

Town of Marcellus
Board Meeting
Wednesday, September 2, 2026
6:30 PM

Call to Order

Salute to Flag

- I. Waive the reading and accept the minutes
- II. Approve the monthly financials
- III. **Old Business**
 - A. Town Hall security
 - B. 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. **New Business**
 - A. OCWA- provide information on the water service provided
 - B. Otisco Lake Preservation Association
 - C. Local Law NO. D of 2026 Tax Levy Override
 - a. Short EAF parts 1, 2 and 3
 - b. Introductory Resolution for Local Law No. D of 2026
 - D. Town of Marcellus legal services

- V. **Reports From Department Heads**

- A. Codes
 - B. Highway
 - C. Parks/Rec
 - D. Town Clerk - monthly report

- VI. **Discussion Agenda**

- A. Fire Department Financials
 - B. Fire Department
 - C. Moratorium for data centers

- VII. **Adjournment**

- Future Meeting Dates**

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

Marcellus Town Board
Town Board Meeting
Wednesday, August 5, 2026
6:30 PM

A Regular Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, August 5, 2026, in the Town Hall, 22 East Main Street, Marcellus, New York.

Present: Jane Attley	Supervisor
Jeff Berwald	Councilor
Percy Clarke	Councilor
Terry Hoey	Councilor
Karen Pollard	Councilor

Also Present: Mr. Gascon, Town Counsel; Mike Ossit, Highway Superintendent; Don MacLachlan, Park and Recreation Director; John Houser, Codes Officer; Linda Wilcox, Town Historian; Bill Southern, Dave Card, Fire Department; Patty Bishop, Tim Chase, Ryan Coon, Art and Nancy Hudson, Courtney Rae Kasper, Nikita Jankowski, Ally Spongr Degen, Rosemary Tozzi, Town Clerk.

PUBLIC HEARING: Sewer District Consolidation

Mr. Gascon, Town Counsel, the Town of Marcellus, had two sewer districts. By combining the two districts there will be some benefits including financial benefits. We introduced the local law and the contract combining the two districts a month ago, and now is the public hearing to hear any comments from the public with respect to the combination of the districts, and we have prepared an enactment resolution for this evening.

Bill Southern, Marcellus resident, "I speak in favor of the consolidation. I think it's a good idea to simplify bookkeeping for the town and spread out some of the cost over a wider base potentially. I strongly recommend you pass it."

Nancy Hudson, Camillus resident, "What do you see the savings to be to consolidate?"

Mr. Gascon, Town Counsel, by combining the two districts, the Town increases the amount of funding that is available. All the residents that are in the sewer district are combining their total revenue ability if an expensive repair is needed. Otherwise, without the consolidation there may not be enough funds accumulated to effectuate the repair. So, the Town is pooling the residents together and the funding together.

Bill Southern, Marcellus resident, "If you didn't have the funding, you'd have to float bonds to do the repair. There'd be interest costs on that bond. This just allows the cost to be shifted back and forth across the district. So, there's a big benefit to the town, potential large savings in the future. "

Don MacLachlan, Marcellus resident, "Are you going to collect for a reserve?"

Mr. Gascon, Town Counsel, the Town is now creating reserves, it was started last year.

Councilor Berwald, "Jim, in Section 3 under the description of the jurisdictional area I saw Scotch Hill Road was in there twice. I didn't know, is that a mistake, or is it because it's talking about both sides of the road?"

Bill Southern, Marcellus resident, both sides. Scotch Hill has one district on one side and one district on the other side. Scotch Hill has the Knowles on one side of the road and for the town on the other side of the road. So that's why it's listed twice.

Councilor Clarke made a motion seconded by Councilor Berwald to close the public hearing at 6:35PM.

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION
August 5, 2026**

**AUTHORIZING THE TOWN OF MARCELLUS SUPERVISOR TO EXECUTE THE
JOINT CONSOLIDATION AGREEMENT BETWEEN THE TOWN OF MARCELLUS
AND CERTAIN EXISTING TOWN OF MARCELLUS SEWER DISTRICTS**

The following resolution was offered by Councilor Berwald, who moved its adoption, seconded by Councilor Pollard, to wit:

WHEREAS, from time-to-time, the Town of Marcellus has formed individual sewer districts throughout the Town in order to provide sanitary sewer service and to provide for the health, welfare and safety of the residents of the Town of Marcellus in certain areas of the Town by transporting sewage from properties in the Town for treatment at the Village of Marcellus Water Pollution Control Plant; and

WHEREAS, Article 17-A of the General Municipal Law of the State of New York (specifically Section 750-793 thereof, effective March 21, 2010) authorizes the consolidation of special districts within a Town to facilitate such consolidations where deemed to be advantageous to the Town; and

WHEREAS, the Town Board of the Town of Marcellus has previously discussed the consolidation of the various sewer districts referenced in the attached Schedule "A" into a single joint consolidated sewer district to allow for the effective management and financing of district assets and infrastructure; and

WHEREAS, the Town previously caused the preparation of a proposed Joint Consolidation Agreement for the aforesaid existing sewer districts into one (1) joint consolidated sewer district pursuant to Article 17 of the General Municipal Law; and

WHEREAS, the new joint consolidated sewer district entity would assume jurisdiction over all areas in the Town of Marcellus that were previously served by the various individual districts; and

WHEREAS, the Town of Marcellus Town Board, as lead agency, on behalf of the various existing sewer districts previously determined that the proposed action would not have a significant adverse effect on the environment; and

WHEREAS, a Negative Declaration was adopted by the Town Board on July 1, 2026; and

WHEREAS, the Town Board previously determined to hold a public hearing on August 5, 2026 at 6:30 p.m. at the Town Hall, so that the matter could be heard by the public; and

WHEREAS, a copy of the Notice of Public Hearing for such purpose was published in the official newspaper as required under the General Municipal Law, was posted on the Town's official signboard and placed upon the Town's website; and

WHEREAS, said Notice of Public Hearing contained a descriptive summary of the proposed Joint Consolidation Agreement; and

WHEREAS, said public hearing was held on August 5, 2026, as scheduled.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Marcellus, on behalf of the various existing sewer districts in the Town of Marcellus, hereby authorizes the Town Supervisor to execute the proposed Joint Consolidation Agreement between the Town of Marcellus and the existing sewer districts in the Town of Marcellus, regarding their consolidation into a single, joint consolidated sewer district, such that this resolution establishes said joint consolidated sewer district without further order of the Town Board.

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

Jane Attley	Town Supervisor	Voted	Yes
Terry Hoey	Councilor	Voted	Yes
Jeff Berwald	Councilor	Voted	Yes
Percy Clarke III	Councilor	Voted	Yes
Karen Pollard	Councilor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

The Town board is also waiving the five-day notice requirement as some adjustments were made due to additional information that was received.

DATED: August 5, 2026

SCHEDULE "A"
Sewer District One
All those parcels of land as follows:

009.-01-01.0 DiMarzo Roseann
009.-01-02.0 Naughton Thomas
009.-01-03.0 Renner Tamara
009.-01-04.0 CLC Foundation Inc. as Trustee
009.-01-05.0 Wolicki Living Trust,
009.-01-06.0 Benz Casey
009.-01-07.0 Bandera Loretta
009.-01-08.0 Carlson Edward
009.-01-09.0 Poole Christopher
009.-01-10.0 Houser John
009.-01-11.0 Bella Taft, LLC
009.-01-12.0 Montaque Edward
009.-01-13.0 Bohla Emerson
009.-01-14.0 Watling Andrew
009.-01-15.0 Foster Alan
009.-01-16.0 Heil Thomas
009.-01-17.0 Uitvlugt Michael
009.-01-18.0 Hahn Raymond, as Trustee
009.-02-01.0 Amedro Edward
009.-02-02.0 Ciarlei Joseph
009.-02-03.0 McInerney Michael
009.-02-04.0 Yacano Kristin
009.-02-05.0 Tucker Kermit
009.-02-06.0 Zinn Walter
009.-02-07.0 Kaser Josef
009.-02-08.0 Brown Steven
009.-02-09.0 Bianchine Thomas
009.-02-10.0 Battaglia David
009.-03-01.0 Kinsley Matthew
009.-03-02.0 Tamul Christopher J.
009.-03-03.0 Brown Deanna
009.-03-04.0 Molinari Christopher
009.-03-05.0 Parlin Jeff
009.-03-06.0 Dineen Laura
009.-03-07.0 Robb James
009.-04-01.0 McCarthy Kyle
009.-04-02.0 Welsh Michael
009.-04-03.0 Farnett Christopher
009.-04-04.0 Kelly William
009.-04-05.0 MacLachlan Lisa
009.-04-06.0 Kelly Kevin
009.-04-07.0 Fletcher Ronald
009.-04-08.0 Kim Joshua
009.-04-09.0 O'Connor Peter
009.-04-10.0 Dorio Craig
009.-05-01.0 Darby Benjamin
009.-05-02.0 Tesch Levi
009.-05-03.0 Smith J. Casey
009.-05-04.0 Waters Matthew
009.-05-05.0 Mc Clusky Martin
009.-05-06.0 Servello Vicki
009.-05-07.0 Kaser Walter
009.-05-08.0 Gilmore Amanda
009.-05-09.0 Brady Thomas
009.-05-10.1 Fulton Molly
009.-05-10.2 Fischmann Joan
009.-05-11.0 Pawlewicz John

009.-05-12.0 Tuttle Earl
009.-05-14.0 Cummings Robert
009.-05-15.0 Stoddard Erle
009.-05-16.1 Southern William
009.-05-18.0 Parker Stephen
009.-05-19.0 Firsch Melanie
009.-05-20.0 Limestone Ridge LLC
009.-05-21.0 Meyer Vernon
009.-05-22.0 Farrell Robert
009.-06-01.0 Ellinwood Dean
009.-06-02.0 Delahanty Timothy
009.-06-03.0 Marsh James
009.-06-04.0 Rothbaler Edwin
009.-06-05.0 Millett Philip A.
009.-06-06.0 Williams Christopher
009.-06-07.0 Cooper Kerri
009.-06-08.0 Nellie F Ramsden Lvg Tst
009.-06-09.0 Addabbo Philip
009.-06-10.0 Radionov Aleksandr
009.-06-11.0 Czerniak Michael
009.-06-12.0 Drabot Stanley
009.-06-13.0 Beamish Robert
009.-06-14.0 Cost Patricia
009.-06-15.0 Chase Timothy
009.-06-16.0 Pskowski James
009.-06-17.0 VanBeveren Michael
009.-06-18.0 Cook William
009.-06-19.0 Taylor Matthew Joseph
009.-06-20.0 Collins Casey
009.-06-21.0 Hopper Kevin D.
009.-07-01.0 Heintz Jared
009.-07-02.0 Harty Shannon
009.-07-03.0 Mineau Gabrielle
009.-07-04.0 Hammond Brian
009.-07-05.0 Robb Alan
009.-07-06.0 Coleman Barbara
009.-07-07.0 Williams Nathan J.
009.-07-08.0 Felice April
009.-07-09.0 Goldsworthy John
009.-07-10.0 Hewitt Marta
009.-07-11.0 Phillips Ana
009.-07-12.0 Morris Kyle
009.-07-13.0 Murphy James
009.-07-14.0 Daniel J. Ross Lvg Trust
009.-07-15.0 Novak Ryan
009.-07-16.0 Flynn Edward F.
009.-07-17.0 Radionov Andrey
009.-07-18.0 Deyo David
009.-07-19.0 Justian Michael
009.-07-20.0 Capp Amanda
009.-07-21.0 Page Erwin
009.-07-22.0 Evans Robert
009.-07-23.0 Williams Andy S.
009.-07-24.0 Hartigan Michael
009.-08-01.0 Whitford Robert
009.-08-02.0 Tanner Scott
009.-08-03.0 Fowler Thomas
009.-08-04.0 Unger Adam

SCHEDULE "A"
Sewer District Two

All those parcels of land as follows:

008.-01-02.0 Finn Thomas
008.-01-03.0 MacIachlan Donald
008.-01-04.0 Crosley Martin
008.-01-05.0 Rogalia Kelly L.
008.-02-01.1 Walsh John
008.-02-02.0 William J Farrell 2018 Tr
008.-02-03.0 Pikarski Richard
008.-02-04.0 Church Katherine
008.-02-05.0 Weiss Aaron Bradford
008.-02-06.0 Barrigar Kenneth C.
008.-02-07.0 Sawmiller Sarah
008.-02-08.0 Manning Mark M
008.-02-09.0 Yang Junjie
008.-02-10.0 Kianka Michael
008.-02-11.0 Rice Jack M.
008.-02-12.0 9 Mile Homes LLC
008.-02-13.0 Hardenburgh Carl
008.-02-14.0 Belden Properties, LLC.
008.-02-15.0 Van Beusichem Andrea
008.-02-16.1 Markell Jason
008.-02-17.0 Davis Sara
008.-02-18.0 STREAM BANK Revocable Trust
008.-02-19.0 Davis Stacey
008.-02-20.0 Zajac Scott
008.-02-21.1 LeFever Neil
008.-02-22.0 Sherman Kurt
008.-02-23.0 Kaufman Brian M.
008.-02-24.0 Glomb Joseph
008.-02-25.0 Thorpe Duane
008.-02-26.0 Hamilton Hannah
008.-02-27.0 Hudson Mark
008.-02-28.0 Kotlarz Brian
008.-02-29.0 Oldfield Molly Allison
008.-02-30.0 Dixon Richard B.
008.-02-33.0 The 5 brothers be, LLC
008.-02-34.0 Hulihan Nicholas J.
008.-02-35.0 Oldaker Thomas
008.-02-36.0 Field Harold
008.-02-37.0 Sweet Eugene L
008.-02-38.0 Togni Ronald
008.-02-39.0 Benedetto Nancy
008.-02-40.0 Valentine Lisa
008.-02-41.0 Raven Heidi
008.-02-42.0 Laclair Wayne
008.-04-01.0 ASR Living Trust
008.-04-02.0 Palen Robert
008.-04-04.0 Swierczek Stephen
008.-04-05.0 Cornish Matthew
008.-04-06.0 Bingham Michelle
008.-04-07.0 Irrevocable Trust Pfau Family
008.-04-08.0 PARKER MICHAEL J.
008.-04-09.0 Thomas & Joan Russell Irr. Tru
008.-04-10.0 Preston Eliot
008.-04-11.0 Brienza John
008.-04-12.0 Crysler Garrett E
008.-04-13.0 Markell Linda
008.-04-14.0 Marocco Lawrence
008.-04-15.0 Goral Christine
008.-04-16.0 Gay Peter
008.-04-17.0 Kelly Walter

