

Town of Marcellus  
Workshop Meeting  
Wednesday, August 19, 2026  
6:30 PM

Call to Order

Salute to Flag

I. Approve Financials

II. **Old Business**

III. **New Business**

- A. Town Hall Security
- B. Fall Trash Days
- C. Brush Grinding
- D. NYS Shelter Rescue License – Dept of Ag and Markets
- E. Local Law NO. B of 2026 Steep Slopes
  - a. Short EAF Parts 1,2 and 3
  - b. Introductory Resolution for Local Law No. B of 2026
- F. Local Law NO. C of 2026 Regulating Battery Energy Storage Systems in the Town of Marcellus
  - a. Short EAF Parts 1,2 and 3
  - b. Introductory Resolution for Local Law No. C of 2026

IV. **Discussion Agenda**

- A. Fire Department

V. **Adjournment**

**Future Meeting Dates**

Budget Meeting- Wednesday, August 26, 2026- 4:00 pm- Town Hall  
Budget Meeting- Wednesday, September 2, 2026- 4:00 pm- Town Hall  
Town Board Meeting- Wednesday, September 2, 2026- 6:30 pm- Town Hall  
Comprehensive Plan Committee Meeting- Tuesday, September 8, 2026 – 2:00 pm- Town Hall  
Budget Meeting- Wednesday, September 9, 2026- 4:00 pm- Town Hall  
Planning/Zoning Meeting-Thursday, September 10, 2026 - 6:30 pm- Town Hall  
Budget Meeting- Wednesday, September 16, 2026- 4:00 pm- Town Hall  
Workshop Meeting- Wednesday, September 16, 2026- 6:30 pm- Town Hall

# **2026 FALL TRASH DAYS**

## **TOWN AND VILLAGE OF MARCELLUS RESIDENTS**

### **DATES AND TIMES: Fridays and Saturdays**

|                                               |                    |
|-----------------------------------------------|--------------------|
| September 25 <sup>th</sup> & 26 <sup>th</sup> | 8:00 am - 12:00 pm |
| October 2 <sup>nd</sup> & 3 <sup>rd</sup>     | 8:00 am - 12:00 pm |

There will be a trash transfer station on the Town property, across from the Town Highway Garage on the East side of Lee Mulroy Road. A user fee will be charged to offset the cost of this service. Permits may be purchased at the Town Clerk's Office, 22 East Main Street, Marcellus, New York during regular office hours, Monday – Friday 8:30 am – 4:00 pm.

### **PERMITS ARE REQUIRED TO USE THIS SERVICE.**

#### **Permit Fees:**

|                                             |                                                                  |
|---------------------------------------------|------------------------------------------------------------------|
| Passenger Vehicle                           | \$15.00 - one load only                                          |
| Passenger Vehicle                           | \$30.00 - up to six loads                                        |
| Pickup Truck or Commercial Van              | \$45.00 - up to four loads                                       |
| Trailers                                    | \$50.00 - up to four loads                                       |
| Large Vehicle                               | \$60.00 - up to two loads                                        |
| Mattress Fee                                | \$25.00 - per mattress                                           |
| Tires: Tires up to 19.5" rim diameter only: | \$7.00 Each                                                      |
| Freon Removal:                              | \$15.00 per unit: Refrigerators, Dehumidifiers, Air Conditioners |

### **ITEMS NOT ACCEPTED**

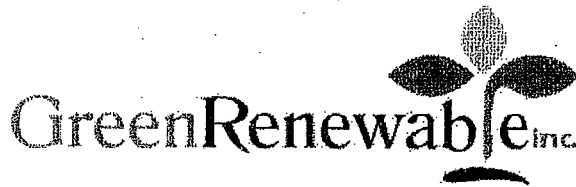
|                                              |                                                 |
|----------------------------------------------|-------------------------------------------------|
| No garbage (food waste) or OCRRA recyclables | No liquids – including paint or hazardous waste |
| No oil tanks or fuel tanks                   | No contractor's debris (home projects only)     |

ALL ITEMS MUST BE SECURED AND COVERED WHEN TRANSPORTING TO TOWN TRANSFER STATION.

Please, no children under 10 years of age allowed out of the vehicles for their Safety.  
Please unload and leave as quickly as possible.

Trash information – Highway Garage – 673-3127  
Permit Information – Town Office – 673-3269 Ext. 0

**THANK YOU FOR YOUR COOPERATION TO HELP KEEP OUR COMMUNITY CLEAN.**



155 State Street  
Manchester, NY 14504  
585-402-8710  
585-289-3006 (f)

12 August 2026

Town of Marcellus  
4264 Slate Hill Road  
Marcellus, NY 13108

ATTENTION: MR. MICHAEL OSSIT

### PROPOSAL FOR BRUSH PILE GRINDING SERVICES

GREEN RENEWABLE OF MANCHESTER, NY, INC. is pleased to submit a proposal for the following services:

**Project Location: 4264 Slate Hill Road, Marcellus, NY**

- GREEN RENEWABLE OF MANCHESTER, NY, INC. will grind and process yard waste stockpile.
- TOWN OF MARCELLUS will provide equipment and operator assistance as needed for grinding and loading trucks.
- TOWN OF MARCELLUS will provide fuel for the equipment used in the grinding operation.

**CONTRACT AGREEMENT: \$13,000 (9/1/2026 to 8/31/2027)**

- Town of Marcellus: \$5,750 plus \$750 (one-time mobilization fee)
- Village of Marcellus: \$5,750 plus \$750 (one-time mobilization fee)

**ACCEPTED IN ACCORDANCE WITH THE CONDITIONS AND AGREEMENTS SET FORTH HEREIN:**

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2026

BY/TITLE: \_\_\_\_\_  
TOWN OF MARCELLUS

BY:

GREEN RENEWABLE OF  
MANCHESTER, NY, INC.

BY/TITLE: \_\_\_\_\_  
VILLAGE OF MARCELLUS

TITLE: \_\_\_\_\_  
Procurement Manager



# Department of Agriculture and Markets

August 3, 2026

Entity No. 206113 License No. 624

MARCELLUS VETERINARY HOSPITAL MUNICIPAL SHELTER  
MARCELLUS VETERINARY HOSPITAL MUNICIPAL SHELTER  
4240 SLATE HILL ROAD  
MARCELLUS, NY 13108

## One Time Credit Card Payment Authorization Form

Sign and complete this form to authorize the NYS Department of Agriculture and Markets to make a one-time charge to your credit card listed below. Please mail to the address below.

By signing this form, you give us permission to charge your account for the amount indicated on or after the indicated date. This is permission for a single transaction only and does not provide authorization for any additional unrelated debits or credits to your account.

