Pollution Control (Title V or Air State Facility)	☐Yes	☐No
Water Withdrawal over 20 MGD for Cooling Water	☐Yes	☐No
Waste Transporter	☐Yes	☐No

E.5 Future Physical Climate Risks

Will the proposed action be vulnerable to the following future physical climate risks under current or projected future conditions:

a. Is the proposed action vulnerable to damage from a projected 100-year flood? ☐ Yes ☐ No

b. Is the proposed action vulnerable to damage from a projected 500-year flood? ☐ Yes ☐ No

c. Is the proposed action in an area potentially affected by sea level rise? ☐ Yes ☐ No

d. Will the proposed action increase the vulnerability of human or ecological communities to the following:

i. drought? ☐ Yes ☐ No

ii. temperature extremes (hot or cold)? ☐ Yes ☐ No

iii. extreme storms, including high winds? ☐ Yes ☐ No

iv. landslides? ☐ Yes ☐ No

v. coastal erosion? ☐ Yes ☐ No

vi. stormwater flooding? ☐ Yes ☐ No

vii. other climate or weather hazards? ☐ Yes ☐ No If Yes, describe: _____

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Town of Marcellus Town Board Date November 18, 2026

Signature Jane Attley Title Town Supervisor

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

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

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

Tips for completing Part 2:

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

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) ☒ NO ☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts:		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

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

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☑ NO ☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

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

l. Other impacts:		☐	☐

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source:	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts:		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100-year or a 500-year floodplain.	E2j, E5a, E5b	☐	☐
c. The proposed action may result in development in an area potentially affected by sea level rise.	E2k, E5c	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts:		☐	☐

6. Impacts on Air and Climate

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) or generate greenhouse gas emissions over 10,000 metric tons of carbon dioxide equivalents (See Part 1. D.2.h)

☑ NO ☐ YES

If "Yes", answer questions a - i. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action mayalso have the potential to emit one or more regulated air contaminants at or above the following levels:	D2g	☐	☐
i. More than 100 short tons/year of carbon monoxide (CO)	D2g	☐	☐
ii. More than 100 short tons/year of oxides of nitrogen (NO_x) outside the NYC Metropolitan Area or Long Island OR 25 short tons/year within the NYC Metropolitan Area or Long Island	D2g	☐	☐
iii. More than 100 short tons/year of particulate matter (PM-10, PM-2.5)	D2g	☐	☐
iv. More than 50 short tons/year of volatile organic compounds (VOC) outside the NYC Metropolitan Area or Long Island OR 25 short tons/year within the NYC Metropolitan Area or Long Island	D2g	☐	☐
v. More than 100 short tons/year of sulfur dioxide (SO_2)			
b. The proposed action has the potential to emit 10 short tons/year or more of any one designated hazardous air pollutant, or 25 short tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may include a heat source capable of producing more than 20 million BTUs per hour.	D2f, D2g	☐	☐
d. The proposed action may exceed 50% of any of the thresholds in "a" or "b", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of solid, hazardous, or hospital/medical/infectious waste.	D2f, D2s	☐	☐
f. The proposed action is subject to the Nonattainment New Source Review or Prevention of Significant Deterioration requirements discussed in 6 NYCRR Part 231.	D2g	☐	☐
g. The proposed action will emit more than 10,000 metric tons of CO2 equivalents per year.	D2h	☐	☐
h. A municipality adopted comprehensive or individual plan addressing climate change applies to the proposed action and the proposed action would materially conflict with the achievement of one or more goals of the plan related to climate change.	C2d	☐	☐
i. Other impacts:		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☑ NO ☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

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

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

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

9. Impact on Aesthetic Resources

The land use of the proposed action is obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism-based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½-3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts:		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☑ NO ☐ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

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

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

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

■ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

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

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

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

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

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

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

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts:		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☒ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

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

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) ☑ NO ☐ YES

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

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

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) ☑ NO ☐ YES

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

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

19. Impact on Disadvantaged Communities

The proposed project may impact a disadvantaged community. (See Part 1. E.4) ☑ NO ☐ YES

