MONTGOMERY COUNTY NY
BUSINESS DEVELOPMENT CENTER
Made of Something Stronger

Meeting Notice

TO: **Board Members**

FROM: **Andrew Santillo**

DATE: **May 8, 2024**

RE: **Planning Board Meeting**

The regular meeting of the Montgomery County Planning Board is scheduled for Monday, May 13, 2024 at 6:30 p.m. at the Montgomery County Business Development Center, 113 Park Drive, Fultonville, NY.

Please call Karl at (518) 853-8334 between 8:30 a.m. and 4:00 p.m. if you have any questions.

cc: The Recorder
Montgomery Co. Legislature
DPW
The Leader Herald
Daily Gazette

MONTGOMERY COUNTY NY
BUSINESS DEVELOPMENT CENTER
Made of Something Stronger

MONTGOMERY COUNTY PLANNING BOARD MEETING

Monday, May 13, 2024

6:30 PM – Montgomery County Business Development Center

I. Pledge of Allegiance

II. Role Call

III. Adoption of Agenda

IV. Approval of previous meeting minutes

V. Public comments on agenda items (3 minute limit per person)

VI. Town of Amsterdam — Special Use Permit

VII. Town of Root — Local Law Adoption

VIII. Town of Mohawk — Area Variance & Site Plan Review

IX. Town of Mohawk — Area Variance

X. Town of Glen — Local Law Amendment

XI. Any other business

Department of Economic Development and Planning,
Industrial Development Agency & Capital Resource Corporation
113 Park Drive, P.O. Box 277, Fultonville, NY 12072 p: 518.853.8334
www.montgomerycountyworks.com

Montgomery County Planning Board
Meeting Minutes
April 15th, 2024
(meeting held in MCBDC, 113 Park Drive, Fultonville)

MEMBERS PRESENT:
Mark Hoffman, Chairman
David Wiener, Vice Chairman
Irene Collins, Member
Frank Szykowski, Member
Erin Covey, Member
Peter Lydon, Member
Frank Maphia, Member

STAFF MEMBERS PRESENT:
Alex Kuttesch, Senior Planner
Karl Gustafson Jr., Grant Assistant
Andrew Santillo, Staff Assistant

ABSENT:
Wayne DeMallie, Alternate
Angela Frederick, Member
Betty Sanders, Alternate

OTHERS PRESENT:
Michael Quinn- Cipriani Solar
Stan Waddle- Town of Mohawk

I. Call to Order

The meeting was called to order by Chairman Mark Hoffman at 6:31 p.m.

II. Roll Call

The roll call of board members was done by Chairman Hoffman.

III. Adoption of the Agenda

Erin Covey made a motion to adopt the agenda, Peter Lydon seconded. All members present were in favor.

IV. Approval of Previous Meeting's Minutes

Irene Collins made a motion to accept previous meeting minutes, Frank Maphia seconded the motion. The previous minutes were approved.

V. Public Comment

There was no public comment.

VI. Town of Mohawk- Site Plan Review

Alex Kuttesch stated the referral is a site plan review for a 20.8 acre solar project on a 58.10 acre parcel located off of Albany Bush Road in the Town of Mohawk.

David Wiener asked if the developer is going to plant trees around the project for screening. Michael Quinn from the project stated that they will be planting 6-7 feet tall trees surrounding the project. David asked if the Town will be monitoring the trees as they are being planted. Mark Hoffman reassured that the developers have made a great effort in making sure this project is shielded.

Stan Waddle from the Town of Mohawk stated that they worked with all of the neighbors and made sure the project appeased to their needs.

Frank Szykowski made a motion to approve the referral, seconded by Peter Lydon. Mark Hoffman Abstained.

All were in favor.

The referral was approved.

VII. Other Business

There was no other business.

VIII. Adjournment

Erin Covey made a motion to adjourn the meeting at 7 p.m., seconded by Irene Collins. All were in favor.

Respectfully submitted,

_____

Karl Gustafson Jr.
Economic Development Grant Assistant

REFERRAL FORM
MONTGOMERY COUNTY PLANNING BOARD

Referral Number_____
assigned by the MCPB upon acceptance of referral for review

This Referral must be received **SEVEN CALENDAR DAYS** prior to the MCPB meeting date in order for it to be placed on the agenda.

TO: Montgomery County Planning Board,
Old County Courthouse,
PO Box 1500, Fonda, New York 12068
Phone: 518-853-8334
Fax: 518-853-8336

FROM: Municipal Board: Town Of Amsterdam Planning Board
Referring Officer: secretary
Mail original resolution to: Town of Amsterdam
283 Manny's Corner Rd.
Amsterdam N.Y. 12010

1. **Applicant:** Teddie Alisauski 2. **Site Address:** 368 Truax Rd. Amsterdam N.Y.
3. **Tax Map Number(s):** 56.-1-7 4. **Acres:** 4.20
5. **Is the site currently serviced by public water?** ☐ Yes ☒ No
6. **On-site waste water treatment is currently provided by:** ☐ Public Sewer or ☒ Septic System
7. **Current Zoning:** R-1 8. **Current Land Use:** family dwelling
9. **Project Description:** build an second/accessory home (appoximately 1,000 sq. ft.) at back of property with separate well & septic for aging parents.

10. **MCPB Jurisdiction:**

☐ **Text Adoption or Amendment** ☐ **Site is located within 500' of:** _____

- ☐ a municipal boundary.
- ☒ a State or County thruway/highway/roadway
- ☐ an existing or proposed State or County park/recreation area
- ☐ an existing or proposed County-owned stream or drainage channel
- ☐ a State or County-owned parcel on which a public building or institution is situated
- ☐ a farm operation within an Agricultural District (Incl. Ag data Statement) (does not apply to area variances)

11. **PUBLIC HEARING:** Date: no date set Time: _____ Location: _____

Referred Action(s)

If referring multiple, related actions, please identify the referring municipal board if different from above.

12. ☐ **Text Adoption or** ☐ **Amendment** **Referring Board:**

☐ Comprehensive Plan ☐ Local Law ☐ Zoning Ordinance ☐ Other _____

13. ☐ **Zone Change** **Referring Board:**

Proposed Zone District: _____ Number of Acres: _____

Purpose of the Zone Change: _____

14. ☐ **Site Plan** ☐ **Project Site Review** **Referring Board:**

Proposed Improvements: _____

Proposed Use: _____

Will the proposed project require a variance? ☐ Yes ☐ No Type: ☐ Area ☐ Use

Specify: _____

Is a State of County DOT work permit needed? If Yes : ☐ State or ☐ County ☐ No

Specify: _____

15. [X] **Special Permit** **Referring Board:** Planning Board

Section of local zoning code that requires a special permit for this use Article II section44 accessory dwelling

Will the proposed project require a variance? [ ] Yes [X] No Type: [ ] Area [ ] Use

16. **Variance** **Referring Board:**

[ ] Area [ ] Use

Section(s) of local zoning code to which the variance is being sought: _____

Describe how the proposed project varies from the above code section: _____

_____

SEQR Determination

Action:

- [ ] Type I
- [ ] Type II
- [ ] Unlisted Action
- [ ] Exempt

Finding:

- [ ] Positive Declaration – Draft EIS
- [ ] Conditional Negative Declaration
- [ ] Negative Declaration
- [ ] No Finding (Type II Only)

SEQR determination made by (Lead Agency): not determined yet **Date:** _____

REQUIRED MATERIAL

Send 3 copies of a "Full Statement of the Proposed Action" which includes:

All materials required by and submitted to the referring body as an application

- If submitting site plans, please submit only 1 large set of plans, and 12 11x17 packets.
- All material may be submitted digitally as well at http://www.mcbdc.org/planning-services/montgomery-county-planning-board-referrals/

This referral, as required by GML §239 1 and m, includes complete information, and supporting materials to assist the Montgomery County Planning Board (MCPB) in its review. Recommendations by MCPB shall be made to the Referring Body within thirty days of receipt of the Full Statement.

Darlene Shubsen

Name, Title & Phone Number of Person Completing this Form

Planning Board Secretary

518-842-1217

4/24/24

Transmittal Date

This side to be completed by Montgomery County Planning.

REFERRAL FORM
MONTGOMERY COUNTY PLANNING BOARD

TO: _____

Receipt of 239-m referral is acknowledged on _____. Please be advised that the Montgomery County Planning Board has reviewed the proposal stated on the opposite side of this form on _____ and makes the following recommendation.

☐ Approves

☐ Approves (with Modification)

☐ Disapproves:

☐ No significant County-wide or inter-community input

☐ Not subject to Planning Board review

☐ Took no action

Section 239-m of the General Municipal Law requires that within thirty days after final action by the municipality is taken; a report of the final action shall be filed with the County Planning Board.

_____
Date

_____
Kenneth F. Rose, Director
Montgomery County Dept. of Economic
Development and Planning

2/10/2011

Application #: 2024-004
Date: 03-26-2024

Town of Amsterdam
Planning Board
Application to the Planning Board

A completed Application must be filed at least fourteen (14) days prior to the meeting at which it is to be considered by the Planning Board, including all applicable attached information.

Applicant: Teddie Alisauski
(must be property owner)
Address: 368 Truax Rd
Amsterdam
Phone: 518 714-3501

Applicant's Representative: _____
(if applicable)
Address: _____
Phone: ( ) _____

Professional Advisor: _____
(i.e. Engineer, Architect, Surveyor, etc.)
Address: _____
Phone: ( ) _____

Other : _____
(if appropriate, please specify)
Address: _____
Phone: ( ) _____

Property Location
Address: 368 Truax Rd
General Location: back of Property

Zoning District: R-1
Tax Parcel ID # (SBL) 56.-1-7

Type of Application (please check appropriate box(s)):

- ☐ **Subdivision**
- ☐ **Site Plan**
- ☒ **Special Use Permit**
- ☐ **Planned Unit Development Review** (formal action required by Town Board)

Attached please find Appendix A-SEQR compliance, and Appendix B-Ag. Data Statement compliance. Compliance with these items is required under the applicable NYS Laws, a brief explanation is included in the appendices to assist the applicant. For specifics on submission/application requirements, procedures, time frames, etc., the applicant should refer to the applicable Town regulations (Zoning, Subdivision, etc.) and/or NYS law (SEQR, Ag. & Markets, General Municipal, etc.).

Teddie Alisauski 3-25-24 _____ _____
Applicant Date Applicant's Representative Date

Application #: 2024-004
Date: 3-25-2024

For Office Use Only

Application Fee: $ 300

Engineering Fees: $_____ Description:_____
Other Fees: $_____ Description:_____

Total Amount Received: $ 300 cash
Check # (s)/Date: LISA 3-25-2024
Received By:_____
Total Amount Returned (engineering fees): $_____ Description:_____

****

For Planning Board Use Only

The Planning Board held a Public Hearing on_____(day)of_____(date), _____(year) in consideration of this application.

The application is hereby:

- ☐ approved
- ☐ approved with modifications
- ☐ disapproved

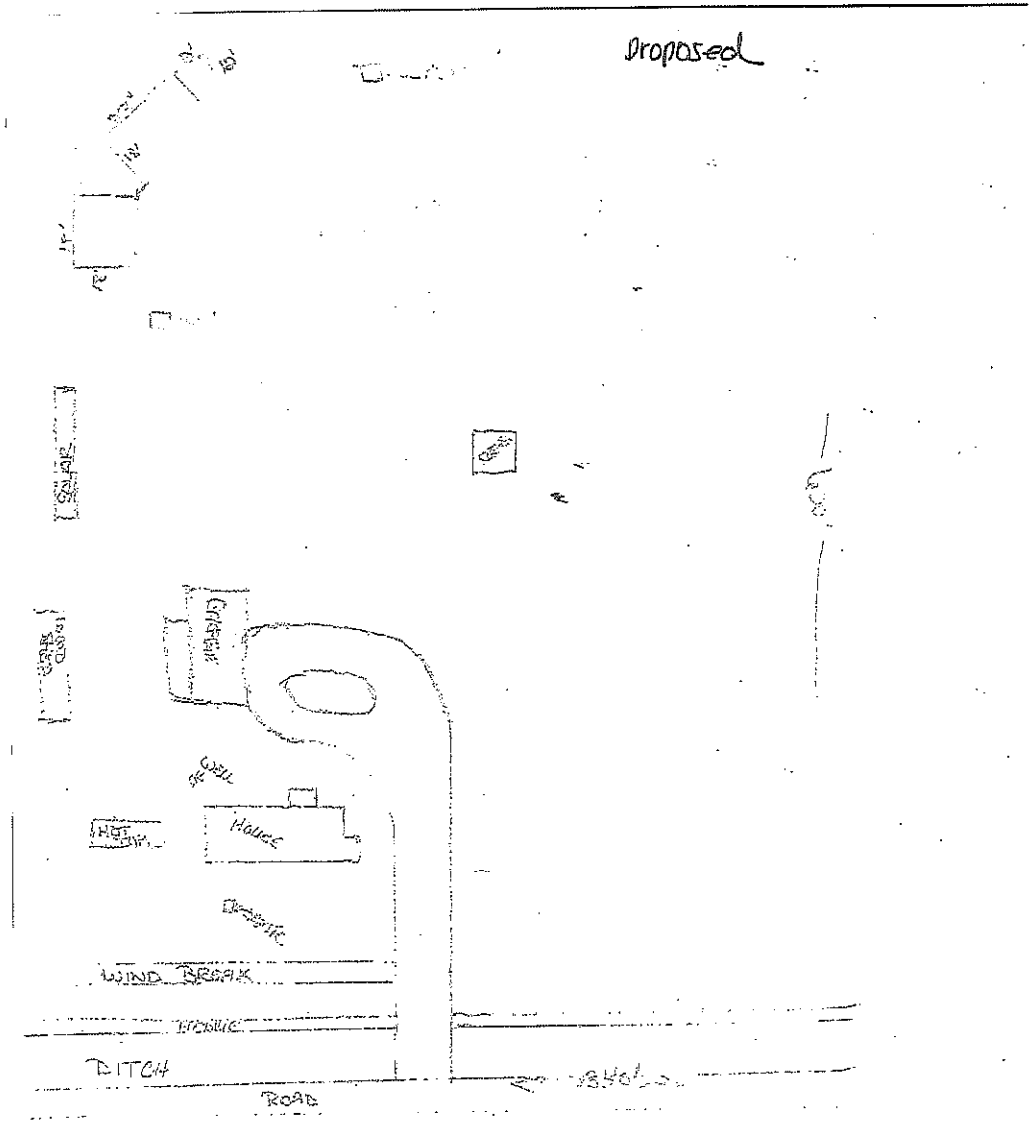
Modifications and comments:_____

_____

Chairman, Town of Amsterdam Planning Board

_____
Date

040.04
041.00
057.00
057.03
073.00
073.01
AMSTERDAM
FLORIDA
TRUAX ROAD
CORPORATION
WATERSTREET
MOHAWK
ROAD
HOLLOW
'S CEMETERY
LEGEND
PUBLIC RIGHT OF WAY
PRIVATE RIGHT OF WAY
TOWN/VILLAGE CITY
RAILROAD
HYDROLOGY
SCHOOL DISTRICT LINE
FIRE DISTRICT
AGRICULTURAL DISTRICT
MONUMENT LOCATOR
COORDINATE LOCATOR
CALCULATED ACREAGE 7.5 A(c)
DEED ACREAGE 7.5A
SCALED DIMENSION 22.5(s)
DEED DIMENSION
TAX MAP BLOCK NUMBER
SHEET INDEX
SEET NO 056.00
These maps are intended for tax administration only, and not for the conveyance of property.
Map Date: Mar 10, 2023
TAX MAP
TOWN OF AMSTERDAM
MONTGOMERY COUNTY, NEW YORK
1 inch = 400 feet


Proposed
House
WIND BREAK
TRAFFIC
DITCH
ROAD

TOWN OF AMSTERDAM
283 Manny's Corner Road
Amsterdam, NY 12010
Phone: 518-842-7961 • Fax: 518-843-6136
www.townofamsterdam.org

APPLICATION FOR ZONING/USE PERMIT

APPLICATION DATE: 01 / 18 / 2024 $250 CH 1061 ZONE: R-1

APPLICATION #: 2024-004 FEE PD: $25 TAX MAP NO. 56.-1-7

1.) PROPERTY/BUILDING LOCATION: 368 Truax Road

2.) PROPERTY OWNER'S NAME: DUANE + TEDDIE ALISOUSKI TELEPHONE 518-774 3501
ADDRESS: 368 Truax Rd
Amsterdam NY. 12010

3.) APPLICATION IS HEREBY MADE FOR: (Check **ALL** that are applicable),

- ☒ NEW CONSTRUCTION
  - ☒ RESIDENTIAL
    - ☒ 1 FAMILY
    - ☐ 2 FAMILY
    - ☐ MULTIPLE
  - ☐ COMMERCIAL
- ☐ RENOVATION, ALTERATION, CONVERSION
  - ☐ RESIDENTIAL
  - ☐ COMMERCIAL
- ☐ MOBILE HOME INSTALLATION
- ☐ MODULAR HOME INSTALLATION
- ☐ GARAGE ☐ ATTACHED GARAGE
- ☐ ACCESSORY BUILDING/STORAGE SHED
- ☐ CHIMNEY CONSTRUCTION
- ☐ SOLID FUEL BURNING DEVICE
- ☐ STOVE INSERT
- ☐ POOL ☐ IN GROUND ☐ ABOVE GROUND
- ☐ SEPTIC SYSTEM ☐ WELL
- ☐ OTHER: Existing single family residence looking to place an external dwelling on back of property w/ well + septic
- ☐ PLANNED UNIT DEVELOPMENT
- ☐ KENNEL/STABLES
- ☐ HOME OCCUPATION
- ☐ OUTDOOR FURANCES
- ☐ SOLAR COLLECTORS + INSTALLATIONS
- ☐ WIND ENERGY FACILITIES

☐ COMMERCIAL OCCUPANCY (WITH NO RENOVATIONS) INSPECTION ONLY.
☐ DEMOLITION
☐ COMMERCIAL OR ☒ RESIDENTIAL (CHECK ONE)
METHOD OF DEMOLITION:
PLACE OF DEBRIS DISPOSAL:
DISCONNECTION DATE OF UTILITIES:

4.) THE FOLLOWING DESCRIPTION OF THE USE FOR THIS PROPERTY, FOR WHICH APPLICATION IS MADE HEREWITH, IS SUBMITTED: Underground HORRIT HOLE (GUEST) HOUSE

5.) SITE INFORMATION (THE FOLLOWING INFORMATION MUST BE PROVIDED ALONG WITH DETAILED PLOT PLAN)

A.) DIMENSIONS OF LOT: FRONTAGE ____ REAR ____ RIGHT SIDE ____ LEFT SIDE ____
ACREAGE 4.20

B.) IS THIS A CORNER LOT? ☐ YES OR ☒ NO

C.) WILL THE GRADE OF THIS LOT BE CHANGED AS A RESULT OF THIS CONSTRUCTION? ☐ YES OR ☐ NO
IF "YES", DESCRIBE AND SHOW ON PLOT PLAN

D.) ☐ PUBLIC WATER OR ☒ PRIVATE WELL

E.) ☐ SEWER OR ☒ PRIVATE SEPTIC
**** SEPERATE PERMITS ARE REQUIRED FOR PUBLIC WATER AND SANITARY SEWER*

F.) DISTANCE FROM LOT LINES: FRONT ____ REAR ____ RIGHT SIDE ____ LEFT SIDE ____

6.) TYPE OF CONSTRUCTION: (CHECK ALL THAT APPLY)

STYLE: ☐ RANCH ☐ RAISED RANCH ☐ SPLIT LEVEL ☐ CAPE COD ☐ COLONIAL ☐ DUPLEX

☒ OTHER: _____

BASEMENT (CHECK ONE): ☐ FULL ☐ CRAWL ☐ SLAB

GARAGE: ☐ 1 STALL ☐ 2 STALL ☐ 3 STALL ☐ PRIVATE ☐ PUBLIC

THE ACCESSORY BUILDING WILL BE AS FOLLOWS: ☐ DESCRIPTION: _____

☐ DIMENSIONS: FRONT WIDTH: _____ SIDE LENGTH: _____ HEIGHT: _____

7.) CONTRACTOR'S NAME: Unknown DAY PHONE: (_____) _____

MAILING ADDRESS: _____

(ALL CONTRACTORS MUST PROVIDE PROOF OF WORKERS COMPENSATION AND LIABILITY INSURANCE)

8.) ESTIMATED VALUE OF ALL WORK (LABOR & MATERIALS): $ _____

X 9.) SIGNATURE OF PROPERTY OWNER: Judith Alexanski

I CERTIFY THAT THE CONSTRUCTION PLANS AND ALL OTHER INFORMATION SUBMITTED AS PART OF THIS APPLICATION ARE ACCURATE.

10.) FOR OFFICE USE ONLY:

DATE APPROVED: _____ DATE DENIED: _____

SIGNATURE: _____
(ZONING OFFICER)

PERMIT EXPIRES: _____ ☐ DENIED AND REFERRED TO PLANNING BOARD

☐ DENIED AND REFERRED TO ZONING BOARD OF APPEALS

NOTES OR COMMENTS: ZBA - AREA VARIANCE R-1 zoning schedule A minimum lot size/road frontage
Planning Board — accessory building out R-1 By special permit ok
PTS

Alisauski

ARTICLE II – DEFINITIONS

SECTION 3. GENERAL

For the purpose of this law certain terms or words used herein shall be interpreted or defined as follows:

Words used in the present tense shall include the future. The singular number includes the plural, and the plural the singular.

The word "person" includes a firm, partnership, association, corporation, company, institution, or organization of any kind as well as an individual.

The word "Lot" includes the word "plot" or "Parcel".

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "Built; arranged or designed to be used or occupied".

SECTION 4. DEFINITIONS

ACCESSORY BUILDING OR STRUCTURE: A building or structure subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

ACCESSORY DWELLING UNIT: A second dwelling unit occupied by a senior citizen family member either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as an independent living facility with provision for cooking eating, sanitation, and sleeping. An accessory dwelling unit is permitted in the R-1, R-2 and A-Agriculture Districts by special permit only. A Mobile Home or Manufactured Home shall not be permitted as an accessory dwelling unit.

ACCESSORY USE: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ADULT ENTERTAINMENT ESTABLISHMENT: Any establishment or business as defined in Section 33 of this law. Adult uses are allowed as special uses in the M-1 Manufacturing District only. The establishment and maintenance of such uses shall be regulated by Section 33 - Adult Entertainment Establishments.

AIRFIELD, PRIVATE: An area of land or water that is used for the landing and takeoff of aircraft, including aircraft tie-down and or hanger storage, exclusively for pleasure by the owner of the property. Private Airfields require a minimum of 75 acres and must comply with all Federal Aviation Administration regulations. A private airfield is permitted in the A-Agriculture District by special permit only.

ZONING DISTRICTS	PERMITTED USES (See Article IV – Use Regulations for Complete List)		SPECIAL PERMIT USES Permitted by the Planning Board	MINIMUM LOT SIZE Area in Sq. Ft.	MINIMUM LOT SIZE Width in Feet †	LOT COVER-AGE (Maximum Percent)	MIN. LIVING AREA* (Square Feet)	BUILDING HEIGHT (Maximum) Stories	BUILDING HEIGHT (Maximum) Feet	YARD DIMENSIONS (Minimum in Feet) Front	YARD DIMENSIONS (Minimum in Feet) Side	YARD DIMENSIONS (Minimum in Feet) Rear
R-1 Residence	One-family dwelling except mobile home	w/public sewer or water		20,000	100	20	850*	2½	35	50	10	50
		w/out public sewer or water		65,000	200	20	850*	2½	35	50	10	50
	Church, parish house, convent			50,000	250	25	---	---	---	50	25	50
	Community park or playground			---	---	---	---	---	---	---	---	---
	Public building, library			---	---	---	---	---	---	50	25	50
	Existing farm, nursery or truck garden			---	---	---	---	---	---	---	---	---
	Customary home occupation			---	---	---	---	---	---	---	---	---
	Customary accessory use or building			---	---	---	---	---	---	---	---	---
	Family & Group Family Day Care as acc. use			---	---	---	---	---	---	---	---	---
	Mobile home as acc. use to farm operation			---	---	---	---	2½	35	50	25	50
	Small Scale Solar System as Accessory Use		Utility Scale Solar System	SEE SOLAR ENERGY REGS - SECTION 35								
			Accessory Dwelling Unit	Same as one-family dwelling			400	1	15	50	10	50
			Bed & Breakfast Est.	Same as one-family dwelling			850*	2½	35	50	10	50
			Public, priv. school, college	5 acres	500	25	---	2	35	50	50	50
			Golf course/ country club	75 acres	---	---	---	2½	35	100	50	100
			Public utility station or str.	---	---	---	---	---	---	---	---	---
			Nursing home, hospital, Asst Living Fac, Sr Housing	5 acres	200	25	---	3	45	50	50	50
			Kennels	10 acres	200	20	---	2	30	50	200	200
			Pleasure Horse	2 ac/horse	SEE EQUINE ZONING REGS - SECTION 32B					75	100	100
			Small Wind Energy Facility	5 acres	SEE W.E.F. REGS - SECTION 36					1½ times Tower Height		
R-2 Residence	R-1 Permitted Uses			SAME AS ABOVE								
	Two-family dwelling	w/public sewer or water		20,000	100	20	720/DU	2½	35	50	10	50
		w/out public sewer or water		3 acres	200	20	720/DU	2½	35	50	10	50
	Multiple family dwelling – (max 10 DUs/ac, max 12 DUs/group structure)			5 acres	500	25	720/DU	3	45	50	50	50
	Town Houses/Condominiums – (max 4 DUs/ac, max 8 DUs/group structure)			5 acres	500	25	850/DU	2½	35	50	50	50
	Small Scale Solar System as Accessory Use		Utility Scale Solar System	SEE SOLAR ENERGY REGS - SECTON 35								
			Accessory Dwelling Unit	Same as one-family dwelling			400	1	15	50	10	50
			Bed & Breakfast Est.	Same as one-family dwelling			850	2½	35	50	10	50
			Public, priv. school, college	5 acres	500	25	---	2	35	50	50	50
			Golf course/ country club	75 acres	---	---	---	2½	35	100	50	100
			Public utility station or str.	---	---	---	---	---	---	---	---	---
			Nursing home, hospital, Asst Living Fac, Sr Housing	5 acres	200	25	---	3	45	50	50	50
			Pleasure Horse	2 ac/horse	SEE EQUINE ZONING REGS - SECTION 32B					75	100	100
			Funeral Home	65,000	200	20	---	2½	35	50	10	50
R-M Mobile Home	One-family dwelling or single mob home	w/public sewer or water		20,000	100	20	720	2½	35	50	10	50
		w/out public sewer or water		65,000	200	20	720	2½	35	50	10	50
	Two family dwelling	w/public sewer or water		20,000	100	20	720/DU	2½	35	50	10	50
		w/out public sewer or water		3 acres	200	20	720/DU	2½	35	50	10	50
	Mobile Home Park			10 acres	500	20	580	1	15	50	50	50
	Mobile Home in Park			7,000	50	20	580	1	15	15	15	15
	Customary accessory use or building			---	---	---	---	1	15	---	---	---
	Community park or playground			---	---	---	---	---	---	---	---	---
	Farm operation, nursery or truck garden			---	---	---	---	---	---	---	---	---
	Small Scale Solar System as Accessory Use		Utility Scale Solar System	SEE SOLAR ENERGY REGS - SECTION 35								
			Public utility station or str.	---	---	---	---	---	---	---	---	---
A Agriculture	R-1 and R-2 Permitted Uses			SAME AS ABOVE								
	Farm, nursery or truck garden			---	---	---	---	---	---	---	---	---
	Boarding or rooming house	w/public sewer or water		20,000	100	20	---	2½	35	50	10	50
		w/out public sewer or water		3 acres	200	20	---	2½	35	50	10	50
	Picnic grove, fish or game club			---	---	---	---	---	---	---	---	---
	Public utility station or structure			---	---	---	---	---	---	---	---	---
	Customary agricultural operation			---	---	---	---	---	---	50	10	50
	Public stables			10 acres	---	---	---	2½	35	50	50	50
	Bed & Breakfast Establishment			Same as one-family dwelling			850	2½	35	50	10	50
	Personal Wireless Service Facility			SEE PWSF OVERLAY DISTRICT - SECTION 15								
	Small Scale Solar System as Accessory Use		Utility Scale Solar System	SEE SOLAR ENERGY REGS - SECTION 35								
			Airport	100 acres	200	---	---	2½	35	100	100	100
			Private Airfield	75 acres	200	---	---	2½	35	100	100	100
			Camping grounds	---	---	---	---	---	---	---	---	---
			Kennels	5 acres	200	20	---	2	30	50	50	50
			Accessory Dwelling Unit	Same as one-family dwelling			400	1	15	50	10	50
			Animal Hospital	40,000	200	25	---	2½	35	50	50	50
			Funeral Home	65,000	200	20	---	2½	35	50	25	50
			Golf course/country club	75 acres	---	---	---	2½	35	100	50	100
			Self-Storage Units	---	---	---	---	1	15	25	25	25
			Public, priv. school, college	5 acres	500	25	---	2	35	50	50	50
			Nursing home, hospital, Asst Living Fac, Sr Housing	5 acres	200	25	---	3	45	50	50	50
			Sm/Lg Wind Energy Facility	5 acres	SEE W.E.F. REGS - SECTION 36					1½ times Tower Height		
PUD Planned Unit Development			SEE PLANNED UNIT DEVELOPMENT – SECTION 14							Min. exterior yards on district bounds (may req. larger)		
										50	50	50

* In R-1 minimum living area is 850 square feet; minimum first floor living area is 600 square feet if structure is more than one story.

** Unless joined. (Max. of 3 in B-2)

† See definitions of Lot Width and Flag Lots. Lot Width is not the same as road frontage, but is measured at a setback from the front property line equal to the required front yard.

NOTES: Regulations apply to all uses in the district unless indicated by a dash (—) which means either no minimum or maximum or not applicable, except for conditions imposed for a special use permit.
DU means Dwelling Unit, MH means Mobile Home.
This schedule is not necessarily all inclusive. Refer to Zoning Law text for more detail.

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 which 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

Alisavski Home

Name of Action or Project:

Project Location (describe, and attach a location map):
368 Truax Rd - 56.-1-7

Brief Description of Proposed Action:
to build an a second/accessory home at back of property w/ separate well + septic for family (aging parents)

Name of Applicant or Sponsor:	Telephone: 518-774-3501
Duane + Teddie Alisavski	E-Mail: —

Address:
same

City/PO:	State:	Zip Code:

	NO	YES
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.	☒	☐
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:	☒	☐

3. a. Total acreage of the site of the proposed action? 4.2 acres
   b. Total acreage to be physically disturbed? 1 approx 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

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations? by special w/variance	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☑

	NO	YES
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? If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
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?	☑	☐

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☐	☐

	NO	YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☐	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☐	☐

	NO	YES
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?	☑	☐
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?	☐	☐

	NO	YES
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?	☑	☐
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

	NO	YES
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?	☑	☐
16. Is the project site located in the 100-year flood plan?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☑	☐
If 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:	☑	☐
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:	☑	☐
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:	☐	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

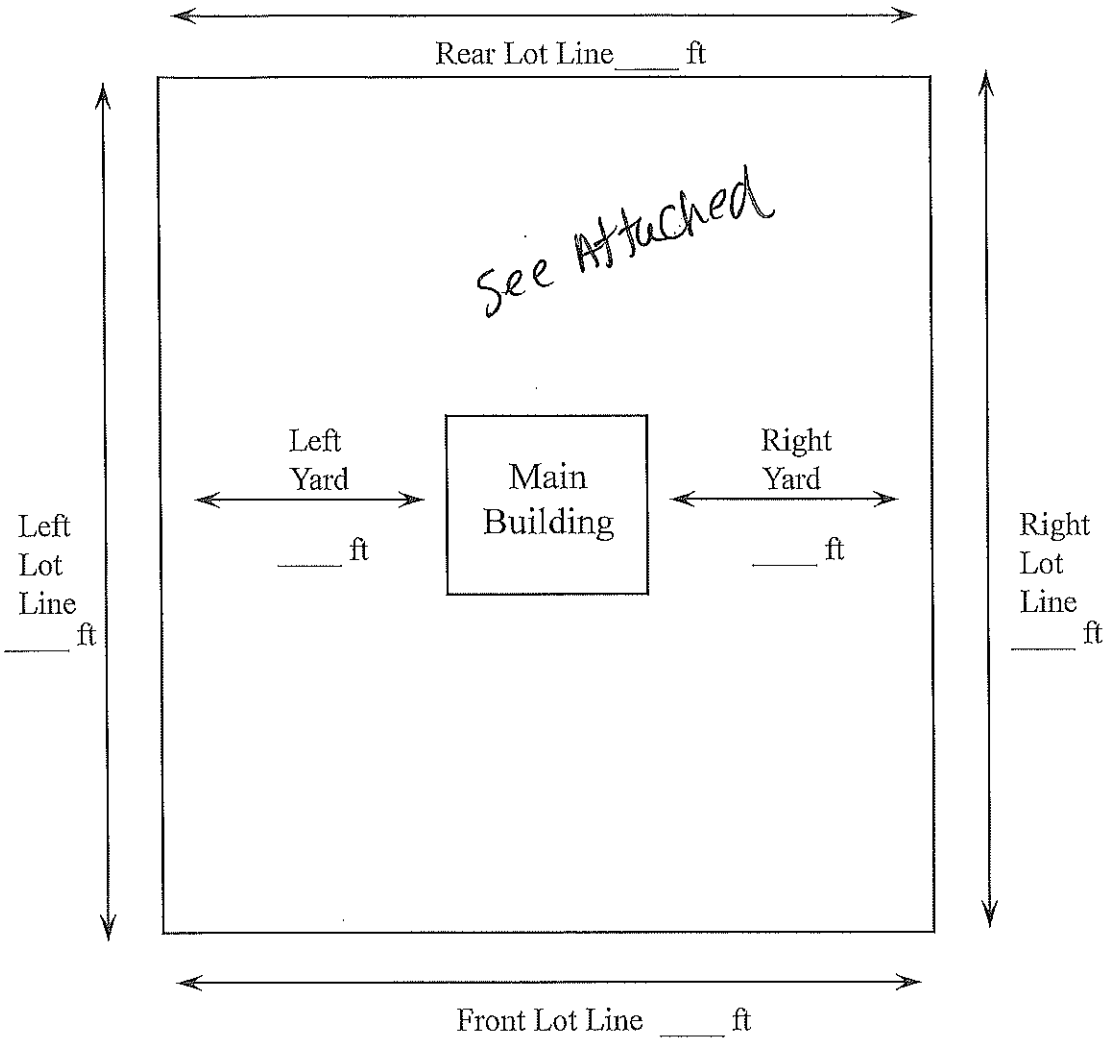
Applicant/sponsor/name: _____ Date: _____

Signature: Jeddin Husainski Title: _____

PRINT FORM

Application #: _____
Date: _____

SKETCH PLAN



•Please locate main building, accessory building, any additions, and any significant features, including but not limited to well and septic location giving all pertinent yard dimensions.