### Please complete the information below:

I, \_\_\_\_\_, authorize the NYS Department of Agriculture and Markets to charge my credit card account indicated below for **\$150.00**. This payment is for a:

### NYS Shelter Rescue License

Billing Address \_\_\_\_\_ Phone# \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Email \_\_\_\_\_

|                                                                                                                                                 |                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Account Type: <input type="checkbox"/> Visa <input type="checkbox"/> MasterCard <input type="checkbox"/> AMEX <input type="checkbox"/> Discover | <b>FOR OFFICE USE ONLY</b> |
| Cardholder Name _____                                                                                                                           | Entity No.: <u>206113</u>  |
| Account Number _____                                                                                                                            | License No.: <u>624</u>    |
| Expiration Date _____                                                                                                                           | Receipt No. _____          |
| CVV2 (3 digit number on back of Visa/MC, 4 digits on front of AMEX) _____                                                                       | Validation No. _____       |

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

I authorize the NYS Department of Agriculture and Markets to charge the credit card indicated in this authorization form according to the terms outlined above. This payment authorization is for a NYS Shelter Rescue license certificate, for the amount indicated above only, and is valid for one time use only. I certify that I am an authorized user of this credit card.

**TOWN OF MARCELLUS  
LOCAL LAW NO. B OF 2026**

**A LOCAL LAW TO AMEND THE TOWN OF MARCELLUS ZONING LAW  
TO ADD A NEW SECTION REGARDING STEEP SLOPE PROTECTIONS**

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

**SECTION 1 AUTHORITY.**

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

**SECTION 2 AMENDMENTS TO THE TOWN OF MARCELLUS ZONING LAW TO  
ADD A NEW SECTION 235-26.2 (“STEEP SLOPE PROTECTIONS”).**

The Town of Marcellus Zoning Law is hereby amended to add Section 235-26.2 as follows:

**“(1) Purpose**

The purpose of this Steep Slope Protection Law is to conserve the sensitive environment of steep slope areas, and to regulate land use within these areas in a manner which protects the public interest by minimizing detrimental effects of land disturbance and development on steep slopes by:

- A. Providing for the reasonable use of steep slopes while ensuring development will not induce soil erosion, unreasonably alter the natural topography of the area, require excessive grading, increase slope instability, increase stormwater runoff, contaminate surface waters, or create onsite sewage treatment problems.
- B. Guarding against property damage and personal injury.
- C. Minimizing the potential for erosion, slope failure, stream siltation, increased stormwater runoff, flooding, contamination of surface waters; and protecting the water quality of Nine Mile Creek, Otisco Lake, and other downstream bodies of water.
- D. Conserving existing steep slope woodlands for air and water quality benefits and the preservation of wildlife habitats.

**(2) Definitions.**

**CLEARING:** Removing or causing to be removed the vegetation growing in the soil which protects and stabilizes the soil. Such removing or causing to be removed shall include any intentional or negligent act to (1) cut down, (2) remove all or a substantial part of, or (3) damage a tree or other vegetation which will cause the tree or other vegetation to decline and/or die. Such acts shall include but not be limited to damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, or by the damage of natural grade due to unapproved excavation or filling, or damage caused by the unapproved alteration of natural physical conditions. The area of land disturbance of a mature tree shall be measured as the crown of the tree.

**LAND DISTURBANCE:** Any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into a Watercourse, including, but not limited to, clearing, grading, excavating, transporting, and filling of land, paving of existing pervious areas or otherwise creating new impervious areas.

**WATERCOURSE:** Every spring, pond (other than artificial reservoirs and filter basins), stream, creek, lake, ditch, gutter, or other channel of every kind, the waters of which will run whether continuously or occasionally.

**(3) Steep slope protection areas (SSPA)**

- A. The steep slope protection areas shall include all lands having slopes 15% or greater.
- B. Steep slope protection areas are further categorized as:
  - (1) Moderately steep: 15% to less than 24.9% slope (3 to 6 in 12);
  - (2) Very steep: 25% to less than 49.9% slope (6 to 10 in 12); and
  - (3) Extremely steep: 50% or greater slope (> 10 in 12).
- C. The Town of Marcellus Steep Slopes map created, and as may later be amended, by the Syracuse - Onondaga County Planning Agency, the current version of which is attached hereto and incorporated herein as Exhibit "A", shall be accepted as preliminary evidence of slope. Other scientific or reliable evidence may also be accepted as evidence of steep slope in the sole discretion of the Planning Board.
- D. The regulations applicable to Steep Slope Protection Areas shall be in addition to and take precedence over the zoning regulations otherwise applicable in each zoning district.

**(4) Activities within a steep slope protection area requiring site plan review**

- A. The following activities require site plan approval through the Town of Marcellus Planning Board, pursuant to Section 235-28, when located in a steep slope protection area.
  - (1) Area A1: 1000 square feet or greater of land disturbance on a Moderately Steep Slope within 100 feet horizontal distance from any watercourse.
  - (2) Area A2: 500 square feet or greater of land disturbance on a Very Steep or Extremely Steep Slope within 100 feet horizontal distance from any watercourse.
  - (3) Area B: 3000 square feet or greater of land disturbance occurring on a Moderately Steep Slope beyond 100 horizontal feet from any watercourse.
  - (4) Area C: 2000 square feet or greater of land disturbance occurring on a Very Steep or Extremely Steep Slope outside a Lake District and beyond 100 horizontal feet from any watercourse.
- B. Farming Operations, other than Timber Harvesting, existing as of the effective date of this Article are exempt from the site plan approval required for steep slope protection areas.
- C. All land disturbance that occurs on the steep slope protection area portion of the parcel (1) within two years or (2) that adjoins and adds to a previous area of disturbance (such as an extension of a driveway) shall be used to calculate the total area of land disturbance.
- D. Absent approval from the Planning Board, land disturbance in a steep slope protection area that exceeds the square foot limitations set forth above is prohibited.

**(5) General regulations**

- A. Any development proposed in a steep slope protection area shall be designed to work with the natural elements of the site, locating the proposed improvements in such a manner as to minimize land disturbance, cut and fill operations, tree removal, and alterations to natural drainage. The applicant must provide the Town Planning Board with documentation that the improvements were designed to fit the existing natural elements of the site, rather than making the site fit the development goals of the landowner as part of the site plan review process. In any project with cut and fill operations, the applicant shall prove to the Planning Board that there was no other alternative to cut and fill to develop the site and that cut, and fill has been minimized.