008.-04-18.0 King Martin
 008.-04-19.0 Movsoich David
 008.-04-20.0 Hawley Kathleen
 008.-04-21.0 Bednarczyk Lawrence
 008.-04-22.0 De Wan James
 008.-04-23.0 Thorpe Michael
 008.-04-24.0 Bishop David
 008.-04-25.0 Stevens Melissa
 008.-04-26.0 White Joshua
 008.-04-27.0 Maclachlan William
 008.-04-28.0 Esterguard Thomas
 008.-04-29.0 Cross Nicole
 008.-04-30.0 Pikarski Adam
 008.-05-03.0 Maders Cottes Fabiola
 008.-05-04.0 Schultz David
 008.-05-05.0 Carter Jennifer
 008.-05-06.0 Copeland Brian
 008.-05-07.0 Fraher III Thomas
 008.-05-08.0 Thompson Joanne
 008.-05-09.0 McKenty Living Trust
 008.-05-10.0 Cartner David
 008.-05-11.0 Ritchie Gary
 008.-06-01.0 Fellows Brian M.
 008.-06-02.0 Carey Howard
 008.-06-03.1 Kudlick Tyler
 008.-06-04.0 Viele Gary
 008.-06-05.0 King Janet
 008.-06-06.0 Hettinger Joanne
 008.-06-07.0 Takach David
 008.-06-08.0 Ossit Michael
 008.-06-09.0 Ossit Michael
 008.-06-10.0 Chunco Charlotte
 008.-06-11.0 McNaney Thomas
 008.-06-12.0 Magiera Joshua
 008.-06-13.0 Potter Barrie
 008.-06-14.0 Armstrong Carol
 008.-06-15.0 Tucker Timothy
 008.-06-16.0 Villa Michael
 008.-06-17.0 New York + Partners LLC
 008.-06-18.0 Stevens Wilson
 008.-06-21.0 Fagan Christina
 008.-06-22.2 Beardslee Logan
 008.-06-24.0 Caines Charles
 009.-05-13.0 Ballard Mary
 012.-01-88.0 Hettinger James
 012.-01-89.0 Abbott Nathan D.
 012.-01-90.1 Moro David
 012.-01-91.0 Fuller Mary
 012.-01-92.1 Striffler Randall
 014.-03-18.0 Ridgeway John
 014.-03-20.0 Durand Joseph
 014.-03-21.0 Bayne Bruce
 014.-03-22.0 Bayne Bruce
 014.-03-23.0 Reynolds Scott
 014.-03-24.0 Harter Melissa
 014.-03-25.0 Family Irrevocable Trust Pearson
 014.-03-27.0 Coville Christopher
 014.-03-28.0 of Marcellus LLC K & J Properties
 014.-03-29.0 Karlovitz Kathleen
 014.-03-30.0 Longuil John
 014.-04-01.0 Peatfield David
 014.-04-02.0 Bishop Daniel

014.-04-03.0 March Susan
 014.-04-04.0 Sammon Brian
 014.-04-05.0 Gadawski Paul
 014.-04-06.0 Defeo Jeanette
 014.-04-07.0 Donahue Kaitlin
 014.-04-11.0 Sorrentino Lynnsey
 014.-04-12.0 Isgar John
 014.-04-13.0 Holmes John
 014.-04-14.0 Roche Judith
 014.-04-15.0 Wollschlager Bruce
 014.-04-16.0 Stevens Helen
 014.-04-17.0 Murphy James
 014.-04-18.0 McFall Julie Marie
 014.-05-07.0 Thiel Mary
 014.-05-08.0 Perry Carolyn
 014.-06-04.0 Family Protection Trust The Cole Irrevocable
 014.-06-05.0 Mitchell Living Trust Charles and Theresa
 014.-06-06.0 Bourdon Ryan
 014.-06-08.0 Young Timothy
 014.-06-09.0 Napier Rosalind
 014.-06-10.0 McBride Roberta
 014.-06-11.1 Larkin John
 014.-06-12.0 Irrevocable Trust William A & Andrea J
 014.-06-13.0 Riggall Cindy
 014.-06-14.0 Grooms Carrie Ann L.
 014.-06-15.0 O'Neil Irrev. Trust
 014.-06-16.0 Bedford Jaqueline
 014.-06-17.0 Woods, Trustee Robert
 014.-07-01.0 Metz Kyle
 014.-07-02.0 Redfield Richard
 014.-07-03.0 Howell Kelly
 014.-07-04.0 Brown Laura
 014.-07-05.0 Stock Raymond
 014.-07-06.0 Murray Scott
 014.-07-07.0 Parvel Todd
 014.-07-08.0 Abbott Daniel
 014.-07-09.0 Richards Frederick
 014.-07-10.0 Blake Thomas
 014.-07-11.0 Evans Jennifer
 014.-11-01.0 Rury Virginia
 014.-11-02.0 Kendall Keith R.
 014.-11-03.0 Powell David
 014.-13-04.0 Meier Jennifer
 014.-13-05.0 Darling Rachel
 014.-13-06.0 Meade Family Trust
 014.-13-07.0 Korycinski Margaret

A copy of the sewer consolidation contract is available in the Town Clerk's office during business hours.

Waive the Reading and Accept the Minutes: Councilor Berwald made a motion seconded by Councilor Hoey to waive the reading and accept the minutes as submitted by the Town Clerk for July 1, 2026, Town Board meeting and for July 15, 2026, Workshop meeting.

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

Monthly Activity: The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #7 for July 23, 2026, Claim 's # 159828-159829, 159831-159836.

Expenses

General Fund	\$15,787.84
Part Town General	2,419.68
Part Town Highway	4,698.39
Trust and Agency	1,888.27
Total	\$24,794.18

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #7 for July 24, 2026, Claim # 159837.

Expenses

General Fund	\$682.50
Part Town General	126.74
Part Town Highway	106.88
Total	\$916.12

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #8 for August 5, 2026, Claim 's # 159853-159908.

Expenses

General Fund	\$20,898.96
Townwide Highway	56,964.92
Part Town Highway	3,358.52
Sewer District	49,719.61
Water District	93,147.00
Total	\$224,089.01

Board Members were given the Activities Report as of July 30, 2026. Fiscal year 2026 Period 7.

	<u>Revenue</u>	<u>Expense</u>
General Fund	(1,411,640.66)	786,931.37
Part Town General	(223,087.00)	102,404.88
Townwide Highway	(681,716.78)	257,402.41
Part Town Highway	(390,812.90)	147,646.48
Fire District	(447,652.39)	307,370.25
Hydrant Fund	(3,492.86)	1,797.83
Ambulance Fund	(311,770.37)	233,821.50
Sewer District	(216,174.80)	88,248.15
Water District	(174,856.69)	87,952.90

Bank Balances:

The total of all Bank Balances for June 2026 is \$5,794,180.22

Councilor Hoey made a motion seconded by Councilor Berwald to approve the Abstract of Audited Voucher Report for July 23, 2026, July 24, 2026, August 5, 2026, the Activities Report as of July 30, 2026, and the bank balance as of June 2026.

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

Old Business:

Hazard Mitigation Plan: Is a proactive or long-term action taken to permanently eliminate or reduce the risks to human life and property from hazards like floods and wildfires. The Onondaga County Department of Planning has completed the 2025 five-year update of the Onondaga County Multi-Jurisdictional Hazard Mitigation Plan for the County and its municipalities.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF MARCELLUS
AUTHORIZING THE ADOPTION OF THE 2025 ONONDAGA COUNTY
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE**

August 5, 2026

WHEREAS, the TOWN OF MARCELLUS recognizes the threat that natural hazards pose to people and property within the TOWN OF MARCELLUS; and

WHEREAS, the TOWN OF MARCELLUS has prepared a multi-hazard mitigation plan, hereby known as THE 2025 HAZARD MITIGATION PLAN in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, THE 2025 HAZARD MITIGATION PLAN identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the town from the impacts of future hazards and disasters; and

WHEREAS, adoption by the TOWN OF MARCELLUS demonstrates their commitment to hazard mitigation and achieving the goals outlined in the 2025 HAZARD MITIGATION PLAN.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF MARCELLUS, NY, THAT:

In accordance with NYS MUNICIPAL HOME RULE LAW, the TOWN OF MARCELLUS adopts the ONONDAGA COUNTY MULTI-JURISDICTIONAL 2025 HAZARD MITIGATION PLAN. This plan, approved by the community, may be edited or amended after submission for review, but will not require the community

to re-adopt any further iterations. This only applies to this specific plan and does not absolve the community from updating the plan in five (5) years.

ADOPTED, on this 5th day of August 2026 by the following vote.

Jane Attley	Town Supervisor	Voted	Yes
Jeff Berwald	Councilor	Voted	Yes
Terry Hoey	Councilor	Voted	Yes
Karen Pollard	Councilor	Voted	Yes
Percy Clarke III	Councilor	Voted	Yes

Dated: August 5, 2026

A copy of the Hazard Mitigation Plan is available in the Town Clerk's office during business hours.

Set Budget Meetings: Councilor Pollard, spoke to Lori Petrocci, Budget Officer, regarding the budget meetings. Ms. Petrocci will be giving the tentative budget to the Town Clerk to present to the Town Board at the August 19, 2026, workshop meeting. Councilor Pollard suggested scheduling the meetings after the tentative budget has been received.