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Is the potentially affected disadvantaged community identified as having comparatively higher burdens or vulnerabilities by the Disadvantaged Community Assessment Tool?	E.4.c	☐	☐
b. The proposed action may create new air emissions or increase existing air emissions within a disadvantaged community.	D.2.f-i, E.4	☐	☐
c. The proposed action may create new wastewater treatment or discharges, or expand existing wastewater treatment or discharges, within a disadvantaged community.	D.2.d	☐	☐
d. The proposed action creates or expands a solid or hazardous waste management facility, or involves the generation of solid or hazardous waste, within or near a disadvantaged community.	D.2.r, D.2.s, D.2.t, E.1.f, E.1.g	☐	☐
e. The proposed action may increase traffic within a disadvantaged community.	D.2.j	☐	☐
f. The proposed action affects or involves one or more of the following facility types:	C.3.c, D.1.a, D.1.g, D.2.a, D.2.d, D.2.f, E.1.a, E.1.b. E.1.h, E.1.v, E.4	☐	☐
i. landfill;		☐	☐
ii. other industrial, manufacturing, or mining land uses;		☐	☐
iii. major oil or chemical bulk storage facility;		☐	☐
iv. municipal waste combustor;		☐	☐
v. power generation facility;		☐	☐
vi. risk management plan site;		☐	☐
vii. remediation site; or		☐	☐
viii. scrap metal processor.		☐	☐
g. Other impacts:		☐	☐

20. Future Physical Climate Risks

The proposed project may be vulnerable to future physical climate risks or increase the vulnerability of human or ecological communities to future physical climate risks. ☑ NO ☐ YES

(See Part 1. E.5)

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is vulnerable to damage from a projected 100-year flood.	E2j, E5a	☐	☐
b. The proposed action is vulnerable to damage from a 500-year flood.	E2k, E5b	☐	☐
c. The proposed action is in an area potentially affected by sea level rise.	E5c	☐	☐
d. The proposed action may increase the vulnerability of human or ecological communities to the following:	E5d	☐	☐
i. drought		☐	☐
ii. temperature extremes (hot or cold)		☐	☐
iii. extreme storms, including high winds		☐	☐
iv. landslides		☐	☐
v. coastal erosion		☐	☐
vi. stormwater flooding		☐	☐
vii. other climate or weather hazards? If yes, describe: _____		☐	☐
e. Other impacts:		☐	☐

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

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

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

Reasons Supporting This Determination:
To complete this section:

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

1. The proposed adoption of regulations for battery energy storage systems is designed to provide needed protections for the Town of Marcellus in regard to battery energy storage systems as there are known environmental concerns regarding such land use.
2. The proposed legislation will have no impact on and will not involve any construction or physical alteration of any land surface of any particular proposed site. However, each application for approval will be reviewed on its own merits.
3. There will be no impacts on geological features, surface water, groundwater, potential flooding and air impacts.
4. There are no anticipated impacts on plants and animals. As noted in each instance, the Town may consider any application on its own merits and attach any reasonable conditions as deemed necessary under the circumstances.
5. It is anticipated that there will be a positive impact to the Town of Marcellus as battery energy storage systems will be controlled in a reasonable fashion.
6. There are no anticipated negative environmental impacts relative to aesthetic resources, historic or archeological resources, nor any negative impacts on open space and recreation.
7. The Town is cognizant that it needs to be mindful of any designated Critical Environmental Area and included such considerations in the proposed legislation.
8. There are no anticipated impacts on transportation, energy or noise.
9. There are no anticipated impacts on human health, community plans or community character. Rather, the proposed legislation will ensure protection of the Town's most important natural resources, including but not limited to its water frontage, wetlands, sensitive soils and agriculture.
10. The proposed legislation will require different levels of review and respective approvals to be granted by the Town's applicable boards.
11. The proposed review processes will provide for an opportunity to attach reasonable and necessary conditions to address any potential negative impacts of such uses.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☑ Type 1 ☐ Unlisted

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

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

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

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

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

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

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

Name of Action: Local Law C-2026 bess, revised

Name of Lead Agency: Town of Marcellus Town Board

Name of Responsible Officer in Lead Agency: Jane Attley

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency: Date: November 18, 202

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

For Further Information:

Contact Person: Rosemary Tozzi

Address: 22 East Main Street, Marcellus, NY 13108

Telephone Number: (315) 673-3269

E-mail: clerk@townofmarcellus.gov

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

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

Print

TOWN OF MARCELLUS
TOWN BOARD RESOLUTION

November 18, 2026

LOCAL LAW NO. C OF 2026
("A Local Law to Amend the Supplementary Regulations of Chapter 235 of the Code of the Town of Marcellus to Add New Regulations for Battery Energy Storage Systems in the Town of Marcellus")

Councilor _____ introduced proposed Local Law No. C-2026, titled "A Local Law to Amend the Supplementary Regulations of Chapter 235 of the Code of the Town of Marcellus to Add New Regulations for Battery Energy Storage Systems in the Town of Marcellus," and made the following motion, which was seconded by Councilor _____:

WHEREAS, proposed Local Law No. C-2026 has been introduced and will be considered for enactment pursuant to the New York State Constitution, Article IX, Section 2(c)(6), (10); New York Statute of Local Governments, Section 10(1), (7); New York State Town Law Sections 261-263; and Municipal Home Rule Law Section 10; and

WHEREAS, a version of this Local Law was previously introduced for consideration by the Town Board at a regular meeting of the Town Board of the Town of Marcellus held on September 2, 2026, but upon such consideration, the Town Board determined to revise and amend the proposed Local Law, which revisions provide better clarification and direction; and

WHEREAS, the Town Board has determined that it is within its best interests to complete the review process pursuant to the New York State Environmental Quality Review Act, again, in light of the revised and amended Local Law; and

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

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

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

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

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

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

WHEREAS, the full text of said Local Law No. C-2026, as revised and amended, is on file at the Clerk's Office at the Town of Marcellus Town Offices located at 22 East Main Street, Marcellus, New York and may be viewed by all interested persons during normal business hours, between 8:30 a.m. and 4:00 p.m., Monday-Friday.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED that the enactment of proposed Local Law No. C-2026 is a Type I action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED that after a careful review of Part 2 of the EAF submitted in this matter, the Town Board has determined this action shall have no adverse impact on the environment; that accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a Negative Declaration under SEQRA; and it is further

RESOLVED AND DETERMINED that the reasons supporting the foregoing Negative Declaration are as follows:

1. The proposed adoption of regulations for battery energy storage systems is designed to provide needed protections for the Town of Marcellus in regard to battery energy storage systems as there are known environmental concerns regarding such land use;

2. The proposed legislation will have no impact on and will not involve any construction or physical alteration of any land surface of any particular proposed site. However, each application for approval will be reviewed on its own merits;

3. There will be no impacts on geological features, surface water, groundwater, potential flooding and air impacts;

4. There are no anticipated impacts on plants and animals. As noted in each instance, the Town may consider any application on its own merits and attach any reasonable conditions as deemed necessary under the circumstances;

5. It is anticipated that there will be a positive impact to the Town of Marcellus as battery energy storage systems will be controlled in a reasonable fashion;

6. There are no anticipated negative environmental impacts relative to aesthetic resources, historic or archeological resources, nor any negative impacts on open space and recreation;

7. The Town is cognizant that it needs to be mindful of any designated Critical Environmental Area and included such considerations in the proposed legislation;

8. There are no anticipated impacts on transportation, energy or noise;

9. There are no anticipated impacts on human health, community plans or community character. Rather, the proposed legislation will ensure protection of the Town's most important natural resources, including but not limited to its water frontage, wetlands, sensitive soils and agriculture;

10. The proposed legislation will require different levels of review and respective approvals to be granted by the Town's applicable boards;

11. The proposed review processes will provide for an opportunity to attach reasonable and necessary conditions to address any potential negative impacts of such uses; and it is further

RESOLVED AND DETERMINED that the Town Board adopts the Negative Declaration incorporated herein and instructs counsel to make the required filing and publication of same; and it is further

RESOLVED AND DETERMINED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. C-2026, as now revised and amended, at the Town Hall located at 22 East Main Street, Marcellus, New York on December 16, 2026 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

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

Jane Attley	**Town Supervisor**	**Voted**	**Yes/No**
Terry Hoey	**Councilor**	**Voted**	**Yes/No**
Jeff Berwald	**Councilor**	**Voted**	**Yes/No**
Percy Clarke III	**Councilor**	**Voted**	**Yes/No**
Karen Pollard	**Councilor**	**Voted**	**Yes/No**

The foregoing resolution was thereupon declared duly adopted.