- B. All single-family residential land-disturbing activities in steep slope protection areas, including but not limited to clearing, grading, excavation, building construction, construction of driveways and roads, cutting, and filling, shall be limited to the minimum steep slope protection area necessary to accommodate the proposed use or activity, and shall in no case be greater than 10,000 square feet of steep slope protection area disturbance per parcel, plus land necessary for driveway access, on-site wastewater treatment system, and stormwater management facilities.
- C. Changes to the natural elevation of a steep slope development site shall be minimized. Any changes to the natural elevation of the site shall meet the following criteria:
- (1) The original, natural elevation of a steep slope protection area shall not be raised and/or lowered more than five feet on average across a contiguous area of 2,500 square feet of grading and shall not exceed 10 feet in any location in the steep slope protection area.
  - (2) The natural elevation shall not be raised or lowered more than three feet within the required setback for structures.
  - (3) The finished slope of all cuts or fills for any site work in areas where only vegetation is proposed to prevent erosion shall not exceed a slope of one vertical to two horizontal (50% grade or  $26.5^\circ$  of angle) without a retaining wall, stacked rock rip rap, or other similar structural stabilization.
- D. Any new or existing retaining wall higher than three feet above finished elevation incorporated into the proposed project design requires the evaluation of a New York licensed professional engineer, landscape architect, or architect as to its structural integrity and written direction and certification as to its use.
- E. If a permanent driveway cannot be legally built to serve the residence or other improvement, no temporary construction road/driveway may be permitted in steep slope protection areas.
- F. Disturbed land areas in steep slope protection areas that are not worked for seven consecutive days or more shall not be left bare or exposed. Approved temporary or permanent seeding along with protective straw mulch and/or erosion control blankets must cover these disturbed areas. All seeding, straw mulching and erosion control blankets shall meet the installation methods and quantities as stated in the New York State Standards and Specifications for Erosion and Sediment Control.
- G. Trees with a diameter of six inches or greater measured at four feet above the uphill grade ("mature trees"), when located in Areas A1 and A2 on a steep slope, generally shall not be removed unless they are deemed unhealthy or a safety hazard

by a certified arborist or equivalent. Enhancing lake views can be done through a combination of canopy reduction and selective thinning without substantial tree removal. Tree removal may be allowed in the gully zone for the purposes of traversing a gully via a bridge or culvert structure to access another portion of the property. When removal of trees exceeds the square foot land disturbance limitations set forth in section 17-6, the Planning Board shall consider the impact on the environment.

- H. The Planning Board may approve modifications to these standards in this law if the applicant can prove that such modifications would result in less total land disturbance and/or less change to the natural grade than would compliance with these standards and that such modifications meet the intent of this chapter to the greatest extent possible.

**(6) Burden of proof**

The applicant shall in all cases have the burden of proof of demonstrating that the proposed activity is fully consistent with the standards for approval set forth in this law.

**(7) Steep slope protection area review process**

- A. Steep slope protection area application: The steep slope protection area review process will follow the Town of Marcellus Site Plan Regulations, in addition to the following criteria:

- (1) The preliminary site plan and final site plan shall include the following:
  - a. Documentation that the improvements were designed to comply with this law and have been designed to fit the existing natural elements of the site instead of altering the site to fit the development goals.
  - b. Contours of existing and proposed conditions at vertical intervals of no more than two feet.
  - c. Temporary roads, driveways, parking areas and pathways, including the widths and slopes of these features.
  - d. Location of all mature trees within the proposed project limits that are located in a steep slope protection area and which, if any, of these trees will be cut as part of this project.
  - e. An overlay of each steep slope category as defined in this local law for existing site conditions.

- f. Location and description of all existing and proposed, open and closed, drainage features, to include roof drains, footing drains and retaining wall drains, with discharge points identified. Stormwater calculations shall be provided for all existing and proposed culverts or changes to gullies. The applicant will need to document that each of these drainage features can convey the twenty-five-year one-hour storm event.
  - g. The Planning Board may request cross-sectional profiles of the existing and proposed slopes for projects that disturb greater than 2,500 square feet of a steep slope protection area. The applicant is encouraged to submit three cross-sectional profiles of the existing and proposed slopes if the applicant proposes greater than 2,500 square feet of disturbance in a steep slope protection area to expedite the review process.
- B. The application shall be prepared in accordance with the New York State Standards and Specifications for Erosion and Sediment Control and the New York State Stormwater Management Design Manual.

#### **(8) Violations**

Violations of these provisions shall be subject to the enforcement, remedies, fines, and penalties as set forth in Section 235-30."

#### **SECTION 3 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 4 EFFECTIVE DATE.**

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

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

|                                                                                                                                                                                                                                                                                                                                                                                                     |  |                                     |                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------|-------------------------------------|
| <b>Part 1 – Project and Sponsor Information</b>                                                                                                                                                                                                                                                                                                                                                     |  |                                     |                                     |
| Town of Marcellus Town Board                                                                                                                                                                                                                                                                                                                                                                        |  |                                     |                                     |
| Name of Action or Project:                                                                                                                                                                                                                                                                                                                                                                          |  |                                     |                                     |
| Local Law No. B-2026: A Local Law to Amend the Town of Marcellus Zoning Law to Add a New Article regarding Steep Slope Protections                                                                                                                                                                                                                                                                  |  |                                     |                                     |
| Project Location (describe, and attach a location map):                                                                                                                                                                                                                                                                                                                                             |  |                                     |                                     |
| Town-wide                                                                                                                                                                                                                                                                                                                                                                                           |  |                                     |                                     |
| Brief Description of Proposed Action:<br>A Local Law to Amend the Town of Marcellus Zoning Law to Add a New Article Regarding Steep Slope Protections to conserve the sensitive environment of steep slope areas, and to regulate land use within these areas in a manner which protects the public interest by minimizing detrimental effects of land disturbance and development on steep slopes. |  |                                     |                                     |
| Name of Applicant or Sponsor:                                                                                                                                                                                                                                                                                                                                                                       |  | Telephone: 315-673-3269             |                                     |
| Town of Marcellus Town Board                                                                                                                                                                                                                                                                                                                                                                        |  | E-Mail: clerk@townofmarcellusny.gov |                                     |
| Address:                                                                                                                                                                                                                                                                                                                                                                                            |  |                                     |                                     |
| 22 East Main Street                                                                                                                                                                                                                                                                                                                                                                                 |  |                                     |                                     |
| City/PO:<br>Marcellus                                                                                                                                                                                                                                                                                                                                                                               |  | State:<br>New York                  | Zip Code:<br>13108                  |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?                                                                                                                                                                                                                                                              |  | NO                                  | YES                                 |
| If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If No, continue to question 2.                                                                                                                                                                                          |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?                                                                                                                                                                                                                                                                                                 |  | NO                                  | YES                                 |
| If Yes, list agency(s) name and permit or approval:                                                                                                                                                                                                                                                                                                                                                 |  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 3. 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                         |                                     |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:                                                                                                                                                                                                                                                                                                                    |  |                                     |                                     |
| <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)                                                                                                                                                                                             |  |                                     |                                     |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):                                                                                                                                                                                                                                                      |  |                                     |                                     |
| <input type="checkbox"/> Parkland                                                                                                                                                                                                                                                                                                                                                                   |  |                                     |                                     |