Councilor Berwald, Ms. Petrocci emailed the Town Board members stating that budget meetings should be set during the period of August 10, 2026, through September 3, 2026.

Councilor Pollard, we should be thinking about the tax cap override local law that is normally passed in case the Town goes over the 2%.

Councilor Clarke, we should wait until after the 19th until we have the tentative budget from Ms. Petrocci.

Councilor Hoey, the tentative budget is solely based on budget requests from departments.

Councilor Pollard, yes, the tentative budget will have all the department requests, that budget we can alter. Once it becomes preliminary, we can't make changes unless a meeting is held.

Councilor Berwald made a motion seconded by Councilor Hoey to set the budget meeting dates for Wednesday, August 26, 2026, at 4:00 pm, Wednesday, September 2, 2026, at 4:00 pm, Wednesday, September 9, 2026, at 4:00 pm and Wednesday, September 16, 2026, at 4:00pm.

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

New Business:

Harriet Tubman Byway Resolution: Nikita Jankowski and Ally Spongr Degon presented the following information during the meeting: The Harriet Tubman Underground Railroad Byway traces the path freedom seekers once traveled through New York State — from Auburn, home of Harriet Tubman herself, all the way to Niagara Falls and the Canadian border. It's a living, drivable tribute to courage, community, and the pursuit of freedom, and it's quickly becoming one of the most meaningful heritage tourism corridors in the state. The Harriet Tubman Underground Railroad Byway's Phase 1 (Auburn to Niagara Falls) was recently completed. The Byway team and local stakeholders secured resolutions from all municipalities within Phase 1 jurisdiction and have submitted a Corridor Management Plan to the New York State Department of transportation (NYSDOT). Bills passed in the Senate (S9057) and Assembly (A10194) for Phase 1 on June 4, 2026, and Governor Hochul signed Phase into law on June 13, 2026. Marcellus sits along the proposed Phase 2 route extending the byway from Onondaga County to New

York City, as part of a full 550-mile border-to-border journey. It costs the town nothing and would connect Marcellus to a growing statewide movement honoring one of the most important chapters in New York State's history. We would be honored to add Marcellus to this list. To put minds at ease: the resolution simply commits the town to not approving new large, off-premises commercial billboards along the corridor (to keep it scenic). On-premises business signs, directional signs, municipal signs, and NYSDOT-funded byway finding signage (installed at zero cost to the town) are all fully unaffected, and existing billboards are grandfathered in.

**Resolution for Harriet Tubman Underground Railroad New York Scenic Byway Nomination
and Corridor Management Plan Adoption**

WHEREAS, the historic qualities of the Harriet Tubman Underground Railroad New York Scenic Byway, as described in the corridor management plan, and the surrounding areas have been appreciated and celebrated for over a century by the residents of New York State, as well as tourists, historians, artists, authors, and other visitors to the region; and it is this unique combination of the journeys of Harriet Tubman and those Freedom Seekers who traveled on the Underground Railroad that create the special sense of place that is vital in telling the New York story of the human desire for freedom and the historic sites they utilized during their journey to emancipation; and

WHEREAS, the Steering Committee of the Harriet Tubman Underground Railroad New York Scenic Byway, composed of representatives of 22 municipalities along the proposed scenic byway route, committed to working cooperatively to protect and promote the historic, scenic, recreational, and economic well-being of the 550-mile Corridor throughout the state and agreed to pursue the nomination of the Harriet Tubman Underground Railroad New York Scenic Byway; and

WHEREAS, under the leadership of the Harriet Tubman Underground Railroad New York Scenic Byway Steering Committee, each of the 22 counties contributed to the development of this corridor management plan by encouraging public participation, confirming the vision and goals, and leading individual meetings of the Collaborative; and

WHEREAS, the Steering Committee of the Harriet Tubman Underground Railroad New York Scenic Byway, consisting of relatives of Harriet Tubman, descendants of Freedom Seekers, Harriet Tubman and/or Underground Railroad historians, representatives from state and federal agencies, has strengthened the historic integrity, representation, and the principles of the corridor management plan; and

WHEREAS, in the process of developing this corridor management plan, the Harriet Tubman Underground Railroad New York Scenic Byway Steering Committee has strengthened the bonds of inter-municipal cooperation, and the involved entities envision further benefit through scenic byway designation including sustained collaborative progress, increased funding opportunities for recommendations identified in the plan, enhanced partnerships with agencies responsible for the stewardship of resources along and adjacent to the byway route, and an improved visitor experience that interprets and promotes the corridor's intrinsic qualities and resources; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Marcellus supports the designation of the Harriet Tubman Underground Railroad New York Scenic Byway which includes programs for stewardship and enhancement of the historic scenic byway and guidance to manage future activities along its corridor; and

BE IT FURTHER RESOLVED, that the Town of Marcellus confirms that they will not approve any requests for new off-premises outdoor advertising signs along the designated Harriet Tubman Underground Railroad New York Scenic Byway route; and

BE IT FURTHER RESOLVED, that the Town of Marcellus confirms that they will abide by and follow all existing New York State and Federal laws and regulations that are applicable to this resolution and..."

BE IT FURTHER RESOLVED, that the Town of Marcellus will work in partnership with the other municipalities along the Harriet Tubman Underground Railroad New York Scenic Byway and local and regional stakeholders in order to support future Byway programs, economic development, marketing, and collaborate with these interested entities to explore opportunities for cooperation to realize the Scenic Byway goals.

Councilor Pollard made a motion seconded by Councilor Clarke to pass the resolution for the Harriet Tubman Underground Railroad New York Scenic Byway nomination and Corridor Management Plan Adoption

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

Quote for LifeVac and CPR Masks: MAVES provided a quote for five LifeVac Travel kits (anti choking devices) and 5 CPR resuscitator masks with adult/child & infant in hard case for a total cost of \$417.60. These life saving tools will be added to the first aid kits along with the AEDs. Councilor Berwald made a motion seconded Councilor Pollard to approve the purchase of the five LifeVac Travel kits (anti choking devices) and five CPR resuscitator masks with adult/child & infant in hard case for a total cost of \$417.60.

**RESOLUTION OF THE TOWN BOARD FOR THE
TOWN OF MARCELLUS TERMINATING THE
MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS**

August 5, 2026

This Resolution was moved by Councilor Pollard, and seconded by Councilor Berwald:

WHEREAS, the Town enacted Local Law No. 1 of the year 2026 entitled "A Local Law Imposing a Twelve (12) Month Moratorium on Battery Energy Storage Systems with the Town of Marcellus"; and

WHEREAS, since the implementation of said local law, several versions of a comprehensive Battery Energy Storage System Law have been prepared for Town Board consideration by the Town Attorney; and

WHEREAS, the implementation of a moratorium was primarily focused on large scale commercial facilities; and

WHEREAS, there are currently pending no such commercial Battery Energy Storage Systems in the Town; and

WHEREAS, there are several residential property owners, either under contract or in negotiations for the installation of residential solar energy systems, awaiting removal of the moratorium.

NOW, THEREFORE, BE IT

RESOLVED pursuant to Section 5 B. of the Town of Marcellus Local Law No. 1 of 2026, A Local Law Imposing a Twelve (12) Month Moratorium on Battery Energy Storage Systems, the Town Board hereby enacts this resolution terminating the moratorium on the basis that the Board is satisfied the need for the moratorium no longer exists.

The foregoing resolution was put to a vote with the following result:

Jane Attley	Town Supervisor	Voted	Yes
Terry Hoey	Councilor	Voted	Yes
Jeff Berwald	Councilor	Voted	Yes
Percy Clarke III	Councilor	Voted	Yes
Karen Pollard	Councilor	Voted	Yes

DATED: August 5, 2026

Reports From Department Heads

Codes: John Houser, Codes Officer; noting to report.

Highway Department: Mike Ossit, Highway Superintendent; the Highway Department has been busy helping the park staff with building the new amphitheater.