•Below, please identify the type and approximate distance of any structures within 50' of the structure or area in question, on neighboring properties.

TYPE	DISTANCE (FT)

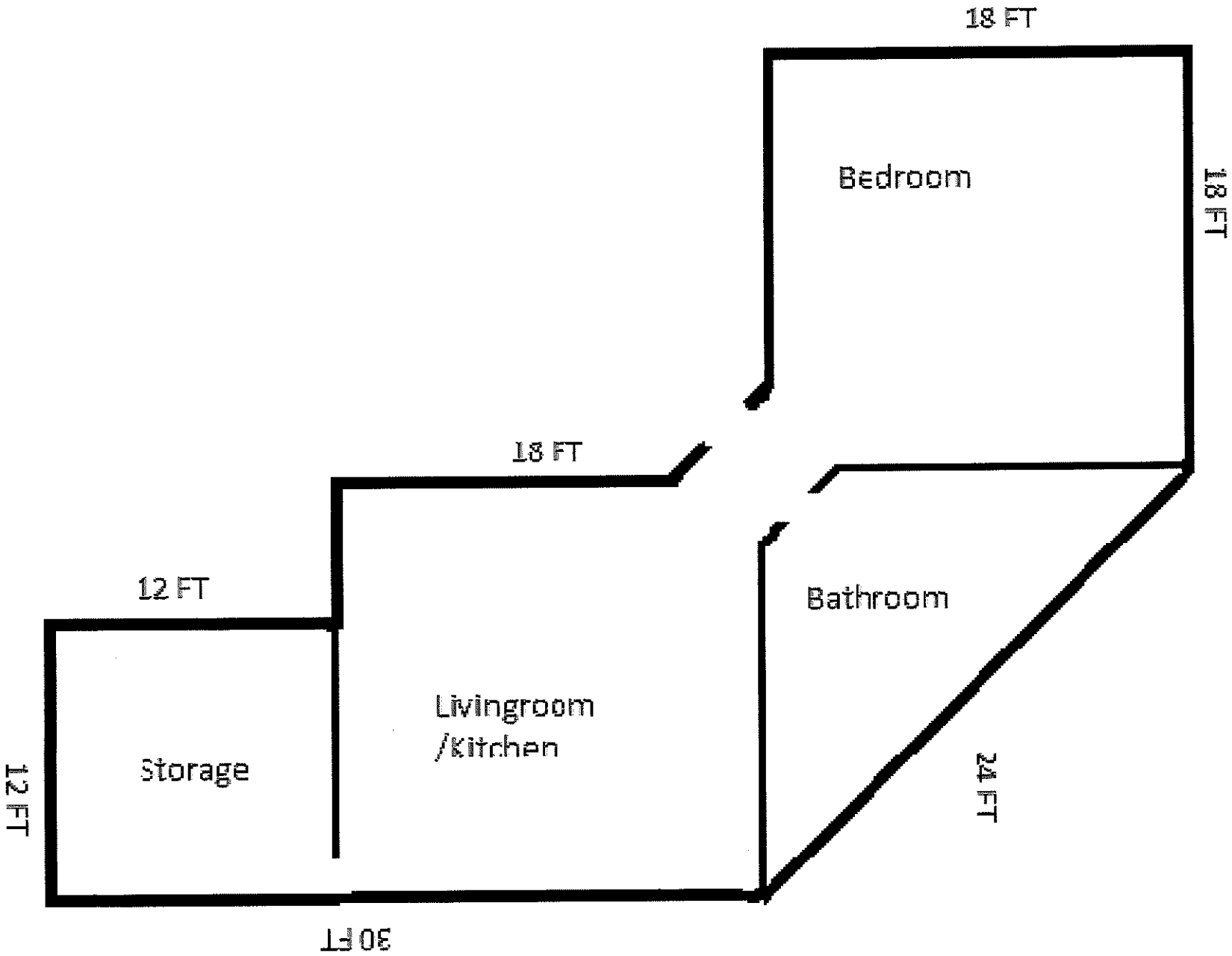
Proposed additional Structure on 368 Truax Rd. Amsterdam NY 12010

For Duane and Teddie Alisauski

To whom it may concern,

We are proposing to add an additional living structure to the property located at 368 Truax Rd. The building shown on page 3 will be partially underground. There will be a new well and septic added to the rear portion of the property for the property (Potential locations on page 2).
Additional electrical will be added from the electrical company and additionally the building will be added to the current sola array. The building is planned to be around 1000 Square feet.

511.4 FT
67.3FT
50 FT
77 FT
50FT
71.8 FT
50 FT
250 FT
Septic
15.6 FT
New Septic
95.1FT
Well
47 FT
Proposed Structure
New well
102.7 FT
332.4 FT
323.6 FT
606.6 ft
60 ft
74.147 42.939 Degrees


30 FT
12 FT
Storage
12 FT
Livingroom
/Kitchen
18 FT
24 FT
Bathroom
18 FT
Bedroom
18 FT

REFERRAL FORM
MONTGOMERY COUNTY PLANNING BOARD

Referral Number_____
assigned by the MCPB upon acceptance of referral for review

This Referral must be received **SEVEN CALENDAR DAYS** prior to the MCPB meeting date in order for it to be placed on the agenda.

TO: Montgomery County Planning Board,
Old County Courthouse,
PO Box 1500, Fonda, New York 12068
Phone: 518-853-8334
Fax: 518-853-8336

FROM: Municipal Board: Root Town Board
Referring Officer: Root Town Board
Mail original resolution to:
1048 Carlisle Road, Sprakers, NY 12166

1. **Applicant:** Town of Root **2. Site Address:** 1048 Carlisle Road, Sprakers, NY 12166
3. **Tax Map Number(s):** _____ **4. Acres:** _____
5. **Is the site currently serviced by public water?** ☐ Yes ☐ No
6. **On-site waste water treatment is currently provided by:** ☐ Public Sewer or ☐ Septic System
7. **Current Zoning:** _____ **8. Current Land Use:** _____
9. **Project Description:** Adoption of a local law regulating solar facilities

10. MCPB Jurisdiction:

☒ **Text Adoption or Amendment** ☐ **Site is located within 500' of:** _____

- ☐ a municipal boundary.
- ☐ a State or County thruway/highway/roadway
- ☐ an existing or proposed State or County park/recreation area
- ☐ an existing or proposed County-owned stream or drainage channel
- ☐ a State or County-owned parcel on which a public building or institution is situated
- ☐ a farm operation within an Agricultural District (Incl. Ag data Statement) (does not apply to area variances)

11. PUBLIC HEARING: Date: April 24, 2024 Time: 7:00pm Location: Root Town Hall, 1048 Carlisle Road, Sprakers, NY 12166

Referred Action(s)

If referring multiple, related actions, please identify the referring municipal board if different from above.

12. ☒ **Text Adoption or** ☐ **Amendment** **Referring Board:**

☐ Comprehensive Plan ☒ Local Law ☐ Zoning Ordinance ☐ Other _____

13. ☐ **Zone Change** – Not applicable **Referring Board:**

Proposed Zone District: _____ Number of Acres: _____

Purpose of the Zone Change: _____

14. ☐ **Site Plan** ☐ **Project Site Review** – Not applicable **Referring Board:**

Proposed Improvements: _____

Proposed Use: _____

Will the proposed project require a variance? ☐ Yes ☐ No Type: ☐ Area ☐ Use

Specify: _____

Is a State of County DOT work permit needed? If Yes : ☐ State or ☐ County ☐ No

Specify: _____

This side to be completed by Montgomery County Planning.

REFERRAL FORM
MONTGOMERY COUNTY PLANNING BOARD

TO: _____

Receipt of 239-m referral is acknowledged on _____. Please be advised that the Montgomery County Planning Board has reviewed the proposal stated on the opposite side of this form on _____ and makes the following recommendation.

☐ Approves

☐ Approves (with Modification)

☐ Disapproves:

☐ No significant County-wide or inter-community input

☐ Not subject to Planning Board review

☐ Took no action

Section 239-m of the General Municipal Law requires that within thirty days after final action by the municipality is taken; a report of the final action shall be filed with the County Planning Board.

_____
Date

_____
Kenneth F. Rose, Director
Montgomery County Dept. of Economic
Development and Planning

BRETT PRESTON
ATTORNEY & COUNSELOR AT LAW
122 WEST MAIN STREET
JOHNSTOWN, NEW YORK 12095
TELEPHONE: (518) 762-4529 FACSIMILE: (518) 762-9009
E-MAIL: BRETTPRESTON@FRONTIER.COM

April 11, 2024

Montgomery County Planning Board
c/o Montgomery County Business Development Center
P.O. Box 1500
Fonda, New York 12068-1500

Re: Proposed Town of Root Solar Energies Facilities Law-Local Law Number One for 2024

Dear Sir or Madam:

Please be advised that I am the attorney for the Town of Root. Enclosed please find an executed referral form, copy of proposed Local Law Number One for the Town of Root-Solar Energy Facilities Law and a copy of the completed Full Environmental Assessment Form-Part 1. The enclosed is forwarded to you pursuant to New York State General Municipal Law.

Thank you for your attention herein. Should you have any questions, please feel free to contact me.

Very truly yours,

Brett Preston

/bp
Enclosures

RESOLUTION INTRODUCING LOCAL LAW NO. 1 of 2024
THE SOLAR ENERGY FACILITIES LAW OF THE TOWN OF ROOT

RESOLUTION NO. 7 2024

April 10, 2024

WHEREAS, the Town of Root is desirous of adopting Local No. 1 of 2024 regulating solar facilities including major solar facilities; and

WHEREAS, the Town Board currently has a temporary moratorium on the review of solar facilities; and

WHEREAS, the Solar Energy Facilities Law of the Town of Root, i.e. proposed Local Law No. 1 of 2024, has been presented to the Town Board for its review and consideration; and

WHEREAS, the Town Board had previously determined and now reaffirms that the adoption of the new Solar Energy Facilities Law of the Town of Root is a Type 1 action pursuant to the NYS Environmental Quality Review Act;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby introduces the attached proposed new Solar Energy Facilities Local Law;

BE IT FURTHER RESOLVED, that the Town Board hereby declares its intent to be SEQRA lead agency for the review of this Type 1 action;

BE IT FURTHER RESOLVED, that Town Board calls for a public hearing to be held on the attached Proposed Local Law No. 1 during a special Town Board meeting scheduled for Wednesday, April 24, 2024 at 7:00 p.m. at the Town of Root Town Hall located at 1048 Carlisle Road, Sprakers, New York 12166;

BE IT FURTHER RESOLVED that the Town Clerk is directed to publish a notice of public hearing in the Daily Gazette, to post it on the Town website and the Town notice board and to provide the notice of public hearing and the text of the Proposed Local Law to the County and adjoining municipalities as required by law; as well as to refer the text of the proposed Local Law to the Town of Root Planning Board and Zoning Board of Appeals and to the Montgomery County Planning Board as required by the NYS General Municipal Law.

Gary Kamp, Supervisor

Marcia Shults, Town Clerk

Present: Kamp, Quackenbush, Weiss, VanKersen, Bramer

Absent: None

4895-2524-9857, v. 1

Town Board Members:

Gary Kamp	Yea	Nay	Abstain
LuEmma Quackenbush	Yea	Nay	Abstain
Jade Weiss	Yea	Nay	Abstain
John VanKersen	Yea	Nay	Abstain
Donald Bramer	Yea	Nay	Abstain

SOLAR ENERGY FACILITIES LAW
TOWN OF ROOT
LOCAL LAW No. 1 of 2024

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BE IT ENACTED by the Town Board of the Town of Root, in the County of Montgomery, as follows:

SECTION ONE. AUTHORITY

This Local Law is adopted pursuant to New York State Town Law, sections 262-263; and, section 10, 20, and 22 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and in accordance with Section 263 of the Town Law of New York State, "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor."

SECTION TWO. STATEMENT OF INTENT

This Local Law is further adopted to advance and promote a clean, wholesome, and attractive environment; protect the community from potential hazards to property and person; protect water resources and viable farmlands; preserve the aesthetic qualities and character of the Town of Root; prevent depreciation of property; preserve the rights of property owners; and secure the public peace, health, safety, and welfare of the Town of Root by creating regulations for the installation and use of solar energy systems and equipment.

The intent of this law is to further the legislative findings and intent of New York State codified in NY Agriculture and Markets Law (AGM) CH 69, Article 25-AA Section 300, which declares the following, "The socio-economic vitality of agriculture in this state is essential to the economic stability and growth of many local communities and the state as a whole. It is, therefore, the declared policy of the state to conserve, protect, and encourage the development and improvement of its agricultural land for production of food and other agricultural products. It is also the declared policy of the state to conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air sheds, as well as for aesthetic purposes."

In keeping with the above, the Town of Root prefers to only host smaller scale solar facilities or projects. However, recognizing that State policy, in particular "94-C" projects [Executive Law Chapter 18, Article 6, Section 94-C], or any successor or similar provisions, may supercede this law, the Town expects the Intent, Purpose, and Provisions of this code to be taken into the siting and consideration to the maximum extent allowable. The Town of Root further intends to participate in the siting and regulating process of any large scale solar projects above 20 MW or larger which are being reviewed under Section 94-C. All such projects are within the definition of Tier 4, set forth herein.

SECTION THREE. STATEMENT OF PURPOSE

The purpose of this law is as follows:

1. To mitigate impact of Solar Energy Systems on environmental resources, such as important agricultural lands, forests, wildlife, and other protected resources.
2. To reduce impacts Solar Energy Systems may have on neighbors, to mitigate the potential depreciation of neighboring properties, and to preserve the rights of property owners to

install energy systems without conflicting with the Comprehensive Plan of the Town of Root;

3. To prevent the conversion of valuable farmland to other and/or industrial uses;
4. To set provisions for the placement, design, construction, operation, decommissioning, and ultimately, the removal of Solar Energy Systems consistent with the Town of Root's intent to uphold public health, safety, and welfare by promoting a clean, wholesome, and attractive environment, preserving the aesthetic qualities of the Town and preserving the Town's agricultural resources;
5. To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses, and offset energy demand on the grid where excess solar power is generated;
6. To, upon the decommissioning and removal of a Utility-Scale Solar Collector System, facilitate the return of any productive agricultural lands and soils which may be impacted by the installation and operation of Utility-Scale Solar Collector Systems to productive agricultural use to the maximum extent possible;
7. To accommodate and take advantage of a safe, abundant, renewable and non-polluting energy resource; and
8. To take advantage of the increased economic activity as may be occasioned by furthering the installation of Solar Energy Systems.

SECTION FOUR. DEFINITIONS

The following terms shall have the meanings indicated.

ANSI - American National Standards Institute

Agrivoltaics - The use of land for both agriculture and solar photovoltaic energy generation

Battery Energy Storage System - One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a standalone 12-volt car battery or an electric motor vehicle.

Battery Management System - An electronic 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 identified.

Buffer zone - An environmental zone separating a feature of ecological interest such as a stream.

Consumer Price Index change - The Consumer Price Index for Urban Consumers, as published by the U.S. Department of Labor, Bureau of Labor Statistics. Change shall be calculated in January each year as the percentage difference between the annual average of the most recent calendar year and that of the previous year.

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

Ground-Mounted Solar Energy System- A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices and that is not attached or affixed to an existing structure. Pole mounted solar energy systems shall be considered ground-mounted solar energy systems for the purposes of this local law.

Immaterial Modifications - Changes in the location, type of material, or method of construction of a solar energy system that will not: (1) result in any new or additional adverse environmental impact not already reviewed and accepted for the project by the Town Planning Board; (2) cause the project to violate any applicable setbacks or other requirements of this Law; or (3) cause the project not to conform to the State Environmental Quality Review determination or findings issued by the Planning Board.

Lot Coverage - The area measured from the outer edge(s) of the arrays, inverters, batteries, storage cells, and all other mechanical equipment used to create solar energy, exclusive of fencing and roadways. This does not include areas used for setbacks or buffer zones.

NFPA - National Fire Protection Association

NRCS - Natural Resources Conservation Service, formerly known as the Soil Conservation Service, is an agency of the United States Department of Agriculture that provides technical assistance to farmers and other private landowners and managers.

NYSERDA - The New York State Energy Research and Development Authority

Nationally Recognized Testing Laboratory - 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.

Non-Participating Property - A property not owned or leased by the solar energy system operator, nor having any land use agreement or easement related to the system.

Occupied Habitat - An area in which a species listed in 6 NYCRR Part 182, defined herein as "species in need of protection," has been determined to exhibit one or more essential behaviors, including behaviors associated with breeding, hibernation, reproduction, feeding, sheltering, migration, and overwintering.

ORES - Office of Renewable Energy Siting.

Participating Property - A property owned or leased by the solar energy system operator, or a property having any land use agreement or easement related to the system. Where multiple adjacent properties are participating in a solar energy system, the combined lots shall be considered as one for the purposes of applying setback requirements.

Setback - The distance defined by this law around the solar array. From any public roadway or non-participating property.

Small-Scale Solar Energy System - Any solar energy system that meets the following provisions:

a. Solar systems that are larger than for basic residential use

b. Solar energy systems do not provide energy outside of the property on which they are constructed.

c. Small-scale solar energy systems located on a farm operation (as per AML §301(11) definition of that term) and located in a New York State Agricultural District can produce up to 110% of the farm's needs as per the Department of Agriculture and Markets guidance document.

Solar Collector - A solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure affixed to the ground, a building, or other structure that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical, or other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure that directly or indirectly generates thermal, chemic, electrical, or other usable energy.

Solar Energy Equipment - Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

Solar Energy System - A complete system intended for the collection, inversion, storage, and/or distribution of solar energy and that directly or indirectly generates thermal, chemical, electrical, or other usable energy. A solar energy system consists of, but is not limited to, solar collectors, mounting devices or structures, generators/turbines, water and energy storage and distribution systems, storage, maintenance and/or other accessory buildings, inverters, combiner boxes, meters, transformers, and all other mechanical structures.

Solar Panel - A photovoltaic device capable of collecting and converting solar energy into electricity.

Species in Need of Protection - Species listed in Title 6, Part 182 of the New York Codes, Rules and Regulations as Endangered, Threatened or of Special Concern.

UL - Underwriters Laboratory, an accredited standards developer in the United States.

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

Utility-Scale Solar Energy System - Solar energy generation facility designed and intended to supply energy into a utility grid for off-site consumption.

Visual Mitigation - A means of obscuring the sightlines and viewshed from around the Solar Array.

SECTION FIVE. APPLICABILITY

5.1 The requirements herein shall apply to all solar energy system and equipment installations modified or installed after the effective date of this law, excluding general maintenance and repair.

5.2 Solar energy system installations for which a valid building permit has been issued, or, if no building permit is presently required, for which installation has commenced before the effective date of this law shall not be required to meet the requirements of this law.

5.3 Modifications to an existing solar energy system that increase the system's area by more than 5 percent (exclusive of moving any fencing) shall be subject to this law.

5.4 All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and ind standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Uniform Code"), the NYS Energy Conservation Code ("Energy Code;'), and the Town's code and requirements.

5.5 To the extent that any other town law, rule or regulation, or parts thereof, are inconsistent with the provisions of this law, the provisions set forth in this law shall control only as they pertain to solar energy systems.

5.6 Issuance of approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act and regulations.

5.7 If Battery storage is to be used, review and written concurrence from the responding fire district shall be provided. At the discretion of the Town Board, an emergency response plan and/or first responder training may be required. Final approval or issuance of Building Permits subject to the discretion of the Town Board's discretion and may be subject to any appropriate and reasonable conditions to be determined upon the circumstances of the application process.

5.8 Any proposed solar energy system subject to review by the New York Board on Electric Generation and Siting and the Environment pursuant to Article 10 of the New York State Public Service Law, or the Office of Renewable Energy Siting pursuant to Article 94-c of the Executive Law, shall be subject to all substantive provisions of this law and any other applicable laws, codes, ordinances and regulations of the Town of Root, and any other applicable state or federal laws.

SECTION SIX. REQUIREMENTS FOR SMALL-SCALE SOLAR ENERGY SYSTEMS

6.1 Prior to installing a small-scale solar energy system, a building permit shall be obtained from the Code Enforcement Officer of the Town of Root.

6.2 The installation of a solar collector or panel, whether attached to the main structure, an accessory structure, or as a detached, freestanding or ground-mounted solar collector, shall meet all requirements of this section.

6.3 All solar collectors and related equipment shall be surfaced, designed, and sited so as to minimize glare onto adjacent properties and roadways.

6.4 A ground-mounted accessory solar energy system shall comply with Town of Root building code setbacks.

6.5 A roof-mounted accessory solar energy system shall be mounted as flush as possible to the roof. To achieve proper solar orientation, panels may exceed the roofline by a maximum five feet. Ground-mounted or freestanding solar collector height shall not exceed 15 feet when oriented at maximum tilt.

6.6 All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction, to minimize the migration of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels.

6.7 Photovoltaic systems that are integrated directly into building material such as roof shingles, and that are a permanent and integral part of and not mounted on the building or structure are exempt from the requirements of this article. However, all applicable building codes requirements shall be met and necessary permits obtained. The Code Enforcement Officer may request assistance from the Planning Board to determine whether a solar energy system should be considered exempt or not.

6.8 In order to ensure firefighter and other emergency responder safety, except in the case when solar panels are installed on accessory structures less than 1,000 square feet in area, there shall be a minimum perimeter area of 2 feet around the edge of the roof to provide space on the roof for walking around all solar collectors and panels.

6.9 Free standing or ground mounted solar collectors are permitted as accessory structures

6.10 If Battery Energy Storage Systems associated with a Small-Scale Solar Energy System shall have an energy capacity of more than 600 kWh, then a plan must be submitted to the Town Board for Fire prevention and planning and shall comply with all applicable provisions of Section 1206 of the Uniform Code of New York state. A building permit and an electrical permit shall be required for installation of Small-Scale Battery Energy Storage Systems.

SECTION SEVEN. REQUIREMENTS FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS

7.1 Applications, Permits and Approvals Required

A. An application for a solar permit and site plan approval by the Town of Root Planning Board and a town building permit shall be required for all utility-scale solar energy systems, complete with all applicable building permit fees. The Planning Board shall concurrently review the application for a solar permit and the site plan.

B. At the earliest possible date in the project planning process, the applicant shall contact the Town's Uniform Code Enforcement Officer to schedule a pre-submission conference with the Planning Board. At this time, the applicant shall provide the opportunity for an on-site visit by Planning Board members.

C. All applications shall be provided to any property owner within 1,000 feet of the property proposed to be used for the utility-scale solar energy system and shall be accompanied by an agricultural data statement as required by the NYS Agriculture and Markets Laws and the NYS General Municipal Law. The Town will provide a copy of the required property owner notice language to the Applicant. Proof of such mailing shall be provided by the Applicant to the Planning Board. The mailing shall not contain any other materials.

D. All applications for utility-scale solar energy systems shall be accompanied by applicable fees as may be established by the Town Board. When the Planning Board determines that a review will require engineering, legal, environmental or planning costs, the applicant shall provide an escrow account to pay for such costs. The escrow account shall be in an amount as determined by the Planning Board. Once the Planning Board has determined the amount of escrow, the account shall be established prior to any further Planning Board review.

E. A public hearing is required in connection with application for a solar permit and site plan review for the solar project and such public hearing will cover both approvals simultaneously to give the public an opportunity to comment on all aspects of the Application. All adjacent property owners within 1,000 feet will be notified of the public hearing on the application for site plan approval by receipted mail by the Applicant no later than 10 days before the date of the public hearing and proof of such mailing shall be provided to the Planning Board prior to the public hearing.

F. All applications for utility-scale solar energy systems shall include the following:

1. A site plan prepared by a professional engineer registered in New York State including:

    a. Property lines and physical dimensions of the site;

    b. Location, approximate dimensions and types of existing structures and uses on the site, public roads, and other properties within 1,000 feet of the boundaries of the site;

    c. Location and description of all solar energy system components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of the solar permit and site plan review approval, including the completion of the SEQRA process and the filing of the NOI associated with the approved SWPPP;

d. Location of all above and below-ground utility· lines on the site as well as transformers, the interconnection point with transmission lines, and other ancillary facilities or structures, including accessory facilities or equipment;

e. Locations of setback distances as required by this law;

f. All other proposed facilities, including electrical substation, storage or maintenance units, fencing and laydown and storage areas to be used as part of construction;

g. Erosion and sediment control and stormwater management plans prepared to NYS Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

h. Trails located on the site that are part of the Statewide Snowmobile Trail System.

i. Historic sites listed on the National and/or State Register of Historic Places, or those Eligible for listing, within the site and those within a 1 mile radius of the site.

j. All site plan application materials required by the Site Plan Review Law of the Town of Root. The Planning Board may waive any items that it deems inapplicable to a solar energy system application.

2. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Utility-Scale Solar Collector System. Such information of the final system installer shall be submitted prior to the issuance of a building permit.

3. Name, address, contact information, and signature of the project applicant, as well as the property owners, demonstration of their consent to the application and the use of the Utility-Scale Solar Collector System.

4. Certification from the utility that the interconnection is viable.

5. Nameplate Capacity of the Utility-Scale Solar Collector System (as expressed in MW).

6. A three-line electrical diagram detailing the entire Utility-Scale Solar Collector System layout, including the number of Solar Panels in each ground mount array, solar collector installation, associated components, inverters, electrical interconnection methods, and utility meter, with all National Electric Code compliant disconnects and overcurrent devices. The diagram should describe the location and layout of all Energy Storage

Device components, if applicable, and should include applicable setback and other bulk and area standards.

7. A preliminary equipment specification sheet that documents all proposed Solar Panels, system components, mounting systems, racking system details, battery energy storage systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.

8. Documentation of access to the project site(s), including location of all access roads, gates, parking areas, etc.

9. A stormwater pollution prevention plan (SWPPP) as per NYS DEC requirements to detail stormwater runoff management and erosion control plans for the site.

10. Documentation of utility notification, including an electric service order number.

11. A Property Operation and Maintenance Plan that describes continuing site maintenance, anticipated dual-use, and property upkeep, such as mowing and trimming.

12. A Decommissioning Plan signed by the owner and/or operator of the Solar Energy System that shall address the following:

    a. Cost estimate and description and form of financial surety as described in Section Nine of this law.

    b. The time required to decommission and remove the Solar Energy System and any ancillary structures.

    c. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

    d. The cost of decommissioning and removing the Solar Energy System, as well as all necessary site remediation or restoration.

    e. Removal of all above-ground solar energy equipment, structures, and restoration of areas previously used for agricultural production according to recommendations by the owner, leasing agricultural provider, the Soil and Water Conservation District, the Town Engineer, the NYSDAM, and/or other qualified entity; removal of concrete piers, footers, or other support to a depth of 48 inches below the soil surface; and removal of access roads, unless otherwise specified by the owner and subject to approval during site plan review.

f. Restoration of the surface grade and soil after equipment removal and stabilization or revegetation of the site as necessary to minimize erosion.

g. The plan to dispose or recycle all waste generated from the decommissioning of the solar energy system pursuant to local, state, and federal solid waste regulations.

h. The provision of a decommissioning security, whether cash, an irrevocable letter of credit or another form acceptable to the Town, which shall adhere to requirements of Section 9.2 of this law.

13. Photo simulations shall be included showing the proposed solar energy system in relation to the building/site along with elevation views and dimensions, and manufacturer's specs and photos of the proposed solar energy system, solar collectors, and all other components.

14. Part I of the Full Environmental Assessment Form filled out.

15. A sound study providing details of the proposed noise that may be generated by inverter fans, or other noise-generating equipment that may be included in the project, including actual readings of existing daytime and nighttime ambient noise at the boundary of the participating properties; the sound study shall predict the potential increase in noise from the project over the existing ambient noise levels. The I-hour average noise generated from the Solar Energy Equipment/System shall not exceed a noise level, as measured at the outside wall of any non-participating residence or occupied community building, based on current (45dBA) or future recommendations from the World Health Organization. Noise levels must not have adverse or unreasonable impacts on surrounding homes or properties.

16. Utility-Scale Solar Systems shall be required to submit documentation addressing Screening and Visibility including the following:

    a. A GIS viewshed analysis of the Zone of Visual Impact (ZVI); defined as the area from which the proposed undertaking may be visible within one-half mile (0.5) around solar fields covering 4 to 40 acres in size, and one-mile around solar fields greater than 40 acres in size. Positive visibility of the solar field must be based upon bare-earth topography only_(do not factor in vegetation). The analysis should be presented as an orthorectified aerial base map with the setback and project area indicated and ZVI highlighted.

    b. A visual assessment of the visual impacts of the Solar energy Equipment/System on public roadways, historic resources, scenic resources, important corridors, adjacent properties, and other

sensitive receptors as may be identified pursuant to the application requirements and overlays, maps, and/or as identified by the Planning Board. The visual assessment shall generally conform to the most current NYS DEC policy on Assessing and Mitigating Visual and Aesthetic Impacts ("Visual Policy"). At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, may be required to be submitted by the applicant. The Planning Board may waive or modify the requirements set forth in this section for Solar Energy Equipment/System with a Facility Area smaller than 10 acres. Visual Mitigation and/or landscaping plan that demonstrates the visual mitigation strategy will provide year-round screening so that, to the maximum extent practicable, the Solar Energy Equipment/System is not visible from roadways and adjacent non participating properties, The plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the landscaping, berms, grading, structures, architectural features, or other screening methods that will harmonize with character of the property and surrounding area, mitigate adverse aesthetic effects, and screen the system from important views or vistas. The plan shall use native and non-invasive plant species to promote habitat for native wildlife species and foraging habitat beneficial to game birds, songbirds, and pollinators. Evergreen tree plantings may be required to screen portions of the site from residential properties, roadways, and other important natural resources, viewsheds, and/or receptors, as may be identified by the Planning Board. If the buffer utilizes vegetative planting, the plantings shall conform to the requirements of Section 7.2.D.2 of this law. The visual mitigation shall obtain a height of at least 10 feet within five growing seasons. Invasive species shall not be planted as part of the landscape buffer.

c. The Planning Board may elect to waive some or all screening and landscaping requirements in select locations based on the applicant's demonstration of non-impact or impact mitigation on adjacent parcels.

d. A vegetation management plan which ensures that any landscaping and trees that will die off will be replaced by the following growing season with the approved plantings from the screening and landscape plan.

e. The Planning Board may require a Landscaping Maintenance Financial Security in the form of cash bond or other form acceptable to the Town to ensure proper maintenance of the landscaping surrounding the solar site.

17. The results of on-site bird and bat migration, nesting and habitat surveys. Surveys must be conducted during the appropriate seasonal windows during one year prior to submission of an application. Applicants shall use the most recent New York State Department of Environmental Conservation survey protocols for grassland birds and winter raptors. For other wildlife, applicants shall follow NYSDEC guidance on appropriate survey methods.

18. Documentation detailing ongoing or historical (i.e., during the preceding 5 years) use of the site as Active Agricultural Lands and production of foods, natural resources found on the site which support agriculture, and a plan for the integration of farming into the site shall be submitted as follows:

    a. An inventory that includes mapping, narrative, imagery, and other information sufficient to document all Active Agricultural Lands, Productive Farmland, viable agricultural lands, and activities relating to the production of foods on the site.

    b. A site-specific soil survey shall be conducted. The borders of-existing site soils shall be field identified in accordance with NRCS standards and shall be performed by an accredited Soil Scientist whose name shall be noted on the drawing. Existing published soils maps and data shall only be used as guideline information by the Soil Scientist. In addition to field identifying site soils the Soil Scientist shall document the depth of the plow layer on the site. This document shall also include mapping of Prime and Important Farmland and mineral soil groups 1 through 4 on the parcel(s) comprising the Facility Area.

    c. A description of and plan for how the project will integrate into the agriculture and supporting natural resources inventoried on the parcel(s) comprising the site. The plan shall address how promoting farm viability has been incorporated into the project, including, e.g., site layout, construction activities, project operations, post construction restoration of impacted Active Agricultural Lands and Productive Farmland to be returned to production, decommissioning, etc. Any proposed agricultural dual use activities shall also be included.

7.2 Permitting Requirements

Requirements "A" through "0" below shall apply to all utility-scale solar energy systems:

A. Code Compliance

All utility-scale solar energy systems shall adhere to the regulations and industry standards referenced in the NYS Uniform Fire Prevention and Building Code, the NYS

Energy Conservation Code and all applicable Town of Root building, plumbing, electrical, and fire codes. Utility scale solar energy systems shall comply with: conditions specified in this law. The solar panels shall be installed using the current best practices of ground mounted solar installation.

1. Compliance with Site Plan and Solar Permit

    a. Inspection of Improvements

        i. The Planning Board's designated engineer, or another responsible party as may otherwise be determined by the Planning Board, shall be responsible for the overall inspection of site improvements, including coordination with the Code Enforcement Office and other officials and agencies, as appropriate.

        ii. The Planning Board may impose, as a condition of site plan and solar permit approval, that the Developer and/or Owner reimburse the Town for inspection of improvement services provided in a performance guarantee.

    b. Performance Guarantee

        i. As a condition to the approval the Developer and/or Owner may be required to post financial security to insure the completion and the proper performance of the improvements with the Town. The Planning Board shall determine the adequacy of the amount sufficient to cover the cost of required improvements. The Planning Board may consult with its designated engineer as part of determining adequacy and sufficiency of the financial security.

        ii. Such financial security shall be in a form acceptable to the Town and approved by the Town Attorney as to form, sufficiency, surety, and manner of execution.

        iii. Such performance bonds shall run for a term to be fixed by the Town, but in no case for a longer term than three (3) years.

        iv. In the event that any improvements have not been installed as required by the Planning Board within the term of such financial security, the Planning Board may thereupon declare the holder of the financial security to be in default and collect the sum remaining payable thereunder; upon receipt of the proceeds thereof, the Town must install the improvements covered by such financial security which are commensurate with the extent of the development of the subject site plan that has taken place, but not exceeding in the cost the amount of such proceeds.

v. If the Code Enforcement Officer shall find upon inspection that any of the required improvements have not been constructed in accordance with the site plan and conditions approved and specified by the Planning Board, then the Code Enforcement Officer shall commence an enforcement action against the Applicant and the Applicant shall be responsible for the costs of completing said improvements as originally specified by the Planning Board or the decommissioning of what has been built.

B. Fencing

All electrical and control equipment, including any battery and storage cells, shall be labeled and secured to prevent unauthorized access. Such equipment shall be enclosed with a seven-foot high fence as required by the National Electrical Code. Fencing shall be located inside the setback described in Requirement "D" of this subsection. For large arrays, involving 1000 acres or greater, the Town Planning Board may direct that there be breaks in the fencing to allow for corridors for wildlife to move through the fenced area every 200 acres or as the Planning Board determines is beneficial to the wildlife occupying the area.

C. Signs

Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except: (a) manufacturers' or installer's identification; (b) appropriate warning signs and pacards; (c) signs that may be required by a federal or state agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger.