|                                                                                                                                                                                                                                                                                                                                                                                      |                          |                          |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|
| 5. Is the proposed action,                                                                                                                                                                                                                                                                                                                                                           | NO                       | YES                      | N/A                      |
| a. A permitted use under the zoning regulations?                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?                                                                                                                                                                                                                                                                      | NO                       | YES                      |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?                                                                                                                                                                                                                                                                     | NO                       | YES                      |                          |
| If Yes, identify:                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?                                                                                                                                                                                                                                                                                     | NO                       | YES                      |                          |
| b. Are public transportation services available at or near the site of the proposed action?                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?                                                                                                                                                                                                                                                                         | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 9. Does the proposed action meet or exceed the state energy code requirements?                                                                                                                                                                                                                                                                                                       | NO                       | YES                      |                          |
| If the proposed action will exceed requirements, describe design features and technologies:                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 10. Will the proposed action connect to an existing public/private water supply?                                                                                                                                                                                                                                                                                                     | NO                       | YES                      |                          |
| If No, describe method for providing potable water: _____                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 11. Will the proposed action connect to existing wastewater utilities?                                                                                                                                                                                                                                                                                                               | NO                       | YES                      |                          |
| If No, describe method for providing wastewater treatment: _____                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? | NO                       | YES                      |                          |
| b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?                                                                                                                                                                  | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?                                                                                                                                                                                             | NO                       | YES                      |                          |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____                                                                                                                                                                                                                                                                                   |                          |                          |                          |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                        |                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban                                                                                      |                                                                                        |                                                                                         |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?                                                                                                                                                                                                                                                                                                                      | NO<br><input type="checkbox"/>                                                         | YES<br><input type="checkbox"/>                                                         |
| 16. Is the project site located in the 100-year or 500-year flood plain?                                                                                                                                                                                                                                                                                                                                                                                                                    | NO<br><input type="checkbox"/>                                                         | YES<br><input type="checkbox"/>                                                         |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,<br>a. Will storm water discharges flow to adjacent properties?<br>b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe:<br>_____                                                                                                                                                                  | NO<br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | YES<br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?<br>If Yes, explain the purpose and size of the impoundment: _____                                                                                                                                                                                                                                           | NO<br><input type="checkbox"/>                                                         | YES<br><input type="checkbox"/>                                                         |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe: _____                                                                                                                                                                                                                                                                                                                       | NO<br><input type="checkbox"/>                                                         | YES<br><input type="checkbox"/>                                                         |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe: _____                                                                                                                                                                                                                                                                                                                     | NO<br><input type="checkbox"/>                                                         | YES<br><input type="checkbox"/>                                                         |
| 21. Is the project located within, or within ½ mile of, a disadvantaged community?<br>If No, could impacts from the project affect a disadvantaged community?<br>If Yes to either question in 21, answer the following question.<br>a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management): | NO<br><input type="checkbox"/><br><input type="checkbox"/>                             | YES<br><input type="checkbox"/><br><input type="checkbox"/>                             |
| <b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b><br>Applicant/sponsor/name: <u>Jane Attley</u> Date: <u>August</u> , 2026<br>Signature: _____ Title: <u>Town Supervisor</u>                                                                                                                                                                                                                                                            |                                                                                        |                                                                                         |

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

|                                                                                                                                                                              | No, or<br>small<br>impact<br>may<br>occur | Moderate<br>to large<br>impact<br>may<br>occur |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?                                                                  | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 2. Will the proposed action result in a change in the use or intensity of use of land?                                                                                       | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 3. Will the proposed action impair the character or quality of the existing community?                                                                                       | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                        | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?              | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?   | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 7. Will the proposed action impact existing:                                                                                                                                 | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| a. public / private water supplies?                                                                                                                                          | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| b. public / private wastewater treatment utilities?                                                                                                                          | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                     | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                       | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?                                                              | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 11. Will the proposed action create a hazard to environmental resources or human health?                                                                                     | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 12. Is the potentially affected disadvantaged community identified as having comparatively higher burdens or vulnerabilities by the Disadvantaged Community Assessment Tool? | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 13. Will the proposed action cause or increase a pollution burden within a disadvantaged community?                                                                          | <input type="checkbox"/>                  | <input type="checkbox"/>                       |

### ***Short Environmental Assessment Form Part 3*** ***Determination of Significance***

For every question in Part 2 that was answered "moderate to large impact may occur," or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

|                                                                               |                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/>                                                      | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required. |
| <input checked="" type="checkbox"/>                                           | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.                                                             |
| Town Board of the Town of Marcellus<br><hr/> Name of Lead Agency              | August 19, 2026<br><hr/> Date                                                                                                                                                                                                                                                |
| Jane Attley<br><hr/> Print or Type Name of Responsible Officer in Lead Agency | Town Supervisor<br><hr/> Title of Responsible Officer in Lead Agency                                                                                                                                                                                                         |
| <hr/> Signature of Responsible Officer in Lead Agency                         | <hr/> Signature of Preparer (if different from Responsible Officer)                                                                                                                                                                                                          |

**TOWN OF MARCELLUS  
TOWN BOARD RESOLUTION**

**August 19, 2026**

**TOWN OF MARCELLUS LOCAL LAW B-2026**

**(“A Local Law to Amend the Town of Marcellus Zoning Law to  
Add a New Article Regarding Steep Slope Protections”)**

Pursuant to the Municipal Home Rule Law § 10, \_\_\_\_\_  
introduced proposed Local Law B-2026, relating to amending the Town of Marcellus Zoning Law  
to add a new article regarding steep slope protections, which was seconded by  
\_\_\_\_\_.