Parks and Recreation: Don MacLachlan, Park and Recreation Director; summer recreation program is over and went well. I'd like to thank the firemen for providing a water sprinkler day during summer recreation, the kids loved it. There has been vandalism in one of the bathrooms at the park, between the Creek Hollow and Stone Mill pavilions. So, we're only opening it if we have a pavilion reserved because there are bathrooms on each side. The new amphitheater is coming along. We plan to run power from the post that is there. It's simple and very inexpensive. While talking to an electrician he said there's not a lot of electricity on the far side of the park. He said if you want to spend a little more money, it would be a good time to do it. What do you guys think? Do you want to spend a little more money and get it to that point, or just do what we have planned? There is money in the park budget. Something to think about. The electricity work will not be started until October after the last movie in the park is scheduled.

Town Clerk - Monthly Report: Rosemary Tozzi, Town Clerk; presented the monthly report for July 2026.

Dog Licensing \$479.00

Certified Copies of Marriage \$10.00

Passports \$210.00

Conservation \$17.39

Freon Removal \$15.00

Marriage Licensing Fees \$122.50

Building \$1,528.00

Zoning Fees \$300.00

On Monday a resident called Town Hall, she reported a dead goose in the lake near her property. She called DEC, they told her they would not do anything and to contact the Town, I called Mike. Mike and Jeremy removed the dead goose and a dead fish from the lake for the resident. She called Town Hall to thank the Highway Department for how fast they took care of the issue and said they did a great job!

Discussion Agenda:

Nancy Hudson, Camillus resident, will the closing of the park restroom be permanent or temporary?

Don MacLachlan, they will be open if the closest pavilion is rented or there is a scheduled event.

Fire Department: Dave Card had nothing to report.

Councilor Pollard requested a meeting with council after the Town Board meeting.

Adjournment: Councilor Clarke made a motion seconded Councilor Berwald to adjourn the Meeting at 7:30 PM.

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

Respectfully submitted,

Rosemary Tozzi
Town Clerk

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

A Workshop Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, August 19, 2026, in the Town Hall, 22 East Main Street, Marcellus, New York.

Present:	Jane Attley	Supervisor
	Jeff Berwald	Councilor
	Terry Hoey	Councilor
	Karen Pollard	Councilor
Absent:	Percy Clarke	Councilor

Also Present: Mr. Eaton, Town Counsel; Don MacLachlan, Park and Recreation Director; Linda Wilcox, Town Historian; Dave Card, Fire Department; Tom Lathrop, John Pawlewicz, Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk.

Abstract of Audited Vouchers: The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #8 for August 19, 2026. Claim #'s 159921-159934, 159936-159951, 159960-159962.

	Expense
General Fund	\$85,471.98
Part Town General	439.53
Townwide Highway	190.17
Part Town Highway	1,820.88
Trust and Agency	1,171.66
Total	\$89,094.22

Councilor Pollard made a motion seconded by Councilor Hoey to approve the Abstract of Audited Vouchers and pay the bills for August 19, 2026.

Ayes – Attley, Berwald, Hoey and Pollard

Carried

New Business:

Town Hall Security: On August 6th a man entered Town Hall and went to the Town Clerk's counter. His demeanor was a little alarming. He informed the Town Clerk she could not help him then proceeded down the hall and entered the employee hallway and made his way to the meeting room. He paused and leaned against the bench, picked up the phone and then hung it up. At this point he attempted to get into the closet in the meeting room, but it was locked. He then exited the building through the meeting room doors and out the front door. A Town Hall employee followed him outside and called 911. A Village of Marcellus Officer and NYS Trooper responded to the call. A report was filed. We have since closed the door into the employee hallway and will continue to keep this closed and locked. After this incident it was decided that the security in Town Hall should

be improved. A committee was formed to meet with QPK Design, the architecture and engineering firm that was involved with the building of Town Hall. The Committee members will be John Houser, Codes Officer; Rosemary Tozzi, Town Clerk, Councilor Berwald and Councilor Pollard. Once the committee has had a chance to meet with the engineers they will bring options to the Town for approval.

Councilor Berwald made a motion seconded by Councilor Hoey to approve the committee members as John Houser, Codes Officer; Rosemary Tozzi, Town Clerk, Councilor Berwald and Councilor Pollard.

Ayes – Attley, Berwald, Hoey and Pollard

Carried

Fall Trash Days: Proposed trash dates for the Fall are September 25th and 26th and October 2nd and 3rd. Hours of operations will be 8:00 AM - 12:00 PM. During the Fall trash days electronics and shredding are not offered services. The fees will remain the same as offered for the spring trash days.

Councilor Pollard made a motion seconded by Councilor Berwald to approve the fall trash days for September 25th and 26th and October 2nd and 3rd.

Ayes – Attley, Berwald, Hoey and Pollard

Carried

Brush Grinding: Green Renewable submitted a one-year contract for grinding the brush pile at 4264 Slate Hill Rd. They will grind and process the yard waste stockpile, and the Town of Marcellus will assist with the equipment and operator for grinding and loading trucks. The Town of Marcellus will provide fuel for the equipment. The total for the one-year contract is \$13,000, which represents a \$3,000 increase from the previous contract. The Town and Village split the cost evenly. The Town will pay \$6,500. The contract is valid September 1, 2026, through August 31, 2027.

Councilor Berwald made a motion seconded by Councilor Hoey to deem Green Renewable as a sole source and approve the contract with Green Renewable at a total cost of \$13,000 and \$6,500 being paid by the Town.

Ayes – Attley, Berwald, Hoey and Pollard

Carried

NYS Shelter Rescue License: Effective December of 2025, animal shelters, rescue organizations, and other not-for-profit entities are required to be licensed with the Department of Agriculture and Markets. Shelters and rescues will be subject to unannounced inspections to ensure compliance with Article 26-C. This is part of an effort to increase standards of care for animals in shelters throughout the state. The Town of Marcellus uses Marcellus Veterinary Hospital to board and treat any dogs in custody of the Town. The fee is \$150.00 per year to register through the State. The Town Board agreed that the fee should be paid from the Marcellus Dog Control contractual account.

Supervisor Attley made a motion seconded by Councilor Hoey to approve the \$150.00 NYS Shelter Rescue License fee to be paid out of the Marcellus Dog Control contractual account.

Ayes – Attley, Berwald, Hoey and Pollard

Carried

Local Law NO. B of 2026 Steep Slope: Councilor Pollard, this came from our discussions about the Comprehensive Plan. It's just another tool that the Codes office and Town Board can use to protect our environment. Councilor Hoey, the Comprehensive Plan Committee is Councilor Pollard, Councilor Hoey, Codes Officer, John Houser; PB/ZBA Clerk Joanna Clarke, PB/ZBA Board Member Chris Christensen, Planning Board Chairperson Jerry Wicket, Zoning Board of Appeals Chairperson Scott Stearns and the Town Attorney.

**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, Councilor Berwald 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 Councilor Hoey.

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:

Jane Attley	Town Supervisor	Voted	Yes
Terry Hoey	Councilor	Voted	Yes
Jeff Berwald	Councilor	Voted	Yes
Percy Clarke III	Councilor	Voted	Absent
Karen Pollard	Councilor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: August 19, 2026

Local Law NO. C of 2026 Regulating Battery Energy Storage Systems: Local Law NO. C of 2026 was presented and discussed. However, the following day it was discovered that the incorrect version was presented. The correct version will be re-introduced at the September 2, 2026, Town Board meeting.

Advance Mechanical Servies: Advance Mechanical has a contract with the Town of Marcellus to perform preventative maintenance services two times per year. During the last service call it was discovered that repairs were needed on both AC units. The first one is to replace the condenser fan motor on stage one

middle RTU, and the second one is replacing condenser fan motor stage one on the unit closest to pitch roof. Each repair is estimated to cost \$1,898.46 at a total cost of \$3,796.92.

Councilor Berwald made a motion seconded by Councilor Hoey to approve the repair estimates for the Town Hall AC units at a total cost of \$3,796.92

Ayes – Attley, Berwald, Hoey and Pollard

Carried

Highway Department Report: The highway department is currently doing road brush and shoulder mowing. Apple Roofing is in communication with Carlise regarding the warranty work needed for the roof repairs. All three spots have been caulked, two continue to show some dampness. Updates will be provided when they become available.