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

D. Visual Impact

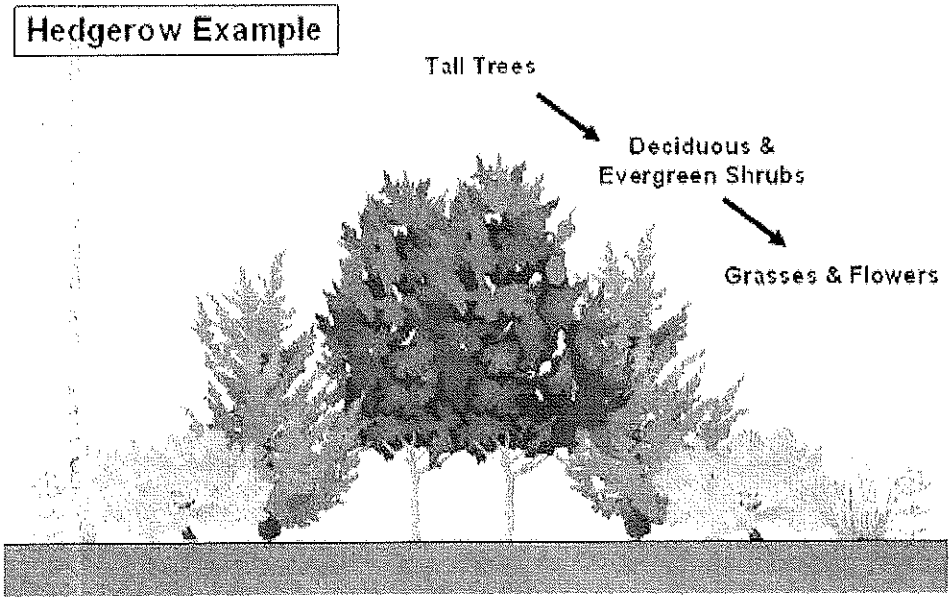
The solar facility, including any proposed off-site infrastructure, shall be located and screened in such a way as to avoid visual impacts as viewed from public locations, public dedicated roads and highways, residences located on contiguous parcels, or other locations identified by the Planning Board. Acceptable screening would include maintenance of existing vegetation, new native vegetative barriers or berms, landscape screen or other opaque enclosures, or any combination thereof acceptable to the Town capable of screening the site as possible. The applicant shall guarantee that all plantings that form part of the approved landscape and screening will be maintained and replaced, if necessary, during the life of the project.

1. When the site is surrounded by existing mature trees, trees within the buffer shall not be cut and shall be maintained as a wild zone for the life of

the facility. The exception to this shall be dead or diseased trees, which will be cut and removed so as to encourage healthy growth of existing trees.

2. Trees to be included in screening shall be native and non-invasive species of evergreen, e.g. White Spruce, White Pine, Larch, red cedar, juniper, a minimum of 8' tall and 3" in diameter at breast height. It shall be determined and documented by the developer if at the time of planting if any species are threatened due to regional blight, disease, etc. Final decisions on appropriate plantings will be made by the Planning Board.

3. The solar facility shall provide for the creation of a mixed-species buffer that has an offset, double row of densely growing evergreens with the addition of some smaller trees and shrubs in front to create more of a naturalized hedgerow habitat. The purpose of the double row is to provide additional screening early while the trees are still small. While the evergreens should be the dominant tree for screening, addition of some smaller trees and shrubs are to be provided to benefit wildlife and aesthetics. Appropriate shrubs and small trees to include to create a hedgerow could be Elderberry, American Plum, Hazelnut, Witch Hazel, Blueberry, Dogwoods (Pagoda, Flowering, Silky, Gray), Sumac, Buttonbush, Pear, Apple, Lilac, Shadbush, Pussywillow, Raspberry Maple leaved viburnum, nannyberry, chokecherry.



Graphic: Kerry Wixted with graphics from Tracey Saxby,
IAN Image Library, courtesy of the integration and Application Network.
University of Maryland Center for Environmental Science

4. The plans shall show maximum screening of utility-scale solar. The plan shall demonstrate that screening is provided year-round, to the fullest extent possible and will not have visual adverse impacts on roadways or adjacent properties.

5. The design, construction, operation, and maintenance of any solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks in excess of that which already exists. The Planning Board reserves the right to individually assess what they deem to be sensitive areas on any proposed solar facility site as part of their review to ensure that negative impacts of solar ray reflection will be prevented. All solar panels shall have anti-reflective coating(s) not identified as a hazardous material by the U.S. Environmental Protection Agency. The applicant shall adhere to all federal and state laws, regulations and guidelines regarding PFAS and polytetrafluoroethylene (PTFE) films. The applicant shall provide a certificate to. the Town attesting to the fact that the entire solar installation is non-toxic and will not result in harmful chemicals leaching into the soils under and within the solar installation.

6. All structures and devices used to support solar collectors shall be non-reflective and/or painted a subtle or earth tone color to aid in blending the facility into the existing environment.

7. Fencing installed for security or public safety shall be seven-foot (7') tall, composed of natural wood poles that mimic the rural aesthetics of the community. Barbed wire or any similar alternatives is prohibited.

E. Panel Height

Ground-mounted solar panel arrays shall not exceed 17 feet in height when oriented at maximum tilt except where Solar Energy Systems shall provide sufficient clearance for agrivoltaic or agricultural use of the land as may be approved by the Planning Board.

F. Lot Coverage

A utility-scale solar energy system shall not exceed 80 percent lot coverage, as defined herein.

G. Wetlands

Solar energy systems shall meet wetland requirements as provided in Title 6, Parts 663 and 664 of the New York Codes, Rules and Regulations and stream requirements as provided in Title 6, Part 608 of the NYCRR and shall meet all Clean Water Act requirements for placement of fill in Waters of the United States.

H. Lighting

Artificial lighting of solar energy systems shall be limited to lighting required for safety and operational purposes and shall be cast downward and shielded from all neighboring properties and public roads. Lighting shall be dark sky compliant.

I. Access and Parking

If onsite battery storage systems are utilized then, A road and parking must be provided to assure adequate emergency and service access. Maximum use of existing roads, public and private, shall be made. Any new access road will be reviewed for fire safety purposes by the Town Building Inspector and the chief of the fire company that serves the area containing the property. Site access shall be maintained at a level acceptable to the local fire department and emergency medical services, including snow removal. All solar facility access roads shall be of sufficient width to accommodate the equipment to be used at the solar installation to maintain the installation, for any farming activities proposed and for life safety, i.e. fire-fighting. All roadways associated with the solar energy system shall remain unpaved and of pervious surfaces.

Vehicular Paths within the Facility area shall be designed in compliance with Uniform Code requirements and NYSDAM guidance to ensure emergency access, while minimizing the extent of impervious materials and soil compaction

J. Slopes

No solar panels shall be placed on slopes of 15 percent or greater as averaged over 50 horizontal feet. No cutting or filling may be done to alter natural slopes for placement of panel arrays. Site disturbance, including but not limited to, grading, soil removal, excavation and· soil compaction in connection with installation of utility-scale solar energy facilities shall be minimized to the extent practicable.

K. Drainage

The solar energy system shall comply with New York state stormwater regulations as set forth in GP-0-20-001. The Stormwater Pollution Prevention Plan shall demonstrate that the solar system will not create adverse drainage, runoff, or hydrology conditions that could impact adjoining and other non-participating properties in violation of New York state stormwater requirements.

L. Road Use

Designated traffic routes for construction and delivery vehicles to minimize traffic impacts, wear and tear on local roads, and impacts on local business operations shall be proposed by the applicant and reviewed by the Planning Board.

M. Blasting

Blasting is prohibited for the construction of all utility-scale solar energy facilities.

N. Cemeteries

Utility-scale solar energy systems structures and equipment are prohibited in cemeteries and burial grounds. The applicant shall consult with the Town historian and with the NYS Office of Parks Recreation and Historic Preservation to identify any such burial grounds within the project site.

O. Facilities of Water

Utility-scale solar energy systems shall not be installed on Town-owned bodies of water, nor shall they be installed within 1,000ft of drinking water sources of any type regardless of intended for human or livestock consumption.

P. Deforestation

Previously cleared or disturbed areas are preferred locations for solar projects. Forested sites shall not be deforested to construct solar energy facilities. Any clearcutting shall follow the Adirondack State Park law N.Y. Comp. Codes R. & Regs. 573.7

Q. Setbacks

There shall be a minimum 500-foot setback between any utility scale ground mounted solar panel structures and associated electrical equipment to the parcel boundary line with any non-participating property, public road, or public area. Fencing, collection lines, access roads and landscaping may occur within the setbacks.

R. Wildlife

Solar energy systems shall avoid or minimize adverse impacts to species in: need of protection, as defined herein, or their occupied habitats, to the maximum extent practicable.

S. Agriculture

Solar energy systems shall be limited to no more than 40 percent, down from 80% allowable coverage of land that is not ideal for normal agriculture, of the total acreage on prime agricultural areas classified by the NYS Department of Agriculture and Markets' Agricultural Land Classification as mineral soils groups 1 through 4. All solar energy systems shall adhere to the Department of Agriculture and Markets' Guidelines for Construction Mitigation for Agricultural Lands.

a. Solar Energy System may exceed the forty percent [40%] coverage threshold if it incorporates an onsite activity or program which provides for the use of the land as an agrivoltaics Farming Operation and related agrivoltaics. Exceedance beyond the 40% threshold will only be allowed based on the Town Board determination

that the Land is being used for a Farm Operation (ex. growing crops or raising livestock) and related agrivoltaics. An eighty percent [80%] maximum lot coverage will be permitted for solar energy systems that accommodate farming operations, subject to the following conditions:

i. Fencing shall include gates large enough to accommodate farming equipment; and
ii. If necessary a maintenance barn or shed shall be provided to store farming equipment and supplies; and, if raising livestock
iii. If there is no other shelter accessible by the livestock, A barn and shaded areas shall be provided for livestock; and
iv. If no water source exists, a pond or similar must be provided for livestock.

b. Subject to discretion of the Town Board if the landowner demonstrates that -- notwithstanding the classification as prime farmland -- the land cannot reasonably be made profitable as farming operation due to flooding, high water table, wetlands, saturated soils, erosion, rocky conditions, lack of minerals, poor soil temperature, steep slopes, or similar conditions as approved by the Town Board, the Solar Energy Facility shall be permitted to occupy eighty percent [80%] of the Prime Farmland within the Facility Area.

To the maximum extent practicable, utility-scale Solar Energy Systems located on Prime Farmland shall be constructed, monitored, and decommissioned in accordance with the N-YS Department of Agriculture and Markets' "Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands."

T. Underground Wiring

All transmission lines, especially those traversing nonparticipating properties, and wiring associated with a utility-scale solar energy system shall be buried and include necessary encasements in accordance with the National Electric Code. The Planning Board may waive this requirement if sufficient engineering data is submitted by the applicant to demonstrate that underground transmission lines are not feasible or practical or other best practices exist. The applicant is required to show the locations of all proposed overhead and underground electric utility lines including substations, switchyards, junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall comply with the utility company's requirements for interconnection.

U. Noise

Noise levels from the solar energy system will comply with the noise limits for solar energy facilities contained in the New York Office of Renewable Energy Siting regulations at 19 NYCRR 900 by following the limits laid out by 19 NYCRR 900-2.8.

V. Construction Hours

Pre, post and during construction working hours shall be limited to Monday through Friday between the hours of 7 a.m. and 6 p.m. The Town Board shall have discretion on whether to allow work on Saturdays. Work shall not be done outside these hours or on Sundays and holidays, to ensure the quiet rural characteristics of the Town. Construction lighting shall be limited consistent with Requirement "H" above.

W. Buffer Zones

Wherever a point of ecological interest exists there shall be a buffer zone of 50 feet surrounding that shall remain as native vegetative habitat. For example if there is a natural pond, wetland, stream, or other protected habitat, no construction or deformation of the land shall occur within 50 feet of the shore, river bank, or marsh boundary.

7.3 Contractual Requirements

The applicant for a utility-scale solar energy system shall execute the following contractual agreements with the Town.

A. Road Use

Utility-scale solar energy systems shall execute a road use agreement with the Town if town roads are to be used for the project. Prior to the issuance of the building permit and commencement of construction, an existing condition survey of the approved hauling routes using town roads shall be undertaken by the applicant at the applicant's expense. Any road damage during construction caused by the operator or its subcontractors on town roads shall be repaired or reconstructed to the satisfaction of the Town Highway Superintendent at the operator's expense.

B. Indemnification

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

C. Decommissioning

The applicant shall execute a decommissioning agreement as described in Section Nine of this law.

D. **Community Host**

The applicant shall enter into a community host agreement providing a public benefit fee of no less than $5,000 per mW of energy generating capacity per year either for the life of the project or for a negotiated timespan which will be determined through meetings between the solar energy companies and the Town of Root. These funds shall be utilized to mitigate the additional burdens placed on the town as a result of the project, as a source of funding for prospective costs, for expenses associated with and related to anticipated municipal services, for municipal projects that benefit the community, and additional infrastructure improvements to be provided as a result of the project's presence within the town, as well as for potential tax relief for non-project property owners. These funds are to be paid to the town by the solar energy company, not by the leasing landowner.

7.4 System Operations

A. Safety/Emergency Response

Before any utility-scale solar energy system becomes active, the owner of the systems arrange an on-site meeting with the fire department having primacy coverage of the project area to review the components of the system, safety issues and procedures for emergency response. This shall include details on the location of labeled warnings, access to the site, and emergency disconnection of the system. In addition, the Town may require the installation of placards that provide mutual aid responders with sufficient information to protect them when responding to calls on site.

B. Ownership Changes

If the owner or operator of the solar energy system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, decommissioning plan, security and any agreements. A new owner or operator of the solar energy system shall notify the Building Inspector and the Town Supervisor of such change in ownership or operator 30 days prior to the ownership change. Failure to provide this notice will result in the commencement of an enforcement proceeding against the Applicant by the Code Enforcement Officer.

C. Annual Report

The solar energy system owner shall, on a yearly basis, provide the Town with a report showing the rated capacity of the system and the amount of electricity that was generated by the system and transmitted to the grid over the most recent twelve-month period. The report shall also identify any change in ownership of the solar energy system and/or the land upon which the system is located and shall identify any change in the party responsible for decommissioning and removal of the system upon its abandonment. The

annual report shall be submitted no later than 45 days after the end of the calendar year. Every third year, to coincide with the filing of evidence of financial security, the annual report shall also include a recalculation of the estimated full cost of decommissioning and removal of the solar energy system. The Town may require an adjustment in the amount of the surety to reflect changes in the estimated cost of decommissioning and removal. Failure to submit a report as required herein shall be considered a violation subject to the penalties of the Town of Root local law.

D. Vegetation

Following construction of a utility-scale solar energy system, all disturbed areas where soil has been exposed shall be reseeded with native grasses and/or planted with low-level native vegetation capable of preventing soil erosion and airborne dust.

E. Project Changes

Any post-approval changes to the solar energy system, except for immaterial modifications as defined herein, shall be done by amendment to the special use permit only and shall be subject to the requirements of Section Seven of this law. Unless expressly limited by a condition imposed in the permit, the Town Code Enforcement Officer, or other Town Board designee may, during project construction, allow immaterial modifications to the design of the project as represented in the final set of site plans reviewed by the Planning Board. Such immaterial modifications shall only be allowed in response to a written request by the applicant or permittee. All such requests shall be addressed to the authorized Town designee, with copies to the Chairman of the Planning Board, other Town Board designee, and the Town's designated consultants.

F. Certification

After completion of a utility-scale solar energy system, the applicant shall provide a post construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans. The applicant shall further provide certification from the utility that the facility has been inspected and connected.

G. Insurance

1. The holder of a Special Use Permit for a solar energy system shall agree to secure and maintain for the duration of the permit, public liability insurance as follows (unless waived by the Town Board for smaller systems):

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

    b. Umbrella coverage: $10,000,000

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

3. Insurance Policy Cancellation: The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town with at least 30 days prior written notice in advance of cancellation.

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

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

6. Certificate of Insurance: A certificate of insurance that states it is for information purposes only and does not confer sufficient rights upon the Town shall not be deemed to comply with this law.

SECTION EIGHT. ENERGY STORAGE SYSTEMS

8.1 Solar Thermal Systems are encouraged for the storage of energy in lieu of Battery Energy Storage Systems. The method and specifications shall be shown on the site plans and described in a project narrative to include the potential environmental impacts of the storage system. The decommissioning plan shall include removal of the proposed storage system.

8.2 Battery Energy Storage Systems (BESS) with capacity of more than 600 kWh are permitted in conjunction with utility-scale solar energy systems subject to the following conditions:

a. Size of Project - Battery Energy Storage Systems shall only be allowed at utility-scale solar energy systems of greater than 20 megawatts nameplate capacity.

b. Code Compliance - Battery Energy Storage Systems shall comply with all applicable provisions of Section 1206 of the Uniform Code of New York State. A building permit and an electrical permit shall be required for installation.

c. Commissioning Plan - 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. Where commissioning is required by the Uniform Code, Battery Energy Storage System commissioning shall be conducted by a New York state-licensed professional engineer 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 Code Enforcement officer prior to final inspection and approval and maintained at an approved on-site location.

d. 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.

e. Operation and Maintenance Manual - Such 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.

f. System Certification - Battery Energy Storage Systems and equipment shall be listed by a nationally recognized testing laboratory to UL 9540 (Standard for Battery Energy Storage Systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards, as applicable:

   i. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
   ii. UL 1642 (Standard for Lithium Batteries),
   iii. UL 1741 or UL 62109 (Inverters and Power Converters),
   iv. Certified under the applicable electrical, building and fire prevention codes as required.
   v. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

g. Safety - 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.

h. Noise - Battery Energy Storage Systems shall be located as close as practicable to the center of the solar panel array and shall not cause the Solar Energy System to exceed the noise limits specified in Section Seven of this law.

i. Signage - Signs shall comply with ANSI Z535 and include the type of technology associated with the Battery Energy Storage System, any special hazards, the type of suppression system installed in the area of the battery system, and 24-hour contact information including reach-back phone number.

j. Vegetation and Tree-Cutting - Areas within 20 feet on each side of the Battery Energy Storage System 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 may be used as ground cover provided they do not form a means of readily transmitting fire.

k. Emergency Operations Plan - The applicant shall prepare a safety/emergency response plan in cooperation with town emergency service providers.

A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials and emergency responders. The emergency operations plan shall include the following information:

a. 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 start-up following cessation of emergency conditions.

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

c. Procedures to be followed in response to notifications from the solar energy system and/or battery energy storage system that, when provided, could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel and providing agreed upon notification to fire company personnel for potentially hazardous conditions in the event of a system failure. All means of shutting down the solar energy system shall be clearly marked.

d. The property must be inspected after a National Weather Service designation of a Severe Weather Watch or Severe Weather Warning to ensure that the property did not sustain damage. Reports of such inspection shall be filed with the Town Building Inspector.

e. 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 can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and/ or extinguishing the fire.

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

g. Procedures for dealing with solar energy system and/or battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged equipment from the facility. System owner shall provide guaranteed non-emergency and emergency response times of a qualified

subject matter expert to the Building Department and local emergency responders.

h. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders, that shall include but not be limited to a smoke plume test for evacuation purposes.

i. Procedures and schedules for conducting drills of these procedures and for training local emergency responders on the contents of the plan and appropriate response procedures. Training shall be done annually and shall include local and mutual aid emergency responders.

j. The system owner shall notify the local fire department, county emergency management office and the town building inspector at least one week prior to any scheduled maintenance or battery swap out.

k. In the event of a fire, all contaminated soil must be removed and disposed of properly, in accordance with all applicable laws.

l. Retention Pond - The applicant for a utility-scale solar energy system shall consult with the fire department with primary coverage of the project area on the best fire suppression system for the planned battery technology. If the fire department determines that water is necessary, the applicant shall develop a well or retention pond(s) holding a sufficient amount of water as determined in site plan review, with dry hydrants (arrangement of piping with one end in the water and the other extending to dry land), for emergency firefighting use. The Planning Board may waive this requirement if it determines that the project area is adequately served by public water supply.

m. Battery Management System (BMS) - Battery Energy Storage Systems shall use a Battery Management System, which will incorporate an HVAC system to maintain environmental temperature and manage humidity for optimal operating conditions for batteries. The BMS must be capable of collecting data at the battery cell and module levels, monitoring temperature, voltage, current, state of charge, and state of health to detect abnormal battery conditions and provide information to prevent and mitigate potential emergency events.

n. Monitoring - Battery Energy Storage Systems shall be monitored 24 hours a day, seven days a week, from a remote operations center that can shut off project components when abnormal conditions are identified. The BESS shall also have smoke alarms and fire detection systems that will trigger audio/visual alarms on the BESS containers and be monitored remotely by the operations center, where operators will contact local personnel immediately and ensure that local emergency responders are notified in the event of an emergency.

o. Delivery - No batteries will be delivered to the project site until they are ready to be activated and placed into service. On-site storage of batteries for more than 72 hours prior to activation is prohibited.

SECTION NINE. ABANDONMENT OR DECOMMISSIONING OF SYSTEMS

9.1 Decommissioning Plan

An owner or operator of a utility-scale solar energy system that has not supplied energy to the grid for a period of six consecutive months must notify the Town Supervisor and the Town Building Inspector in writing that the system is no longer operating. If the system does not resume normal operation for an additional 12 consecutive months, the system shall be deemed to be abandoned and shall be decommissioned within six months by the owner or operator. A decommissioning plan shall be submitted as part of the solar permit application to the Planning Board. The decommissioning plan shall run to the benefit of the Town of Root and be executed by the Applicant and such signatures shall be notarized in a format that allows the decommissioning plan to be recorded at the Office of the Montgomery County Clerk. The plan should identify the anticipated life of the project, and include, but not be limited to, the following provisions:

A. The removal of all energy facilities, structures and equipment including any subsurface wires and footings from the parcel. Any access roads created for building or maintaining the system shall also be removed and re-planted with vegetation in coordination of the landowners wishes.

B. The cost of removing the entire solar energy system based upon prevailing wages and any other requirements applicable to municipalities under state or federal law and no salvage value shall be attributed to any of the components of the solar energy system and/or the solar energy equipment.

C. A schedule and methods for the removal of the solar energy system and/or the solar energy equipment including any ancillary structures.

D. A plan for restoring the property to its pre-installed condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties, and, where if it was previously used for farming, with vegetation suitable for farming purposes, i.e. a hay field, crops or grazing. The estimated time of this restoration should be included in the plan.

E. A proposed Decommissioning Agreement (the "Agreement"), which shall be provided by the applicant and approved by the Town Board. No building permit shall be issued for a solar energy system until the Decommissioning Agreement between the applicant and the town has been executed and financial security provided as below set forth.
   i. The decommissioning agreement will require that all solar panels are reused elsewhere or recycled to the greatest extent practicable.

F. The operator shall identify a responsible person with contact information for public inquiries from the commencement of the construction of the solar energy system until the completion of the decommissioning plan.

G. Failure of the Applicant to comply with the approved decommissioning plan upon abandonment shall allow the Town the option to utilize the security for the removal of the utility-scale solar energy system.

9.2 Financial Security

A. Security shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal of the solar energy system and restoration of the site subsequent to removal. The Security shall be an evergreen letter of credit issued by an A-rated financial institution (relating to Standard & Poor's Rating Services, Inc. ("S&P") or any successor agency thereto) or an A3 rating financial institution (relating to Moody's Investor Services ("Moody's") or any successor rating agency thereto) on behalf of the company, substantially in the form attached hereto as Exhibit A. The amount of the bond or security shall be 125 percent of the estimated cost of removal of the solar energy system and restoration of the property, with an escalator of 2 percent annually (or Consumer Price Index change if more than the annual escalator of 2 percent) for the life of the solar energy system and shall not take into account the net salvage value of any such project components. The security established by the agreement shall not be subject to disclaimer or rejection in a bankruptcy proceeding. Alternative financial surety methods may be proposed if necessary.

B. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The security shall remain in full force and effect until 90 days after the restoration of the property, as set forth in the decommissioning plan, is completed.

C. The Town Board shall, each year prior to the adoption of the annual budget, review all security instruments provided to the Town in connection with utility scale solar projects to insure that the security remains in effect.

9.3 Abandonment

A. The approval for a Utility-Scale Solar Collector System shall be valid for a period of 36 months, provided that construction is commenced within that time frame. In the event construction is not commenced in accordance with the site plan approval and solar permit within 36 months, the Applicant may request to extend the time to commence construction for 12 months. Approval of a request to extend the time to commence construction shall not be unreasonably withheld by the Town Planning Board. If having commenced construction, the Applicant fails to complete construction within 36 months after having commenced construction, the Planning Board site plan approval and solar permit shall expire and a new application begun and any fees resubmitted prior to any construction recommencing. If the Applicant fails to perform, the Town Planning Board or the Code Enforcement Officer may notify the Applicant to implement the

decommissioning plan. In such an instance, the decommissioning plan must be started within 6 months from the notification by The Town Planning Board or the Town Building Inspector and completed in 12 months of starting.

B. Cessation of electricity being generated for a period of six months constitutes abandonment of the Utility-Scale Solar Collector System project, unless an agreement was previously reached between the Town Planning Board and the Applicant. Upon cessation of electricity generation of a Utility-Scale Solar Collector System on a continuous basis for 12 months, the Town Planning Board or the Town Building Inspector may notify and instruct the Applicant to implement the decommissioning plan. The decommissioning plan must be started within 6 months from the notification by The Town Planning Board or the Town Building Inspector and completed in 12 months of starting.

SECTION TEN. MAINTENANCE

10.1 Annual Update

A. The owner / operator shall present a written facility update to the Town Board annually, in the month of March, in person at a regularly scheduled meeting of the Town Board. In the event of a weather emergency or quarantine the report may be provided in writing to the Town Board.

B. One month prior to the March Town Board meeting, the owner / operator shall submit an updated registration form for the facility which provides contact information for all responsible parties: the owner, operator, engineer, and local property management.

10.2 Maintenance

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

B. If Energy Storage Devices are including as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be removed and disposed of or recycled or reused off site in accordance with the laws and regulations of the Towns, and any applicable federal, state, or county laws or regulations.

SECTION ELEVEN: SEVERABILITY

11.1 It is hereby declared to be the intent of the Town Board of Root that:

A. If any word, phrase, sentence, part, section, subsection, or other portion of this Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court of competent jurisdiction, then such judgment or declaration shall be confined in its interpretation and operation only to the provisions of

this Law which are expressly stated in the decision to be invalid, and all other provisions of the Law shall continue to be separately and fully effective.

B. If a court of competent jurisdiction finds the application of any provision of this law to any building, other structure or tract or land to be invalid, in whole or in part, the effect of such decisions shall be limited to the person, property or situation involved in the controversy, and the application of any such provision to any other person, property or situation shall not be affected.

11.2 Validity: Should any section or provision of this Local Law be decided by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Sponsor Information.

Name of Action or Project: Town of Root Solar Energies Facilities law		
Project Location (describe, and attach a general location map): Town of Root, Montgomery County		
Brief Description of Proposed Action (include purpose or need): Town adoption of a new local law regarding solar facilities and battery energy storage facilities in the Town of Root.		
Name of Applicant/Sponsor: Gary Kamp-Town Supervisor, Town of Root	Telephone: (518) 673-3422 E-Mail: supervisorroot@yahoo.com	
Address: Root Town Hall, 1048 Carlisle Road		
City/PO: Sprakers	State: NY	Zip Code: 12166
Project Contact (if not same as sponsor; give name and title/role): N/A	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): N/A	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, or Village Board of Trustees ☑Yes☐No		April 2024
b. City, Town or Village Planning Board or Commission ☐Yes☐No		
c. City Council, Town or Village Zoning Board of Appeals ☐Yes☐No		
d. Other local agencies ☐Yes☐No		
e. County agencies ☑Yes☐No	Montgomery County Planning	GML Referral-pending
f. Regional agencies ☐Yes☐No		
g. State agencies ☐Yes☐No		
h. Federal agencies ☐Yes☐No		

i. Coastal Resources.

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

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

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part I

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes☑No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes☑No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☑No

If Yes, identify the plan(s):

C.3. Zoning

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

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

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? Town-wide local law regulating solar

C.4. Existing community services.

a. In what school district is the project site located? Canajoharie, Fonda-Fultonville

b. What police or other public protection forces serve the project site?
New York State Police and Montgomery County Sheriff

c. Which fire protection and emergency medical services serve the project site?
Rural Grove, Canajoharie & Ames Volunteer Fire Companies; Lake Valley ambulance service

d. What parks serve the project site?
N/A

D. Project Details

D.1. Proposed and Potential Development

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

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

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

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

f. Does the project include new residential uses? ☐Yes☐No
If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes☐No
If Yes,
i. Total number of structures _____
ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length
iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes☐No
If Yes,
i. Purpose of the impoundment: _____
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐Surface water streams ☐Other specify:
_____
iii. If other than water, identify the type of impounded/contained liquids and their source.
_____
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐Yes☐No
If Yes:
i.What is the purpose of the excavation or dredging? _____
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
_____
_____
iv. Will there be onsite dewatering or processing of excavated materials? ☐Yes☐No
If yes, describe. _____
_____
v. What is the total area to be dredged or excavated? _____acres
vi. What is the maximum area to be worked at any one time? _____ acres
vii. What would be the maximum depth of excavation or dredging? _____ feet
viii. Will the excavation require blasting? ☐Yes☐No
ix. Summarize site reclamation goals and plan: _____
_____
_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes☐No
If Yes:
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____
_____

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

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐Yes☐No
If Yes, describe: _____

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

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

_____

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

_____

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

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes☐No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes☐No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes☐No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐Yes☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

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

If yes:

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

_____

ii. Will 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 proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s):

_____

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

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

If Yes:

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

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

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

t. Will 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: _____

To be determined.

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

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

c. Is the project site presently used by members of the community for public recreation? ☐Yes☐No

i. If Yes: explain: _____

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

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes☐No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes☐No

If Yes:

i. Has the facility been formally closed? ☐Yes☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

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

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes☐No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes☐No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes☐No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

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

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

E.2. Natural Resources On or Near Project Site

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

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

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

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

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

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

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? ☐Yes☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

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

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes☐No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

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

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

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

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

i. Name of aquifer: _____

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

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

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐Yes ☐No

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

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
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

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

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

If Yes:

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

ii. Name: _____

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

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

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

F. Additional Information

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

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

★ See attached proposed local law ★

G. Verification

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

Applicant/Sponsor Name Gary A Kamp Date 3/27/24

Signature [signature] Title Supervisor - Root

PRINT FORM

REFERRAL FORM
MONTGOMERY COUNTY PLANNING BOARD

Referral Number_____
assigned by the MCPB upon acceptance of referral for review

This Referral must be received **SEVEN CALENDAR DAYS** prior to the MCPB meeting date in order for it to be placed on the agenda.

TO: Montgomery County Planning Board,
Old County Courthouse,
PO Box 1500, Fonda, New York 12068
Phone: 518-853-8334
Fax: 518-853-8336

FROM: Municipal Board: Town of Mohawk Planning & Zoning Bds
Referring Officer: Mark Hoffman and Henry Araujo
Mail original resolution to: Town of Mohawk
Atten: Town Clerk; Kim Sullivan, PO Box 415
2-4 Park Street, Fonda, New York 12068

1. **Applicant:** Cipriani Solar **2. Site Address:** 254 Stoner Trail Road, Johnstown, New York 12095
3. **Tax Map Number(s):** 21.-2-10.1 **4. Acres:** 55.5
5. **Is the site currently serviced by public water?** ☐ Yes ☒ No
6. **On-site waste water treatment is currently provided by:** ☐ Public Sewer or ☒ Septic System
7. **Current Zoning**: A-Agriculture/R-1 Residential **8. Current Land Use**: Farming
9. **Project Description:** The proposed Project consists of a +/-13.6 acre solar farm (3.75MW-AC) on a 55.5 acre parcel located off of Albany Bush Road in the Town of Mohawk, Montgomery County, New York. The Project will involve the installation of ground mounted photovoltaic panels, as well as an associated access road, electric utility upgrades, power inverters and perimeter fencing for the solar energy system.
10. **MCPB Jurisdiction:**

☐ **Text Adoption or Amendment** ☒ **Site is located within 500' of:** _____

- ☐ a municipal boundary.
- ☒ a State or County thruway/highway/roadway
- ☐ an existing or proposed State or County park/recreation area
- ☐ an existing or proposed County-owned stream or drainage channel
- ☐ a State or County-owned parcel on which a public building or institution is situated
- ☒ a farm operation within an Agricultural District (Incl. Ag data Statement) (does not apply to area variances)

11. **PUBLIC HEARING:** Date: Planning Board April 16, 2024 Zoning Board Ap[ril 18, 2024 Time: 6 PM 7 PM Location: TOM Town Hall TOM Town Hall

Referred Action(s)
If referring multiple, related actions, please identify the referring municipal board if different from above.

12. ☐ **Text Adoption or** ☐ **Amendment** **Referring Board:**

☐ Comprehensive Plan ☐ Local Law ☐ Zoning Ordinance ☐ Other _____

13. ☐ **Zone Change** **Referring Board:**

Proposed Zone District: _____ Number of Acres: _____

Purpose of the Zone Change: _____

14. ☒ **Site Plan** ☐ **Project Site Review** **Referring Board:** TOM Planning Board

Proposed Improvements: Construct a Solar Energy Project

Proposed Use: Solar energy production and continued Agricultural

Will the proposed project require a variance? ☒ Yes ☐ No Type: ☐ Area ☐ Use

Specify: Area Variance for reduced setback to property line

Is a State of County DOT work permit needed? If Yes : ☐ State or ☐ County ☒ No

Specify: _____

15. ☐ **Special Permit** **Referring Board:**

Section of local zoning code that requires a special permit for this use: _____

Will the proposed project require a variance? ☒ Yes ☐ No Type: ☒ Area ☐ Use

16. Variance **Referring Board:** TOM Zoning Board of Appeals

☒ Area ☐ Use

Section(s) of local zoning code to which the variance is being sought: Solar Law 1 of 2023;VI Permitting Regulations Tier 3; C. Solar Energy Standards; 8. Setback

Describe how the proposed project varies from the above code section: ~~The required setback is 250 feet, 2 - Area~~ Variances are being requested with permission from owners of adjoining properties, to reduce the setback to 50 feet on those sides only. The Area Variances were granted by the Zoning Board 4/18/2024

SEQR Determination

Action:

- ☒ Type I
- ☐ Type II
- ☐ Unlisted Action
- ☐ Exempt

Finding:

- ☐ Positive Declaration – Draft EIS
- ☐ Conditional Negative Declaration
- ☒ Negative Declaration
- ☐ No Finding (Type II Only)

SEQR determination made by (Lead Agency): TOM Planning Board **Date**: 4/16/2024

REQUIRED MATERIAL

Send 3 copies of a "Full Statement of the Proposed Action" which includes:

All materials required by and submitted to the referring body as an application

- If submitting site plans, please submit only 1 large set of plans, and 12 11x17 packets.
- All material may be submitted digitally as well at http://www.mcbdc.org/planning-services/montgomery-county-planning-board-referrals/

This referral, as required by GML §239 l and m, includes complete information, and supporting materials to assist the Montgomery County Planning Board (MCPB) in its review. Recommendations by MCPB shall be made to the Referring Body within thirty days of receipt of the Full Statement.

Stanley F. Waddle, Zoning Code Official; (518)-774-0420 — 05/06/2024

Name, Title & Phone Number of Person Completing this Form — Transmittal Date

This side to be completed by Montgomery County Planning.