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

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

**WHEREAS**, the adoption of said Local Law is an unlisted action for purposes of  
environmental review under SEQRA; and

**WHEREAS**, the Town Board has determined that a short environmental assessment form  
(EAF) shall be required in connection with this matter; and

**WHEREAS**, 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.

**NOW, THEREFORE, BE IT**

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

**RESOLVED AND DETERMINED** that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law B-2026 at the Marcellus Town Hall located at 22 East Main Street, Marcellus, New York in the Town of Marcellus on September 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:

|                         |                        |              |               |
|-------------------------|------------------------|--------------|---------------|
| <b>Jane Attley</b>      | <b>Town Supervisor</b> | <b>Voted</b> | <b>Yes/No</b> |
| <b>Terry Hoey</b>       | <b>Councilor</b>       | <b>Voted</b> | <b>Yes/No</b> |
| <b>Jeff Berwald</b>     | <b>Councilor</b>       | <b>Voted</b> | <b>Yes/No</b> |
| <b>Percy Clarke III</b> | <b>Councilor</b>       | <b>Voted</b> | <b>Yes/No</b> |
| <b>Karen Pollard</b>    | <b>Councilor</b>       | <b>Voted</b> | <b>Yes/No</b> |

The foregoing resolution was thereupon declared duly adopted.

**DATED: August 19, 2026**

**TOWN OF MARCELLUS  
LOCAL LAW NO. C OF 2026**

**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**

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

**SECTION 1 LEGISLATIVE INTENT & PURPOSE.**

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 problem industries which adversely impact public health and quality of life, cause proliferation of pollution, compromise aesthetics, and degrade community character;

- 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, 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 Section 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.

## **SECTION 2 AUTHORITY.**

This Section regulates Battery Energy Storage Systems (BESS) to protect public health, safety, and welfare.

- A. New York State Constitution Article IX §2(c)(6) and §2(c)(10);
- B. Statute of Local Governments §10(1), §10(6), and §10(7);
- C. Municipal Home Rule Sections §10(1)(i), §10(1)(ii), §10(1)(ii)(a)(6), §10(1)(ii)(a)(11), §10(1)(ii)(a)(12), and §10(1)(ii)(a)(14);
- D. Town Code Section 235-29;
- E. The Town of Marcellus's inherent police powers; and
- F. The Laws of the State of New York.

**SECTION 3 AMENDMENT OF CHAPTER 235, SECTION 235-26 ("SUPPLEMENTARY REGULATIONS") OF THE CODE OF THE TOWN OF MARCELLUS TO ADD A NEW SUBSECTION N ("BATTERY ENERGY STORAGE SYSTEMS").**

Chapter 235, Section 235-26 ("Supplementary Regulations") 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:

**"SECTION 235-26 N BATTERY ENERGY STORAGE SYSTEMS.**

**(1) Purpose and intent.**

The Town Board of the Town of Marcellus recognizes that battery energy storage is a clean, readily available, and renewable energy source. However, the Town Board finds a need to properly site battery energy 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 Battery Energy Storage System Section is adopted to advance and protect the public health, safety, and welfare of Town by creating regulations for the installation and use of battery energy storage systems and equipment, 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 Town policy and the Town's land use goals;
- E. To respond to the recommendation from the Onondaga County Board to compose and adopt an ordinance to manage the review and permitting of battery energy storage systems; and
- F. To create synergy between battery energy storage system development and:
  - (1) Promote and manage new development in the Town to protect resources and the Town's unique identity, create new places, and balance the cost of providing public services;
  - (2) Ensure that growth occurs in a manner that preserves the quality of life and character of the community;
  - (3) Preserve and enhance the character of existing neighborhoods and hamlets;

- (4) Preserve and protect natural resources and farmland, and support the agricultural economy; and
- (5) Ensure the availability of public facilities, infrastructure, and services that adequately serve the present and future needs of Marcellus.

## **(2) 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 Section, 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:
  - a. Forty kWh within utility closets and storage or utility spaces;
  - b. Eighty kWh in attached or detached garages and detached accessory structures;
  - c. Eighty kWh on exterior walls; or 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.

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: Battery Energy Storage System Tier 2 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   |

B. 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. It is constructed in accordance with the Uniform Code, and it 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. 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;
- C. No other occupancy types are permitted in the building; and
- 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 Section, 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.

**NONPARTICIPATING PROPERTY:** Any property that is not a 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.

**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.

**TOWN BOARD:** The Town of Marcellus Town Board.

**UNIFORM CODE:** 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.

### **(3) Applicability.**

- A. The requirements of this Local Section shall apply to all Battery Energy Storage Systems permitted, installed, or modified in the Town after the effective date of this Section, 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 local law.
- B. Battery energy storage systems constructed or installed prior to the effective date of this Local Section shall not be required to meet the requirements of this Local Section.
- C. Modifications to, retrofits, or replacements of a battery energy storage system constructed or installed prior to the effective date of this Section that increase the total battery energy storage system designed discharge duration, storage capacity, or power rating shall be subject to this Section.
- D. In the event the language of this law can not be harmonized with Section 235-26 M ("Solar energy systems"), the more stringent requirement will apply.

#### **(4) General Requirements.**

- A. A Building Permit and Battery Energy Storage System Permit shall be required for installation of all battery energy storage systems.
- B. Issuance of permits and approvals by the Town Board and Planning Board shall include review pursuant to Article 8 of the Environmental Conservation Section and its implementing regulations at 6 NYCRR 617, also known as the State Environmental Quality Review Act or SEQRA.
- C. 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.
- D. 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 Town Code.
- E. All battery energy storage systems, regardless of Tier, shall require the issuance of a Building Permit. Tier 2 and Tier 3 battery energy storage systems shall additionally require the issuance of applicable Town approvals and permits, including Site Plan approval and a BESS Special Use Permit. Applicable fees shall be established by the Town Board and may be amended from time to time by resolution.
- F. Tier 2 and Tier 3 battery energy storage systems may be permitted on sites occupied by approved solar farms located within Commercial Zoning Districts.
- G. Where a conflict exists between two or more codes, the more stringent code(s) shall apply.
- H. For battery energy storage systems subject to Site Plan review, 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. 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 Section 1206.11.8, and shall be placed on the electric meter, on the main electrical switch panel, and by the front entry door.
- I. Nothing listed herein shall be deemed to restrict the Planning Board or Town Board, as appropriate, from requiring stricter standards for safety, the mitigation of environmental impacts, and/or to protect the character of existing neighborhoods.

**(5) 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 and shall be exempt from Site Plan review by the Planning Board.

**(6) Permitting Requirements and Procedures for Tier 2 and Tier 3 Battery Energy Storage Systems.**

Tier 2 and Tier 3 battery energy storage systems shall be permitted only within the A-1, L-1 and B-1, and only upon the approval of a Site Plan by the Planning Board, the granting of a Battery Energy Storage System Special Use Permit by the Town Board and the issuance of a Building Permit. The Site Plan Application shall contain the information and materials required pursuant to Section 235-28 of the Zoning Law.