Dated: November 18, 2026

CHAD A. CLARK, MAYOR
JAMES P. CURTIN, TRUSTEE
BRANDY L. WITTHOFT, TRUSTEE
CHARNLEY A. ABBOTT, CLERK
JENNIFER A. PLIS, TREASURER
JEFFREY D. BROWN, ATTORNEY

Village of Marcellus
A WELCOME HOME

VILLAGE OF MARCELLUS
6 SLOCOMBE AVENUE
MARCELLUS, NY 13108
OFFICE 315-673-3112
FAX 315-673-3217
INFO@VILLAGEOFMARCELLUSNY.GOV

November 12, 2026

Ms. Jane Attley, Town Supervisor
Town of Marcellus
22 East Main Street
Marcellus, NY 13108

Re: Marcellus Community Tree Lighting Ceremony

Madam Supervisor,

The Village of Marcellus would like to request the Town of Marcellus's participation in sharing the cost of horse-drawn wagon rides provided by Route 80 Stables during the annual Tree Lighting Ceremony on Friday, December 4, 2026, from 6:00 to 8:00 p.m.

As in previous years, we hope the Town will consider sharing the $700.00 cost of the two-hour service equally with the Village, with each municipality contributing $350.00.

If approved, the Village will remit payment to the vendor on the evening of the event and submit a voucher to the Town for its share of the expense.

Please let us know if the Town Board would be agreeable to this arrangement. We appreciate the continued partnership between the Town and Village in making this a special event for our community!

For the Village Board,

Chad A. Clark, Mayor

Rt. 80 Quarry Ridge Stables

DATE: 11/12/26

INVOICE NUMBER: 111220261025

EVENT INVOICE

Billed To:

Charnley Abbott - Village Clerk

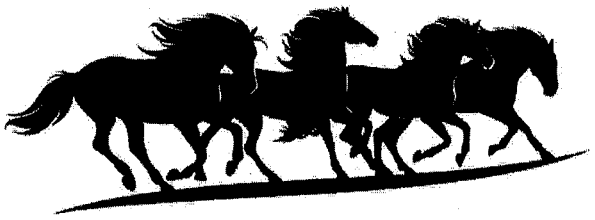
clerk@villageofmarcellusny.gov

Services Provided:

Horse-drawn wagon rides around the village

Date of Job: Friday, December 4th, 2026
Time slot: 6-8pm
Duration: 2 hours
Location: Village of Marcellus

TOTAL DUE: $700.00



Find Us on Facebook!
315-492-7433
5016 South Onondaga Road Nedrow, NY 13120

Rosemary Tozzi

From: Marcellus Together <marcellustogether@gmail.com>
Sent: Friday, November 13, 2026 10:23 AM
To: Rosemary Tozzi
Cc: dianaosborne@davidsrefuge.org; Cassandra Kent; Marissa Bankey; Crystal Ponto; Steven Tross; WPCP
Subject: Community Tree Decorating at the Town Tree

Hello -

I'm writing on behalf of Marcellus Together with an idea we'd love to explore with the Town. We'd like to invite the community to help decorate the town tree this holiday season.

We're open to whichever approach works best for the Town. Here are the two options we've been thinking about:

1. **Bring your own ornament.** Community members could bring an ornament from home and hang it on the tree.
2. **Use the Town's ornaments.** If the Town would rather use its own ornaments, we could invite the community to come out and decorate the tree with them.

In either case, the lights would already be on the tree, so the community would only be adding the ornaments.

Our goal is to keep the magic of Christmas going in the lead-up to the tree lighting and to get neighbors involved in something special. We think it would be a fun way to bring people together and build excitement for the lighting itself.

We'd be happy to help with the logistics, including promoting the event on our social channels, and we're glad to work around any guidelines or timing the Town needs. Please let us know the best next step. We'd love to hear your thoughts and which option you'd prefer.