Town Clerk presented the Town Board with the 2027 Tentative Budget

Parks and Recreation: The new amphitheater is progressing nicely. All of the work should be done in the next week with the exception of electrical work. Highway and Park staff have done a wonderful job building the structure.

Discussion Agenda:

Fire Department: Dave Card submitted July's financial report. Dave inquired about the status of the Fire Department Compensation Insurance. The Town Board had previously tabled this topic and would like to address this during budget discussions. Dave will contact Mcneil & Company, INC, for an updated quote.

Supervisor Attley requested a meeting with Counsel after the adjournment of the meeting.

Adjournment: Councilor Berwald made a motion seconded Councilor Pollard to adjourn the Meeting at 7:10 PM.

Ayes – Attley, Berwald, Hoey and Pollard

Carried

Respectfully submitted,

Rosemary Tozzi
Town Clerk

**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 and 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 programmable 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.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies that would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No." If the answer to the initial question is "Yes," complete the following sub-questions. If the answer to the initial question is "No," proceed to the next question. Section F allows the project sponsor to identify and attach additional information. Section G requires the name and signature of the applicant or project sponsor to verify the information in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Town of Marcellus Town Board		
Project Location (describe and attach a general location map): 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		
Brief Description of Proposed Action (include purpose or need): 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/Sponsor: Town of Marcellus Town Board		Telephone: 315-673-3269
		E-Mail: clerk@townofmarcellusny.gov
Address: 22 East Main Street		
City/PO: Marcellus	State: New York	Zip Code: 13108
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, ☒ Yes ☐ No or Village Board of Trustees	Town of Marcellus Town Board	
b. City, Town or Village ☐ Yes ☐ No Planning Board or Commission		
c. City, Town or ☐ Yes ☐ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☐ No		
e. County agencies ☒ Yes ☐ No	Onondaga County Planning Board	
f. Regional agencies ☐ Yes ☐ No		
g. State agencies ☐ Yes ☐ No		
h. Federal agencies ☐ Yes ☐ No		
i. Coastal Resources. i. Is the project site within a Coastal Area or the waterfront area of a Designated Inland Waterway? ☐ Yes ☒ No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐ Yes ☒ No iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☒ No		

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule, or regulation be the only approval(s) that must be granted to enable the proposed action to proceed? ☒ Yes ☐ No • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1	
C.2. Adopted land use plans.	
a. Do any municipally adopted (city, town, village, or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other)? ☐ Yes ☒ No If Yes, identify the plan(s):	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan or an adopted municipal farmland protection plan? ☐ Yes ☒ No If Yes, identify the plan(s):	

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

If Yes, identify the elements of the plan that are relevant to the action:

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No
If Yes, what is the proposed new zoning for the site?

C.4. Existing community services.

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

b. What police or other public protection forces serve the project site?

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

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No				
i. If No, anticipated period of construction: _____ months				
ii. If Yes: • Total number of phases anticipated _____ • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____				
f. Does the project include new residential uses? ☐ Yes ☐ No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____
g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No				
If Yes,				
i. Total number of structures _____				
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length				
iii. Approximate extent of building space to be heated or cooled: _____ square feet				
h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No				
If Yes,				
i. Purpose of the impoundment: _____				
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____				
iii. If other than water, identify the type of impounded/contained liquids and their source. _____				
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres				
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length				
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____				
D.2. Project Operations				
a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☐ No				
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)				
If Yes:				
i. What is the purpose of the excavation or dredging? _____				
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____				
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____				
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No				
If yes, describe. _____				
v. What is the total area to be dredged or excavated? _____ acres				
vi. What is the maximum area to be worked at any one time? _____ acres				
vii. What would be the maximum depth of excavation or dredging? _____ feet				
viii. Will the excavation require blasting? ☐ Yes ☐ No				
ix. Summarize site reclamation goals and plan: _____				

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description):

ii. Describe how the proposed action would affect that waterbody or wetland, e.g., excavation, fill, placement of structures, or alteration of channels, banks, and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes?

☐ Yes ☐ No

If Yes:

- i. Total anticipated liquid waste generation per day: _____ gallons/day
- ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities?

☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

- Do existing sewer lines serve the project site? ☐ Yes ☐ No

- Will a line extension within an existing district be necessary to serve the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?

☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

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

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

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e., sheet flow) during construction or post construction?

☐ Yes ☐ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources.

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

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

- Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No

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

k. Will the proposed action (for commercial or industrial projects only) generate new or additional energy demand? ☐ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____		
m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: _____ ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____			
n. Will the proposed action have outdoor lighting? ☐ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____ ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____			
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____			
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____			
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticide) during construction or operation? ☐ Yes ☐ No If Yes: i. Describe proposed treatment(s): _____ ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No			

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

If Yes:

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

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

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

- Construction: _____

- Operation: _____

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

- Construction: _____

- Operation: _____

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

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

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

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled, or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling, or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?

☐ Yes ☐ No

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

ii. If mix of uses, generally describe:

b. Land uses and cover types on the project site.

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

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No i. If Yes: explain: _____
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No If Yes, i. Identify facilities: _____
e. Does the project site contain an existing dam? ☐ Yes ☐ No If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property that is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No If Yes: i. Has the facility been formally closed? ☐ Yes ☐ No • If Yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ iii. Describe any development constraints due to the prior solid waste activities: _____
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No ☐ Yes – Spills Incidents database ☐ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ ii. If site has been subject of RCRA corrective activities, describe control measures: _____ iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No If Yes, provide DEC ID number(s): _____ iv. If Yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No	
• If Yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No • Explain: _____	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ %	
_____ %	
_____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: ☐ Well Drained: _____ % of site	
☐ Moderately Well Drained: _____ % of site	
☐ Poorly Drained _____ % of site	
f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____ % of site	
☐ 10-15%: _____ % of site	
☐ 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? ☐ Yes ☐ No	
If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds, or lakes)? ☐ Yes ☐ No	
ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☐ No	
If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☐ No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No	
If Yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? ☐ Yes ☐ No	
j. Is the project site in the 100-year Floodplain? ☐ Yes ☐ No	
k. Is the project site in the 500-year Floodplain? ☐ Yes ☐ No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☐ No	
If Yes:	
i. Name of aquifer: _____	

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____
n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: _____ • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): _____ _____
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No If Yes: i. Species and listing: _____ _____
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No If Yes, give a brief description of how the proposed action may affect that use: _____ _____
E.3. Designated Public Resources On or Near Project Site
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No If Yes, provide county plus district name/number: _____
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NY State Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☐ No If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____																			
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☐ No																			
g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____																			
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic, or aesthetic resource? ☐ Yes ☐ No If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail, or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.																			
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☐ No If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No																			
E.4. Disadvantaged Communities Designated Pursuant to ECL Article 75																			
a. Is the project located within, or within ½ mile of, a disadvantaged community? ☐ Yes ☐ No If No, could impacts(see examples below in E.4.b) from the project affect a disadvantaged community? ☐ Yes ☐ No If Yes to either question in E.4.a, answer the remaining questions in this section.																			
b. Will there be direct or indirect impacts that may affect a disadvantaged community, such as those listed below? ☐ Yes ☐ No i. new noise sources or expansions/modification of existing noise sources; - noise from operational sources - noise from construction activities ii. emissions of air pollutants including, mobile emissions; iii. wastewater discharges; iv. generation of odors; v. light pollution; vi. new or modified radiation sources; vii. new or modified sources of solid waste generation, management, or disposal. If Yes, describe the impacts: _____																			
c. Do any of the State agency approvals identified in question B.g include any of the following DEC permits? <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">State Pollutant Discharge Elimination System (SPDES)</td> <td style="width: 10%; text-align: center;">☐ Yes</td> <td style="width: 10%; text-align: center;">☐ No</td> </tr> <tr> <td>Solid Waste Management Facility</td> <td style="text-align: center;">☐ Yes</td> <td style="text-align: center;">☐ No</td> </tr> <tr> <td>Hazardous Waste Management Facility</td> <td style="text-align: center;">☐ Yes</td> <td style="text-align: center;">☐ No</td> </tr> <tr> <td>Air Pollution Control (Title V or Air State Facility)</td> <td style="text-align: center;">☐ Yes</td> <td style="text-align: center;">☐ No</td> </tr> <tr> <td>Water Withdrawal over 20 MGD for Cooling Water</td> <td style="text-align: center;">☐ Yes</td> <td style="text-align: center;">☐ No</td> </tr> <tr> <td>Waste Transporter</td> <td style="text-align: center;">☐ Yes</td> <td style="text-align: center;">☐ No</td> </tr> </table>		State Pollutant Discharge Elimination System (SPDES)	☐ Yes	☐ No	Solid Waste Management Facility	☐ Yes	☐ No	Hazardous Waste Management Facility	☐ Yes	☐ No	Air Pollution Control (Title V or Air State Facility)	☐ Yes	☐ No	Water Withdrawal over 20 MGD for Cooling Water	☐ Yes	☐ No	Waste Transporter	☐ Yes	☐ No
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Water Withdrawal over 20 MGD for Cooling Water	☐ Yes	☐ No																	
Waste Transporter	☐ Yes	☐ No																	