REFERRAL FORM

MONTGOMERY COUNTY PLANNING BOARD

TO: _____

Receipt of 239-m referral is acknowledged on _____. Please be advised that the Montgomery County Planning Board has reviewed the proposal stated on the opposite side of this form on _____ and makes the following recommendation.

☐ Approves

☐ Approves (with Modification)

☐ Disapproves:

☐ No significant County-wide or inter-community input

☐ Not subject to Planning Board review

☐ Took no action

Section 239-m of the General Municipal Law requires that within thirty days after final action by the municipality is taken; a report of the final action shall be filed with the County Planning Board.

_____
Date

_____
Kenneth F. Rose, Director
Montgomery County Dept. of Economic
Development and Planning

PRELIMINARY DEVELOPMENY PLANS

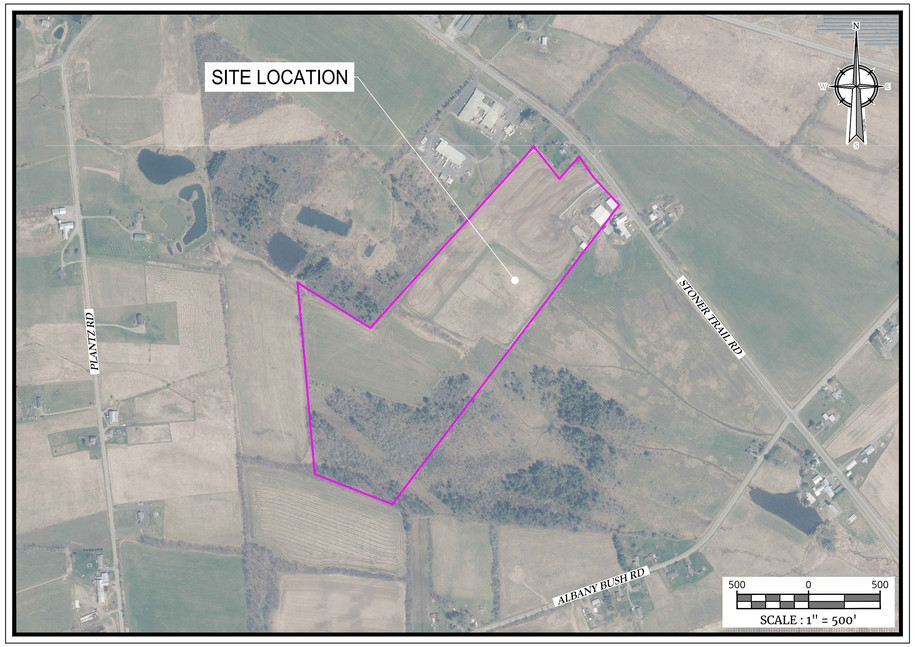
FOR

MONTGOMERY SOLAR PROJECT

TAX MAP PARCEL NO.: 21.00-2-10.1

TOWN OF MOHAWK

MONTGOMERY COUNTY NEW YORK



SITE LOCATION MAP

SOURCE: New York Statewide Digital Orthoimagery Program (NYSDOP)

OWNER/APPLICANT: YELLOW 22 LLC
ADDRESS:125 WOLF RD SUITE 312, COLONIE, NY 12205
PHONE: 1-855-Sun-4-Ever(786-4383) Ext. 112
NAME: DANA PICKETT, CEO

INDEX OF SHEETS

SHT. No.	DESCRIPTION	LATEST REVISION
1	COVER	5/1/2024
2	GENERAL NOTES	5/1/2024
3	EXISTING CONDITIONS PLAN	5/1/2024
4	OVERALL SITE PLAN	5/1/2024
5	SITE PLAN	5/1/2024
6	OVERALL GRADING & ESC	5/1/2024
7	DETAILS I	5/1/2024
8	DETAILS II	5/1/2024
9	DETAILS III	5/1/2024
10	LANDSCAPE PLAN I	5/1/2024
11	LANDSCAPE PLAN II	5/1/2024
12	LANDSCAPE DETAILS	5/1/2024

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY OR ENGINEERING MAP BEARING A LICENSED LAND SURVEYOR OR PROFESSIONAL ENGINEER IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. ONLY MAPS WITH THE LAND SURVEYOR OR PROFESSIONAL ENGINEER'S SEAL ARE GENUINE TRUE AND CORRECT COPIES OF THE LAND SURVEYOR OR PROFESSIONAL ENGINEER'S ORIGINAL WORK AND OPINION.

cwp\23011632A4.0 Dwgs\4.1 Civil\000 - Cover.dwg\COVER By: JLI

Colliers Engineering & Design

www.colliersengineering.com

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Formerly Known as BERGMANN

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FOR STATE SPECIFIC DIRECT PHONE NUMBERS VISIT: WWW.CALL811.COM

REV	DATE	DRAWN BY	DESCRIPTION
1	5/1/24	JL	PER CLIENT COMMENTS

STATE OF NEW YORK · DAN WILLIAM CONKLIN · 106582 · LICENSED PROFESSIONAL ENGINEER

5/1/2023

DEVELOPMENT PLANS

FOR

MONTGOMERY SOLAR PROJECT

TAX MAP PARCEL NO.:
21.-2-10.1
254 STONER TRAIL RD
TOWN OF MOHAWK
MONTGOMERY COUNTY
NEW YORK 12095

Colliers Engineering & Design

ALBANY (BA)
18 Corporate Woods
Suite 400
Albany, NY 12211
Phone: 518.862.0325
COLLIERS ENGINEERING & DESIGN CT, P.C.

SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	04/05/2024	JL	EWC
PROJECT NUMBER:	DRAWING NAME:		REVIEWED BY:
23011632A	C000		EWC

SHEET TITLE:

COVER SHEET

SHEET NUMBER:

1 of 12

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.

SEQUENCE OF CONSTRUCTION:

1. PRE-CONSTRUCTION MEETING HELD TO INCLUDE PROJECT MANAGER, DESIGN ENGINEER, TOWN REPRESENTATIVE, CONTRACTOR, AND SUB-CONTRACTORS PRIOR TO LAND DISTURBING ACTIVITIES.
2. CONSTRUCT CONSTRUCTION ENTRANCE/EXIT AT LOCATIONS DESIGNATED ON PLANS.
3. INSTALL SEDIMENT BARRIER AS SHOWN & NOTED.
4. HAVE A QUALIFIED PROFESSIONAL CONDUCT AN ASSESSMENT OF THE SITE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
5. BEGIN CLEARING AND GRUBBING OPERATIONS. CLEARING AND GRUBBING SHALL BE DONE ONLY IN AREAS WHERE EARTHWORK WILL BE PERFORMED AND ONLY IN AREAS WHERE CONSTRUCTION IS PLANNED TO COMMENCE WITHIN 14 DAYS AFTER CLEARING AND GRUBBING.
6. CONSTRUCT TEMPORARY GRAVEL DRIVEWAY TO BE USED DURING CONSTRUCTION.
7. STRIP TOPSOIL AND STOCKPILE IN A LOCATION ACCEPTABLE TO CONSTRUCTION MANAGER. WHEN STOCKPILE IS COMPLETE, INSTALL PERIMETER SEDIMENT BARRIER, SEED SURFACE WITH 100% PERENNIAL RYEGRASS MIXTURE AT A RATE OF 2-4 LBS. PER 1000 SF. APPLY 90-100 LBS PER 1000 SF OF MULCH.
8. COMMENCE EARTHWORK CUT AND FILLS. THE WORK SHALL BE PROGRESSED TO ALLOW A REASONABLE TRANSFER OF CUT AND FILL EARTH FOR ROUGH GRADING AND EARTH MOVING. THE CONTRACTOR WILL BE GIVEN SOME LATITUDE TO VARY FROM THE FOLLOWING SCHEDULE IN ORDER TO MEET THE FIELD CONDITIONS ENCOUNTERED. CONTRACTOR SHALL REVIEW VARIATIONS TO SWPPP WITH DESIGN ENGINEER AND QUALIFIED PROFESSIONAL PRIOR TO IMPLEMENTATION.
9. STABILIZE ALL AREAS AS SOON AS PRACTICABLE, IDLE IN EXCESS OF 7 DAYS AND IN WHICH CONSTRUCTION WILL NOT COMMENCE WITHIN 14 DAYS.
10. INSTALL PERIMETER FENCE, SOLAR PANELS, UTILITIES, AND APPURTENANCES. TRENCH EXCAVATION/BACKFILL AREAS SHOULD BE STABILIZED PROGRESSIVELY AT THE END OF EACH WORKDAY WITH SEED AND STRAW MULCH AT A RATE OF 100% PERENNIAL RYE GRASS AT 2-4 LBS./1000 SF MULCHED AT 90-100 LBS./10000 SF.
11. ONCE THE UNDERGROUND ELECTRICAL CONDUIT IS INSTALLED, THE NECESSARY INTERCONNECTION LINE WILL BE MADE TO THE EXISTING ELECTRICAL GRID.
12. REMOVE TEMPORARY CONSTRUCTION ROAD AND CONSTRUCT THE PROPOSED LIMITED USE PERVIOUS GRAVEL DRIVEWAY.
13. REMOVE TEMPORARY CONSTRUCTION ENTRANCE/EXIT AND PERIMETER SEDIMENT BARRIER ONCE SITE HAS ACHIEVED 80% UNIFORM STABILITY.

SITE STABILIZATION:

1. WHEN FINAL GRADE IS ACHIEVED DURING NON-GERMINATING MONTHS, THE AREA SHOULD BE MULCHED UNTIL THE BEGINNING OF THE NEXT PLANTING SEASON.
2. STRAW AND HAY MULCH SHOULD BE ANCHORED OR TACKIFIED IMMEDIATELY AFTER APPLICATION TO PREVENT BEING WINDBLOWN. A TRACTOR-DRAWN IMPLEMENTS MAY BE USED TO "CRIMP" THE STRAW OR HAY INTO THE SOIL - ABOUT 3 INCHES. THIS METHOD SHOULD BE LIMITED TO SLOPES NO STEEPER THAN 3H:1V. THE MACHINERY SHOULD BE OPERATED ALONG THE CONTOUR. NOTE: CRIMPING OF HAY OR STRAW BY RUNNING OVER IT WITH TRACKED MACHINERY IS NOT RECOMMENDED.
3. BEFORE SEEDING IS APPLIED THE CONTRACTOR SHALL SPREAD SOIL TO PREVENT PONDING AND CONFIRM THAT SOIL WILL SUSTAIN THE SEED GERMINATION AND ESTABLISHMENT OF VEGETATION.
4. GRADED AREAS SHOULD BE SCARIFIED OR OTHERWISE LOOSENED TO A DEPTH OF 3 TO 5 INCHES TO PERMIT BONDING OF THE TOPSOIL TO THE SURFACE AREAS AND TO PROVIDE A ROUGHENED SURFACE TO PREVENT TOPSOIL FROM SLIDING DOWN SLOPE. COMPACTED SOILS SHOULD BE SCARIFIED TO A DEPTH OF 6 TO 12 INCHES, ALONG CONTOUR WHEREVER POSSIBLE, PRIOR TO SEEDING.
5. TOPSOIL OR AMENDED SOIL SHOULD BE UNIFORMLY DISTRIBUTED ACROSS THE DISTURBED AREA TO A MINIMUM DEPTH OF 4 INCHES. SPREADING SHOULD BE DONE IN SUCH A MANNER THAT SODDING OR SEEDING CAN PROCEED WITH A MINIMUM OF ADDITIONAL PREPARATION OR TILLAGE. IRREGULARITIES IN THE SURFACE RESULTING FROM TOPSOIL PLACEMENT SHOULD BE CORRECTED IN ORDER TO PREVENT FORMATION OF DEPRESSIONS.
6. TOPSOIL SHOULD NOT BE PLACED WHILE THE TOPSOIL OR SUBSOIL IS IN A FROZEN OR MUDDY CONDITION, WHEN THE SUBSOIL IS EXCESSIVELY WET, OR IN A CONDITION THAT MAY OTHERWISE BE DETRIMENTAL TO PROPER GRADING AND SEEDBED PREPARATION.
7. WHEN USED AS A MULCH REPLACEMENT, THE APPLICATION RATE (THICKNESS) OF THE COMPOST SHOULD BE ½" TO ¾". COMPOST SHOULD BE PLACED EVENLY AND SHOULD PROVIDE 100% SOIL COVERAGE. NO SOIL SHOULD BE VISIBLE.
8. POLYMERIC AND GUM TACKIFIERS MIXED AND APPLIED ACCORDING TO MANUFACTURER'S RECOMMENDATIONS MAY BE USED TO TACK MULCH. AVOID APPLICATION DURING RAIN AND ON WINDY DAYS. A 24-HOUR CURING PERIOD AND A SOIL TEMPERATURE HIGHER THAN 45° F ARE TYPICALLY REQUIRED. APPLICATION SHOULD GENERALLY BE HEAVIEST AT EDGES OF SEEDED AREAS AND AT CRESTS OF RIDGES AND BANKS TO PREVENT LOSS BY WIND. THE REMAINDER OF THE AREA SHOULD HAVE BINDER APPLIED UNIFORMLY. BINDERS MAY BE APPLIED AFTER MULCH IS SPREAD OR SPRAYED INTO THE MULCH AS IT IS BEING BLOWN ONTO THE SOIL. APPLYING STRAW AND BINDER TOGETHER IS GENERALLY MORE EFFECTIVE.
9. SYNTHETIC BINDERS, OR CHEMICAL BINDERS, MAY BE USED AS RECOMMENDED BY THE MANUFACTURER TO ANCHOR MULCH PROVIDED SUFFICIENT DOCUMENTATION IS PROVIDED TO SHOW THEY ARE NON-TOXIC TO NATIVE PLANT AND ANIMAL SPECIES.
10. MULCH ON SLOPES OF 8% OR STEEPER SHOULD BE HELD IN PLACE WITH NETTING. LIGHTWEIGHT PLASTIC, FIBER, OR PAPER NETS MAY BE STAPLED OVER THE MULCH ACCORDING TO MANUFACTURER'S RECOMMENDATIONS. SEE EROSION CONTROL MAT DETAIL.
11. SHREDDED PAPER HYDROMULCH SHOULD NOT BE USED ON SLOPES STEEPER THAN 5%. WOOD FIBER HYDROMULCH MAY BE APPLIED ON STEEPER SLOPES PROVIDED A TACKIFIER IS USED. THE APPLICATION RATE FOR ANY HYDROMULCH SHOULD BE 2,000 LB/ACRE AT A MINIMUM.
12. LIME, FERTILIZER, SEED, AND MULCH DISTURBED AREAS PER THE EROSION AND SEDIMENT CONTROL PLANS. IN AREAS OF STEEP SLOPES OR OBVIOUS AREAS WHERE POTENTIAL EROSION MAY OCCUR, AN EROSION CONTROL MAT OR FLEXIBLE GROWTH MEDIUM (FGM) SHALL BE USED. FGM SHALL BE APPLIED PER MANUFACTURER SPECIFICATIONS.
13. ONCE A SECTION OF THE ALIGNMENT HAS BEEN STABILIZED, NO CONSTRUCTION TRAFFIC SHALL OCCUR TO REMOVE ANY BMPS UNTIL THE SECTION HAS ACHIEVED 80% PERENNIAL VEGETATIVE COVER. AN AREA SHALL BE CONSIDERED TO HAVE ACHIEVED FINAL STABILIZATION WHEN IT HAS A MINIMUM 80% PERENNIAL VEGETATIVE COVER OR OTHER PERMANENT NONVEGETATIVE COVER WITH A DENSITY SUFFICIENT TO RESIST ACCELERATED EROSION AND SUBSURFACE CHARACTERISTICS SUFFICIENT TO RESIST SLIDING OR OTHER MOVEMENTS.

EROSION & SEDIMENT CONTROL NOTES:

1. INSTALL EROSION CONTROL MEASURES AS INDICATED ON THE PLAN PRIOR TO THE START OF ANY EXCAVATION WORK. EROSION CONTROL MEASURES WILL BE IMPLEMENTED IN ACCORDANCE WITH THE NEW YORK STATE GUIDELINES FOR URBAN EROSION SEDIMENT CONTROL MANUAL, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, AND TOWN OF MONTGOMERY REQUIREMENTS.
2. REMOVE AND STOCKPILE TOPSOIL AS DIRECTED BY THE CONSTRUCTION MANAGER. REPLACE TOPSOIL TO A MINIMUM 4" DEPTH WITH TOPSOIL OR AMENDED SOIL. ALL DISTURBED AREAS TO BE SEEDED TO PROMOTE VEGETATION AS SOON AS PRACTICABLE.
3. IF THE SEASONS PROHIBITS TEMPORARY SEEDING, THE DISTURBED AREAS WILL BE MULCHED WITH STRAW HAY OR EQUIVALENT AND ANCHORED IN ACCORDANCE WITH THE "STANDARDS", NETTING OR LIQUID MULCH BINDER.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REMOVAL OF TEMPORARY SEDIMENTATION CONTROLS. EROSION CONTROL MEASURES SHALL NOT BE REMOVED BEFORE 80% UNIFORM VEGETATIVE COVER HAS BEEN ACHIEVED.
5. ALL EROSION CONTROL MEASURES ARE TO BE REPLACED WHENEVER THEY BECOME CLOGGED OR INOPERABLE AND SHALL BE REPLACED AT A MINIMUM OF EVERY 3 MONTHS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORATION OF TOPSOIL OR AMENDED TO ALL DISTURBED AREAS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAINTAIN EROSION CONTROL MEASURES AT ALL TIMES.
7. THE CONTRACTOR SHALL DESIGNATE A MEMBER OF HIS/HER FIRM TO BE RESPONSIBLE TO MONITOR EROSION CONTROL, EROSION CONTROL STRUCTURES, TREE PROTECTION AND PRESERVATION THROUGHOUT CONSTRUCTION.
8. ALL DISTURBED AREAS SHALL BE FINISH GRADED TO PROMOTE VEGETATION ON ALL EXPOSED AREAS AS SOON AS PRACTICABLE. STABILIZATION PRACTICES (TEMPORARY/PERMANENT SEEDING, MULCHING, GEOTEXTILES, ETC.) MUST BE IMPLEMENTED WITHIN SEVEN (7) DAYS WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, AND NOT EXPECTED TO RESUME WITHIN FOURTEEN (14) DAYS.
9. PAVED ROADWAYS MUST BE KEPT CLEAN AT ALL TIMES. ALL CONSTRUCTION DEBRIS AND SEDIMENT SPOILS, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHT-OF-WAYS MUST BE REMOVED IMMEDIATELY.
10. DUST SHALL BE CONTROLLED BY WATERING.
11. ADJOINING PROPERTY SHALL BE PROTECTED FROM EXCAVATION AND FILLING OPERATIONS ON THE PROPOSED SITE.
12. SLOPE TRACKING SHALL BE IMPLEMENTED ON ALL SLOPES 1 ON 3 OR GREATER IF APPLICABLE AT THE END OF EACH WORK DAY AND PRIOR TO FINAL SLOPE GRADING AND STABILIZATION.
13. THE CONTRACTOR SHALL PROVIDE A QUALIFIED INSPECTOR TO INSPECT THE PROJECT AT THE END OF EACH WORK WEEK AND PROVIDE A REPORT AT LEAST ONCE PER WEEK.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE BEST MANAGEMENT PRACTICES (BMP'S) UNTIL GROUND COVER IS ESTABLISHED.
15. EROSION CONTROL MEASURES SHOULD BE RELOCATED INWARD AS PERIMETER SLOPE CONSTRUCTION PROGRESSES AND RECONSTRUCTED TO THE NYS STANDARDS & SPECIFICATION AT THE END OF EACH DAY.
16. PERIMETER AREAS SHALL BE TEMPORARILY STABILIZED WITH SEED AND MULCH PROGRESSIVELY AT MINIMUM AT THE END OF EACH WEEK WITH 100% PERENNIAL RYEGRASS MIX AT A RATE OF 2-4 LBS PER 1000 SF AND MULCH 90-100 LBS PER 1000 SF OF WEED FREE STRAW.

GENERAL NOTES:

1. THE UNDERGROUND STRUCTURES AND UTILITIES SHOWN ON THIS MAP HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND RECORD MAPS. THEY ARE NOT CERTIFIED TO THE ACCURACY OF THEIR LOCATION AND/OR COMPLETENESS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND EXTENT OF ALL UNDERGROUND STRUCTURES AND UTILITIES PRIOR TO ANY DIGGING OR CONSTRUCTION ACTIVITIES IN THEIR VICINITY. THE CONTRACTOR SHALL HAVE ALL EXISTING UTILITIES FIELD STAKED BEFORE STARTING WORK BY CALLING "DIG SAFELY NEW YORK" AT 1-800-962-7962 AT LEAST 72 HOURS PRIOR TO CONSTRUCTION ACTIVITIES.
2. EXISTING CONDITIONS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES.
3. THE CONTRACTOR SHALL PERFORM ALL WORK IN COMPLIANCE WITH TITLE 29 OF FEDERAL REGULATIONS, PART 1926, SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION (OSHA).
4. HIGHWAY DRAINAGE ALONG ALL ROADS AND PRIVATE DRIVES SHALL BE KEPT CLEAN OF MUD, DEBRIS ETC. AT ALL TIMES.
5. ANY DISCREPANCIES BETWEEN THE DRAWINGS, SPECIFICATIONS, AND SITE CONDITIONS SHALL BE REPORTED IMMEDIATELY TO THE DESIGN ENGINEER. THE CONTRACTOR SHALL CONSULT THE DESIGN ENGINEER BEFORE DEVIATING FROM THESE PLANS.
6. IN ALL TRENCH EXCAVATIONS, CONTRACTOR MUST LAY THE TRENCH SIDE SLOPES BACK TO A SAFE SLOPE, USE A TRENCH SHIELD OR PROVIDE SHEETING AND BRACING AS NEEDED.
7. IF SUSPICIOUS AND/OR HAZARDOUS MATERIAL IS ENCOUNTERED DURING DEMOLITION/CONSTRUCTION, ALL WORK SHALL STOP AND THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE NOTIFIED IMMEDIATELY. WORK SHALL NOT RESUME UNTIL THE DEVELOPER HAS OUTLINED APPROPRIATE ACTION FOR DEALING WITH THE WASTE MATERIAL AND THE DEVELOPMENT PLANS ARE MODIFIED AS MAY BE NECESSARY.
8. EXCAVATED WASTE MATERIAL REMOVED FROM THE SITE SHALL BE PLACED AT A LOCATION ACCEPTABLE TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
9. AREAS DISTURBED OR DAMAGED AS PART OF THIS PROJECTS CONSTRUCTION THAT ARE OUTSIDE OF THE PRIMARY WORK AREA SHALL BE RESTORED, AT THE CONTRACTORS EXPENSE, TO THE SATISFACTION OF THE OWNER'S REPRESENTATIVE.
10. UNLESS COVERED BY THE CONTRACT SPECIFICATIONS OR AS NOTED ON THE PLANS, ALL WORK WITHIN THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) RIGHT OF WAY SHALL CONFORM TO THE NYDOT STANDARD SPECIFICATIONS DATED JANUARY 1, 2020 AND ANY SUBSEQUENT APPENDICES.
11. AREAS USED AS FOR PARKING DURING CONSTRUCTION SHALL BE RESTORED TO PRE-CONSTRUCTION CONDITIONS INCLUDING, BUT NOT LIMITED TO, REGRADING, LOAMING AND SEEDING. IN NO CASE SHALL PARKING AREAS, LAYDOWN AREAS, CONSTRUCTION TRAILERS, AND PORTABLE TOILETS BE LOCATED WITHIN A WETLAND RESOURCE AREA AND/OR ANY BUFFER ZONES.
12. THE LOCATION, SIZE, DEPTH, AND SPECIFICATIONS FOR CONSTRUCTION OF PRIVATE UTILITY SERVICES SHALL BE INSTALLED ACCORDING TO THE REQUIREMENTS PROVIDED BY, AND APPROVED BY, THE RESPECTIVE ELECTRIC UTILITY COMPANY. THE CONTRACTOR SHALL COORDINATE THE INSTALLATION OF THE UTILITY CONNECTIONS WITH THE RESPECTIVE COMPANIES PRIOR TO ANY UTILITY CONSTRUCTION.
13. THE CONTRACTOR SHALL HAVE PERIMETER FENCE, ELECTRICAL TRENCHES, AND RACKING STAKED OUT BY A LICENSED LAND SURVEYOR PRIOR TO ANY INSTALLATION OF RACKING OR TRENCHES.
14. EXCESS TRENCH MATERIAL SHALL BE PLACED ON THE SIDES OF THE TRENCH AND PLACED AT OR NEAR THE SAME LOCATION AS WHERE EXCAVATED. AFTER TRENCH HAS BEEN BACKFILLED TOPSOIL REMOVED SHALL BE PLACED ON TOP AND LIGHTLY COMPACTED.
15. WASTE MATERIALS SHALL BE REMOVED IN A MANNER THAT PREVENTS INJURY OR DAMAGE TO PERSONS, ADJOINING PROPERTIES AND PUBLIC RIGHT OF WAYS.
16. REFER TO THE GEOTECHNICAL REPORT PREPARED BY FOUNDATION DESIGN, P.C., TITLED "GEOTECHNICAL ENGINEERING REPORT", LAST DATED DECEMBER 6, 2023, FOR ADDITIONAL INFORMATION REGARDING SUBSURFACE CONDITIONS, SUBGRADE PREPARATION, BACKFILLING AND COMPACTION.
17. CONTRACTOR TO COMPLETE MINOR GRADING AS NEEDED TO SMOOTH SURFACE UNDULATIONS, INCLUDING REMOVAL OF EXISTING VEGETATION, WITHIN THE RACKING AREAS TO MEET SOLAR RACKING SLOPE REQUIREMENTS.

WASTE/HAZARDOUS MATERIAL PRACTICES:

1. WHENEVER POSSIBLE COVERED TRASH CONTAINERS SHOULD BE USED.
2. DAILY SITE CLEANUP IS REQUIRED TO REDUCE DEBRIS AND POLLUTANTS IN THE ENVIRONMENT.
3. CONTRACTOR SHALL PROVIDE A SAFE STORAGE SPACE FOR ALL PAINTS, STAINS AND SOLVENTS INSIDE A COVERED STORAGE AREA.
4. ALL FUELS, OILS, AND GREASE MUST BE KEPT IN CONTAINERS AT ALL TIMES.

NYSDEC SOLAR STORMWATER PERMITTING MATRIX

DESIGN CONSIDERATIONS	CRITERIA	CRITERIA MET	DESIGN CONSIDERATION IF NOT MET
1	SOLAR PANELS ARE CONSTRUCTED ON POST OR RACK SYSTEMS AND ELEVATED OFF THE GROUND SURFACE	X	
2	THE SOLAR PANELS ARE SPACED APART SO THAT RAIN WATER CAN FLOW OFF THE DOWN GRADIENT SIDE OF THE PANEL AND CONTINUE TO SHEET FLOW ACROSS THE GROUND SURFACE	X	
3	FOR SOLAR PANELS CONSTRUCTED ON SLOPES, THE INDIVIDUAL ROWS OF SOLAR PANELS ARE GENERALLY INSTALLED ALONG THE CONTOUR SO RAIN WATER SHEET FLOWS DOWN SLOPE	X	
4	THE GROUND SURFACE BELOW THE PANELS CONSIST OF A WELL-ESTABLISHED VEGETATIVE COVER	X	
5	THE PROJECT DOES NOT INCLUDE THE CONSTRUCTION OF ANY TRADITIONAL IMPERVIOUS AREAS (I.E. BUILDINGS, SUBSTATION PADS, GRAVEL ACCESS ROADS OR PARKING AREAS, ETC.)		GRASS FILTER STRIPS
6	CONSTRUCTION OF THE SOLAR PANELS WILL NOT ALTER THE HYDROLOGY FROM PRE TO POST DEVELOPMENT CONDITIONS	X	

DESIGN CONSIDERATIONS:

2. IF SOLAR PANELS ARE NOT SPACED APART SO THAT RAIN WATER CAN FLOW OFF THE DOWN GRADIENT SIDE OF THE PANEL PER THE NYSDEC MEMORANDUM FOR THE SOLAR PANEL CONSTRUCTION STORMWATER PERMITTING /SWPPP GUIDANCE, SOLAR PANEL AREA SHALL BE CONSIDERED AS IMPERVIOUS AND MUST BE TREATED PER THE NYSDEC STORMWATER DESIGN MANUAL.
3. IF PANELS ARE NOT GENERALLY INSTALLED ALONG THE CONTOURS, LEVEL SPREADERS SHALL BE INSTALLED ALONG THE CONTOURS. THE NYSDEC BLUEBOOK SHALL BE FOLLOWED TO DETERMINE THE PROPER INTERVALS FOR THE LEVEL SPREADER.
5. TRADITIONAL IMPERVIOUS AREAS SHALL BE TREATED PER THE NYSDEC STORMWATER DESIGN MANUAL.

NOTES:

1. THE CONTRACTOR SHALL NOT DEVIATE FROM THE CRITERIA ABOVE AFTER PROJECT APPROVAL. CONTRACTOR/CLIENT SHALL CONFER WITH THE ENGINEER OF RECORD AND THE AUTHORITY HAVING JURISDICTION BEFORE DEVIATING FROM CRITERIA. CHANGES IN THE ARRAY DESIGN MAY REQUIRE FURTHER STORMWATER ANALYSIS AND ADDITIONAL STORMWATER BMP'S MAY BE REQUIRED.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY OR ENGINEERING MAP BEARING A LICENSED LAND SURVEYOR OR PROFESSIONAL ENGINEER IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. ONLY MAPS WITH THE LAND SURVEYOR OR PROFESSIONAL ENGINEER'S SEAL ARE GENUINE TRUE AND CORRECT COPIES OF THE LAND SURVEYOR OR PROFESSIONAL ENGINEER'S ORIGINAL WORK AND OPINION.

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STATE OF NEW YORK · DAN WILLIAM CONLIGLIO · 106582 · LICENSED PROFESSIONAL ENGINEER
5/1/2023

DEVELOPMENT PLANS
FOR
MONTGOMERY SOLAR PROJECT

TAX MAP PARCEL NO.:
21.-2-10.1
254 STONER TRAIL RD
TOWN OF MOHAWK
MONTGOMERY COUNTY
NEW YORK 12095

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SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	04/05/2024	JL	EWC
PROJECT NUMBER:	DRAWING NAME:		REVIEWED BY:
23011632A	C001		EWC

SHEET TITLE:
GENERAL NOTES

SHEET NUMBER:
2 of 12

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.

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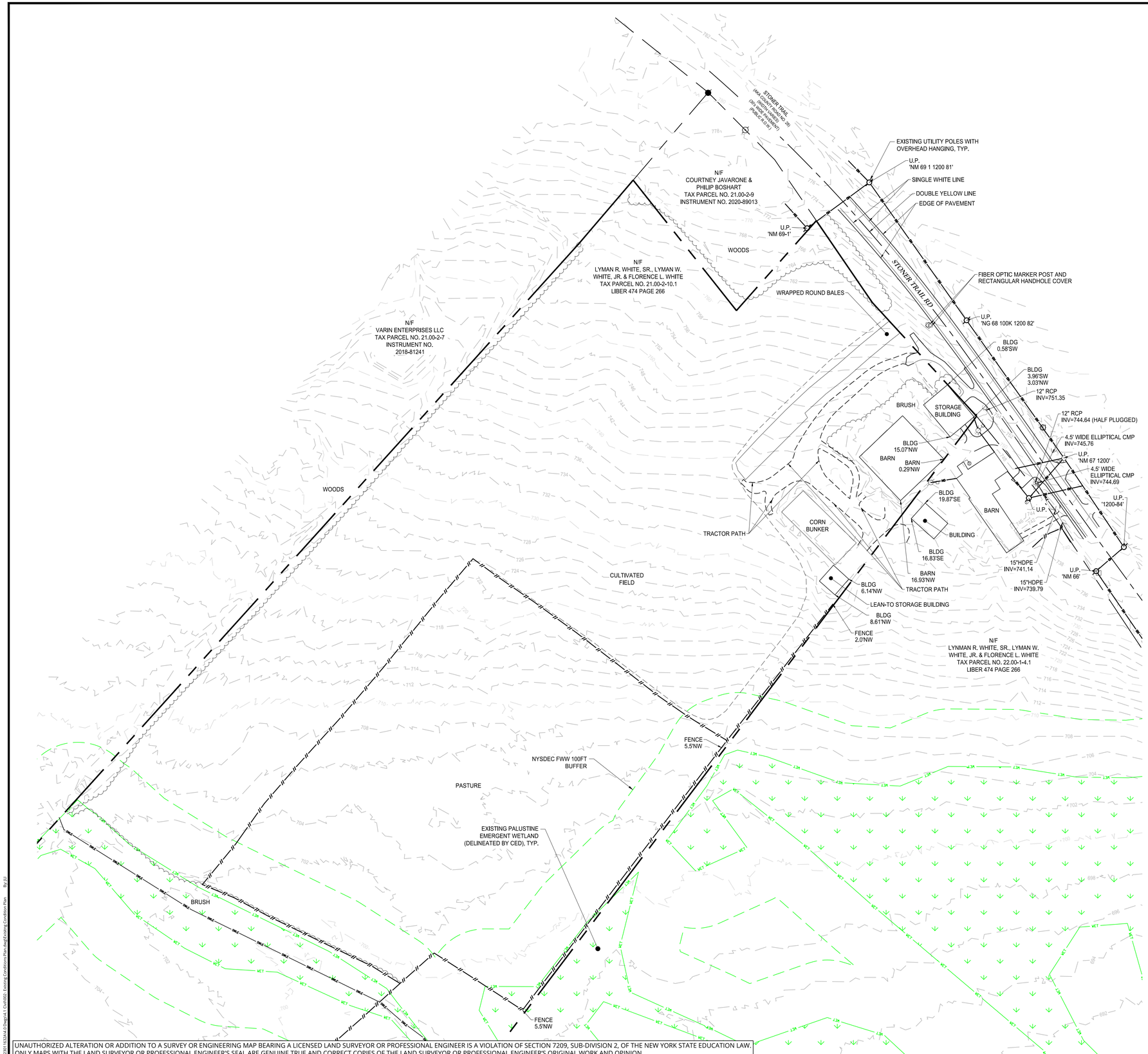

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY OR ENGINEERING MAP BEARING A LICENSED LAND SURVEYOR OR PROFESSIONAL ENGINEER IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. ONLY MAPS WITH THE LAND SURVEYOR OR PROFESSIONAL ENGINEER'S SEAL ARE GENUINE TRUE AND CORRECT COPIES OF THE LAND SURVEYOR OR PROFESSIONAL ENGINEER'S ORIGINAL WORK AND OPINION.