Thank you so much for your time and for all you do for our community

Warmly,
Devin Negrete
President, *Marcellus Together*
Founder | Social Media Marketer, *DEV Communications*

From | **Advance Mechanical Services, Inc.**
PO Box 25
Syracuse NY 13211
(315) 454-5533
www.eriemechanical.com

Quote No.	**2014184**
Type	Preventative Maintenance
Prepared By	Dean Boyd
Created On	11/13/2026
Valid Until	12/31/2027

Quote For | **Marcellus Town Clerk Office**
22 East Main Street
Marcellus NY 13108
(315) 673-3269

Description of Work

2027 Labor and material to perform Preventative Maintenance services two times per year as follows:

1. Check heat exchanger
2. Inspect and replace air filters using MERV 8 filters as required
3. Inspect and replace belts as required
4. Clean coils as needed
5. Check all electrical connections, check amp draws
6. Check and clean condensate removal systems as required
7. Force into upcoming season mode and verify proper operation
8. Advise customer of condition of all included equipment
9. Price quoted below is for the entire calendar year
10. PM Agreement to continue until expiration date unless terminated by either party with a 30 day written notification
11. Customer to approve all work outside of this agreement. Service Call $200.00, Service Technician $150.00 per hour

Services to be completed

[HVAC] Location - Building
Preventative Maintenance Services two (2) Times Per Year

GRAND TOTAL **$1,839.67**

Terms and Conditions

Payment is due 30 days from date of invoice.

By my signature below, I authorize work to begin and agree to pay the Grand Total according to the terms and conditions of this agreement.

Name: _____ Date: _____

Signature: _____

RECEIVED
NOV 0 4 2026
Town of Marcellus

Marcellus Volunteer Fire Department, Inc.
Financial Statement Expenses
For the Period January 1, 2026 thru October 31, 2026

Number in parenthesis indicates **UNDER** budget, number without parenthesis indicates **OVER** budget.

Acct #	Acct Name	Amount	Budget	Difference
Admin				
5000	Computer	3,101.00	16,634.00	(13,533.00)
5001	Insurance	20,114.00	25,000.00	(4,886.00)
5002	Legal & Accounting	329.00	15,000.00	(14,671.00)
5003	Office Supplies	90.00	3,000.00	(2,910.00)
5004	Postage	156.00	1,000.00	(844.00)
5005	Admin Miscellaneous		-	-
5006	Outside Services	4,606.00	5,000.00	(394.00)
5007	Travel	12,000.00	12,000.00	-
	Group Total	40,396.00	77,634.00	(37,238.00)
Building				
6000	Cleaning	6,499.00	9,000.00	(2,501.00)
6001	Utilities & Telephone	36,837.00	25,000.00	11,837.00
6002	Building Repairs & Maintenance	17,211.00	30,000.00	(12,789.00)
6003	Building Supplies	620.00	3,000.00	(2,380.00)
	Group Total	61,167.00	67,000.00	(5,833.00)
Operations				
7000	Turn Out Gear	11,277.00	10,000.00	1,277.00
7001	Communications Equipment	2,759.00	38,000.00	(35,241.00)
7002	Fire Truck Supplies/Loose Eqpmnt	6,587.00	4,000.00	2,587.00
7003	Truck & Vehicle Repairs & Maintenance	21,000.00	30,000.00	(9,000.00)
7004	Small Equipment Maintenance	5,362.00	5,000.00	362.00
7005	SCBA	2,562.00	8,000.00	(5,438.00)
7006	Fire & EMS Training	1,050.00	6,000.00	(4,950.00)
7007	Fire Protection	3,383.00	3,000.00	383.00
7008	Membership Recognition	1,346.00	2,500.00	(1,154.00)
7009	Physicals/Fit Test	750.00	9,500.00	(8,750.00)
7010	Fuel	5,933.00	6,000.00	(67.00)
7011	Response Supplies	251.00	2,000.00	(1,749.00)
7012	EMS Supplies		4,000.00	(4,000.00)
7013	Dress Uniforms	2,514.00	2,000.00	514.00
	Group Total	64,774.00	130,000.00	(65,226.00)
	Grand Total	166,337.00	274,634.00	(108,297.00)

Marcellus Volunteer Fire Department, Inc.