A. Applications for the installation of Tier 2 and Tier 3 battery energy storage system shall be:

- (1) Reviewed by the Code Enforcement Officer of the Planning Board for completeness. An application shall be complete when it addresses all matters listed in this Section, 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 within 90 calendar days of the completeness of their application or any deficiencies that must be addressed prior to substantive review;
- (2) Subject to a public hearing to hear all comments for and against the application. The Town Board shall have a notice printed in a newspaper of general circulation in the Town at least 10 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 10 days prior to such a hearing. Proof of mailing shall be provided to the Town Board at the public hearing;
- (3) Referred to the Onondaga County Planning Department pursuant to General Municipal Section 239; and
- (4) M and the Town Planning Board for Site Plan review and advisory report.

- B. Upon closing of the public hearing, the Town Board shall take action on the application within 90 days of the public hearing, which can include approval, conditional approval, or denial. The 90-day period may be extended upon consent of the Town Board and applicant.
- C. 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.

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

E. 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:

- a. The type of battery technology;
- b. Any special hazards associated with said technology;
- c. The type of fire-suppression system installed in the area of the battery energy storage systems;
- d. Twenty-four-hour emergency contact information (name/number), including applicable local, public, and private entities.

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

F. 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 Section, 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:

- a. All outdoor luminaires shall be fully shielded and installed in the proper orientation to achieve fully shielded performance with respect to the horizontal plane.
- b. The installed height of an outdoor luminaire shall not exceed twenty-five (25) feet.
- c. All light sources shall have a correlated color temperature of 3,000° Kelvin or less.
- d. Upward-directed lighting is prohibited.

- e. 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:
- a. Lighting required by Town, county, state, or federal Section, including single-purpose emergency egress lighting on a structure;
  - b. 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;
  - c. 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;
  - d. 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;
  - e. 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;
  - f. 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
  - g. Lighting under canopies and garage entrances are exempt from the automatic lighting control requirement only.
- G. 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.

H. 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. The applicant 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.

J. 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:
  - a. The anticipated life of the battery energy storage system;
  - b. The anticipated years to large (>10-percent of initial equipment capital cost) reinvestments or component replacements;
  - c. 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;
  - d. 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;
  - e. Disposal of all solid, liquid, and/or hazardous waste in accordance with local, state, and federal waste disposal regulations; and
  - f. 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.
- a. The Town of Marcellus 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 of Marcellus also recognizes the long-term nature of some of these projects and the need to have a full cash security posting before the life of the project expiration date. Accordingly, the Town of Marcellus will require the posting of a cash component of no less than 50-percent of the total security amount determined, in addition to the initial posting of an irrevocable letter of credit. The Town shall require all applicants to post additional cash with corresponding decreases in the letter of credit posting throughout the term of the project life until the Town has a full cash security posting. The deposit, executions, or filing with the Town of cash and/or irrevocable letter of credit 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.
  - b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash and/or letter of credit security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit and/or security 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.
  - c. In the event of default or abandonment of the battery energy storage system, the system shall be decommissioned as set forth herein.
  - d. 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 Code 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.
  - e. Insurance. 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.

- f. Limited site access agreement. The Town of Marcellus 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 Town Board.

K. System Owner's Representative.

- (1) Any applicant and subsequent 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 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 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 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 system owner shall provide and keep operational a system for automated notification of any emergency events to inform local first responders.

L. Setbacks.

- (1) All Battery Energy Storage System (BESS) proposals shall comply with the minimum yard, setback, and dimensional requirements applicable to the underlying zoning district in which the project is located. Required setbacks shall be measured from the nearest property line of the subject parcel to the closest exterior component of the BESS facility, including but not limited to equipment enclosures, battery units, inverters, transformers, and security fencing.

In recognition of the scale and potential operational impacts associated with larger facilities, Tier 2 and Tier 3 BESS installations shall provide 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 residence and/or a residential zoning district. The additional setback requirement shall apply only to those portions of the site adjoining the residence and/or residential zoning district and shall not be construed to apply to the entire perimeter of the BESS site.

No portion of the BESS facility, including fencing or associated equipment, shall be located within any required setback area.

**M. Roads.**

- (1) Applicants shall avoid damaging roads and shall be responsible for mitigation of damage, if any. If the Town Board shall so direct, a Town Roads Damage Avoidance and Mitigation Plan may be required and shall contain the following:
  - a. 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 of Marcellus to transport equipment, parts, and material for construction, operation, and/or maintenance of the battery energy storage system and related components.
  - b. Documentation of road conditions. Prior to construction and 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 Section. 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 Application.**

- 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 23-5-28 of the Zoning Ordinance, 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 National Electrical Code-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, 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;
- (6) 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;
- (7) Commissioning plan.
  - a. Such plan shall document and verify that the 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 (NYS) licensed professional engineer or NYS 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 system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Town Board prior to final inspection and approval and maintained at an approved on-site location.
  - b. Such plan shall comply with the Uniform Code and include, at a minimum, the following information:
    - i. 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;
    - ii. 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;
    - iii. Conditions under which all testing will be performed that are representative of the conditions during normal operation of the system;

- iv. 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;
  - v. Verification that required equipment and systems are installed in accordance with the approved plans and specifications;
  - vi. Integrated testing for all fire and safety systems;
  - vii. Testing for any required thermal management, ventilation, or exhaust systems associated with the battery energy storage system installation;
  - viii. Preparation and delivery of operation and maintenance documentation;
  - ix. Training of facility operating and maintenance staff;
  - x. Identification and documentation of the requirements for maintaining system performance to meet the original design intent during the operation phase; and
  - xi. 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.
- c. 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;
- (8) 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.
- (9) System and property operation and maintenance manual.
- a. 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.
  - b. The operation and maintenance manual shall be provided to both the battery energy storage system owner and their operator before the 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.
  - c. 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:

- i. 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;
  - ii. 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;
  - iii. Maintenance and calibration information, including wiring diagrams, control drawings, schematics, system programming instructions, and control sequence descriptions for all energy storage control systems;
  - iv. 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;
  - v. A schedule for inspecting and recalibrating all battery energy storage system controls;
  - vi. 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
  - vii. Inspection and testing records;
- (10) 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 Town Board;
- (11) Emergency operations plan.
- a. 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 Town 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;
- (12) 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.
- a. Such analysis and assessment shall include, in addition to or supplemental to the requirements of NFPA 855 Annex G:
    - i. 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 the local fire department, provided, however, that the required quantity of hose streams may be increased based on consultation with the local responsible and backup fire departments;
    - ii. Emergency equipment availability;
    - iii. 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;

- iv. Capability and required actions of local first responders. special concerns 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;
  - v. Environmental considerations in the event of an emergency; and
  - vi. 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;
- b. 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;
- (13) 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; and
- (14) 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 Tier 2 and Tier 3 battery energy storage systems shall be 16 feet.
- 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 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:

- a. Property lines and physical dimensions of the proposed site, including contours at five-foot intervals;
  - b. Location, approximate dimensions and types of all existing structure(s) and uses on the site;
  - c. Location and elevation of the proposed Tier 3 installation;
  - d. 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;
  - e. Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a Tier 3 project shall be buried underground and include necessary encasements in accordance with the National Electric Code and Town requirements. The Town 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;
  - f. Location of all structures proposed as part of the installation;
  - g. Documentation of access to the project site(s), including location of all access roads, gates, parking areas, and similar features;
  - h. A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site;
  - i. Documentation of utility notification, including an electric service order number; and
  - j. 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 the Building Permit or final approval by the Town Board, 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 battery energy storage system changes or the owner of the property upon which a battery energy storage system is sited changes, the BESS Special Use Permit shall remain

in effect, provided that the successor owner or operator assumes in writing all of the obligations of the BESS Special Use Permit, site plan approval, and decommissioning plan. A new 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 within 30 days of the ownership change by certified mail to both the Town Clerk and Town Supervisor and addressed to the Marcellus Town Hall. The BESS Special Use Permit and all other local approvals for the battery energy storage system shall be void if a new owner or operator fails to provide written notification to the Town as set forth above. Reinstatement of a void BESS Special Use Permit shall be subject to the same review and approval processes for new applications under this Section.

**(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):

- a. UL 1973 (Standard for batteries for use in stationary, vehicle auxiliary power and light electric rail applications);
- b. UL 1642 (Standard for lithium batteries);
- c. UL 1741 or UL 62109 (inverters and power converters);
- d. Certified under the applicable electrical, building, and fire prevention codes as required; and
- e. 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 and, if the Tier 3 battery energy storage system is located in an ambulance district, the local ambulance corps. 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.

- C. Where deemed necessary by the Planning Board in the case of a Tier 2 application or the Town Board in the case of a Tier 3 application, 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 responsible for fire protection at the site.
- D. The system owner or operator shall notify local fire departments, the Onondaga County Department of Emergency Management, and the Town of Marcellus at least ten (10) days prior to any scheduled maintenance or battery removal/installation.
- E. Security cameras shall be installed if required as part of the Hazard Mitigation Analysis or if recommended by the Town Supervisor or his/her designee.
- F. 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 BESS Special Use 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 Commissioner of Planning & Development 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 bond and/or 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;
  - (3) Near historically and culturally significant resources, unless it can be demonstrated that an installation will not adversely affect the resource and is fully reversible;
  - (4) Areas of exceptional or unique social archaeological, recreational, or educational value;
  - (5) Designated conservation areas;

- (6) Areas adjacent to public, parklands, trails, or active recreation; and
- (7) Any Critical Environmental Areas adopted pursuant to SEQRA and/or the habitats of endangered species.
- (8) Wetlands Compliance.

All BESS proposals shall comply with all applicable federal and New York State freshwater wetland Sections and regulations, including those administered by the New York State Department of Environmental Conservation (NYSDEC). 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 NYSDEC prior to the issuance of any local approval, Building Permit, or commencement of construction.

The applicant shall provide documentation satisfactory to the reviewing authority demonstrating compliance with all applicable NYSDEC 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.

- B. 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.
- C. 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 Battery Energy Storage System Section 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 of Marcellus.

#### **(13) Waiver.**

The Town Board may, under appropriate conditions or circumstances, and in its absolute discretion, waive one or more of the submission requirements contained herein.

#### **(14) Fees.**

Fees for application are those as established by the Town of Marcellus by the resolution of the Town Board, 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 Section.

#### **(15) Community Host Agreement Authorization.**

For any proposed Tier 2 or Tier 3 BESS, the Town Board shall have the authority, but not the obligation, to require the applicant to enter into negotiations for a Host Community Agreement (HCA) as a condition of approval.

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.

Execution of a Host Community Agreement, in a form acceptable to the Town Board and Town Attorney, may be required prior to the issuance of any BESS Special Use Permit, Site Plan approval, Building Permit, or certificate of occupancy for a Tier 2 or Tier 3 BESS.

Nothing herein shall be construed to limit the Town Board's authority to deny an application or 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.

***Short Environmental Assessment Form***

***Part 1 - Question 1: Narrative Description***

**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**

***Part 1 - Question 1: Narrative Description***

The proposed action will adopt a Local Law relating to amending the Town of Marcellus Zoning Law to add a new section regulating battery energy storage systems within the Town of Marcellus.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

|                                                                                                                                                                                                                                                                              |  |                                     |                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------|-------------------------------------|
| <b>Part 1 – Project and Sponsor Information</b>                                                                                                                                                                                                                              |  |                                     |                                     |
| Town of Marcellus Town Board                                                                                                                                                                                                                                                 |  |                                     |                                     |
| Name of Action or Project:                                                                                                                                                                                                                                                   |  |                                     |                                     |
| Local Law No. C-2026: 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                                                                                          |  |                                     |                                     |
| Project Location (describe, and attach a location map):                                                                                                                                                                                                                      |  |                                     |                                     |
| Town-wide                                                                                                                                                                                                                                                                    |  |                                     |                                     |
| Brief Description of Proposed Action:                                                                                                                                                                                                                                        |  |                                     |                                     |
| 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. |  |                                     |                                     |
| Name of Applicant or Sponsor:                                                                                                                                                                                                                                                |  | Telephone: 315-673-3269             |                                     |
| Town of Marcellus Town Board                                                                                                                                                                                                                                                 |  | E-Mail: clerk@townofmarcellusny.gov |                                     |
| Address:                                                                                                                                                                                                                                                                     |  |                                     |                                     |
| 22 East Main Street                                                                                                                                                                                                                                                          |  |                                     |                                     |
| City/PO:<br>Marcellus                                                                                                                                                                                                                                                        |  | State:<br>New York                  | Zip Code:<br>13108                  |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?                                                                                                                                       |  | NO                                  | YES                                 |
| If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If No, continue to question 2.                                                                   |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?                                                                                                                                                                          |  | NO                                  | YES                                 |
| If Yes, list agency(s) name and permit or approval:                                                                                                                                                                                                                          |  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 3. 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                                                                                                                                           |  |                                     |                                     |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:                                                                                                                                                                                             |  |                                     |                                     |
| <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)                                                                      |  |                                     |                                     |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):                                                                                                                               |  |                                     |                                     |
| <input type="checkbox"/> Parkland                                                                                                                                                                                                                                            |  |                                     |                                     |