LEGEND

- PROPERTY LINE
- ADJOINER PROPERTY LINE
- ROAD RIGHT-OF-WAY
- ROAD CENTERLINE
- OVERHEAD WIRE
- STREAM CENTERLINE
- EXISTING CONTOUR - MAJOR
- EXISTING CONTOUR - MINOR
- EDGE OF ASPHALT
- EXISTING TREELINE
- PALUSTRINE EMERGENT (PEM)
- NYSDEC FWW 100 FT BUFFER AREA
- UTILITY POLE
- EXISTING SIGN
- EXISTING DOUBLE SIGN
- EXISTING TREE

PARENT PARCEL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF MOHAWK, COUNTY OF MONTGOMERY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

NORTHERLY BY LANDS FORMERLY OWNED BY THE DAUGHTERS OF JOHN R. STOLLER DECEASED, VIZ: MAGGIE AND ANNA, AND LANDS NOW OR FORMERLY OWNED BY EDWARD QUILHOT; EASTERLY BY LANDS NOW OR FORMERLY OWNED BY LYMAN FOX, SOUTHERLY BY THE HIGHWAY RUNNING NORTHEASTERLY AND SOUTHWESTERLY AND WESTERLY BY LANDS NOW OR FORMERLY OF MICHAEL BAIRD ET AL; CONTAINING 138 ACRES OF LAND, MORE OR LESS AND BEING THE SAME LANDS AND PREMISES CONVEYED TO ROY P. RUNKLE BY MILTON F. ROYS AND WIFE BY WARRANTY DEED, DATED DECEMBER 8, 1922 AND RECORDED IN THE CLERK'S OFFICE OF MONTGOMERY COUNTY ON JANUARY 4, 1923 IN BOOK NO. 192 OF DEEDS AT PAGE 290.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM LESS THAN 1/4 OF AN ACRE OF LAND ON THE CROSSROAD LEADING FROM THE WESTERLY SIDE OF THE TRIBES HILL–JOHNSTOWN MACADAM ROAD, CONVEYED BY THE SAID ROY P. RUNKLE AND WIFE TO WALTER L. STRAIT AND HAZEL M. HUDSON BY WARRANTY DEED DATED SEPTEMBER 25, 1933 AND RECORDED IN THE CLERK'S OFFICE OF MONTGOMERY COUNTY ON MARCH 26, 1934 IN BOOK NO. 29 OF DEEDS AT PAGE 265.

SUBJECT TO A RIGHT OF WAY GRANTED THE EAST CREEK ELECTRIC LIGHT AND POWER COMPANY.

EXCEPTING AND RESERVING THEREFROM LANDS CONVEYED BY HOWARD F. SAGER AND DAISY M. SAGER, HIS WIFE, TO MONTGOMERY COUNTY, BY DEED DATED AUGUST 26, 1949, AND RECORDED IN THE MONTGOMERY COUNTY CLERK'S OFFICE ON AUGUST 30, 1949 IN BOOK 275 OF DEEDS AT PAGE 521.

EXCEPTING AND RESERVING THEREFROM LANDS CONVEYED BY HOWARD F. SAGER AND DAISY M. SAGER, HIS WIFE, TO THE COUNTY OF MONTGOMERY BY DEED DATED JUNE 28, 1960, AND RECORDED IN THE MONTGOMERY COUNTY CLERK'S OFFICE ON AUGUST 24, 1960 IN BOOK 328 OF DEEDS AT PAGE 289.

EXCEPTING AND RESERVING THEREFROM A RIGHT OF WAY EASEMENT GRANTED BY HOWARD F. SAGER AND DAISY M. SAGER, HIS WIFE, TO GENERAL TELEPHONE COMPANY BY INSTRUMENT DATED OCTOBER 5, 1970, AND RECORDED IN THE MONTGOMERY COUNTY CLERK'S OFFICE ON APRIL 9, 1971 IN BOOK 387 OF DEEDS AT PAGE 107.

ALSO ALL THAT CERTAIN PIECE OR PARCEL OF FARM LAND, SITUATE, LYING AND BEING PARTLY IN THE TOWN OF MOHAWK, MONTGOMERY COUNTY, NEW YORK, ARE PARTLY IN THE TOWN OF JOHNSTOWN, FULTON COUNTY, NEW YORK, CONSISTING OF ABOUT FIFTY-TWO (52) ACRES OF LAND MORE ORE LESS, KNOWN AND DISTINGUISHED AS THE THOMAS STERLING FARM OWNED BY THE SAID THOMAS STERLING, NOW DECEASED, IN HIS LIFETIME AND AT THE TIME OF HIS DECEASE, AND BRIEFLY DESCRIBED AS FOLLOWS: BOUNDED: ON THE NORTH SIDE BY STATE ROAD RUNNING FROM THE CITY OF JOHNSTOWN TO TRIBES HILL, NEW YORK: ON THE EAST BY LANDS FORMERLY OWNED BY ELIZABETH STOLLER, OTHERWISE KNOWN AS ELIZABETH BROWNELL, AND NOW OWNED BY HOWARD F. SAGER ON THE SOUTH BY LANDS OWNED BY HOWARD F. SAGER; AND ON THE WEST BY LANDS FORMERLY OWNED BY CHESTER STOLLER, DECEASED, AND NOW OWNED BY WILLIAM L. ALDRICH AND WIFE.

IT IS INTENDED BY THIS DEED TO INCLUDE IN THE DESCRIPTION OF THE AFORESAID PREMISES A PARCEL OR LOT OF LAND LOCATED ENTIRELY IN THE TOWN OF JOHNSTOWN, COUNTY OF FULTON AND STATE OF NEW YORK, BRIEFLY BOUNDED AND DESCRIBED AS FOLLOWS: ON THE EAST, SOUTH AND WEST BY LANDS OF WILLIAM L. ALDRICH AND WIFE AND ON THE NORTH BY SAID STATE ROAD, CONTAINING FIFTEEN (15) ACRES OF LAND MORE OR LESS.

EXCEPTING AND RESERVING THEREFROM LANDS CONVEYED BY LYMAN R. WHITE, SR., FLORENCE L. WHITE, HIS WIFE, AND LYMAN W. WHITE, JR., AS JOINT TENANTS TO JOHN C. DEMAY AND CAROLYN D. DEMAY, HIS WIFE, BY DEED DATED JULY 29, 1985 AND RECORDED IN THE MONTGOMERY COUNTY CLERK'S OFFICE ON JULY 29, 1985 IN BOOK 447 OF DEEDS AT PAGE 65.

EXCEPTING AND RESERVING THEREFROM LANDS CONVEYED BY HOWARD F. SAGER AND DAISY M. SAGER, HIS WIFE, TO THE COUNTY OF FULTON, BY DEED DATED MARCH 6, 1970, AND RECORDED IN THE FULTON COUNTY CLERK'S OFFICE ON MARCH 11, 1970, IN BOOK 506 OF DEEDS AT PAGE 1018.

EXCEPTING AND RESERVING THEREFROM LANDS CONVEYED BY DAISY M. SAGER TO JOHN C. DEMAY AND CAROLYN D. DEMAY, HIS WIFE BY DEED DATED NOVEMBER 27, 1974, AND RECORDED IN THE MONTGOMERY COUNTY CLERK'S OFFICE ON NOVEMBER 27, 1974 IN BOOK 402 OF DEEDS AT PAGE 662.

EXCEPTING AND RESERVING THEREFROM LANDS CONVEYED BY LYMAN R. WHITE, SR., FLORENCE L. WHITE, HIS WIFE, AND LYMAN W. WHITE, JR., AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP TO LYMAN W. WHITE, JR. BY DEED DATED DECEMBER 17, 2013 AND RECORDED IN THE MONTGOMERY COUNTY CLERK'S OFFICE ON FEBRUARY 19, 2014 IN INSTRUMENT NO. 2014-56182.

NOTES

1. PROPERTY IS LOCATED IN ZONE X (OUTSIDE OF 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF MOHAWK, COUNTY OF MONTGOMERY, STATE OF NEW YORK, COMMUNITY PANEL NUMBER 36057C0180E, EFFECTIVE DATE JANUARY 19, 2018.
2. THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON AN INSTRUMENT LOCATION OF THE ABOVE GROUND FEATURES (MANHOLES, VALVES, HYDRANTS, ETC.) ALONG WITH RECORD UTILITY PLANS AND STAKEOUT IN THE FIELD BY THEIR RESPECTIVE COMPANIES. UNDERGROUND UTILITIES ARE NOT CERTIFIED TO THEIR LOCATION OR COMPLETENESS.
3. THE HORIZONTAL DATUM IS REFERENCED TO THE NEW YORK STATE PLANE COORDINATE SYSTEM, EASTERN ZONE (NAD 83) THROUGH GPS OBSERVATIONS.
4. THE VERTICAL DATUM IS REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) THROUGH GPS OBSERVATIONS.
5. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WITHIN THE PROPOSED LEASE AREA DEPICTED IN THE PROCESS OF CONDUCTING THE SURVEY ON OCTOBER 2, 2023.
6. THERE WAS NO EVIDENCE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES. THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY ON MARCH OCTOBER 2, 2023.
7. THE INSURED PROPERTY AS DESCRIBED IN THE TITLE COMMITMENT IS THE SAME AS THE PROPERTY SHOWN HEREON.
8. THERE ARE NO DESIGNATED PARKING SPACES ON THE SITE.
9. THERE ARE NO BUILDINGS ON THIS PROPERTY.
10. THERE WERE NO OBSERVED ENCROACHMENTS AT THE TIME OF THE SURVEY.
11. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
12. ONLY BOUNDARY SURVEY MAPS WITH THE SURVEYOR'S EMBOSSED SEAL ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.
13. CERTIFICATIONS ON THIS BOUNDARY SURVEY MAP SIGNIFY THAT THE MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC. THE CERTIFICATION IS LIMITED TO PERSONS FOR WHOM THE BOUNDARY SURVEY MAP IS PREPARED, TO THE TITLE COMPANY, TO THE GOVERNMENTAL AGENCY, AND TO THE LENDING INSTITUTION LISTED ON THIS BOUNDARY SURVEY MAP.
14. THERE ARE POINTS OF ACCESS TO THE SITE FROM STONER TRAIL ROAD.

N

0 80 160 240 FT

1" = 80' SCALE BAR

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5/1/2023

DEVELOPMENT PLANS

FOR

MONTGOMERY SOLAR PROJECT

TAX MAP PARCEL NO.:
21.-2-10.1
254 STONER TRAIL RD
TOWN OF MOHAWK
MONTGOMERY COUNTY
NEW YORK 12095

Colliers Engineering & Design
ALBANY (BA)
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Suite 400
Albany, NY 12211
Phone: 518.862.0325
COLLIERS ENGINEERING & DESIGN CT, P.C.

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AS SHOWN	04/05/2024	JL	EWC
PROJECT NUMBER:	DRAWING NAME:		REVIEWED BY:
23011632A	C002		EWC

SHEET TITLE:

EXISTING CONDITIONS PLAN

SHEET NUMBER:

3 of 12

cop:\23011632A\dwg\4.1 Civil\002- Existing Conditions Plan.dwg\Existing Conditions Plan By: JJ

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LEGEND

- PROPERTY LINE
- ADJOINER PROPERTY LINE
- ROAD RIGHT-OF-WAY
- EXISTING ROAD CENTERLINE
- EXISTING OVERHEAD WIRE
- EXISTING STREAM CENTERLINE
- PROPOSED FENCE LINE
- PROPOSED OVERHEAD UTILITY LINE
- PROPOSED UNDERGROUND UTILITY LINE
- EXISTING EDGE OF ASPHALT
- PROPOSED LIMITED USE PERVIOUS ACCESS DRIVEWAY
- PROPOSED DRIVEWAY
- PALUSTRINE FORESTED WETLAND (PEM)
- NYSDEC FWW 100 FT BUFFER AREA
- PROPOSED SOLAR PANEL
- PROPOSED UTILITY POLE
- EXISTING UTILITY POLE

N

0 80 160 240 FT

1" = 80' SCALE BAR

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1	5/1/24	JL	PER CLIENT COMMENTS

STATE OF NEW YORK · EWAN WILLIAM CONILLON · 106582 · LICENSED PROFESSIONAL ENGINEER

5/1/2023

DEVELOPMENT PLANS

FOR

MONTGOMERY SOLAR PROJECT

TAX MAP PARCEL NO.:
21.-2-10.1
254 STONER TRAIL RD
TOWN OF MOHAWK
MONTGOMERY COUNTY
NEW YORK 12095

Colliers Engineering & Design
ALBANY (BA)
18 Corporate Woods
Suite 400
Albany, NY 12211
Phone: 518.862.0325
COLLIERS ENGINEERING & DESIGN CT, P.C.

SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	04/05/2024	JL	EWC
PROJECT NUMBER:	DRAWING NAME:		REVIEWED BY:
23011632A	C003		EWC

SHEET TITLE:

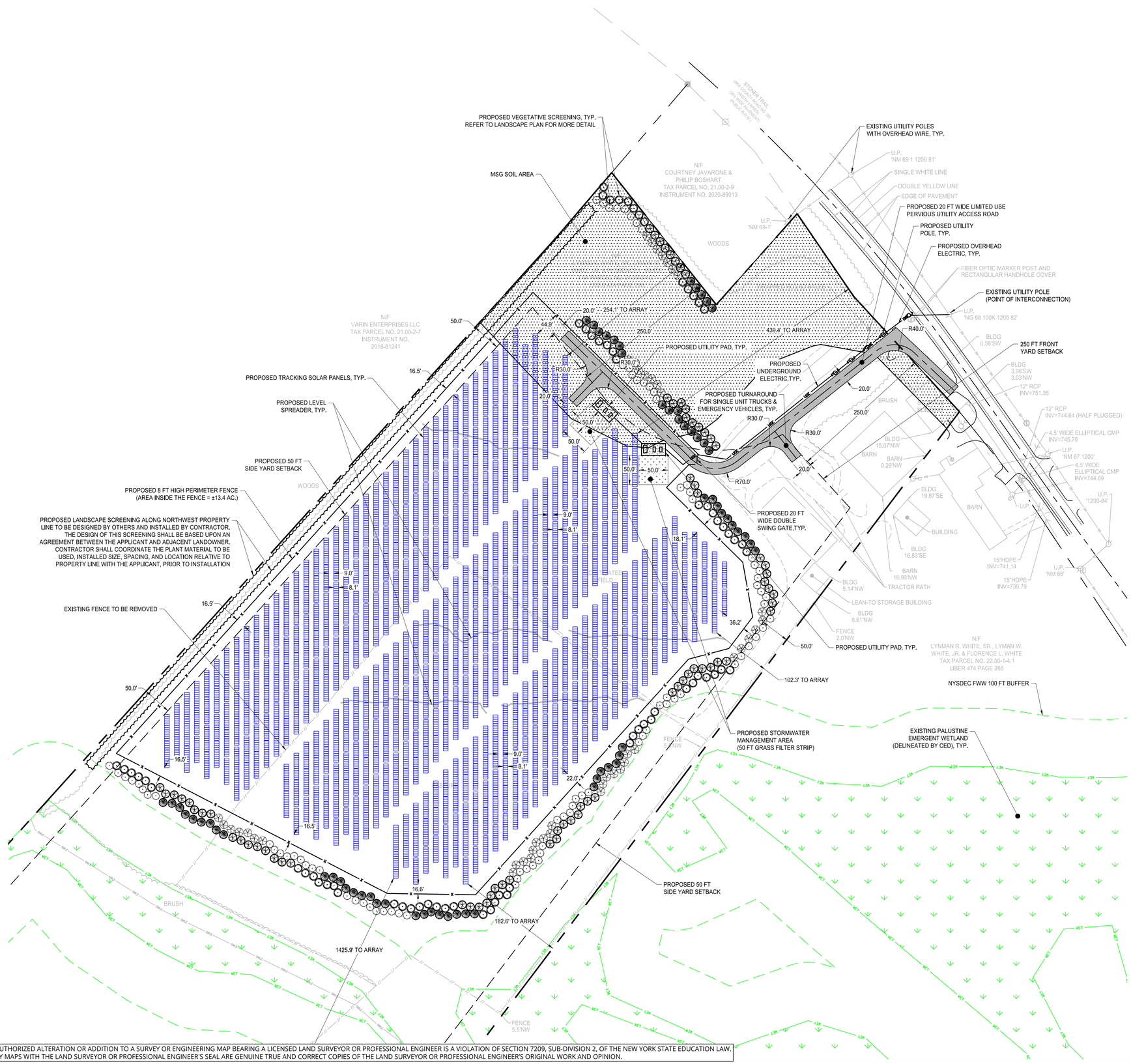
OVERALL SITE PLAN

SHEET NUMBER:

4 of 12

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.

cvgs\23011632A\0 Dwgs\A-1 Civil\003 - Overall Site Plan.dwg\Overall Site Plan By: JLI



SITE PLAN DATA TABLE MONTGOMERY SOLAR PROJECT	
SITE IS LOCATED IN THE AGRICULTURAL DISTRICT	
PROPOSED USE: SOLAR ENERGY SYSTEM	
PARCEL 21.-2-10.1 TOWN OF MOHAWK, COUNTY OF MONTGOMERY, STATE OF NEW YORK	
APPLICANT: YELLOW 22 LLC 125 WOLF RD SUITE 312 COLONIE, NY 12205 1-855-786-4383 Ext. 112	OWNER(S) OF RECORD: LYMAN WHITE SR., LYMAN WHITE JR., & FLORENCE WHITE 265 STONER TRAIL ROAD JOHNSTOWN, NY 12095
PLANS PREPARED BY: COLLIERS ENGINEERING AND DESIGN (CED) 18 CORPORATE WOODS, SUITE 400 ALBANY, NY 12211 (518) 862-0325	

DESCRIPTION	REQUIRED	PROPOSED
MIN. REAR YARD SETBACK	250 FT	1,425 ± FT
MIN. FRONT YARD SETBACK	250 FT	439 ± FT
MIN. SIDE YARD SETBACK	250 FT	50 ± FT**
MAX. AREA IN MSG 1-4	50% (1.95 ACRES)	34% (1.35 ACRES)
MAX. LOT COVERAGE	60%	9.5%*

*INCLUDES SURFACE AREA COVERED BY PROPOSED SOLAR PANELS, EQUIPMENT PADS, AND ACCESS ROAD.
**50 FT SIDE YARD SETBACK VARIANCE APPROVED BY ADJACENT LANDOWNERS

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- EXISTING STREAM CENTERLINE
- PROPOSED FENCE LINE
- PROPOSED OVERHEAD UTILITY LINE
- PROPOSED UNDERGROUND UTILITY LINE
- PROPOSED TREELINE
- EXISTING EDGE OF ASPHALT
- EXISTING TREELINE
- PROPOSED LIMITED USE PERVIOUS ACCESS DRIVEWAY
- PALUSTRINE FORESTED WETLAND (PEM)
- NYSDEC FWW 100 FT BUFFER AREA
- MSG SOIL
- PROPOSED SOLAR PANEL
- PROPOSED UTILITY POLE
- EXISTING UTILITY POLE

ARRAY INFORMATION	
YELLOW 22 LLC	
SYSTEM SIZE	3.75 MW-AC

N

0 80 160 240 FT
1" = 80' SCALE BAR

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1	5/1/24	JL	PER CLIENT COMMENTS

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5/1/2023

DEVELOPMENT PLANS
FOR
MONTGOMERY SOLAR PROJECT

TAX MAP PARCEL NO.:
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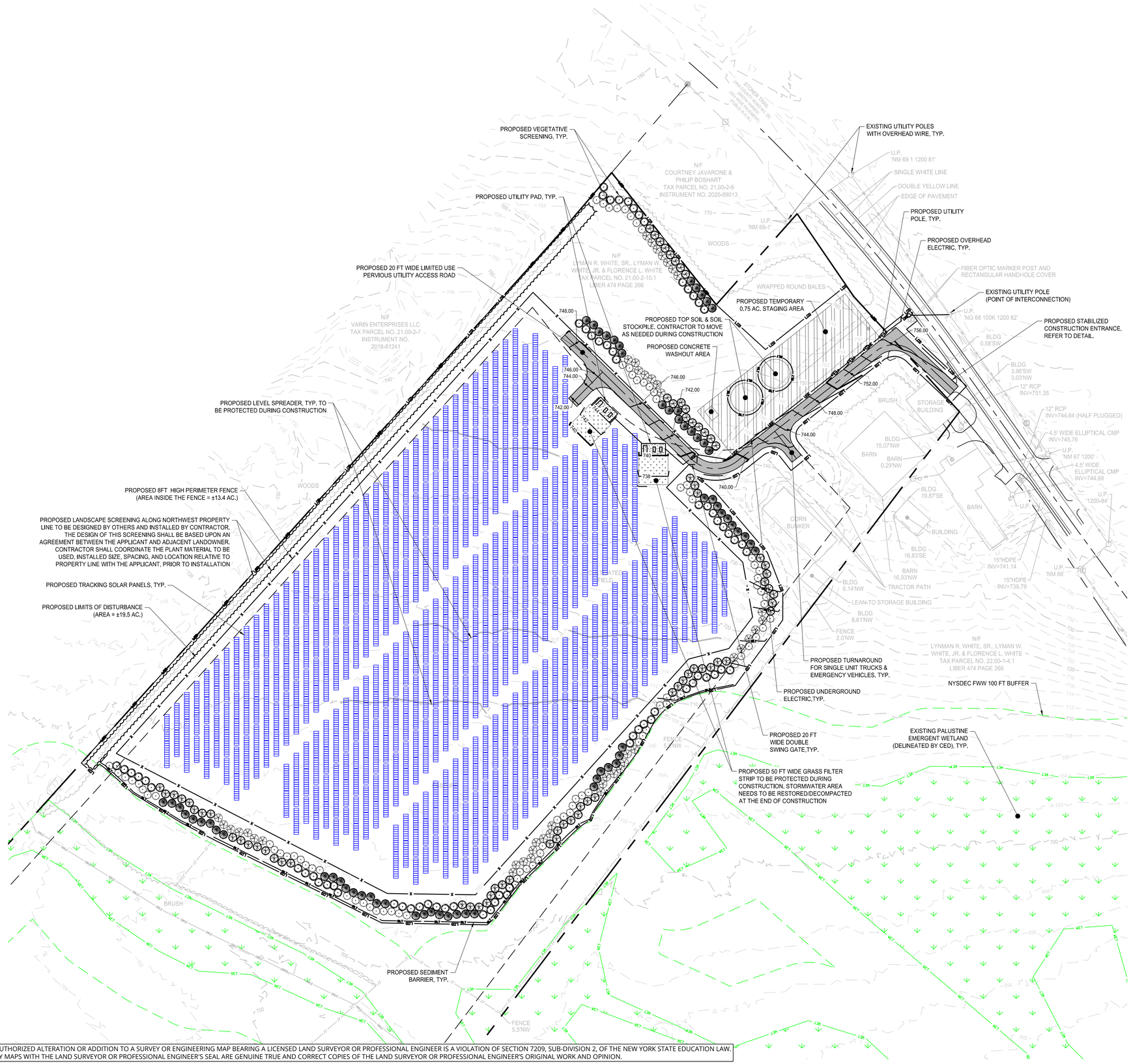
AS SHOWN	04/05/2024	JL	EWC
PROJECT NUMBER:	DRAWING NAME:		REVIEWED BY:
23011632A	C004		EWC

SHEET TITLE: SITE PLAN

SHEET NUMBER: 5 of 12

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.

cvgn\23011632A\0.Dwgs\4.1 Civil\004 - Site Plan.dwg\Site Plan By: JLI



LEGEND

- PROPOSED STABILIZED CONSTRUCTION ENTRANCE
- PROPERTY LINE
- ADJOINER PROPERTY LINE
- ROAD RIGHT-OF-WAY
- EXISTING ROAD CENTERLINE
- EXISTING OVERHEAD WIRE
- EXISTING STREAM CENTERLINE
- PROPOSED FENCE LINE
- PROPOSED OVERHEAD UTILITY LINE
- PROPOSED UNDERGROUND UTILITY LINE
- EXISTING CONTOUR - MAJOR
- EXISTING CONTOUR - MINOR
- PROPOSED CONTOUR - MAJOR
- PROPOSED CONTOUR - MINOR
- PROPOSED TREELINE
- EXISTING EDGE OF ASPHALT
- EXISTING TREELINE
- LIMIT OF DISTURBANCE
- PROPOSED SEDIMENT BARRIER
- PROPOSED LIMITED USE PERVIOUS DRIVEWAY
- PALUSTRINE FORESTED WETLAND (PEM)
- NYSDEC FWW 100 FT BUFFER AREA
- PROPOSED SOLAR PANEL
- PROPOSED UTILITY POLE
- EXISTING UTILITY POLE

GENERAL NOTES

1. CONTRACTOR TO COMPLETE MINOR GRADING AS NEEDED TO SMOOTH SURFACE UNDULATIONS, INCLUDING REMOVAL OF EXISTING VEGETATION, WITHIN THE RACKING AREAS TO MEET SOLAR RACKING SLOPE REQUIREMENTS.
2. THE PERVIOUS UTILITY ACCESS ROAD CANNOT BE USED FOR CONSTRUCTION ACCESS. A TEMPORARY GRAVEL ROAD SHALL BE UTILIZED IN ITS PLACE AND REMOVED AT THE END OF CONSTRUCTION. FOOTPRINT SHALL BE RESTORED/DECOMPACTED TO ORIGINAL CONDITIONS.
3. LIMITS OF DISTURBANCE SHALL NOT EXCEED 5 ACRES AT ANY ONE GIVEN TIME.

N

0 80 160 240 FT
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5/1/2023

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PROJECT NUMBER:	DRAWING NAME:		REVIEWED BY:
23011632A	C005		EWC

SHEET TITLE:
OVERALL GRADING & EROSION AND SEDIMENT CONTROL PLAN

SHEET NUMBER:
6 of 12

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.

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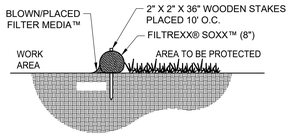
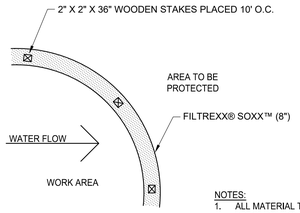


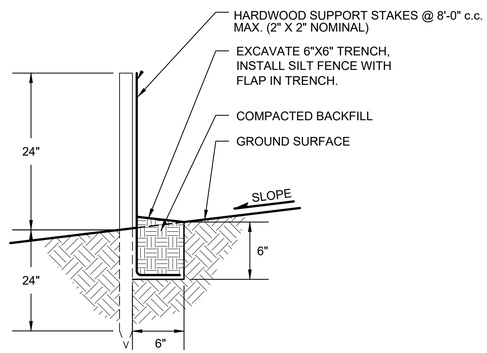
SECTION
NTS



PLAN
NTS

NOTES:
1. ALL MATERIAL TO MEET FILTREXX® SPECIFICATIONS.
2. FILTER MEDIA™ FILL TO MEET APPLICATION REQUIREMENTS.
3. COMPOST MATERIAL TO BE DISPERSED ON SITE, AS DETERMINED BY ENGINEER.
4. WHEN SEDIMENT CONTROL IS USED ON PAVEMENT, HEAVY CONCRETE BLOCKS SHALL BE USED BEHIND THE SEDIMENT CONTROL TO HELP STABILIZE DURING RAINFALL/RUNOFF EVENTS

FILTREXX FILTERSOXX SEDIMENT CONTROL
N.T.S.



NOTES:

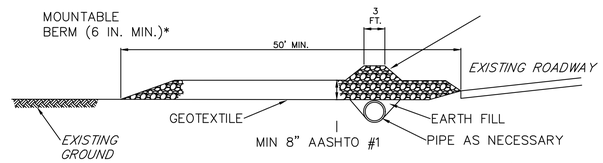
1. FENCE SHALL BE INSTALLED ON A LEVEL GRADE. EXTEND ENDS OF FENCING UPHILL SO BOTTOM OF FENCE IS AT AN ELEVATION ABOVE TOP OF FENCE.
2. SEDIMENT MUST BE REMOVED FROM SILT BARRIER FENCING WHEN HEIGHT OF SILT REACHES A MAXIMUM OF 9" AGAINST SILT FENCE.
3. MAXIMUM SLOPE LENGTHS CONTRIBUTING TO SILT FENCE MUST NOT EXCEED THE LENGTH BELOW:

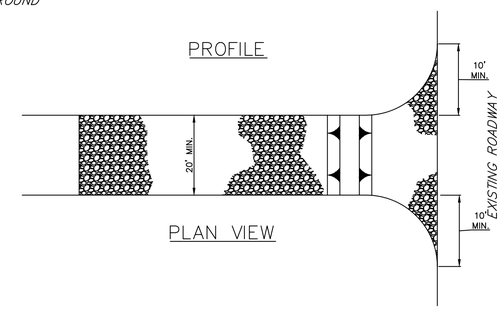
SLOPE percent	SLOPE LENGTH feet
0 - 2	250
< 5	100
< 10	50
< 15	35
< 20	25
< 25	20
< 40	15
< 50	10

4. FABRIC SHALL BE FASTENED TO POSTS WITH METAL FASTENERS AND REINFORCING MATERIAL PLACED BETWEEN THE FABRIC AND FASTENER.
5. SEDIMENT TRAPS SHALL BE INSPECTED WEEKLY AND AFTER EACH STORM EVENT. SILT FENCE WHICH HAS BEEN UNDERMINED OR OVERTOPPED SHALL BE REPLACED WITH A STONE FILTER OUTLET.

SILT FENCE
N.T.S.

COMPOST FILTER SOCK - SILT FENCE EQUIVALENCY CHART		
COMPOST FILTER SOCK	STACKED COMPOST FILTER SOCK	SILT FENCE
12" COMPOST FILTER SOCK	--	STANDARD 18" SILT FENCE
18" COMPOST FILTER SOCK	3 - 12" SOCKS	REINFORCED 30" SILT FENCE
24" COMPOST FILTER SOCK	2 - 18" SOCKS, 1 - 12" SOCK	SUPER SILT FENCE



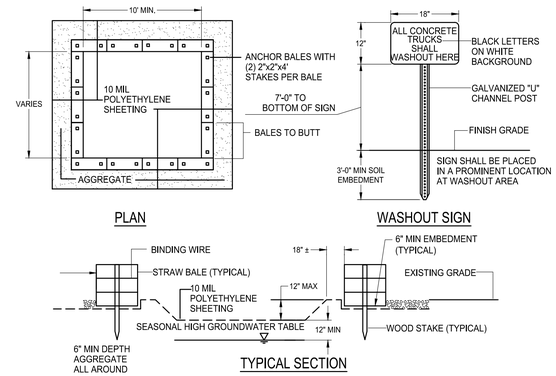


* MOUNTABLE BERM USED TO PROVIDE PROPER COVER FOR PIPE

NOTES:

1. REMOVE TOPSOIL PRIOR TO INSTALLATION OF ROCK CONSTRUCTION ENTRANCE. EXTEND ROCK OVER FULL WIDTH OF ENTRANCE.
2. RUNOFF SHALL BE DIVERTED FROM ROADWAY TO A SUITABLE SEDIMENT REMOVAL BMP PRIOR TO ENTERING ROCK CONSTRUCTION ENTRANCE.
3. MOUNTABLE BERM SHALL BE INSTALLED WHEREVER OPTIONAL CULVERT PIPE IS USED AND PROPER PIPE COVER AS SPECIFIED BY MANUFACTURER IS NOT OTHERWISE PROVIDED. PIPE SHALL BE SIZED APPROPRIATELY FOR SIZE OF DITCH BEING CROSSED.
4. MAINTENANCE: ROCK CONSTRUCTION ENTRANCE THICKNESS SHALL BE CONSTANTLY MAINTAINED TO THE SPECIFIED DIMENSIONS BY ADDING ROCK. A STOCKPILE SHALL BE MAINTAINED ON SITE FOR THIS PURPOSE. ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE REMOVED AND RETURNED TO THE CONSTRUCTION SITE IMMEDIATELY. IF EXCESSIVE AMOUNTS OF SEDIMENT ARE BEING DEPOSITED ON ROADWAY, EXTEND LENGTH OF ROCK CONSTRUCTION ENTRANCE BY 50 FOOT INCREMENTS UNTIL CONDITION IS ALLEVIATED OR INSTALL WASH RACK. WASHING THE ROADWAY OR SWEEPING THE DEPOSITS INTO ROADWAY DITCHES, SEWERS, CULVERTS, OR OTHER DRAINAGE COURSES IS NOT ACCEPTABLE.

STABILIZED CONSTRUCTION ENTRANCE
N.T.S.



1. CONTAINMENT MUST BE STRUCTURALLY SOUND AND LEAK FREE AND CONTAIN ALL LIQUID WASTES.
2. CONTAINMENT DEVICES MUST BE OF SUFFICIENT QUANTITY OR VOLUME TO COMPLETELY CONTAIN THE LIQUID WASTES GENERATED.
3. WASHOUT MUST BE CLEANED OR NEW FACILITIES CONSTRUCTED AND READY TO USE ONCE WASHOUT IS 75% FULL.
4. WASHOUT AREA(S) SHALL BE INSTALLED IN A LOCATION EASILY ACCESSIBLE BY CONCRETE TRUCKS.
5. ONE OR MORE AREAS MAY BE INSTALLED ON THE CONSTRUCTION SITE AND MAY BE RELOCATED AS CONSTRUCTION PROGRESSES.
6. AT LEAST WEEKLY REMOVE ACCUMULATION OF SAND AND AGGREGATE AND DISPOSE OF PROPERLY.

CONCRETE WASHOUT AREA
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5/1/2023

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AS SHOWN	04/05/2024	JL	EWC
PROJECT NUMBER: 23011632A	DRAWING NAME: C006		REVIEWED BY: EWC

SHEET TITLE: DETAIL I

SHEET NUMBER: 7 of 12

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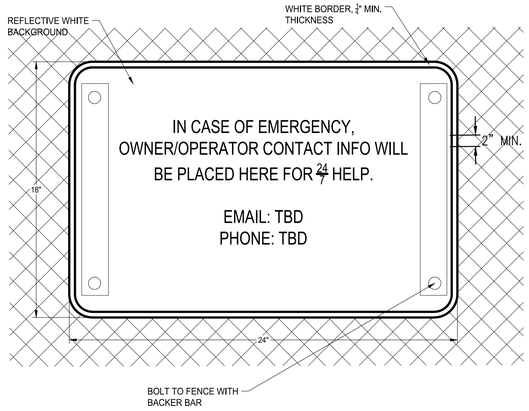

EMERGENCY CONTACT SIGN

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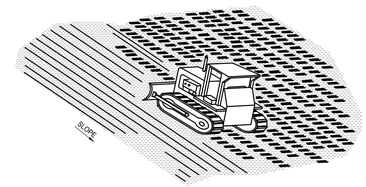
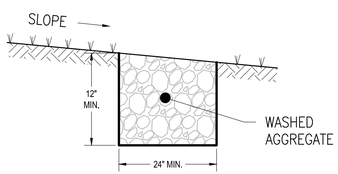


NOTE:

USE DOZER TRACKS TO CREATE GROOVES PERPENDICULAR TO THE SLOPE. GROOVES WILL CATCH SEED, FERTILIZER, MULCH, RAINFALL AND DECREASE SEDIMENT IN RUNOFF.