Transaction List

for the period of 10/01/2026 to 10/31/2026

Date	#	Type	Contact	Memo	Account	Fund	Debit	Credit	Amount
10/01/2026	71159537	Check	Ascenzi & Corbis (...	Monthly payment	5000 - Computer ...	Contract Fund #1	$100.00	-	$100.00
			Ascenzi & Corbis (...		1001 - Checking - ...	Contract Fund #1	-	$100.00	-$100.00
10/01/2026	4301485	Bill	NetManageIt		5006 - Outside Se...	Contract Fund #1	$215.00	-	$215.00
			NetManageIt		2000 - Accounts P...	Contract Fund #1	-	$215.00	-$215.00
10/01/2026	4345982	Bill	Critters Ridders		5006 - Outside Se...	Contract Fund #1	$173.94	-	$173.94
			Critters Ridders		2000 - Accounts P...	Contract Fund #1	-	$173.94	-$173.94
10/01/2026	4301488	Bill	JAN PRO		6000 - Cleaning	Contract Fund #1	$655.60	-	$655.60
			JAN PRO		2000 - Accounts P...	Contract Fund #1	-	$655.60	-$655.60
10/01/2026	4345152	Bill	Eastern Security S...		6002 - Building Re...	Contract Fund #1	$156.00	-	$156.00
			Eastern Security S...		2000 - Accounts P...	Contract Fund #1	-	$156.00	-$156.00
10/01/2026	4345118	Bill	MDI Truck		7003 - Truck & Ve...	Contract Fund #1	$1,686.53	-	$1,686.53
			MDI Truck		2000 - Accounts P...	Contract Fund #1	-	$1,686.53	-$1,686.53
10/02/2026	4345145	Bill	NYSMEC		6001 - Utilities & T...	Contract Fund #1	$5,685.15	-	$5,685.15
			NYSMEC		2000 - Accounts P...	Contract Fund #1	-	$5,685.15	-$5,685.15
10/03/2026	71319870	Deposit	MFD	Deposit of town c...	1001 - Checking - ...	Contract Fund #1	$89,983.50	-	$89,983.50
			MFD		4005 - Municipal ...	Contract Fund #1	-	$89,983.50	-$89,983.50
10/05/2026	71298687	Bill	Genson Overhead...		2000 - Accounts P...	Contract Fund #1	$2,750.00	-	$2,750.00
			Genson Overhead...		1001 - Checking - ...	Contract Fund #1	-	$2,750.00	-$2,750.00
10/05/2026	71298688	Bill	Nightingale Mills, I...		2000 - Accounts P...	Contract Fund #1	$31.12	-	$31.12
			Nightingale Mills, I...		1001 - Checking - ...	Contract Fund #1	-	$31.12	-$31.12
10/05/2026	71298689	Bill	Spectrum Enterpri...		2000 - Accounts P...	Contract Fund #1	$488.01	-	$488.01
			Spectrum Enterpri...		1001 - Checking - ...	Contract Fund #1	-	$488.01	-$488.01
10/05/2026	71298690	Bill	NetManageIt		2000 - Accounts P...	Contract Fund #1	$215.00	-	$215.00
			NetManageIt		1001 - Checking - ...	Contract Fund #1	-	$215.00	-$215.00
10/05/2026	71298691	Bill	JAN PRO		2000 - Accounts P...	Contract Fund #1	$655.60	-	$655.60
			JAN PRO		1001 - Checking - ...	Contract Fund #1	-	$655.60	-$655.60
10/06/2026	4345176	Bill	CNY CPR		7006 - Fire & EMS...	Contract Fund #1	$1,512.00	-	$1,512.00
			CNY CPR		2000 - Accounts P...	Contract Fund #1	-	$1,512.00	-$1,512.00
10/07/2026	4272689	Bill	Spectrum Enterpri...		6001 - Utilities & T...	Contract Fund #1	$58.39	-	$58.39
			Spectrum Enterpri...		2000 - Accounts P...	Contract Fund #1	-	$58.39	-$58.39
10/09/2026	4345166	Bill	American Test Ce...		7003 - Truck & Ve...	Contract Fund #1	$600.00	-	$600.00
			American Test Ce...		2000 - Accounts P...	Contract Fund #1	-	$600.00	-$600.00
10/09/2026	4345170	Bill	First Due Services		7004 - Small Equi...	Contract Fund #1	$4,084.55	-	$4,084.55
			First Due Services		2000 - Accounts P...	Contract Fund #1	-	$4,084.55	-$4,084.55
10/11/2026	71493761	Check	Aplos Software	Monthly payment	5000 - Computer ...	Contract Fund #1	$49.50	-	$49.50
			Aplos Software		1001 - Checking - ...	Contract Fund #1	-	$49.50	-$49.50
10/14/2026	4345157	Bill	Onondaga County...		7010 - Fuel	Contract Fund #1	$836.80	-	$836.80
			Onondaga County...		2000 - Accounts P...	Contract Fund #1	-	$836.80	-$836.80
10/19/2026	4345164	Bill	Nightingale Mills, I...		7003 - Truck & Ve...	Contract Fund #1	$28.42	-	$28.42
			Nightingale Mills, I...		2000 - Accounts P...	Contract Fund #1	-	$28.42	-$28.42