E.5 Future Physical Climate Risks

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

- a. Is the proposed action vulnerable to damage from a projected 100-year flood? ☐ Yes ☐ No
b. Is the proposed action vulnerable to damage from a projected 500-year flood? ☐ Yes ☐ No
c. Is the proposed action in an area potentially affected by sea level rise? ☐ Yes ☐ No

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

- i. drought? ☐ Yes ☐ No
ii. temperature extremes (hot or cold)? ☐ Yes ☐ No
iii. extreme storms, including high winds? ☐ Yes ☐ No
iv. landslides? ☐ Yes ☐ No
v. coastal erosion? ☐ Yes ☐ No
vi. stormwater flooding? ☐ Yes ☐ No
vii. other climate or weather hazards? ☐ Yes ☐ No If Yes, describe: _____

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Jane Attley Date September 2, 2026

Signature _____ Title Town Supervisor

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

Agency Use Only [If applicable]
 Project: Proposed Local Law C-2026 (BESS)
 Date:

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

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

Tips for completing Part 2:

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

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐		
h. Other impacts:		☐	☐		

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO

☐ YES

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

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

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☒ NO

☐ YES

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

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

I. Other impacts:		☐	☐
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4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

☒ NO

☐ YES

(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

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

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

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding.

☒ NO

☐ YES

(See Part 1. E.2)

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

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

g. Other impacts:		☐	☐
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6. Impacts on Air and Climate

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

☒ NO

☐ YES

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also have the potential to emit one or more regulated air contaminants at or above the following levels: i. More than 100 short tons/year of carbon monoxide (CO) ii. More than 100 short tons/year of oxides of nitrogen (NO _x) outside the NYC Metropolitan Area or Long Island OR 25 short tons/year within the NYC Metropolitan Area or Long Island iii. More than 100 short tons/year of particulate matter (PM-10, PM-2.5) iv. More than 50 short tons/year of volatile organic compounds (VOC) outside the NYC Metropolitan Area or Long Island OR 25 short tons/year within the NYC Metropolitan Area or Long Island v. More than 100 short tons/year of sulfur dioxide (SO ₂)	D2g D2g D2g D2g D2g	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐
b. The proposed action has the potential to emit 10 short tons/year or more of any one designated hazardous air pollutant, or 25 short tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may include a heat source capable of producing more than 20 million BTUs per hour.	D2f, D2g	☐	☐
d. The proposed action may exceed 50% of any of the thresholds in "a" or "b", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of solid, hazardous, or hospital/medical/infectious waste.	D2f, D2s	☐	☐
f. The proposed action is subject to the Nonattainment New Source Review or Prevention of Significant Deterioration requirements discussed in 6 NYCRR Part 231.	D2g	☐	☐
g. The proposed action will emit more than 10,000 metric tons of CO ₂ equivalents per year.	D2h	☐	☐
h. A municipality adopted comprehensive or individual plan addressing climate change applies to the proposed action and the proposed action would materially conflict with the achievement of one or more goals of the plan related to climate change.	C2d	☐	☐
i. Other impacts:		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

☒ NO☐ YES*If "Yes", answer questions a - j. If "No", move on to Section 8.*

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

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

8. Impact on Agricultural Resources

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

☒ NO

☐ YES

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

9. Impact on Aesthetic Resources The land use of the proposed action is obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i> ☒ NO ☐ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism-based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts:		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i> ☒ NO ☐ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source:	E3g	☐	☐

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

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts:		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		☐ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts:		☐	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☒ NO☐ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

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

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☒ NO☐ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

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

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☒ NO☐ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

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

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

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)
If "Yes", answer questions a - m. If "No", go to Section 17.

☒ NO

☐ YES

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

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) If "Yes", answer questions a - h. If "No", go to Section 18.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other:		☐	☐

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts:		☐	☐

19. Impact on Disadvantaged Communities

The proposed project may impact a disadvantaged community.
(See Part 1. E.4)

☒ NO☐ YES

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

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

20. Future Physical Climate Risks

The proposed project may be vulnerable to future physical climate risks or increase the vulnerability of human or ecological communities to future physical climate risks.

☒ NO ☐ YES

(See Part 1, E.5)

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

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

Full Environmental Assessment Form

Part 3 - Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

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

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

Reasons Supporting This Determination:

To complete this section:

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

1. The Town of Marcellus, like many Central New York Towns, has been tasked with addressing numerous large-scale renewable energy projects. Part of the analysis for regulation of such projects includes the duty of the Town to understand the health, safety and general welfare issues surrounding such uses. Frequently such renewable energy projects include proposals for large battery energy storage systems, either as a stand-alone use or as an accessory or complimentary use/feature of said uses. The Town of Marcellus recognizes that it has extremely limited resources to address the safety issues raised by battery energy storage systems, including chemical and electric fires, which have been associated with such uses throughout New York State and across the Country. While the Town of Marcellus seeks to support renewable energy projects, the risks of large battery storage facility fires is significant. Further, the ability of renewable energy projects to connect directly into the existing electrical grid provides an alternate pathway for the supply of renewable energy into the system itself. As such, it is crucial for the Town to regulate the establishment, placement, installation, construction, and erection of certain battery energy storage systems in the Town of Marcellus.

2. If adopted, proposed Local Law No. C-2026 will regulate the establishment, placement, installation, construction, and erection of battery energy storage systems in the Town of Marcellus in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy.

3. In determining to regulate the establishment, placement, installation, construction, and erection of certain battery energy storage systems town-wide, the Town has carefully and diligently studied regulations that would address the establishment, placement, construction, enlargement, and erection of Battery Energy Storage Systems and balanced these objectives with potential land use regulations for provisions to specifically regulate the same.

4. Enactment of proposed Local Law No. C-2026 seeks to advance and protect the public health, safety, welfare, and quality of life of the Town of Marcellus by regulating the installation and use of certain battery energy storage systems within town boundaries based upon an evaluation of such uses and the Town's available resources to mitigate the impacts of battery storage systems.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

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

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

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

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

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

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

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

Name of Action: Local Law C-2026: Battery Energy Storage Systems

Name of Lead Agency: Town of Marcellus Town Board

Name of Responsible Officer in Lead Agency: Jane Attley

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Rosemary Tozzi

Address: 22 E Main Street, Marcellus, NY 13108

Telephone Number: (315) 673-3269

E-mail: clerk@townofmarcellusny.gov

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

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

September 2, 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 a Type 1 action for purposes of environmental review under SEQRA; and

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

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

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

WHEREAS, the Town Board previously introduced proposed Local Law C-2026 at the Town Board's regular meeting of August 19, 2026, with the proposed adoption of said proposed Local Law noted as an unlisted action for purposes of environmental review under SEQRA; and

WHEREAS, due to the heightened environmental review needed to adopt proposed Local Law C-2026 as a Type 1 action for purposes of environmental review under SEQRA, the Town Board desires to repeal the introduction of proposed Local Law C-2026, re-introduce proposed Local Law C-2026, and undertake a more thorough environmental review and completion of a full environment assessment form (EAF).