SLOPE TRACKING DETAIL

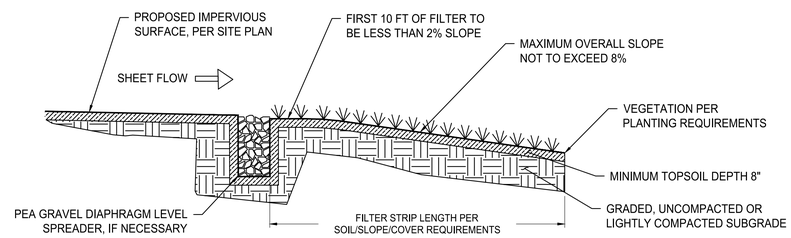
N.T.S.



1. LEVEL SPREADERS SHALL BE INSTALLED ALONG THE CONTOUR TO ENSURE RUNOFF ACHIEVES SHEET FLOW.
2. WASHED AGGREAGATE SHALL CONSIST OF 1" CRUSHED CLEAN STONE WITH A MINIMUM DEPTH OF 12" AND A MINIMUM WIDTH OF 24".
3. LEVEL SPREADERS SHALL BE INSTALLED IN LOCATIONS IN ACCORDANCE WITH THE SITE PLAN AND GRADING SHEETS.

LEVEL SPREADER

N.T.S.



REQUIRED ELEMENTS:

1. REFER TO SITE PLAN AND GRADING PLAN SHEETS FOR FILTER STRIP DIMENSIONS AND SLOPE.
2. NOT TO BE USED DURING CONSTRUCTION.
3. GRASS FILTER STRIP SHALL RECEIVE 3' OF COMPOST AMENDMENTS. DO NOT AMEND PAST EDGE OF TREE LINE.
4. MAXIMUM CONTRIBUTING LENGTH SHALL BE 150 FEET FOR PERVIOUS AND 75 FEET FOR IMPERVIOUS SURFACES.
5. RUNOFF SHALL ENTER THE BUFFER AS OVERLAND SHEET FLOW; A FLOW SPREADER CAN BE SUPPLIED TO ENSURE THIS, IF AVERAGE CONTRIBUTING SLOPE CRITERIA CANNOT BE MET (NOTE: A LEVEL SPREADER SHALL BE USED BETWEEN BUFFER SLOPES RANGING BETWEEN 3% AND 15%; FOR BUFFER SLOPES BEYOND 15% THIS PRACTICE CANNOT BE APPLIED).
6. MINIMUM WIDTH OF A VEGETATED FILTER STRIP OR UNDISTURBED RIPARIAN BUFFER SHALL BE 50 FEET FOR SLOPES OF 0% TO 8%, 75 FEET FOR SLOPES OF 8% TO 12% AND 100 FEET FOR SLOPES OF 12% TO 15%.
7. BUFFERS MUST BE FULLY VEGETATED.
8. SITTING AND SIZING OF THE PRACTICE SHOULD ADDRESS WQV AND RUNOFF REDUCTION REQUIREMENTS AND CANNOT RESULT IN OVERFLOW TO UNDESIGNATED AREAS.
9. DO NOT COMPACT THE GRASS FILTER STRIP.
10. PRESERVE EXISTING TREES AND VEGETATION WITHIN TREE LINE. INSTALL FILTER STRIP AT EDGE OF ACCESS ROAD AND SHOULD TIE BACK INTO EXISTING GRADE AT THE END OF FILTER STRIP WIDTH.

GRASS FILTER STRIP DETAIL

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1	5/1/24	JL	PER CLIENT COMMENTS

STATE OF NEW YORK · EVAN WILLIAM CONKLIN · 106582 · LICENSED PROFESSIONAL ENGINEER

5/1/2023

DEVELOPMENT PLANS

FOR

MONTGOMERY SOLAR PROJECT

TAX MAP PARCEL NO.:
21.-2-10.1
254 STONER TRAIL RD
TOWN OF MOHAWK
MONTGOMERY COUNTY
NEW YORK 12095

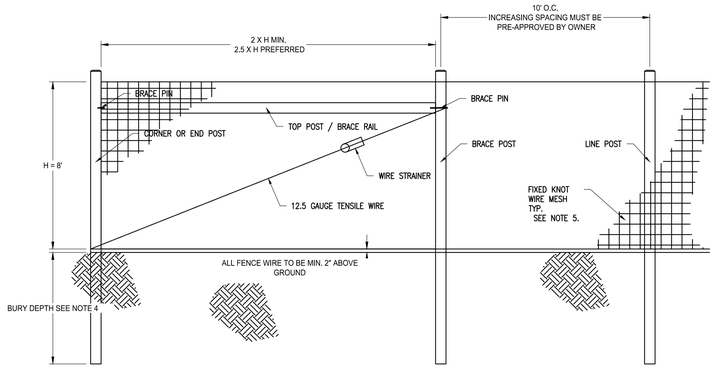
Colliers Engineering & Design
ALBANY (BA)
18 Corporate Woods
Suite 400
Albany, NY 12211
Phone: 518.862.0325
COLLIERS ENGINEERING & DESIGN CT, P.C.

SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	04/05/2024	JL	EWC
PROJECT NUMBER:	DRAWING NAME:		REVIEWED BY:
23011632A	C007		EWC

SHEET TITLE: DETAIL II

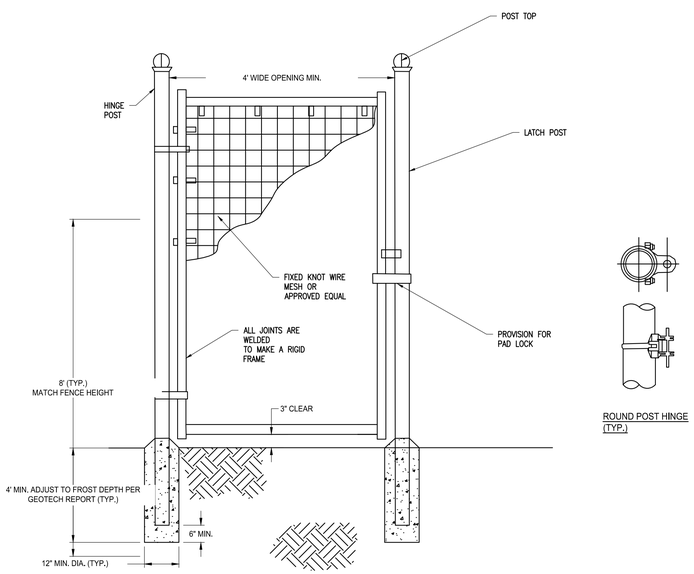
SHEET NUMBER: 8 of 12

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.



NOTES
1. INSTALL ALL FENCING COMPONENTS PER MANUFACTURES SPECIFICATIONS.
2. ALL FENCING AND HARDWARE SHALL BE GALVANIZED, UNLESS OTHERWISE NOTED.
3. ALL SQUARE POSTS TO BE MIN. 5"X5" NOMINAL SIZE OR ROUND POST WITH MIN. 5" OR 6" DIAMETER PRESSURE TREATED WOOD OR APPROVED EQUAL. PREFER POSTS TO HAVE A CHAMFERED TOP.
4. ALL LINE POST TO BE SET TO A MIN. DEPTH OF 4' BELOW GRADE, ALL CORNER, END OR GATE POSTS SHALL BE SET TO A MIN. DEPTH OF 6' BELOW GRADE, UNLESS OTHERWISE NOTED.
5. FIXED KNOT WIRE MESH TO BE BEKAERT SOLIDLOCK® PRO, 12.5 GAUGE, CLASS 3 GALVANIZED, 6" VERTICAL SPACING OR APPROVED EQUAL.
6. BRACING IS REQUIRED AT ALL CORNER, END, AND GATE POSTS, DOUBLE BRACING (TWO BRACE ASSEMBLIES IN A ROW) SHOULD BE USED FOR STRAIGHT RUNS OF FENCE THAT EXCEED 1,000 LF. AN ADDITIONAL BRACE ASSEMBLY SHOULD BE INSTALLED MID SPAN FOR STRAIGHT RUNS OF FENCE THAT EXCEED 1,320 LF. ADDITIONAL BRACING MAY BE STILL BE REQUIRED OVER UNEVEN TERRAIN, CONTRACTOR SHALL INSTALL ADDITIONAL BRACING AS NEEDED IF DEFLECTION IS NOTICED DURING TENSIONING.

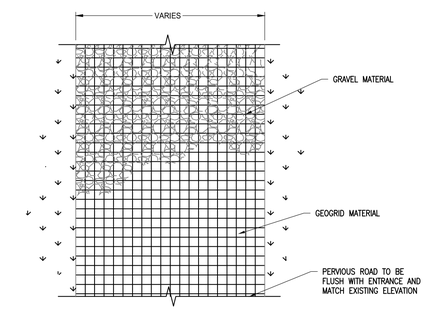
FIXED KNOT FARM FENCE
N.T.S.



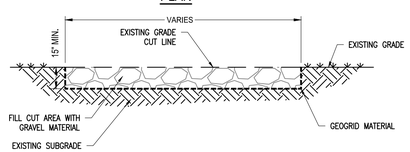
ROUND POST HINGE (TYP.)

NOTES
1. INSTALL ALL FENCING COMPONENTS PER MANUFACTURES SPECIFICATIONS.
2. ALL FENCING AND HARDWARE SHALL BE GALVANIZED, UNLESS OTHERWISE NOTED.
3. HINGE POSTS MAY BE TIMBER IF CONTRACTOR DESIRES, TIMBER HINGE POSTS DO NOT NEED TO BE SET IN CONCRETE. UTILIZE HINGE THRU BOLTS TO CONNECT TO TIMBER HINGE POSTS OR LAG SCREWS, PER MANUFACTURERS RECOMMENDATIONS.
4. IF CONTRACTOR UTILIZES METAL HINGE POST THAN POSTS SHALL BE SET IN CONCRETE AS SHOWN ON DETAIL.
5. BRACING REQUIRED AT FOR ALL GATES. SEE FIXED KNOT FARM FENCE DETAIL.
6. FIXED KNOT WIRE MESH TO BE BEKAERT SOLIDLOCK® PRO, 12.5 GAUGE, CLASS 3 GALVANIZED, 6" VERTICAL SPACING OR APPROVED EQUAL
7. BRACE RAILS AND/ OR TRUSS RODS ARE NOT SHOWN, MAY BE REQUIRED PER MANUFACTURES RECOMMENDATIONS

FIXED KNOT FARM FENCE PERSONNEL GATE
N.T.S.



PLAN



LIMITED USE PERVIOUS ACCESS ROAD - 0% TO 10% SLOPES
N.T.S.

GENERAL NOTES FOR NYSDEC LIMITED USE PERVIOUS ACCESS ROAD:

1. USE OF THIS DETAIL/CRITERION IS LIMITED TO ACCESS ROADS USED ON AN OCCASIONAL BASIS ONLY (I.E. PROVIDE ACCESS FOR MOWING, EQUIPMENT REPAIR OR MAINTENANCE)
2. LIMITED USE PERVIOUS ACCESS ROAD IS LIMITED TO LOW IMPACT IRREGULAR MAINTENANCE ACCESS ASSOCIATED WITH RENEWABLE ENERGY PROJECTS IN NEW YORK STATE.
3. REMOVE STUMPS, ROCKS AND DEBRIS AS NECESSARY, FILL VOIDS TO MATCH EXISTING NATIVE SOILS AND COMPACTION LEVEL.
4. REMOVED TOPSOIL MAY BE SPREAD IN ADJACENT AREAS AS DIRECTED BY THE PROJECT ENGINEER. COMPACT TO THE DEGREE OF THE NATIVE IN SITU SOIL. DO NOT PLACE IN AN AREA THAT IMPEDES STORM WATER DRAINAGE.
5. GRADE ROADWAY, WHERE NECESSARY, TO NATIVE SOILS AND DESIRED ELEVATION. MINOR GRADING FOR CROSS SLOPE CUT AND FILL MAY BE REQUIRED.
6. REMOVE REFUSE SOILS AS DIRECTED BY THE PROJECT ENGINEER. DO NOT PLACE IN AN AREA THAT IMPEDES STORM WATER DRAINAGE.
7. ROADWAY WIDTH TO BE DETERMINED BY CLIENT.
8. THE LIMITED USE PERVIOUS ACCESS ROAD CROSS SLOPE SHALL BE ±1.5% IN MOST CASES AND SHOULD NOT EXCEED 6%. THE LONGITUDINAL SLOPE OF THE ACCESS DRIVE SHOULD NOT EXCEED 15%.
9. LIMITED USE PERVIOUS ACCESS ROAD IS NOT INTENDED TO BE UTILIZED FOR CONSTRUCTION WHICH MAY SUBJECT THE ACCESS TO SEDIMENT TRACKING. THIS SPECIFICATION IS TO BE DEVELOPED FOR POST-CONSTRUCTION USE. SOIL RESTORATION PRACTICES MAY BE APPLICABLE TO RESTORE CONSTRUCTION RELATED COMPACTION TO PRE-EXISTING CONDITIONS AND SHOULD BE VERIFIED BY SOIL PENETROMETER READINGS. THE PENETROMETER READINGS SHALL BE COMPARED TO THE RESPECTIVE RECORDED READINGS TAKEN PRIOR TO CONSTRUCTION, EVERY 100 LINEAR FEET ALONG THE PROPOSED ROADWAY.
10. TO ENSURE THAT SOIL IS NOT TRACKED ONTO THE LIMITED USE PERVIOUS ACCESS ROAD, IT SHALL NOT BE USED BY CONSTRUCTION VEHICLES TRANSPORTING SOIL, FILL MATERIAL, ETC. IF THE LIMITED USE PERVIOUS ACCESS IS COMPLETED DURING THE INITIAL PHASES OF CONSTRUCTION AND UTILIZED TO REMOVE SEDIMENT FROM CONSTRUCTION VEHICLES AND EQUIPMENT PRIOR TO ENTERING THE LIMITED USE PERVIOUS ACCESS ROAD FROM ANY LOCATION ON, OR OFF SITE. MAINTENANCE OF THE PERVIOUS ACCESS ROAD WILL BE REQUIRED IF SEDIMENT IS OBSERVED WITHIN THE CLEAN STONE.
11. THE LIMITED USE PERVIOUS ACCESS ROAD SHALL NOT BE CONSTRUCTED OR USED UNTIL ALL AREAS SUBJECT TO RUNOFF ONTO THE PERVIOUS ACCESS HAVE ACHIEVED FINAL STABILIZATION.
12. PROJECTS SHOULD AVOID INSTALLATION OF THE LIMITED USE PERVIOUS ACCESS ROAD IN POORLY DRAINED ARES, HOWEVER IF NO ALTERNATIVE LOCATION IS AVAILABLE, THE PROJECT SHALL UTILIZE WOVEN GEOTEXTILE MATERIAL AS DETAILED IN FOLLOWING NOTES.
13. THE DRAINAGE DITCH IS OFFERED IN THE DETAIL FOR CIRCUMSTANCES WHEN CONCENTRATED FLOW COULD NOT BE AVOIDED , THE INTENTION OF THE DESIGN IS TO MINIMIZE ALTERATIONS TO HYDROLOGY, HOWEVER WHEN DEALING WITH 5%-15% GRADES NOT PARALLEL TO THE CONTOUR, A ROADSIDE DITCH MAY BE REQUIRED. THE NYS STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROLS FOR GRASSED WATERWAYS AND VEGETATED WATERWAYS ARE APPLICABLE FOR SIZING AND STABILIZATION. DIMENSIONS FOR THE GRASSED WATERWAY SPECIFICATION WOULD BE DESIGNED FOR PROJECT SPECIFIC HYDROLOGIC RUNOFF CALCULATIONS, AND A SEPARATE DETAIL FOR THE SPECIFIC GRASSED WATERWAY WOULD BE INCLUDED IN THIS PRACTICE. RUNOFF DISCHARGE WILL BE SUBJECT TO THE OUTLET REQUIREMENTS OF THE REFERENCED STANDARD. INCREASED POST-DEVELOPMENT RUNOFF FROM THE ASSOCIATED ROADSIDE DITCH MAY REQUIRE ADDITIONAL PRACTICES TO ATTENUATE RUNOFF TO PRE-DEVELOPMENT CONDITIONS.
14. IF A ROADSIDE DITCH IS NOT UTILIZED TO CAPTURE RUNOFF FROM THE ACCESS ROAD, THE PERVIOUS ACCESS ROAD WILL HAVE A WELL-ESTABLISHED PERENNIAL VEGETATIVE COVER, WHICH SHALL CONSIST OF UNIFORM VEGETATION (I.E. BUFFER), 20 FEET WIDE AND PARALLEL TO THE DOWN GRADIENT SIDE OF THE ACCESS ROAD. POST-CONSTRICTION OPERATION AND MAINTENANCE PRACTICES WILL MAINTAIN THIS VEGETATIVE COVER TO ENSURE FINAL STABILIZATION FOR THE LIFE OF THE ACCESS ROAD.
15. THE DESIGN PROFESSIONAL MUST ACCOUNT FOR THE LIMITED USED PERVIOUS ACCESS ROAD IN THEIR SITE ASSESSMENT / HYDROLOGY ANALYSIS. IF THE HYDROLOGY ANALYSIS SHOWS THAT THE HYDROLOGY HAS BEEN ALTERED FROM PRE- TO POST-DEVELOPMENT CONDITIONS (SEE APPENDIX A OF GP-0-15-002 FOR THE DEFINITION OF "ALTER THE HYDROLOGY…"), THE DESIGN MUST INCLUDE THE NECESSARY DETENTION/RETENTION PRACTICES TO ATTENUATE THE RATES (10 AND 100 YEAR EVENTS) TO PRE-DEVELOPMENT CONDITIONS.

GEOGRID MATERIAL NOTES:

1. THE GEOGRID, OR COMPARABLE PRODUCT, IS INTENDED FOR USE IN ALL CONDITIONS. IN ORDER TO ASSIST IN MATERIAL SEPARATION FROM NATIVE SOILS AND PRESERVE ACCESS LOADS.
2. GRAVEL FILL MATERIAL SHALL CONSIST OF 1-4" CLEAN, DURABLE, SHARP ANGLED CRUSHED STONE OF UNIFORM QUALITY, MEETING THE SPECIFICATION OF NYSDOT 703-02, SIZE DESIGNATION 3-5 OF THABLE 703-4. STONE MAY BE PLACED IN FRONT OF AND SPREAD WITH A TRACKED VEHICLE. GRAVEL SHALL NOT BE COMPACTED.
3. GEOGRID SHALL BE MIRAFI BXG110 OR APPROVED EQUAL. GEOGRID SHALL BE DESIGNED BASED ON EXISTING SOIL CONDITIONS AND PROPOSED HAUL ROAD SLOPES.
4. IF MORE THAN ONE ROLL WIDTH IS REQUIRED, ROLLS SHOULD OVERLAP A MINIMUM OF SIX INCHES.
5. REFER TO MANUFACTURER'S SPECIFICATION FOR PROPER TYING AND CONNECTIONS.
6. LIMITED USE PERVIOUS ACCESS ROAD SHALL BE DRESSED AS REQUIRED WITH ONLY 1-4" CRUSHED STONE MEETING NYSDOT 703-02 SPECIFICATIONS.

BASIS OF DESIGN: TENCATE MIRAFI BXG110 GEOGRIDS; 365 SOUTH HOLLAND DRIVE, PENDERGRASS, GA; 800-685-9990 OR 706-693-2226; WWW.MIRAFI.COM

GEOWEB MATERIAL NOTES:

1. THE GEOWEB, OR COMPARABLE PRODUCT, IS SUGGESTED FOR USE ON ROAD PROFILES EXCEEDING 10%. THE GEOWEB PRODUCT IS INTENDED TO LIMIT SHIFTING STONE MATERIAL DURING USE.
2. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
3. WHERE REQUIRED, A NATIVE SOIL WEDGE SHALL BE PLACED TO ACCOMMODATE ROAD CROSS SLOPE OF 1.5%. NATIVE SOIL SHALL BE COMPACTED TO MATCH EXISTING SOIL CONDITIONS.
4. GRAVEL FILL MATERIAL SHALL CONSIST OF 1-4" CLEAN, DURABLE, SHARP-ANGLED CRUSHED STONE OF UNIFORM QUALITY. MEETING THE SPECIFICATIONS OF NYSDOT ITEM 703-02, SIZE DESIGNATION 3-5 OF TABLE 703.4. STONE MAY BE PLACED IN FRONT OF AND SPREAD WITH, A TRACKED VEHICLE. GRAVEL SHALL NOT BE COMPACTED.
5. GEOWEB SYSTEM SHALL BE PRESTO GEOSYSTEM GEOWEB OR APPROVED EQUAL. GEOWEB SHALL BE DESIGNED BASED ON EXISTING SOIL CONDITIONS AND PROPOSED HAUL ROAD SLOPES.
6. LIMITED USE PERVIOUS ACCESS ROAD SHALL BE FLUSH WHEN CONNECTIVE. ALIGN THE I-SLOTS FOR INTERLEAF AND END TO END CONNECTIONS. THE GEOWEB PANELS SHALL BE CONNECTED WITH ATRA KEYS AT THE INTERLEAD AND END TO END CONNECTIONS. REFER TO MANUFACTURER'S SPECIFICATION FOR PROPER INSTALLATION, TYING AN CONNECTIONS.

BASIS OF DESIGN: PRESTO GEOSYSTEMS GEOWEB; 670 NORTH PERKINS STREET, APPLETON, WI; 800-548-3424 OR 920-738-1222; INFO@PRESTOGEO.COM; WWW.PRESTOGEO.COM

WOVEN GEOTEXTILE MATERIAL NOTES:

1. SPECIFIED GEOTEXTILE WILL ONLY BE UTILIZED IN PLACID SOILS. PLACID SOILS CONSIST OF POORLY DRAINED SOILS COMPOSED OF FINELY TEXTURED PARTICLES AND ARE PRONE TO RUTTING. PLACID SOILS ARE TYPICALLY PRESENT IN LOW-LYING AREAS WITH HYDROLOGIC SOILS GROUP (HSG) OF C OR D OR AS SPECIFIED FROM AN ENVIRONMENTAL SCIENTIST, SOIL SCIENTIST OR GEOTECHNICAL DATA.
2. THE CONCERN OF POTENTIAL REDUCTION OF NATIVE INFILTRATION RATES DIE TO THE GEOTEXTILE MATERIAL WOULD NOT BE A SIGNIFICANT CONCERN IN POORLY DRAINED SOILS WHERE SEGREGATION OF PERVIOUS STONE AND NATIVE MATERIALS IS CRUCIAL FOR LONG TERM OPERATION AND MAINTENANCE.

BASIS OF DESIGN: TENCATE MIRAFI RSI-SERIES WOVEN GEOSYNTHETICS; 365 SOUTH HOLLAND DRIVE, PENDERGRASS, GA; 800-685-9990 OR 706-693-2226; WWW.MIRAFI.COM

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1	5/1/24	JL	PER CLIENT COMMENTS

STATE OF NEW YORK · EVAN WILLIAM COMILLOTT · 106562 · LICENSED PROFESSIONAL ENGINEER
5/1/2023

DEVELOPMENT PLANS
FOR
MONTGOMERY SOLAR PROJECT

TAX MAP PARCEL NO.:
21.-2-10.1
254 STONER TRAIL RD
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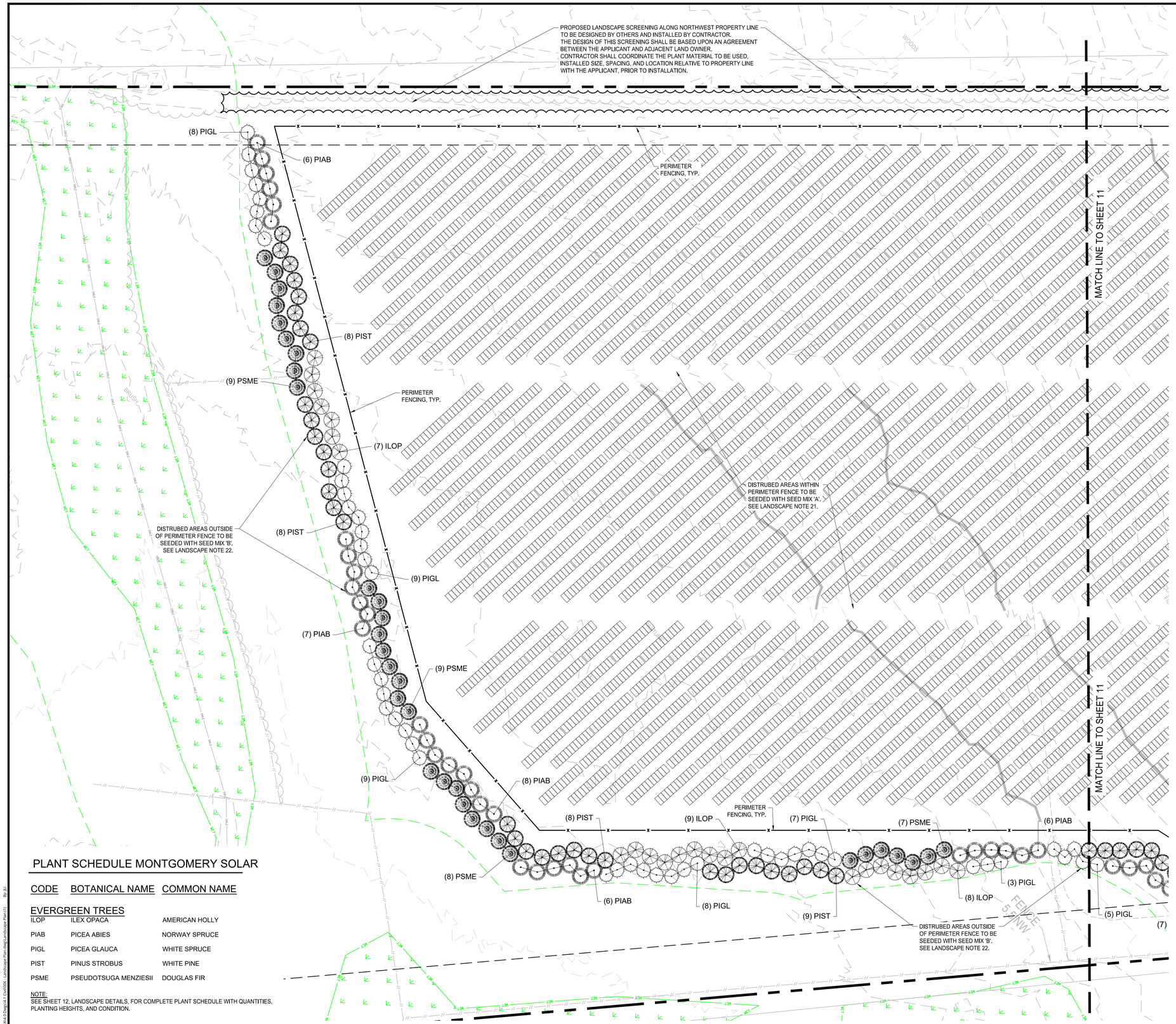
SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	04/05/2024	JL	EWC
PROJECT NUMBER: 23011632A	DRAWING NAME: C008		REVIEWED BY: EWC

SHEET TITLE: DETAIL III

SHEET NUMBER: 9 of 12

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.

ous\23011632A\v3.0\dwgs\41.1 Civil\07 - Details.dwg\DETAILS III By: JLI



PLANT SCHEDULE MONTGOMERY SOLAR

CODE	BOTANICAL NAME	COMMON NAME
EVERGREEN TREES		
ILOP	ILEX OPACA	AMERICAN HOLLY
PIAB	PICEA ABIES	NORWAY SPRUCE
PIGL	PICEA GLAUCA	WHITE SPRUCE
PIST	PINUS STROBUS	WHITE PINE
PSME	PSEUDOTSUGA MENZIESII	DOUGLAS FIR

NOTE:
SEE SHEET 12, LANDSCAPE DETAILS, FOR COMPLETE PLANT SCHEDULE WITH QUANTITIES, PLANTING HEIGHTS, AND CONDITION.

LANDSCAPE NOTES:

1. ALL PLANTS MUST BE HEALTHY, VIGOROUS, AND FREE OF PESTS AND DISEASE.
2. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK", ANSI, Z60.1 (LATEST EDITION), REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
3. ALL PLANTS MUST BE HARDY UNDER CLIMATE CONDITIONS THAT EXIST AT THE PROJECT SITE AND GROWN AT A NURSERY AT THE SAME HARDINESS ZONE AS THE PROJECT LOCATION.
4. NO SUBSTITUTIONS SHALL BE PERMITTED WITHOUT PRIOR WRITTEN APPROVAL OF OWNER'S REPRESENTATIVE.
5. ALL TREES MUST BE STRAIGHT TRUNKED, INJURY FREE, AND FULL HEADED.
6. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
7. ANY DISCREPANCY WITH QUANTITIES, LOCATIONS AND / OR FIELD CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE OR LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
8. MULCH ALL ISLANDS AND PLANTINGS IN LAWN AREAS WITH DOUBLE GROUND HARDWOOD BARK MULCH. MULCH SHALL BE AGED A MIN. OF ONE (1) YEAR FOR PARTIAL DECOMPOSITION. IT SHALL BE SCREENED TO EXCLUDE PARTICLES LARGER THAN ONE (1) INCH IN DIAMETER. MATERIAL SHALL BE COMPOSED OF BARK AND HAVE A LOW WOOD CONTENT WITH NO HIDDEN WOODS FROM CONSTRUCTION DEBRIS, PALLETS OR PRESSURE TREATED LUMBER AND BE FREE OF WEEDS, SEEDS, AND GREEN LEAF MATTER. IT SHALL BE NATURALLY DARK BROWN IN COLOR. NO DYED MULCH WILL BE ACCEPTED. MULCH DEPTH SHALL BE THREE (3) INCHES UNLESS OTHERWISE DIRECTED.
9. ANY PLANT WHICH DIES, TURNS BROWN, OR DEFOLIATES (PRIOR TO FINAL ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY AND SIZE MEETING ALL PLANT LIST SPECIFICATIONS.
10. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANT MATERIALS (INCLUDING, BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, AND REMOVAL OF STAKES AND GUYS) AND LAWN AREAS UNTIL FINAL ACCEPTANCE BY THE OWNER.
11. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR, BEGINNING ON THE DATE OF FINAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE THE END OF THE GUARANTEE PERIOD.
12. ALL AREAS DISTURBED BY UTILITY INSTALLATION AND SITE GRADING ACTIVITY SHALL RECEIVE APPROVED TOPSOIL (TO A COMPACTED DEPTH OF FOUR (4) INCHES, UNLESS OTHERWISE SPECIFIED BY THE GOVERNING MUNICIPALITY), BE FINE GRADED, SEEDED, MULCHED AND WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.
13. ALL TOPSOIL SHALL BE SCREENED LOAM SURFACE SOIL, FREE OF STONES AND SHALL HAVE THE FOLLOWING MINIMUM REQUIREMENTS:
    a) AN ORGANIC CONTENT OF 6-12%
    b) SOIL ACIDITY RANGE OF pH 5.5 TO pH 7.6
    c) SOLUBLE SALTS OF 1000 PPM OR LESS
    d) MAXIMUM CLAY CONTENT OF 15-20%
14. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING, AT THEIR EXPENSE, A CERTIFIED SOIL TEST ANALYSIS OF ON SITE AND / OR IMPORTED TOPSOIL. TOPSOIL ANALYSIS TO INCLUDE THE FOLLOWING DATA:
    a) pH FACTOR.
    b) MECHANICAL ANALYSIS, INCLUDING SIEVE ANALYSIS PROVIDING SEPARATE SAND, SILT AND CLAY PERCENTAGES.
    c) PERCENTAGE OF ORGANIC CONTENT BY WEIGHT
    d) NUTRIENT LEVELS INCLUDING NITROGEN, PHOSPHOROUS AND POTASSIUM.
15. SHOULD TESTS AND ANALYSIS INDICATE THAT SOIL PROPOSED FOR USE IS DEFICIENT IN ANY OF THE ABOVE REQUIREMENTS; A SYSTEM OF AMELIORATING MAY BE PROPOSED FOR APPROVAL. ANY SYSTEM PROPOSED SHALL PROVIDE FOR AN ACIDITY RANGE OF Ph 5.5 TO 7.6 INCLUSIVE.
16. COMPOST SHALL MEET THE FOLLOWING MINIMUM REQUIREMENTS:
    a) ORGANIC CONTENT OF 35-60% (DRY WEIGHT BASIS)
    b) LOOSE AND FRIABLE WITH MOISTURE CONTENT OF 35-60% (WET WEIGHT BASIS)
    c) PARTICLE SIZE SHALL BE <1/2 INCH (100% PASSING)
    d) SOLUBLE SALTS CONCENTRATION SHALL BE <4.0 MMHOS/CM (DS/M), MAXIMUM
    e) pH RANGE OF 6.0-8.5
17. PLANTING MIX FOR PLANT PITS SHALL BE COMPOSED OF (2) PARTS APPROVED IMPORTED OR ON-SITE SCREENED TOPSOIL AND (1) PART COMPOST.
18. LOCATIONS OF EXISTING BURIED UTILITIES SHOWN ON THE PLAN ARE BASED UPON BEST AVAILABLE INFORMATION AND ARE TO BE CONSIDERED APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATIONS OF ALL UNDERGROUND UTILITY LINES ADJACENT TO THE WORK AREA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES AND SITE APPURTENANCES, ETC., WHICH OCCURS AS A RESULT OF THE LANDSCAPE INSTALLATION.
19. THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING ALL PLANT MATERIAL PER DETAILS. ANY DEVIATIONS FROM THE DETAIL MUST BE APPROVED BY THE OWNER'S REPRESENTATIVE OR LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
20. SEE SHEET 12 FOR LANDSCAPE DETAILS AND SEED SCHEDULES.
21. AREAS WITHIN THE PERIMETER FENCE THAT HAVE BEEN DISTURBED DURING THE CONSTRUCTION PROCESS SHALL BE RESTORED WITH APPROVED TOPSOIL, COMPACTED, AND SEEDED WITH APPROVED UNITED AGRIVOLTAICS RECOMMENDED MIX - MIX 'A' (SEE SHEET 12).
22. AREAS OUTSIDE THE PERIMETER FENCE THAT HAVE BEEN DISTURBED DURING THE CONSTRUCTION PROCESS SHALL BE RESTORED WITH APPROVED TOPSOIL, COMPACTED, AND SEEDED WITH APPROVED FUZZ & BUZZ MIX - ERNMX-147 - MIX 'B' (SEE SHEET 12).
23. UPON FINAL ACCEPTANCE OF THE LANDSCAPE INSTALLATION, THE OWNER WILL ASSUME MAINTENANCE OF THE LANDSCAPED AREAS.
24. EXISTING TREES TO REMAIN SHALL BE PROTECTED BY INSTALLING A TEMPORARY FENCE AT THE OUTER LIMITS OF THE TREE CANOPY.