Date	#	Type	Contact	Memo	Account	Fund	Debit	Credit	Amount
10/19/2026	4345993	Bill	Bidleman Ford		7003 - Truck & Ve...	Contract Fund #1	$214.92	-	$214.92
			Bidleman Ford		2000 - Accounts P...	Contract Fund #1	-	$214.92	-$214.92
10/23/2026	71876533	Bill	Jerome Fire Equip...		2000 - Accounts P...	Contract Fund #1	$231.00	-	$231.00
			Jerome Fire Equip...		1001 - Checking - ...	Contract Fund #1	-	$231.00	-$231.00
10/23/2026	71876534	Bill	Onondaga County...	Payment for 2 pay...	2000 - Accounts P...	Contract Fund #1	$1,324.96	-	$1,324.96
			Onondaga County...		1001 - Checking - ...	Contract Fund #1	-	$1,324.96	-$1,324.96
10/23/2026	71876535	Bill	Monroe Extinguis...		2000 - Accounts P...	Contract Fund #1	$1,175.10	-	$1,175.10
			Monroe Extinguis...		1001 - Checking - ...	Contract Fund #1	-	$1,175.10	-$1,175.10
10/23/2026	71876536	Bill	Colden Enterprises		2000 - Accounts P...	Contract Fund #1	$10,978.31	-	$10,978.31
			Colden Enterprises		1001 - Checking - ...	Contract Fund #1	-	$10,978.31	-$10,978.31
10/23/2026	71876537	Bill	Marcellus Family ...		2000 - Accounts P...	Contract Fund #1	$100.00	-	$100.00
			Marcellus Family ...		1001 - Checking - ...	Contract Fund #1	-	$100.00	-$100.00
10/23/2026	71876538	Bill	Cooney's Air Con...		2000 - Accounts P...	Contract Fund #1	$1,134.79	-	$1,134.79
			Cooney's Air Con...		1001 - Checking - ...	Contract Fund #1	-	$1,134.79	-$1,134.79
10/23/2026	71876539	Bill	Windstream		2000 - Accounts P...	Contract Fund #1	$182.68	-	$182.68
			Windstream		1001 - Checking - ...	Contract Fund #1	-	$182.68	-$182.68
10/23/2026	71876540	Bill	SpectraSite		2000 - Accounts P...	Contract Fund #1	$245.98	-	$245.98
			SpectraSite		1001 - Checking - ...	Contract Fund #1	-	$245.98	-$245.98
10/23/2026	71876541	Bill	Just Joe's		2000 - Accounts P...	Contract Fund #1	$106.00	-	$106.00
			Just Joe's		1001 - Checking - ...	Contract Fund #1	-	$106.00	-$106.00
10/23/2026	71876542	Bill	Provos Auto Parts		2000 - Accounts P...	Contract Fund #1	$159.81	-	$159.81
			Provos Auto Parts		1001 - Checking - ...	Contract Fund #1	-	$159.81	-$159.81
10/23/2026	71876543	Bill	OCWA		2000 - Accounts P...	Contract Fund #1	$94.43	-	$94.43
			OCWA		1001 - Checking - ...	Contract Fund #1	-	$94.43	-$94.43
10/23/2026	71876544	Bill	MDI Truck		2000 - Accounts P...	Contract Fund #1	$1,686.53	-	$1,686.53
			MDI Truck		1001 - Checking - ...	Contract Fund #1	-	$1,686.53	-$1,686.53
10/23/2026	71876545	Bill	Eastern Security S...		2000 - Accounts P...	Contract Fund #1	$156.00	-	$156.00
			Eastern Security S...		1001 - Checking - ...	Contract Fund #1	-	$156.00	-$156.00
10/23/2026	71876546	Bill	NYSMEC		2000 - Accounts P...	Contract Fund #1	$5,685.15	-	$5,685.15
			NYSMEC		1001 - Checking - ...	Contract Fund #1	-	$5,685.15	-$5,685.15
10/23/2026	71876547	Bill	CNY CPR		2000 - Accounts P...	Contract Fund #1	$1,512.00	-	$1,512.00
			CNY CPR		1001 - Checking - ...	Contract Fund #1	-	$1,512.00	-$1,512.00
10/23/2026	71876548	Bill	American Test Ce...		2000 - Accounts P...	Contract Fund #1	$600.00	-	$600.00
			American Test Ce...		1001 - Checking - ...	Contract Fund #1	-	$600.00	-$600.00
10/23/2026	71876549	Bill	First Due Services		2000 - Accounts P...	Contract Fund #1	$4,084.55	-	$4,084.55
			First Due Services		1001 - Checking - ...	Contract Fund #1	-	$4,084.55	-$4,084.55
10/23/2026	71876550	Bill	Nightingale Mills, I...		2000 - Accounts P...	Contract Fund #1	$28.42	-	$28.42
			Nightingale Mills, I...		1001 - Checking - ...	Contract Fund #1	-	$28.42	-$28.42
10/23/2026	71877493	Bill	Critters Ridders		2000 - Accounts P...	Contract Fund #1	$173.94	-	$173.94
			Critters Ridders		1001 - Checking - ...	Contract Fund #1	-	$173.94	-$173.94
10/23/2026	71877751	Bill	Bidleman Ford		2000 - Accounts P...	Contract Fund #1	$214.92	-	$214.92
			Bidleman Ford		1001 - Checking - ...	Contract Fund #1	-	$214.92	-$214.92