|                                                                                                                                                                                                                                                                                                                                                                                      |                          |                          |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|
| 5. Is the proposed action,                                                                                                                                                                                                                                                                                                                                                           | NO                       | YES                      | N/A                      |
| a. A permitted use under the zoning regulations?                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?                                                                                                                                                                                                                                                                      | NO                       | YES                      |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?                                                                                                                                                                                                                                                                     | NO                       | YES                      |                          |
| If Yes, identify:                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?                                                                                                                                                                                                                                                                                     | NO                       | YES                      |                          |
| b. Are public transportation services available at or near the site of the proposed action?                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?                                                                                                                                                                                                                                                                         | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 9. Does the proposed action meet or exceed the state energy code requirements?                                                                                                                                                                                                                                                                                                       | NO                       | YES                      |                          |
| If the proposed action will exceed requirements, describe design features and technologies:                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 10. Will the proposed action connect to an existing public/private water supply?                                                                                                                                                                                                                                                                                                     | NO                       | YES                      |                          |
| If No, describe method for providing potable water: _____                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 11. Will the proposed action connect to existing wastewater utilities?                                                                                                                                                                                                                                                                                                               | NO                       | YES                      |                          |
| If No, describe method for providing wastewater treatment: _____                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? | NO                       | YES                      |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?                                                                                                                                                                  | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?                                                                                                                                                                                             | NO                       | YES                      |                          |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____                                                                                                                                                                                                                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      |                          |                          |                          |

|                                                                                                                                                                                                                                                                                                                                                                                                        |                          |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban |                          |                          |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?                                                                                                                                                                                                                                 | NO                       | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. Is the project site located in the 100-year or 500-year flood plain?                                                                                                                                                                                                                                                                                                                               | NO                       | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,                                                                                                                                                                                                                                                                                             | NO                       | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> | <input type="checkbox"/> |
| a. Will storm water discharges flow to adjacent properties?                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> | <input type="checkbox"/> |
| If Yes, briefly describe:<br>_____<br>_____                                                                                                                                                                                                                                                                                                                                                            |                          |                          |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?                                                                                                                                                                                                                        | NO                       | YES                      |
| If Yes, explain the purpose and size of the impoundment: _____<br>_____                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?                                                                                                                                                                                                                                                             | NO                       | YES                      |
| If Yes, describe: _____<br>_____                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?                                                                                                                                                                                                                                                           | NO                       | YES                      |
| If Yes, describe: _____<br>_____                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> | <input type="checkbox"/> |
| 21. Is the project located within, or within ½ mile of, a disadvantaged community?                                                                                                                                                                                                                                                                                                                     | NO                       | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> | <input type="checkbox"/> |
| If No, could impacts from the project affect a disadvantaged community?                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> | <input type="checkbox"/> |
| If Yes to either question in 21, answer the following question.                                                                                                                                                                                                                                                                                                                                        |                          |                          |
| a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):                                                                                                                                                |                          |                          |
| <b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>                                                                                                                                                                                                                                                                                                  |                          |                          |
| Applicant/sponsor/name: <u>Jane Attley</u> Date: <u>August</u> ____, 2026                                                                                                                                                                                                                                                                                                                              |                          |                          |
| Signature: _____ Title: <u>Town Supervisor</u>                                                                                                                                                                                                                                                                                                                                                         |                          |                          |

Project: Proposed Local Law C-2026

Date: August 19, 2026

***Short Environmental Assessment Form***  
***Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

|                                                                                                                                                                              | No, or<br>small<br>impact<br>may<br>occur | Moderate<br>to large<br>impact<br>may<br>occur |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?                                                                  | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 2. Will the proposed action result in a change in the use or intensity of use of land?                                                                                       | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 3. Will the proposed action impair the character or quality of the existing community?                                                                                       | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                        | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?              | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?   | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 7. Will the proposed action impact existing:                                                                                                                                 |                                           |                                                |
| a. public / private water supplies?                                                                                                                                          | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| b. public / private wastewater treatment utilities?                                                                                                                          | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                     | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                       | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?                                                              | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 11. Will the proposed action create a hazard to environmental resources or human health?                                                                                     | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 12. Is the potentially affected disadvantaged community identified as having comparatively higher burdens or vulnerabilities by the Disadvantaged Community Assessment Tool? | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 13. Will the proposed action cause or increase a pollution burden within a disadvantaged community?                                                                          | <input type="checkbox"/>                  | <input type="checkbox"/>                       |

### ***Short Environmental Assessment Form Part 3*** ***Determination of Significance***

For every question in Part 2 that was answered "moderate to large impact may occur," or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

|                                                                               |                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/>                                                      | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required. |
| <input checked="" type="checkbox"/>                                           | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.                                                             |
| Town Board of the Town of Marcellus<br><hr/> Name of Lead Agency              | <hr/> Date                                                                                                                                                                                                                                                                   |
| Jane Attley<br><hr/> Print or Type Name of Responsible Officer in Lead Agency | Town Supervisor<br><hr/> Title of Responsible Officer in Lead Agency                                                                                                                                                                                                         |
| <hr/> Signature of Responsible Officer in Lead Agency                         | <hr/> Signature of Preparer (if different from Responsible Officer)                                                                                                                                                                                                          |

**TOWN OF MARCELLUS  
TOWN BOARD RESOLUTION**

**August 19, 2026**

**TOWN OF MARCELLUS LOCAL LAW C-2026**

**(“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”)**

Pursuant to the Municipal Home Rule Law § 10, Councilor \_\_\_\_\_ introduced proposed Local Law C-2026, relating to amending the Town of Marcellus Zoning Law to add a new section regulating battery energy storage systems within the Town of Marcellus, which was seconded by Councilor \_\_\_\_\_.

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

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

**WHEREAS**, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA; and

**WHEREAS**, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

**WHEREAS**, 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.

**NOW, THEREFORE, BE IT**

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

**RESOLVED AND DETERMINED** that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law C-2026 at the Marcellus Town Hall located at 22 East Main Street, Marcellus, New York in the Town of Marcellus on September 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:

|                         |                        |              |               |
|-------------------------|------------------------|--------------|---------------|
| <b>Jane Attley</b>      | <b>Town Supervisor</b> | <b>Voted</b> | <b>Yes/No</b> |
| <b>Terry Hoey</b>       | <b>Councilor</b>       | <b>Voted</b> | <b>Yes/No</b> |
| <b>Jeff Berwald</b>     | <b>Councilor</b>       | <b>Voted</b> | <b>Yes/No</b> |
| <b>Percy Clarke III</b> | <b>Councilor</b>       | <b>Voted</b> | <b>Yes/No</b> |
| <b>Karen Pollard</b>    | <b>Councilor</b>       | <b>Voted</b> | <b>Yes/No</b> |

The foregoing resolution was thereupon declared duly adopted.

**DATED: August 19, 2026**