0 40 80 120 FT
1" = 40' SCALE BAR

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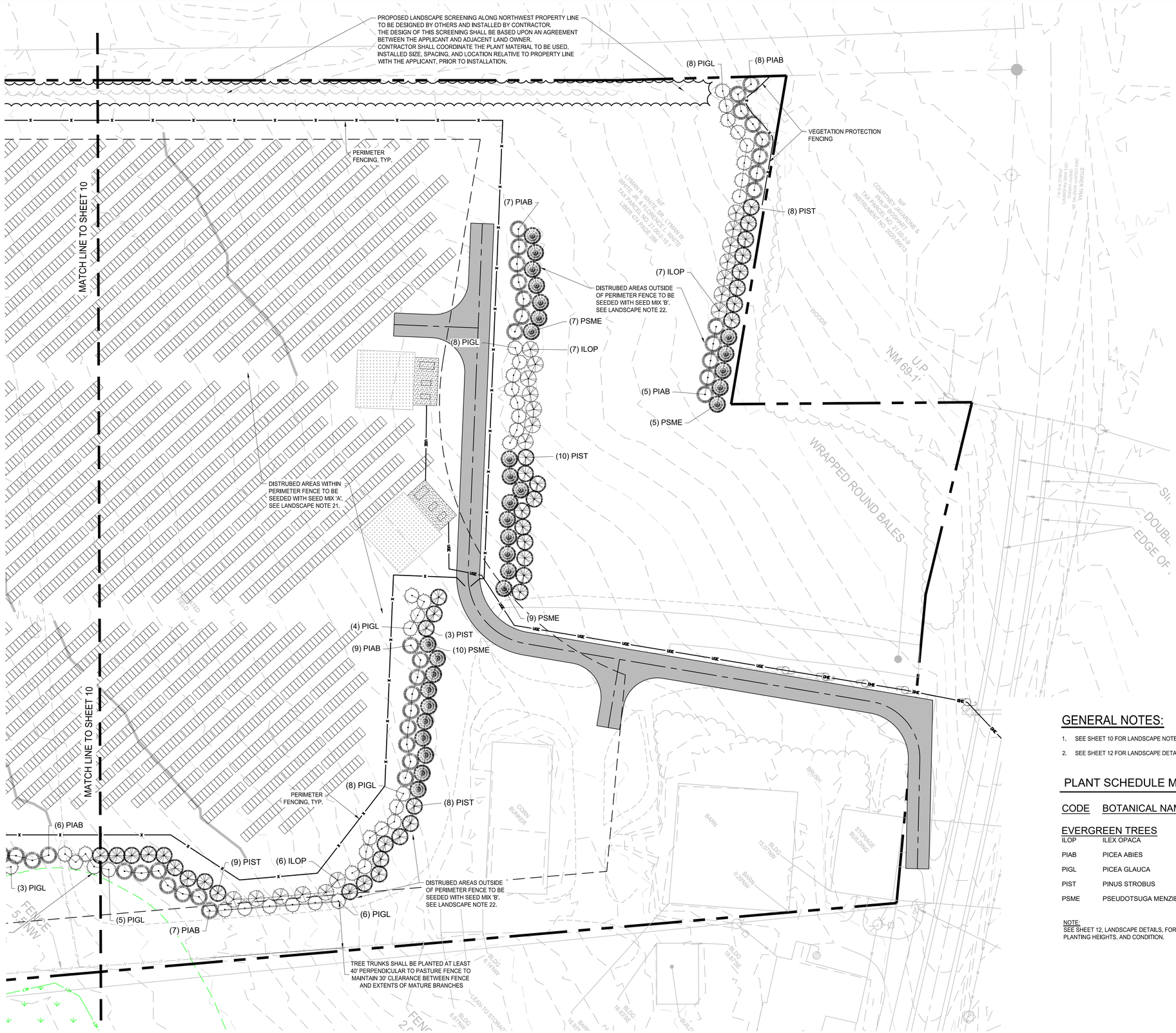
SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	04/05/2024	RJC	EJS, RLA
PROJECT NUMBER: 23011632A	DRAWING NAME: C009		REVIEWED BY: EWC

SHEET TITLE:
LANDSCAPE PLAN I

SHEET NUMBER:
10 of 12

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.

By: JJJ
cogo\23011632A-0.Dwg\24.1 Civil\006 - Landscape Plan-Dwg\Landscape Plan (1)



GENERAL NOTES:

1. SEE SHEET 10 FOR LANDSCAPE NOTES.
2. SEE SHEET 12 FOR LANDSCAPE DETAILS AND SEED SCHEDULES.

PLANT SCHEDULE MONTGOMERY SOLAR

CODE	BOTANICAL NAME	COMMON NAME
EVERGREEN TREES		
ILOP	ILEX OPACA	AMERICAN HOLLY
PIAB	PICEA ABIES	NORWAY SPRUCE
PIGL	PICEA GLAUCA	WHITE SPRUCE
PIST	PINUS STROBUS	WHITE PINE
PSME	PSEUDOTSUGA MENZIESII	DOUGLAS FIR

NOTE:
SEE SHEET 12, LANDSCAPE DETAILS, FOR COMPLETE PLANT SCHEDULE WITH QUANTITIES, PLANTING HEIGHTS, AND CONDITION.

0 40 80 120 FT
1" = 40' SCALE BAR

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REV	DATE	DRAWN BY	DESCRIPTION
1	5/1/24	JL	PER CLIENT COMMENTS

STATE OF NEW YORK · EVAN WILLIAM CONKLIN · 106592 · LICENSED PROFESSIONAL ENGINEER
5/1/2023

DEVELOPMENT PLANS
FOR
MONTGOMERY SOLAR PROJECT

TAX MAP PARCEL NO.:
21.-2-10.1
254 STONER TRAIL RD
TOWN OF MOHAWK
MONTGOMERY COUNTY
NEW YORK 12095

Colliers Engineering & Design
ALBANY (BA)
18 Corporate Woods
Suite 400
Albany, NY 12211
Phone: 518.862.0325
COLLIERS ENGINEERING & DESIGN CT, P.C.

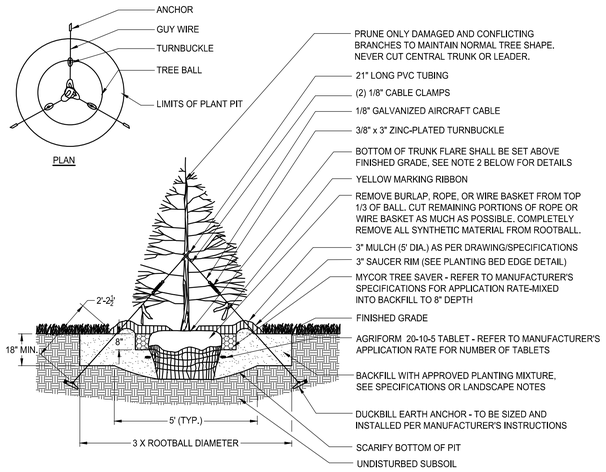
SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	04/05/2024	RJC	EJS, RLA
PROJECT NUMBER:	DRAWING NAME:		REVIEWED BY:
23011632A	C010		EWC

SHEET TITLE:
LANDSCAPE PLAN II

SHEET NUMBER:
11 of 12

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.

copy(23011632A)-0 Dwgs\14.1 Civil\006 - Landscape Plan.dwg\Landscape Plan (2) By: JJJ

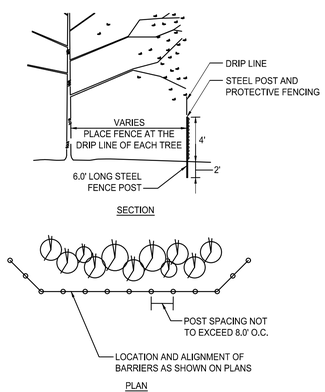


NOTES:

1. MAINTAIN A 2" MINIMUM RADIUS CLEAR OF MULCH AROUND THE TRUNK.
2. THE DISTANCE BETWEEN THE BOTTOM OF THE TRUNK FLARE AND THE FINISHED GRADE SHALL BE AS FOLLOWS:
   FOR SANDY OR LOAMY SOILS: 1"
   FOR CLAY OR POORLY DRAINED SOILS: 3"
   - THE CONTRACTOR SHALL REVIEW THE APPROPRIATE PLANTING DEPTH WITH THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
3. WHEN TAGGING TREES AT THE NURSERY, MARK THE NORTH SIDE OF THE TREE IN THE FIELD AND WHEN INSTALLING, ROTATE TREE TO FACE NORTH WHENEVER POSSIBLE.

EVERGREEN TREE PLANTING

N.T.S.



VEGETATION PROTECTION BARRIER DETAIL

N.T.S.

PLANT SCHEDULE MONTGOMERY SOLAR

CODE	QTY	BOTANICAL NAME	COMMON NAME	MAT. WID.	MAT. HT.	INST. SIZE	COND.	REMARKS
EVERGREEN TREES								
ILOP	44	ILEX OPACA	AMERICAN HOLLY	20`	30`	6`-7`	B&B	STRAIGHT, SYMMETRICAL, DENSE, LOW BRANCHED
PIAB	69	PICEA ABIES	NORWAY SPRUCE	25` - 30`	40` - 60`	6`-7`	B&B	SPACED O.C. @ 15', STRAIGHT, SYMMETRICAL, DENSE, LOW BRANCHED
PIGL	83	PICEA GLAUCA	WHITE SPRUCE	10` - 20`	40` - 60`	6`-7`	B&B	SPACED O.C. @ 15', STRAIGHT, SYMMETRICAL, DENSE, LOW BRANCHED
PIST	71	PINUS STROBUS	WHITE PINE	20` - 40`	50` - 80`	6`-7`	B&B	SPACED O.C. @ 15', STRAIGHT, SYMMETRICAL, DENSE, LOW BRANCHED
PSME	64	PSEUDOTSUGA MENZIESII	DOUGLAS FIR	30`	75`	6`-7`	B&B	SPACED O.C. @ 15', STRAIGHT, SYMMETRICAL, DENSE, LOW BRANCHED

UNITED AGRIVOLTAICS RECOMMENDED MIX - MIX 'A'

SEEDING LIMITS: AS DESCRIBED IN LANDSCAPE NOTE 21, SHEET 10

SEEDING RATE: 50LBS PER ACRE

PERCENT BY NO. OF SEEDS	SCIENTIFIC NAME	COMMON NAME
20.00%	LOLIUM PERENNE	PERENNIAL RYEGRASS
30.00%	POA PRATENSIS	KETUCKY BLUEGRASS
10.00%	FESTUCA RUBRA	RED FESCUE
40.00%	TRIFOLIUM REPENS	WHITE DUTCH CLOVER

ERNMX-147-MIX 'B'

SEEDING LIMITS: AS DESCRIBED IN LANDSCAPE NOTE 22, SHEET 10

FUZZ & BUZZ SEED MIX
AS PROVIDED BY ERNST CONSERVATION SEEDS, (800) 873-3321. WWW.ERNSTSEED.COM
SEEDING RATE: 42 LBS. PER ACRE

PERCENT BY NO. OF SEEDS	SCIENTIFIC NAME	COMMON NAME
21.40%	LOLIUM PERENNE, 'MERCEDES', TETRAPLOID	PERENNIAL RYEGRASS, 'MERCEDES', TETRAPLOID
17.00%	DACTYLIS GLOMERATA, POTOMAC	ORCHARDGRASS, POTOMAC
15.00%	POA PRATENSIS, 'GINGER'	KENTUCKY BLUEGRASS, 'GINGER' (PASTURE TYPE)
12.00%	BROMUS BIEBERSTEINII, 'FLEET'	MEADOW BROME, 'FLEET'
5.40%	TRIFOLIUM HYBRIDUM	ALSIKE CLOVER
5.00%	AGROPYRON TRACHYCAULUM	SLENDER WHEATGRASS
5.00%	FESTUCA ELATIOR X LOLIUM PERENNE, DUO	FESTULOLIUM, 'DUO'
4.90%	TRIFOLIUM INCARNATUM, VARIETY NOT STATED	CRIMSON CLOVER, VARIETY NOT STATED
4.50%	TRIFOLIUM PRATENSE, MEDIUM, VARIETY NOT STATED	RED CLOVER, MEDIUM, VARIETY NOT STATED
2.50%	BOUTELOUA CURTIPENDULA, BUTTE	SIDEOATS GRAMA, BUTTE
2.00%	LOTUS CORNICULATUS, 'LEO'	BIRD'S FOOT TREFOIL, 'LEO'
1.00%	COREOPSIS LANCEOLATA	LANCELEAF COREOPSIS
1.00%	LINUM PERENNE	PERENNIAL BLUE FLAX
0.80%	CHAMAECRISTA FASCICULATA, PA ECOTYPE	PARTRIDGE PEA, PA ECOTYPE
0.70%	SOLIDAGO NEMORALIS, PA ECOTYPE	GRAY GOLDENROD, PA ECOTYPE
0.50%	ASTER OBLONGIFOLIUS, PA ECOTYPE	AROMATIC ASTER, PA ECOTYPE
0.50%	CHRYSANTHEMUM LEUCANTHEMUM	OXEYE DAISY
0.40%	ZIZIA AUREA, PA ECOTYPE	GOLDEN ALEXANDERS, PA ECOTYPE
0.30%	ASTER PRENANTHOIDES, PA ECOTYPE	ZIGZAG ASTER, PA ECOTYPE
0.10%	ASCLEPIAS SYRIACA, PA ECOTYPE	COMMON MILKWEED, PA ECOTYPE

**PROVIDE TEMPORARY SEEDING OF ANNUAL RYEGRASS (LOLIUM MULTIFLORUM)
WITHIN SEEDING LIMITS AT RATE OF 12 LBS. PER ACRE

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FOR STATE SPECIFIC DIRECT PHONE NUMBERS VISIT: WWW.CALL811.COM

REV	DATE	DRAWN BY	DESCRIPTION
1	5/1/24	JL	PER CLIENT COMMENTS

STATE OF NEW YORK · EVAN WILLIAM COMILLONI · 106582 · LICENSED PROFESSIONAL ENGINEER
5/1/2023

DEVELOPMENT PLANS
FOR
MONTGOMERY SOLAR PROJECT

TAX MAP PARCEL NO.:
21.-2-10.1
254 STONER TRAIL RD
TOWN OF MOHAWK
MONTGOMERY COUNTY
NEW YORK 12095

Colliers Engineering & Design
ALBANY (BA)
18 Corporate Woods
Suite 400
Albany, NY 12211
Phone: 518.862.0325
COLLIERS ENGINEERING & DESIGN CT, P.C.

SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	04/05/2024	RJC	EJS, RLA
PROJECT NUMBER: 23011632A	DRAWING NAME: C011		REVIEWED BY: EWC

SHEET TITLE:
LANDSCAPE DETAILS

SHEET NUMBER:
12 of 12

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.

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DRAFT

Yellow 22, LLC Project (Stoner Trail Road Project) – Conditions of Site Plan Approval

General Plan/Design Restrictions:

1. Project will be constructed in accordance with the Site Plan dated on or about _____, 2024, including the Project's fence lines, access road locations, and locations of major equipment.
2. All solar collectors ("panels" or "modules") will have a maximum height of 20 feet from ground elevation.
3. All other structures that will be owned by the Applicant as part of the Project shall have a maximum height of 35 feet.
4. The power lines will be underground, except as otherwise noted on the Site Plan approved, dated on or about _____, 2024.
5. The Project will install no additional, exterior lighting unless otherwise required by a federal, state, or local authority.
6. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within 30 days of the ownership change.

Construction Restrictions:

7. TBD.
8. No herbicides or pesticides will be used as part of the construction of the Project.

Landscaping:

9. The Project will install a landscaping buffer just outside of the Project's fence line, as shown on the Site Plan and the Landscape Plan dated _____2024, consisting of native trees, spaced apart as shown on the Site Plan. Existing trees and vegetation will remain as shown on the Site Plan and Landscape Plan.
10. The security fence surrounding the solar panels will be 8 feet tall agricultural fencing (not chain link fence) with no gaps at the bottom to prevent deer from entering.
11. TBD [or delete].

Additional Permitting, and Inspections:

12. The Project must obtain a Building Permit prior to commencing construction, and must be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Building Code
13. Prior to issuance of a Building Permit, Project Operator will provide to the Town proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with the construction and operation of the project. The Town must be notified if there is any lapse in coverage.
14. The Project Operator will cooperate with any requested Town inspections during construction and will cooperate with annual Town inspections during Project operation.
15. Prior to operation, electrical connections must be inspected by the Town Code Enforcement Officer and by appropriate electrical inspection person or agency, as determined by the Town.

Operations and Maintenance:

16. The Project's electrical components will be maintained in good and safe working order for the active life of the Project.
17. No herbicides or pesticides will be used as part of the maintenance of the Project.
18. Project Operator will maintain the vegetation within the Project fence line to a height lower than the lowest clearance of the solar collectors from the ground.
19. TBD [The Project Operator will develop, implement and maintain a native vegetation management plan that uses native plant species and seed mixes to seed all appropriate areas within the Project site (at least __% of the Project site) with plants that provide foraging habitat beneficial to game birds, songbirds and pollinators (e.g., bees). These plantings will be maintained by the Project Operator as required to promote healthy plant life].
20. TBD [The Project Operator will establish a long term vegetation maintenance plan to incorporate sheep or llama grazing on at least ____% of the Project site. Due to grass growth expectations, the Project site will likely be viable to support sheep grazing after two years of project operations. On the third anniversary of the Project entering operation, the Project Operator will provide to the Town a vegetation maintenance plan that includes utilizing sheep grazing to maintain the vegetation within the Project fence line.]
21. The Project Operator will put forth a good faith effort to establish beehives, and bat and bird boxes/nests around the perimeter of the Project site.
22. The Project's access road(s) will be maintained in a passable condition year-round, with snow-clearing to be managed by the Project Operator as necessary.
23. The trees that make up the landscaping buffers for the Project will be maintained and watered by the Project Operator as required to promote healthy tree growth and will be replaced by the Project Operator as necessary within 3 months of a tree becoming diseased or dead. This will be enforced for the life of the operation of the Project, until its decommissioning. The trees shall not be trimmed shorter than 10 feet in height in order to maintain the landscaping buffer.
24. If it is determined in the future that additional landscaping buffers are needed to provide reasonable screening, the Project Operator will provide the additional plantings at no additional cost to the Town or surrounding residents.

Emergency Response:

25. Solar Energy Systems and Equipment shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather resistant. The marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.
26. The final design for the Project's access road(s) will be prepared by a New York State Registered Professional Engineer and will be coordinated with the Town of Mohawk Fire District to confirm appropriate emergency access.
27. A 24-hour emergency response phone number will be posted at all access gates and at regular intervals along the Project's fence line. Gates will have a number to identify each particular gate.

28. Emergency access to the Project site will be maintained through a Knox-box or other similar product which will be coordinated with the Mohawk Fire District and verified prior to receiving a certificate of compliance.
29. The Project Operator will provide to the Mohawk Fire District, as requested by the Fire District and at no expense to the Fire District, at least one training which will address the basics of emergency and fire response within this solar array, as well as project specific details such as locations of major equipment, shut-off procedures, and emergency shut-off switch locations.

Decommissioning:

30. As part of this Project's Site Plan Review, the Project Operator provided to the Town a detailed estimate for the costs to decommission the Project and return the site to its existing condition, in accordance with the Decommissioning Plan provided by the Project Operator.
31. Prior to the issuance of a Building Permit, Project Operator will provide to the Town cash, or a bond, or other form of security, in favor of the Town sufficient to cover the full cost of removal and disposal of the Project, as identified in the approved decommissioning cost estimate. The Project Operator will maintain this or other sufficient form of security throughout the operational life of the Project. The Town must be notified if there is any lapse in coverage.
32. In the event that the Project has been inoperative or abandoned for a period of twelve (12) consecutive months following the receipt of a certificate of occupancy, the Project Operator shall remove the utility-scale solar collector system and associated equipment by no later than 90 days after the end of the 12 month period.
33. In the event that the Project has been inoperative or abandoned for a period of twelve (12) consecutive months, the Town Code Enforcement Officer shall provide written notice to the owner to remove the utility-scale solar collector system, including any associated accessory structures and/or equipment, and restore the site to a condition approved by the Planning Board. If the owner, applicant, or lessee fails to remove the collector system and any associated structures or restore the site to the condition approved by the Planning Board, all costs that the Town incurred to remove the system and to comply with this condition shall be paid using the cash, bond or surety provided by the Project Operator.

Town of Mohawk
Zoning Board of Appeals
Thursday, April 18, 2024, 7:00 pm

Present: Zoning Board Chairman Henry Araujo, Board Members: Stan Mitchell, Robert Francisco, John Buccos, Julia Weil. Atty. Claudia Braymer (via Zoom). Code Enforcer Stan Waddle

Present from the public: Dana Pickett (Cipriani Solar), Michael Quinn (Cipriani Solar), Chris Foss (Newkirk Subdivision), William Newkirk, Daniel Rickard (special permit), Tony Bruno (Rickard's special permit).

The meeting was called to order by Chairman Araujo at 7:00 pm.

Chairman Araujo introduced the Board, Recording Secretary and Code Officer to the applicants and public. Attorney Braymer via Zoom.

Chairman Henry Araujo made a motion to accept the minutes from the September 21, 2023 ZBA meeting and Julia Weil seconded the motion. All were in favor. None opposed.

William Newkirk requested an Area Variance to allow a smaller than allowed lot size for three mobile homes that are located in his trailer park off Old Trail Road. The three trailers have their own separate septic systems and a well that feeds all three. The SEQR was approved by the Planning Board at their April 16, 2024 meeting. Stan Mitchell made a motion to open the Public Hearing and Robert Francisco seconded the motion. All were in favor. None opposed. Motion to review the Five Factors for Consideration of a Variance was made by Robert Francisco and seconded by Julia Weil. All were in favor. None opposed. John Buccos made a motion of Negative Declaration for the SEQR and Stan Mitchell seconded the motion. All were in favor. None opposed. Motion granted and the variance was approved. Julia Weil made a motion to submit this area variance to the County Planning Board and John Buccos seconded the motion. All in favor. None opposed. The TOM Planning Board will also be notified that the ZBA approved the variance. Atty. Braymer will draft a resolution and will email it to Code Enforcer Stan Waddle for Chairman Henry Araujo's signature.

Cipriani Energy's/White Solar Project requested an area variance to reduce a required 250 foot setback to a 50 foot setback to the adjoining Varin parcel on Stoner Trail Road. Mr. Varin submitted a letter in support of allowing the lesser setback. The Planning Board approved the SEQR at their April 16, 2024 meeting and the Site plan contingent on the variances being approved by the ZBA. Mr. Quinn (Cipriani Solar) gave a presentation on the proposed project. The following were discussed: additional screening, shepherds maintaining the land inside the panels, perimeter accessibility for the fire department, roadway maintenance, seed mixes for

grass, bat and bird houses. Julia Weil made a motion that the ZBA accepts that the Planning Board will take lead agency for this project. Robert Francisco seconded the motion. All were in favor. None opposed. Five Factors for Consideration of a Variance were read by Julia Weil and reviewed. Stan Mitchell made a motion to grant the variance and Julia Weil seconded the motion. All were in favor. None opposed. John Buccos stated that he was only approving of this variance because of the 400 foot plus setback off of the Stoner Trail road. He noted that he does not want to set a precedence. This approval is only particular to this variance only. John Buccos also stated that if the 50 foot setback was in the front of the project he would not have approved it. Stan Mitchell made a motion to send this to the County Planning Board and Robert Francisco seconded the motion. All were in favor. None opposed. Motion carried and variance was approved. Atty. Braymer will draft a resolution and will email it to Code Enforcer Stan Waddle for Chairman Henry Araujo's signature.

Cipriani Energy's/White Solar Project requested an area variance to reduce the required 250 foot setback to 50 foot to adjoining White parcel on Stoner Trail Road. The White family submitted a letter in support of allowing the lesser setback. Five Factors of Consideration of a Variance were read by Julia Weil and reviewed. Julia Weil made a motion to grant the variance and Robert Francisco seconded the motion. All were in favor. None opposed. Motion carried and variance was granted. Henry Araujo made a motion to include in the minutes that the ZBA is not setting a precedence by approving the variances for both Cipriani Projects. Approval is only particular to these two projects. Julia Weil seconded the motion. All were in favor. None opposed. Henry Araujo made a motion to refer this variance to the TOM Planning Board and the Montgomery County Planning Board All were in favor. None opposed. Motion carried. Atty. Braymer will draft a resolution and will email it to Code Enforcer Stan Waddle for Chairman Henry Araujo's signature.

Daniel Rickard requested a special permit to allow a storage building (mainly for his personal use) in B-2 Zone on a parcel on the corner of Stoner Trail Road and NYS Route 30A. Stan Mitchell asked Mr. Rickard why he didn't put the storage container on his existing property across the road. Mr. Rickard noted that there wasn't the room on his existing property across the road. Code Enforcer Stan Waddle reported that he has the road frontage that is needed for the storage unit and the County didn't have a problem with its placement. The Scenic By Ways also didn't have any concerns, but indicated that signs couldn't be painted on the side of the trailer. Code Enforcer Stan Waddle noted that he (Mr. Rickard) will have to acquire a driveway permit from the County. Part of the Building Permit Application is that Mr. Rickard will need to have the proper permits in place. Mr. Buccos and Mr. Mitchell both asked if the county had approved where the present driveway (the present location has been there since prior to Mr. Rickard purchasing the property in 2019) is in relation to the stop sign and intersection, Mr. Rickard is in communication with Eric Mead from the County as to the Driveway permit. Mr. Buccos stated that he would like to see a Site Plan. Code Enforcer Stan

Waddle stated that Mr. Rickard is aware that there may be property maintenance issues on both of his properties that may need to be corrected. Mr. Rickard explained to the Board that the purpose and use of the on the corner of Old Trail road and Rt 30A was have a place to park and store his RV Trailer, car trailer, Boat and the CONEX storage building to store mainly his personal materials and equipment. Atty. Braymer stated that the ZBA has the right to ask for additional information in order to make a decision on the special permit. John Buccos had concerns of the property located on the opposite side of the road where Mr. Rickard has his Truck Repair business becoming a junk yard as well as the property the CONEX building is on with the truck bed and tires on top of the CONEX building and questioned the limit of cars that are not licensed or road worthy. Code Enforcer Stan Waddle noted that it is not a residential area but is B-2 and the Storage Building is allowed with the granting of a special permit. Code Enforcer Stan Waddle will review the minutes of when the permit for the Truck Repair business located across the road was originally approved and it's conditions. The business is a NYS Licensed business. The license will be displayed on the new office that is being built. The address has also been changed on the license. Code Enforcer Waddle will further investigate the vehicles that are located on the Truck Repair property and advise the Board.

Henry Araujo made a motion to open Public Comment and John Buccos and Stan Mitchell seconded the motion. All were in favor. None opposed.

Tony Bruno expressed concerns about the aesthetics of the property owned by Daniel Rickard. He stated that "it doesn't look very nice". He noted that he doesn't know Mr. Rickard, but he seems nice. Mr. Buno stated that he has lived in the Town of Mohawk for 45 years and has seen many changes. Henry Araujo asked Mr. Bruno if he had any suggestions to make the property look better. Mr. Bruno wasn't sure on what could be done to make it look nice. Chairman Araujo asked the ZBA members what they recommended. John Buccos stated that he would like to see a Site Plan completed on the Special Permit request, Section (F) for the CONEX Storage building. It was suggested that the Section (F) Site Plan include the following: that it's a 170' x 130' parcel; setbacks to the CONEX building; if there will be fencing; location of the driveway; indicate buildings; mark the wells (the wells supply water to Mr. Rickard's house and property across the road (NYS Rt 30A) from this property); trees; and paint color for the storage unit (a neutral color); start date and completion date; and complete an area variance request because the lot size is less than the required size for the storage building. John Buccos made a motion to table Mr. Rickards application until the next ZBA meeting on May 30th at 7:00pm, Stan Mitchell seconded the motion. All were in favor. None opposed. The Public Hearing was left open for this special permit.
Code Enforcer Waddle will further investigate the vehicles that are located on the Truck Repair property and advise the Board.

Stan Mitchell made a motion to adjourn the meeting and Julia Weil seconded the motion. All were in favor. None opposed. The meeting was adjourned at 8:51 pm. The next ZBA meeting will take place on Thursday, May 30, 2024 at 7 pm.

Application #: 24-4-18 #2
Date: 4/5/2024
Name: Cipriani/White Solar Energy Project Varin Setback

TOWN OF MOHAWK NEW YORK

APPLICATION TO THE ZONING BOARD OF APPEALS

APPLICATION IS HEREBY MADE TO THE ZONING BOARD OF APPEALS FOR:

(CHECK APPROPRIATE BOX)

*** ( ) SPECIAL PERMIT; (COMPLETE BLOCKS A, B-1, B-2, F AND G)**

( ) USE VARIANCE; (COMPLETE BLOCKS A, B, F AND G)

(X) AREA VARIANCE; (COMPLETE BLOCKS A, B-2, C, F AND G)

( ) REVIEW OF A DECISION OF THE ZONING/ADMINISTRATIVE OFFICIAL; (COMPLETE BLOCKS A, D, F AND G)

( ) INTERPRETATION OF THE ZONING ORDINANCE; (COMPLETE BLOCKS E AND G)

***AS ACCEPTED IN THE ZONING ORDINANCE; REV. SEPTEMBER 24TH, 1998**

A.1. DESCRIPTION, LOCATION AND ZONING DISTRICT OF THE PREMISES INVOLVED:

This application involves a proposed 3.75 MWac community solar project to be located on a 13.6+/- acre leased portion of parcel 21.-2-10.1 on Stoner Trail Road in Montgomery County, New York. The project area is located in zoning district A.Agriculture/R-1 Residential. The full parcel spans 55.0+/- acres in total.

2. THE APPLICANT HAS OWNED OR WILL OWN THE SUBJECT PROPERTY AS OF (DATE)

The project area will be leased by applican

3. THE APPLICANT CERTIFIES OWNERSHIP OF ANY OF THE FOLLOWING ADJOINING PROPERTY:

The applicant currently has a lease option agreement with the landlord and will proceed to lease the project area when all permits have been obtained and construction is about to begin. In addition to parcel 21.-2-10.1, the landowner owns adjoining parcels 22.-1-4.1 and 21.-2-11.21

B.1. THE APPLICANT PROPOSES TO USE THE PREMISES FOR THE FOLLOWING PURPOSES: (GIVE DETAILS)

The applicant proposes to use the premises to install a ground mounted community solar facility that will feed approximately 3.75 MWac to the grid to be used locally. In addition to racking and solar panels, this project will also involve the installation of an access road, electric utility upgrades, power inverters, agricultural fencing, and vegetation for screening. The ground cover will be maintained by grazing sheep, and will be decommissioned/restored when the lease expires at a maximum of 40 years.

2. THE APPLICANT CONTENDS THAT THE PROPOSED USE WILL NOT BE INJURIOUS TO THE CHARACTER OF THE NEIGHBORHOOD FOR THE FOLLOWING REASONS:

Please reference attached letter

3. THE APPLICANT CONTENDS THAT NO PERMISSIBLE USE OF HIS PROPERTY WILL PERMIT A REASONABLE RETURN FOR THE FOLLOWING REASONS:

Please reference attached letter

C.1. THE APPLICANT REQUEST RELIEF FROM THE ZONING ORDINANCE PROPERTY RESTRICTIONS AS EXPLAINED BELOW

The applicant requests relief from the TOWN OF MOHAWK LOCAL LAW #1 2023 - Solar Energy, Section VI., C., 8. which states

> *"Setbacks. The Tier 3 Solar Energy Systems shall meet all applicable parcel line and other setback requirements of 250 feet. Fencing, collection lines, access roads and landscaping may occur within the setback."*

REQUEST: The applicant requests that the 250 ft setback from the Varin Enterprises LLC abutting parcel 21.-2-7 property line be reduced to 50 ft.

2.THE APPLICANT CERTIFIES THAT THE FOLLOWING SPECIAL CIRCUMSTANCES APPLY TO THIS PROPERTY BUT DO NOT APPLY GENERALLY TO LAND OR BUIDINGS IN THE NEIGHBORHOOD:

Please reference attached letter

3. THE APPLICANT CERTIFIES THAT THE RELIEF REQUESTED IS THE MINIMUM VARIANCE WHICH WILL ENABLE REASONABLE USE OF THIS PROPERTY FOR THE FOLLOWING REASONS:

Please reference the attached letter

D.1. THE APPLICANT REQUEST RELIEF FROM THE ACTION OF THE ZONING/ADMINISTRATIVE OFFICIAL WITH RESPECT TO THE FOLLOWING SECTION/ SECTIONS OF THE ZONING ORDINANCE:

The applicant requests relief from the TOWN OF MOHAWK LOCAL LAW #1 2023 - Solar Energy, Section:

-VI. Permitting Requirements for Tier 3 Solar Energy Systems.

-C. Solar Energy Facility Permit Standards.

-8. Setbacks. The Tier 3 Solar Energy Systems shall meet all applicable parcel line and other setback requirements of 250 feet. Fencing, collection lines, access roads and landscaping may occur within the setback.

2. THE APPLICANT REQUESTS A REVERSAL OF THE ZONING/ADMINISTRATIVE OFFICIAL DECISION REGARDING DOCUMENT NUMBER: NA

(ATTACH A COPY OF DENIED BUILDING PERMIT IF APPLICABLE)

E.1. AN INTERPRETATION IS REQUESTED OF THE ZONING ORDINACE PERTAINING TO: NA

(COMPLETE EACH ITEM THAT MAY APPLY)

ARTICLE: _____ **SECTION:** _____ **PARAGRAPH NO:**_____

PAGE NO:_____ **TABLE NO:**_____ **MAP NO:** _____

COMMENTS:_____

F.1. SUBMIT A MAP SHOWING : PROPERTY LINES; EXISTING AND PROPOSED STRUCTURES, WATER SUPPLY AND SEWAGE LINES; ALL WITH PROPER DIMENSIONS.

(LIST AND IDENTIFY ACCURATELY)

Please reference attached site plans

2. ESTIMATED COST OF PROJECT: $6,000,000

3. ESTIMATED TIME OF COMMENCEMENT: September, 2024

4. ESTIMATED TIME OF COMPLETION: December, 2024

G. APPLICANT INFORMATION

1. NAME: Yellow 22 LLC c/o Dana Pickett

2. ADDRESS 125 Wolf Road, Suite 312, Colonie, New York 12205

****

OWNER INFORMATION (IF OTHER THAN APPLICANT)

3. NAME: Lyman R. White Sr., Florence L. White, Lyman W. White Jr, John R. White

4. ADDRESS: 265 Stoner Trail Rd., Johnstown, NY 12095

****

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT ALL APPLICABLE FEDERAL AND STATE STATUTES HAVE BEEN COMPLIED WITH. I HAVE READ THE FOREGOING APPLICATION AND THE CONTENTS THEREOF ARE TRUE TO MY OWN KNOWLEDGE.

APPLICANT SIGNATURE: Dana Pickett
DATE: 4/05/24 Dana Pickett

OWNER SIGNATURE: Lyman R. White
DATE: 4/5/24 Lyman R White Sr.

OWNER SIGNATURE: Florence L. White
DATE: 4/5/24 Florence L White

OWNER SIGNATURE: Lyman W. White
DATE: 4/5/24 Lyman W White Jr.