Account	Current Account Balance	Current CD/MM balance	Total
Building Reserve	$21,813	$0	$21,813
Truck Reserve	$225,383	$376,793	$602,176
Capital Reserve	$10,000	$0	$10,000
Contract Checking	$120,328	$0	$120,328

This statement current as of October 29, 2026

TOSHIBA
Toshiba Business Solutions
6800 Old Collamer Road, Suite 5
East Syracuse, NY 13057

TOWN OF MARCELLUS NY
22 EAST MAIN ST
MARCELLUS, NY 13108-1206

RE: Important Update – Time to Replace Your Outdated Device

November 1, 2026

Dear Finance Manager or IT Director,

We're reaching out with a quick update regarding your Toshiba ESTUDIO3508A, installed on 9/6/2018.

As technology continues to evolve, some Toshiba models, including yours, are approaching the later stages of their lifecycle. While your device may still be operating, this is a great time to consider how newer technology could better support your business goals.

To help you stay ahead of potential disruptions, Toshiba Business Solutions is offering a limited-time **trade-in program through December 31, 2026**. This program makes upgrading to the latest Toshiba technology simple and cost-effective.

Why consider an upgrade now?

- Older equipment can become more costly and less reliable over time.
- New Toshiba models offer advanced features, improved efficiency, and enhanced security.
- Your business needs may have changed since your current device was installed.

Let's make sure your technology continues to support your success and work as hard as you do.

If you're ready to explore your options, please reach out to your Toshiba Account Executive, Joseph Penizotto, or contact me directly.

Warm regards,

Thom McMahon
Email: thomas.mcmahon@tbs.toshiba.com

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Town of Marcellus