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED that the introductory resolution dated August 19, 2026 for proposed Local Law C-2026 is hereby repealed; and

RESOLVED AND DETERMINED that the introductory resolution dated September 2, 2026 for proposed Local Law C-2026, and adjoining full environment form (EAF), shall dictate the renewed re-introduction of proposed Local Law C-2026 and necessary environmental review under SEQRA; and

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 October 7, 2026 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

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

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

The foregoing resolution was thereupon declared duly adopted.

DATED: **September ____**, 2026

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

**A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C IN THE TOWN OF MARCELLUS**

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

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Marcellus, County of Onondaga pursuant to General Municipal Law §3-c, and to allow the Town of Marcellus to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2027, that requires a real property tax levy in excess of the "tax levy limit" as defined by the General Municipal Law §3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Marcellus, County of Onondaga, is hereby authorized to adopt a budget for the fiscal year 2027 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. EFFECTIVE DATE

This Local Law shall take effect upon filing with 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.

Part 1 – Project and Sponsor Information			
Town of Marcellus Town Board			
Name of Action or Project: Local Law No. D-2026			
Project Location (describe, and attach a location map): Town-wide			
Brief Description of Proposed Action: A local law to override the limit on the amount of real property taxes that may be levied by the Town of Marcellus, County of Onondaga pursuant to General Municipal Law §3-c, and to allow the Town of Marcellus to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2027, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law §3-c			
Name of Applicant or Sponsor: Town of Marcellus Town Board		Telephone: 315-673-3269 E-Mail: clerk@townofmarcellusny.gov	
Address: 22 East Main Street			
City/PO: Marcellus	State: NY	Zip Code: 13108	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.		NO ☐	YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☐	YES ☐
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: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
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:	☐	☐	
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?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
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:	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☐	☐	
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?	☐	☐	
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?	☐	☐	
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: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ 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
	☐	☐
16. Is the project site located in the 100-year or 500-year flood plain?	NO	YES
	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐
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)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☐	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☐	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☐
21. Is the project located within, or within ½ mile of, a disadvantaged community?	NO	YES
	☐	☐
If No, could impacts from the project affect a disadvantaged community?	☐	☐
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):		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Town of Marcellus Town Board</u> Date: <u>September</u>, 2026 Signature: _____ Title: <u>Town Supervisor</u>		

Project: Proposed Local Law D-2026

Date: September 2, 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 small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
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?	☒	☐
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?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐
12. Is the potentially affected disadvantaged community identified as having comparatively higher burdens or vulnerabilities by the Disadvantaged Community Assessment Tool?	☒	☐
13. Will the proposed action cause or increase a pollution burden within a disadvantaged community?	☒	☐

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.

N/A

☐	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.
☒	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 of Marcellus Town Board Name of Lead Agency	September 2, 2026 Date
Jane Attley Print or Type Name of Responsible Officer in Lead Agency	Town Supervisor Title of Responsible Officer in Lead Agency
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

September 2, 2026

TOWN OF MARCELLUS LOCAL LAW NO. D OF 2026
("A Local Law Overriding the Tax Levy Limit Established
in General Municipal Law §3-c in the Town of Marcellus")

_____ introduced proposed Local Law No. D-2026, relating to the ability of the Town of Marcellus to override the limit on the amount of real property taxes that may be levied by the Town of Marcellus pursuant to General Municipal Law §3-c, and to allow the Town of Marcellus to adopt a Town budget for the fiscal year 2027 in excess of the "tax levy limit," if necessary, and made the following motion, which was seconded by _____:

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 (SEQR) 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 SEQR; and

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

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

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

NOW, THEREFORE, it is

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

RESOLVED AND DETERMINED, 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 SEQR; and it is further

RESOLVED AND DETERMINED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. D-2026 at the Town Hall located at 22 East Main Street, Marcellus, New York on October 7, 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; and it is further

RESOLVED AND DETERMINED, that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Marcellus and to any affected municipalities described above.

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

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

The foregoing resolution was thereupon declared duly adopted.

DATED: September 2, 2026

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

RECEIVED
AUG 1 9 2026
Town of Marcellus

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

Acct #	Acct Name	Amount	Budget	Difference
<u>Admin</u>				
5000	Computer	2,281.00	16,634.00	(14,353.00)
5001	Insurance	14,124.00	25,000.00	(10,876.00)
5002	Legal & Accounting	-	15,000.00	(15,000.00)
5003	Office Supplies	90.00	3,000.00	(2,910.00)
5004	Postage	156.00	1,000.00	(844.00)
5005	Admin Miscellaneous	-	-	-
5006	Outside Services	3,153.00	5,000.00	(1,847.00)
5007	Travel	-	-	-
Group Total		19,804.00	65,634.00	(45,830.00)
<u>Building</u>				
6000	Cleaning	4,532.00	9,000.00	(4,468.00)
6001	Utilities & Telephone	23,913.00	25,000.00	(1,087.00)
6002	Building Repairs & Maintenance	11,979.00	30,000.00	(18,021.00)
6003	Building Supplies	589.00	3,000.00	(2,411.00)
Group Total		41,013.00	67,000.00	(25,987.00)
<u>Operations</u>				
7000	Turn Out Gear	299.00	10,000.00	(9,701.00)
7001	Communications Equipment	2,027.00	38,000.00	(35,973.00)
7002	Fire Truck Supplies/Loose Eqpmnt	1,913.00	4,000.00	(2,087.00)
7003	Truck & Vehicle Repairs & Maintenance	9,935.00	30,000.00	(20,065.00)
7004	Small Equipment Maintenance	617.00	5,000.00	(4,383.00)
7005	SCBA	575.00	8,000.00	(7,425.00)
7006	Fire & EMS Training	-	6,000.00	(6,000.00)
7007	Fire Protection	-	3,000.00	(3,000.00)
7008	Membership Recognition	1,346.00	2,500.00	(1,154.00)
7009	Physicals/Fit Test	325.00	9,500.00	(9,175.00)
7010	Fuel	3,917.00	6,000.00	(2,083.00)
7011	Response Supplies	131.00	2,000.00	(1,869.00)
7012	EMS Supplies	-	4,000.00	(4,000.00)
7013	Dress Uniforms	2,336.00	2,000.00	336.00
Group Total		23,421.00	130,000.00	(106,579.00)
Grand Total		84,238.00	262,634.00	(178,396.00)

Marcellus Volunteer Fire Department Inc.
Expense by Payee
for the period of 07/01/2026 to 07/31/2026

Name	Amount
Aplos Software	\$129.00
Ascenzi & Corbis (Quickbooks)	\$100.00
Clare Chase	\$217.60
Critters Ridders	\$173.94
Curtis Power Solutions	\$559.35
Eastern Security Services	\$156.00
Jan-Pro	\$655.60
Jerome Fire Equipment Co., Inc.	\$287.50
Lewis Uniform Co. LLC	\$236.45
Locastro Lawn and Landscape	\$700.00
Morgan Rubbish Removal, Inc.	\$151.97
NetManagelt	\$215.00
Nightingale Mills, Inc.	\$39.56
OCWA	\$94.43
Onondaga County Dept of Transportation	\$1,509.70
Provos Auto Parts	\$131.31
SpectraSite	\$238.82
Spectrum Enterprise	\$545.60
Windstream	\$90.97
Total	\$6,232.80

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Town of Marcellus

Account	Current Account Balance	Current CD/MM balance	Total
Building Reserve	\$21,792	\$0	\$21,792
Truck Reserve	\$224,359	\$374,100	\$598,459
Capital Reserve	\$10,000	\$0	\$10,000
Contract Checking	\$100,908	\$0	\$100,908

This statement current as of August 1, 2026

RECEIVED

AUG 19 2026

Town of Marcellus