OWNER SIGNATURE: John R. White
DATE: 4/5/2024 John R White

(ONLY IF NOT SAME AS APPLICANT)

CERTIFIED MAIL, RETURN RECEIPT REQUIRED (RETURNED TO TOM CODE OFFICE) - ALL LANDOWNERS WITHIN 500 FEET OF THE APPLICANTS PARCEL

WITNESSED BY: _____ **DATE:** _____

BOARD OF APPEALS RECEIVED: _____

FEE PAID: _____

To: Name: _____ Date: _____

Address: _____

Address: _____

You are receiving this notice as per the Town of Mohawk Zoning Laws because your property is located within 500 feet of the following property action, you are being notified by First Class Mail and Certified Mail, with Return card to Town of Mohawk Codes Office that:

S.B.L. (s) 21.-2-10.1 Located at: 254 Stoner Trail Rd, NY 12095 Zoned as: A Agriculture

Property Owned by: Lyman R. White, Florence L White, John R. White, and Lyman W. White

Applicate and/or Assisting Owner: Cipriani Energy Group – Yellow 22 LLC

- [x] Have an Application(s) submitted to the Town of Mohawk Planning Board for: [ ] Major Subdivision
  - [ ] Minor Subdivision [ ] Major Site Plan [x] Major Solar Site Plan [ ] Minor Site Plan
  - [ ] Special Permit [ ] Lot Line Adjustment
- [x] Have an application(s) submitted to the Town of Mohawk Zoning Board of Appeals for: [ ] Special Permit
  - [ ] Use Variance [x] Area Variance [ ] Review of Decision of the Zoning/Administrative Official
  - [ ] Interpretation of the Zoning Ordinance [ ] Special Permit

Reason for Application, the Project Description and attached Map showing the Project(s) Location:

[Site Plan (page 3) and Parcel Location (page 4)]

This application has been submitted to the Town of Mohawk Planning Board to achieve approval for a community solar project in your area.

Community solar projects such as the proposed project allow local residents to enjoy reduced electric bills as well as other benefits associated with local solar energy generation without having to install solar panels on their own property. Community members can subscribe to a community solar program and have their electric bills reduced by 10%. By consuming the energy generated by this facility locally, community members will also increase energy efficiency by reducing the losses associated with transmitting power over long distances. In addition, the land will continue to be used for agricultural purposes during the solar project's operation. Two to three years after the site is up and running, a seed mixture specially suited for sheep will be mature enough for sheep grazing. Sheep will maintain the pasture throughout the rest of the project's useful life, and the site will be herbicide free. This facility will generate sustainable, clean energy, and preserve the agricultural use of the land throughout the site's operation and after decommissioning *(At the end of the project's life, all equipment is removed, and the land is restored to its initial conditions)*.

The proposed project would construct a photovoltaic system producing up to 3.75 MWac on a ±14-acre portion of land located at 254 Stoner Trail Road in the Town of Mohawk, Montgomery, New York. The proposed project involves the installation of ground mounted photovoltaic panels as well as the associated access road, electric utility upgrades and perimeter fencing for the solar farm. The estimated project schedule for construction is from September, 2024 through December, 2024.

This project is applying to the Town of Mohawk Zoning Board for two Area Variances, one for the property to the east of the project parcel, and one to the west of the project parcel. The Area Variances are required to reduce the 250 feet setback from the neighboring property lines that the Town of Mohawk Tier 3 Solar project law requires. This project is asking the Zoning Board for the relief of 200 feet and to reduce the setback to 50 feet. The two neighboring properties that share the boundaries concerned with these setbacks have written letters to the Town of Mohawk in support of the project and the reduced setback from their property lines. The Zoning Board will make the final determination as to whether the Area Variances are allowed.

If you have any questions about this project or community solar in general, please feel free to contact me, Michael Quinn, via the contact information provided below. There will be public hearings with the Planning Board and Zoning Board regarding this project on the dates and times listed below. You are welcome to attend.

Planning Board Meeting:

Meeting Date: Tuesday, April 16, 2024 **Time:** 6 pm **Location:** Town of Mohawk Town Hall, 2-4 Park St, Fonda, NY

Public Hearing Date: Tuesday, April 16, 2024 **Time:** 6 pm **Location:** Town of Mohawk Town Hall

Zoning Board Meeting:

Meeting Date: Thursday April 18, 2024 **Time:** 7 pm **Location:** Town of Mohawk Town Hall, 2-4 Park St, Fonda,NY

Public Hearing Date: Thursday, April 18, 2024 **Time:** 7pm **Location:** Town of Mohawk Town Hall

You can contact: Michael Quinn (Cipriani Energy Group) regarding their application at: (855)-786-4383 Ext. 112 with any questions; voice your support and/or concerns regarding the above Application. You may Email: Michael Quinn (Cipriani Energy Group) at: m.quinn@ciprianienergyus.com.

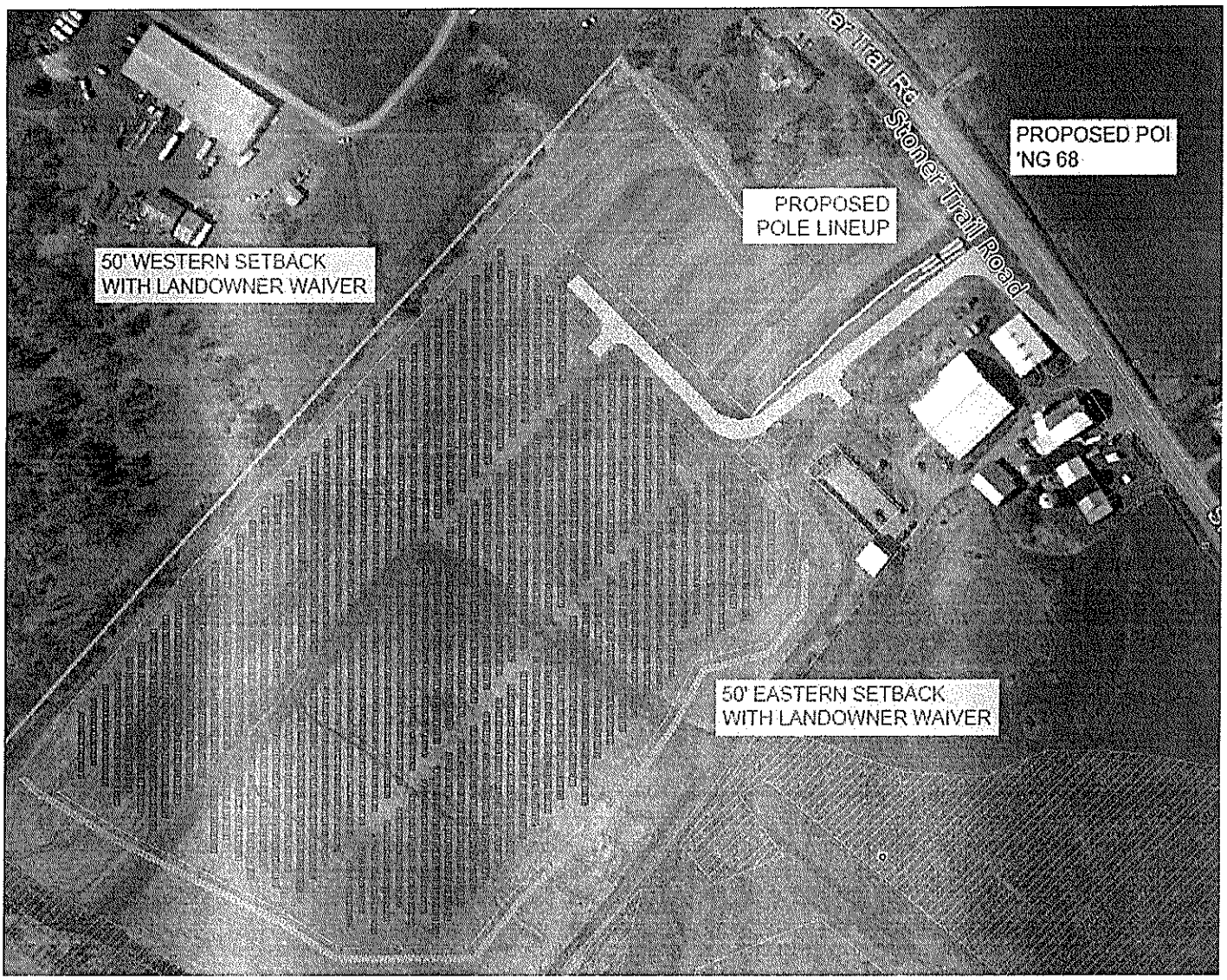
You can contact Janet De Palma, the Town of Mohawk Town Supervisor at (518)-853-3031, option 5, with any questions; voice your support and/or concerns regarding the above Application. You may Email Janet De Palma at: supervisor@townofmohawk.net

You can contact Stan Waddle, the Town of Mohawk Building & Zoning Code Official at (518)-571-9882 or (518)-774-0420 with any questions; voice your support and/or concerns regarding the above Application. You may email Stan Waddle at: zoning@townofmohawk.net

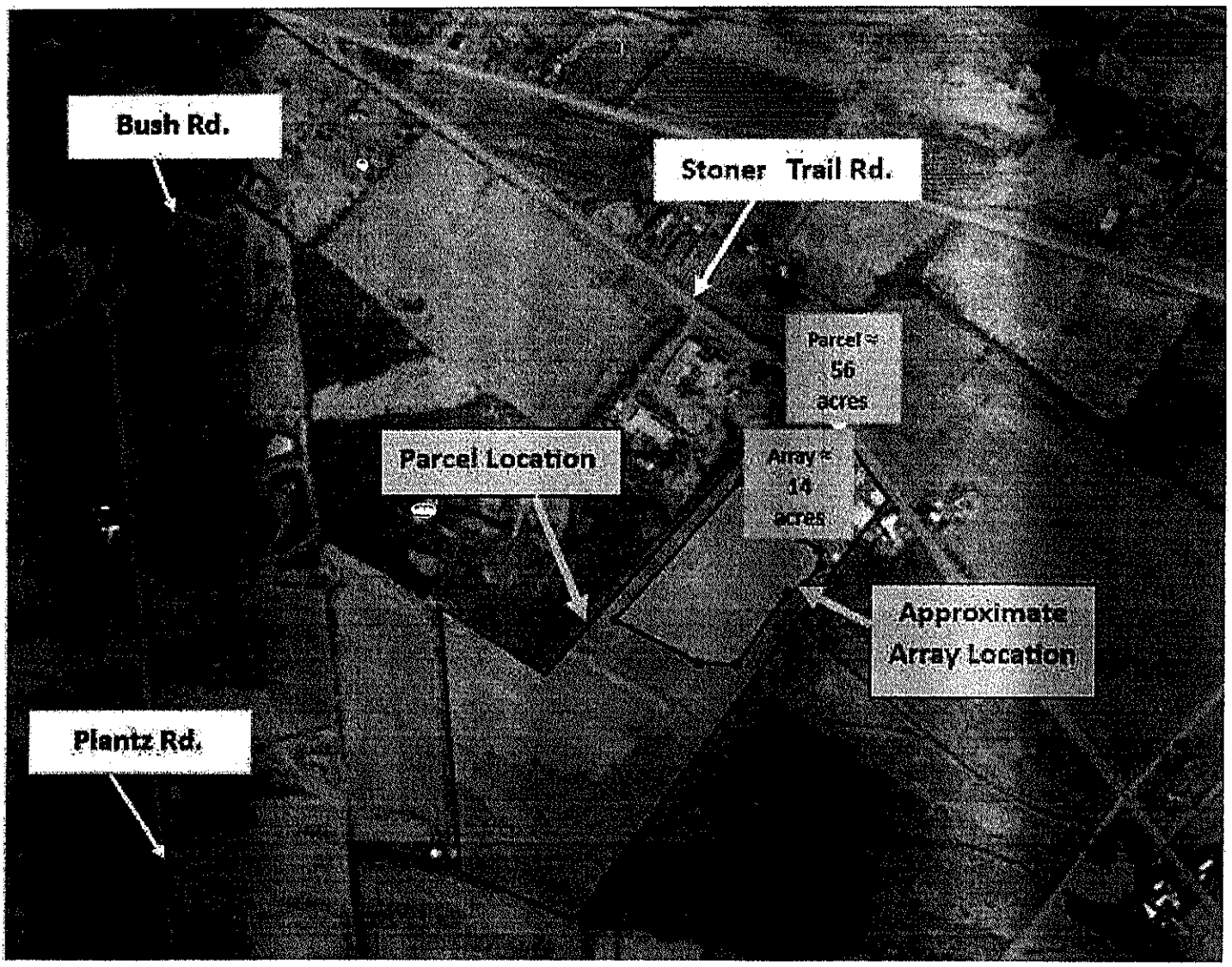
Those interested are welcome to attend the above designated meeting(s) at the date(s) and time(s) listed.

The project location and the site plan are displayed on the following pages.

Site Plan


Stoner Trail Road
PROPOSED POI
'NG 68
PROPOSED
POLE LINEUP
50' WESTERN SETBACK
WITH LANDOWNER WAIVER
50' EASTERN SETBACK
WITH LANDOWNER WAIVER

Project Location



CIPRIANI ENERGY GROUP
125 Wolf Road, Suite 312 Colonie, NY 12205 (855) 786-4383

Stan Waddle, Zoning Enforcement Officer
Town of Mohawk
2-4 Park Street
P.O. Box 415
Fonda, NY 12068

RE: Area Variance Request
Yellow 22 LLC and Cipriani Energy Group
Montgomery Solar Project on Stoner Trail Rd.
Town of Mohawk, Montgomery County, New York

Dear Mr. Waddle and Members of the Town of Mohawk Zoning Board,

Agrivoltaic Community Solar Projects greatly benefit local residents and the towns in which they live. In addition to distributing clean energy locally, these projects help agricultural communities preserve their land and character while creating economic opportunities for individual community members, landowners, local businesses, and the Town.

Cipriani Energy Group is proud to develop Yellow 22 LLC's proposed 3.75 +/- megawatt AC, 13.6 +/- acre agrivoltaic community solar project on Stoner Trail Road. Through this application, our team looks forward to presenting the benefits of this area variance while addressing concerns for potential harm. The merits of granting the area variance will be communicated by analyzing the five factors the NYSDOS requires for consideration. These factors, meant to evaluate the hardships and benefits related to granting an area variance to a potential development, include:

1. *whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;*
2. *whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;*
3. *whether the requested area variance is substantial;*
4. *whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and*
5. *whether an alleged difficulty is self-created.*

A detailed analysis of the five-factor test is provided on the following pages.

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125 Wolf Road, Suite 312 Colonie, NY 12205 (855) 786-4383

1) WHETHER AN UNDESIRABLE CHANGE WILL BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD, OR A DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED BY THE GRANTING OF THE AREA VARIANCE;

The granting of the area variance will not produce an undesirable change in the character of the neighborhood or cause a detriment to nearby properties. Conversely, granting the area variance will make a project that will provide numerous benefits to the neighborhood and the Town of Mohawk's surrounding areas possible. Several of these benefits include:

1. **Enhanced Agricultural Land Use and Soil Improvement**

This project is located in an agricultural community. In addition to producing energy, this project will provide pasture for sheep to graze. Sheep will provide pesticide-free site maintenance while growing into strong flocks that support the development of high-value domestic sheep production. Currently, the vast majority of sheep are imported. Ground-mounted solar's need for environmentally friendly maintenance combined with sheep herders' need for grazable land creates a symbiotic relationship that facilitates sustainable, environmentally friendly jobs, crops, and energy.

Over the life of the temporary project (maximum lease period of 40 years), rest and grazing will enhance the quality of the soil. While the project area is being used to produce clean energy, it will not be farmed by crops that rob the soil of its nutrients. Instead, the sheep will feed on specialized mix of nutrient rich grass and fertilize the land, improving the quality of soil over time. When the project is decommissioned and the site is restored, the soil on the project site will be richer and more fertile than it is in its current state.

This setback variance will expand the area being maintained by sheep, thus increasing the area of the land that is improved by fertilization.

2. **Preventing Urban Sprawl in Favor of Agricultural Land Use**

Two averages are increasing, the age of a farmer and the price of a house. These trends threaten the character of the neighborhood by encouraging the transition of farmland to residential land. As the price of housing in urban and suburban areas continues to skyrocket, affordable rural housing becomes more attractive. Farmers without better alternatives will choose to subdivide their land to provide lots for those seeking rural housing. More housing would lead to more traffic, traffic associated emissions, and household waste.

Providing farmers with an incentive to profitably maintain their land will prevent urban sprawl. Furthermore, the agrivoltaic maintenance program will support the budding solar-site sheep grazing industry, thus encouraging a new generation of workers to pursue agricultural careers.

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3. **Clean Power Produced Safely and Quietly and Consumed Locally**

This community solar facility will provide neighbors and the community at large with a safe, quiet, clean, sustainable, locally consumed energy source.

The project parcel and surrounding areas are currently safe and free of pollution. This project will not change the safe, clean character of the local environment as alternative power generation facilities, or the addition of other value-adding enterprises would. All equipment used has UL (Underwriters Laboratory) or equivalent certification which puts safety concerns to rest. In terms of pollution, the solar power facility's energy production process does not create contamination byproducts. In addition to preventing pollution, the nature of the facility prevents noise pollution as well. The most substantial noise generating components, the inverters, generate sound decibel levels that are lower than those created by a household refrigerator. The sound of the inverters attenuates over a short distance, and the minimal noise created will not be heard over the ambient noise of the environment.

Community solar provides homegrown *distributed generation* (power that is produced and consumed locally) which provides many advantages to the neighborhood and surrounding areas. By producing energy locally, the community minimizes the need to receive energy from power plants over long-distance transmission lines. Transmission lines create noise and wide easements that minimize the usefulness and desirability of land within the community. Long distance power transmission also results in power losses. Producing and distributing energy locally reduces these losses, increasing local energy efficiency.

4. **Energy Bill Savings**

The energy generated by this solar project supports a program that provides subscribers with the chance to save 10% on their electric bill. Program subscribers can enjoy cost savings related to solar energy production without installing panels on their own property. The number of community members able to enjoy the cost savings is proportional to the amount of energy produced making this project's production valuable to many new energy consumers.

5. **Direct Benefits to the Town**

The added value that this project creates for the land will provide potential for increased Town revenue. Although statue provides a 15-year relief of the increased taxes associated with the project's value addition, the Town can choose to capitalize on this added value and either negotiate for Payment in Lieu of Taxes (increased revenue for the Town due to value created by the project) or opt out of the program that relieves taxes and receive full taxation. The increased costs associated with higher taxes impact the economic feasibility of community solar projects, which makes the area variance, and the related increased production so important.

In addition to the potential for additional revenue, by approving this area variance, the Town will be preserving the character of the community it manages. Agricultural land will be improved, jobs will be supported, and damaging alternative developments will be prevented.

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2) WHETHER THE BENEFIT SOUGHT BY THE APPLICANT CAN BE ACHIEVED BY SOME METHOD WHICH WILL BE FEASIBLE FOR THE APPLICANT TO PURSUE BUT WOULD NOT REQUIRE A VARIANCE;

Due to restrictions on buildable area imposed by wetlands and Town's required setbacks, there is not a feasible way for the applicant to achieve the benefits that will be provided by this project without the area variance.

In order to respect the community's concerns regarding visual impact, there is extensive screening integrated into this project's design. The project area provides very little natural screening. Efforts dedicated to optimizing screening require a large investment in trees. The design with the allowed area variance provides a more efficient use of land that will incorporate excellent screening without demanding an excessive number of additional trees. Without the area variance, the cost of screening would be very damaging to the feasibility of the project.

Wetlands provide substantial obstacles to expanding the project to an appropriate size without the area variance. A design that connected an array on the southwestern portion of the parcel was considered, but ruled out due to poor feasibility. The southwestern area is extremely limited due to wetlands, wetland setbacks, and Town Code setbacks. The southwestern array was eliminated from the project design due to construction costs, wetland disturbance, and minimal added production.

Since the southern part of the parcel cannot be feasibly incorporated into this project, there is not a realistic opportunity to achieve this project's benefits without reducing the setbacks to create an efficiently shaped, well screened array that sits far away from the road.

3) WHETHER THE REQUESTED AREA VARIANCE IS SUBSTANTIAL;

The requested area variance strategically expands the project's buildable area to accommodate an efficient project design while maintaining adequate surrounding space to accommodate advantageous features and paths for movement. The limits of the requested area variance accommodate extensive screening, maintenance access, and room for farm equipment to navigate around the project as well as an adequate buffer between neighboring properties as can be verified by the neighboring parcel owner support. Without the area variance, the project size would be drastically reduced, greatly diminishing the project's feasibility and potential benefits.

4) WHETHER THE PROPOSED VARIANCE WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT; AND

As referenced in response to the first factor of evaluation, the proposed variance will have a positive impact on the physical and environmental conditions in the neighborhood and surrounding area. This project is, by nature, environmentally friendly and temporary. Throughout the limited life of this project, the quality of the soil will increase, traffic to and from the land will remain minimal, and no contaminants or waste will be produced. When the project is decommissioned and the land restored, farmland with soil richer than before, will be

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available for agricultural production. During the life of this project, the parcel will not be developed for residential, commercial, or any other waste-producing, traffic-increasing, environmentally damaging venture. The site will remain clean, safe, quiet, and productive, just as a farm should be.

(5) WHETHER AN ALLEGED DIFFICULTY IS SELF-CREATED."

Making the choice to develop an agrivoltaic community solar project involves many difficulties. Finding land with buildable area and hosting capacity suitable for a community solar project that a landowner is willing to lease is difficult. No parcel of land is perfect, and challenges must be overcome to develop a project that works for the community as well as the developer. The land on which this project is proposed to be built has high potential for a community solar project that greatly benefits the neighborhood and surrounding areas without causing harm. The Town's 250 ft setback presents a challenge to this project's viability. To overcome this challenge, this project has been designed in a manner that has garnered the endorsements of those who own the property related to the setbacks subject to area variance applications. Yellow 22 LLC and Cipriani Energy Group hope that the Zoning Board agrees that the benefits to granting this area variance outweigh the hardships, and like the neighbors who would potentially be impacted, endorses the approval of this area variance.

Thank you for reviewing the proposed 3.75 +/- megawatt AC Agrivoltaic Community Solar Project to be located on Stoner Trail Road. We look forward to discussing the Area Variance application at the Town of Mohawk Zoning Board of Appeals meeting on Thursday, April 18th.

Best regards,

Dana Pickett
Chief Operating Officer
Cipriani Energy Group
(518)556-3631 ext. 109
d.pickett@ciprianienergyus.com

[DATE] 3/16/2024

Town of Mohawk
Planning Board
2-4 Park Street
PO Box 415
Fonda, New York 12068

RE: *Letter in Support - Cipriani Energy Group Corp. Request for a setback reduction (254 Stoner Trail Road, Johnstown, New York 12095)*

Dear Planning Board Members:

Varin Enterprises, LLC ("Varin") is a New York limited liability company that owns certain real property located at Stoner Trail Road, Johnstown, New York 12095, which property borders property located at 254 Stoner Trail Road which is the subject of a potential solar project (the "Solar Project") of Cipriani Energy Group Corp. or its subsidiary, Yellow 22 LLC (collectively, "Cipriani").

It is our understanding that Cipriani has applied or intends to apply to the Town of Mohawk Planning Board (the "Planning Board") for a reduction of the setback requirement applicable to the Solar Project. Specifically, it is our understanding that Cipriani is seeking to reduce the applicable setback requirement as it relates to the border between the property owned by Varin and the Solar Project from two-hundred fifty (250) feet to fifty (50) feet.

Please let this letter serve as Varin's consent to and support of Cipriani's application or request for a reduction of the applicable setback requirements. Varin's consent and support as articulated herein shall be limited to the application or request of Cipriani or its successors or assigns, and shall not be construed as support or consent to a future application or request of a third party other than Cipriani or its successors or assigns.

Very truly yours,

Varin Enterprises, LLC

13468846_2

3. Environmental Resources

a. Tree-cutting. Removal of existing trees larger than [6] inches in diameter should be minimized to the extent possible.

b. To the extent practicable, Tier 2 Solar Energy System Owners shall utilize and maintain native perennial vegetation to provide foraging habitat for pollinators in all appropriate areas within the Facility Area.

c. Use integrated pest management practices to refrain from/limit pesticide use (including herbicides) for long-term operation and site maintenance.

C PID

VI. Permitting Requirements for Tier 3 Solar Energy Systems.

All Tier 3 Solar Energy Systems are permitted through the issuance of a solar energy facility permit within the Agricultural zoning district, and subject to site plan application requirements set forth in this Section.

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

1. Reviewed by the Planning Board for completeness. Applicants shall be advised within 30 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. This hearing shall be in compliance with all existing public hearing requirements established under law by the Town of Mohawk.

3. Referred to the Montgomery County Planning Board pursuant to General Municipal Law § 239-m if required.

4. Upon closing of the public hearing, the Planning Board shall take action on the application within 60-days of the public hearing, which can include approval, approval with conditions, or denial. The 60-day period may be extended upon consent by both the Planning Board and applicant.

B. Application & Site Plan Review Requirements. Applications for Tier 3 Solar Energy Systems, including materials for site plan review, shall include the following:

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

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

3. Nameplate Capacity of the Solar Energy System (as expressed in MW).

4. Zoning district designation for the parcel(s) of land comprising the Facility Area.

5. Property lines and physical features, including roads, for the project site.

6. Map(s) of MSG 1-4 soils and Active Agriculture Lands on the parcel(s) comprising the Facility Area and adjacent parcels.

7. Adjacent land uses on contiguous parcels within a certain radius of the site boundary.

8. Proposed changes to the landscape of the site, including site grading, vegetation clearing and planting, the removal of any large trees, access roads, exterior lighting, signage, fencing, landscaping, and screening vegetation or structures.

9. Erosion and sediment control and stormwater management plans prepared to NYS Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

10. A one- or three-line electrical diagram detailing the entire Solar Energy System layout, including the number of Solar Panels in each ground-mount array, solar collector installation, associated components, inverters, electrical interconnection methods, and utility meter, with all National Electrical Code compliant disconnects and over current devices. The diagram should describe the location and layout of all Battery Energy Storage System components if applicable and should include applicable setback and other bulk and area standards.

11. A preliminary equipment specification sheet that documents all proposed Solar Panels, system components, mounting systems, racking system details, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

12. A Property Operation and Maintenance Plan that describes continuing site maintenance, anticipated
dual use, and property upkeep, such as mowing and trimming.

13. A Decommissioning Plan signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant. The decommissioning plan shall address the following:

    a. The time required to decommission and remove the Solar Energy System and any ancillary structures.

    b. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

    c. The cost of decommissioning and removing the Solar Energy System, as well as all necessary site remediation or restoration.

    d. The provision of a decommissioning security which shall adhere to the following requirements:

        1. The deposit, executions, or filing with the Town of Mohawk Clerk of cash, bond, or other

form of security reasonably acceptable to the Town of Mohawk attorney, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal.

The amount of the bond or security shall be 115% of the cost of removal and site restoration for the Tier 3 Solar Energy System, and shall be revisited every [5] years and updated as needed to reflect any changes (due to inflation or other cost changes). The decommissioning amount shall be reduced by the amount of the estimated salvage value of the Solar Energy System.

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

C. Solar Energy Facility Permit Standards. Planning Board may issue a special use permit for a Tier 3 Solar Energy System only after it has found that all the following standards and conditions have been satisfied:

1. Underground Requirements. All utility lines located outside of the Facility Area shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

2. Vehicular Paths. Vehicular paths within the Facility Area shall be designed in compliance with Uniform Code requirements to ensure emergency access, while minimizing the extent of impervious materials and soil compaction.

3. Signage.

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

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

4. Glare. All Solar Panels shall have anti-reflective coating(s).

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

6. Multiple lots. At the discretion of the Planning Board, where a Tier 3 Solar Energy System's Facility Area comprises multiple lots (regardless of ownership by an individual or multiple participating landowners), the combined lots may be treated a single lot for the purposes of applying specific standards and requirements, including but not limited to [lot size, setback] requirements.

7. Lot size. The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements of the underlying zoning district.

8. Setbacks. The Tier 3 Solar Energy Systems shall meet all applicable parcel line and other setback requirements of 250 feet. Fencing, collection lines, access roads and landscaping may occur within the setback.

9. Height. The Tier 3 Solar Energy Systems shall comply with the building height limitations for Principal structures of the underlying zoning district.

   a. This height requirement can be waived by the Planning Board if the panels are being raised to accommodate continued or new agricultural purposes.

10. Lot coverage. Lot coverage of the Solar Energy System, as defined below, shall not exceed the maximum lot coverage requirement of the underlying zoning district. The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:

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

    b. All mechanical equipment of the Solar Energy System, including any pad mounted structure for Battery Energy Storage System components, switchboards, or transformers.

    c. Paved access roads servicing the Solar Energy System.

Alternatively, the requirement below measures a system's lot coverage by Solar Panel square footage and requires that the system not exceed a maximum lot coverage requirement established specifically for Ground-Mounted Solar Energy Systems.

    a. The Tier 3 Solar Energy System shall not exceed [60%] of the lot where it is installed. The surface area covered by Solar Panels shall be included in total lot coverage.

11. Fencing Requirements. All mechanical equipment, including any structure for Battery Energy Storage System components, shall be enclosed by a 7-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.

12. Screening and Visibility.

    a. Solar Energy Systems smaller than 10 acres 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.

b. Solar Energy Systems larger than 10 acres shall be required to:

1. Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, shall be required to be submitted by the applicant.

2. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practicable from public roadways and adjacent properties to the extent feasible.

i. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Town of Mohawk.

ii. The Planning Board may elect to waive certain screening and landscaping requirements in select locations based on an applicant's demonstration of non-impact or impact mitigation on adjacent parcels.

13. Environmental Resources

a. Tree-cutting. Removal of existing trees larger than [6] inches in diameter should be minimized to the extent possible.

b. Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing Native Perennial Vegetation and foraging habitat beneficial to game birds, songbirds, and Pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes and seed all appropriate areas within the Facility Area. Any project which is designed to incorporate agricultural or farm-related activities or uses within the Facility Area may be excluded from this requirement based on the amount of space actually occupied by the agricultural use(s). This exclusion will only be allowed based on the Planning Board's determination that these lands are being used for actual agricultural uses.

c. Use integrated pest management practices to refrain from/limit pesticide use (including herbicides) for long-term operation and site maintenance.

14. Agricultural Resources. Tier 3 Solar Energy Systems for which the Facility Area includes lands consisting of MSG 1-4 shall adhere to the following requirements:

a. Tier 3 Solar Energy System components, equipment, and associated impervious surfaces shall occupy no more than 50% of the area of MSG 1-4 within the Facility Area.

1. A Tier 3 Solar Energy System may exceed the [50%] MSG 1-4 coverage threshold if it incorporates an onsite activity or program which provides for the use of the land as a Farm Operation. Exceedance beyond the 50% threshold will only be allowed based on the Planning Board determination that the land is being used for a Farm Operation.

2. Subject to discretion of the Planning Board, if the landowner demonstrates that – notwithstanding the classification as MSG 1-4 – the land cannot be profitably employed due to excessive wetness, rocky conditions or slopes, the land may be excluded from the calculation required by this section.

b. To the maximum extent practicable, Tier 3 Solar Energy Systems located on MSG 1-4 shall be constructed, monitored, and decommissioned in accordance with the NYS Department of Agriculture and Markets' "Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands."

D. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the decommissioning plan. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within 30 days of the ownership change.

VII. Permitting Requirements for Tier 4 Solar Energy Systems.

All Tier 4 Solar Energy Systems are permitted through the issuance of a Solar Energy Facility Permit within the Agricultural zoning district, and are subject to the site plan and special use permit application requirements established for Tier 3 Solar Energy Systems in Section [8], in addition to (or in some cases amended by) the following requirements:

A. Applications for Tier 4 Solar Energy Systems shall:

1. Be reviewed by the Planning Board for completeness. Applicants shall be advised within 60 days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.

B. Pre-Application Meeting.

At least 60 days prior to the submission of an application, the Applicant shall conduct a pre-application meeting with the Planning Board to ensure all parties have clear expectations regarding any Town of Mohawk requirements applicable to the proposed Solar Energy System. A written request for this purpose shall be sent to the Planning Board. Submission and review of the application shall not be delayed based on the failure of the Planning Board to respond in a timely manner to a properly filed meeting request.

At the pre-application meeting, the Applicant must provide (1) a brief description of the proposed

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Montgomery Solar Project		
Project Location (describe, and attach a general location map): The property (Tax # 21.00-2-10.1) is located at 254 Stoner Trail Road, Town of Mohawk, Montgomery County, NY		
Brief Description of Proposed Action (include purpose or need): The proposed Project consists of a ±13.6 acre solar farm (3.75 MW-AC) on a ±55.0 acre parcel located off of Stoner Trail Road in the Town of Mohawk, Montgomery County, New York (Parcel ID: 21.00-2-10.1). The Project will involve the installation of ground-mounted photovoltaic panels, as well as an associated access road, electric utility upgrades, power inverters, perimeter fencing for the solar energy system, and stormwater management features.		
Name of Applicant/Sponsor: Yellow 22 LLC c/o Dana Pickett	Telephone: 855-786-4383 EXT 109 E-Mail: d.pickett@solrealgroup.com	
Address: 125 Wolf Road, Suite 312		
City/PO: Colonie	State: NY	Zip Code: 12205
Project Contact (if not same as sponsor; give name and title/role): Colliers Engineering & Design c/o Evan Comilloni, PE	Telephone: 518-389-1111 E-Mail: evan.comilloni@collierseng.com	
Address: 18 Corporate Woods Boulevard, 4th Floor		
City/PO: Albany	State: NY	Zip Code: 12211
Property Owner (if not same as sponsor): Lyman White SR, Lyman White JR, & Florence White	Telephone: N/A E-Mail: N/A	
Address: 265 Stoner Trail Road		
City/PO: Johnstown	State: NY	Zip Code: 12095

B. Government Approvals

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

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees ☐Yes ☑No		
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Site Plan Review, Special Use Permit	
c. City, Town or Village Zoning Board of Appeals ☑Yes ☐No	Yard Setback variance	
d. Other local agencies ☐Yes ☑No		
e. County agencies ☑Yes ☐No	Montgomery County 239 Referral	
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	SHPO Sign off, NYSERDA, NYSDAM Ag NOI, NYSDEC SPDES General Permit GP-0-20-001	
h. Federal agencies ☑Yes ☐No	USFWS - Section 7 Consultation	

i. Coastal Resources.

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

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

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐Yes ☑No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):

NYS Heritage Areas:Mohawk Valley Heritage Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No

If Yes, identify the plan(s):

C.3. Zoning

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

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

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

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

b. What police or other public protection forces serve the project site?
Montgomery County Sheriff, New York State Police

c. Which fire protection and emergency medical services serve the project site?
Town of Mohawk Fire Department

d. What parks serve the project site?
Pecks Hill State Forest

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)? Solar Farm

b. a. Total acreage of the site of the proposed action? ±55.0 acres
b. Total acreage to be physically disturbed? ±19.5 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? ±55.0 acres

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

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: 8 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐Yes ☑No
If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☑Yes ☐No
If Yes,
i. Total number of structures N/A
ii. Dimensions (in feet) of largest proposed structure: N/A height; N/A width; and N/A length
iii. Approximate extent of building space to be heated or cooled: N/A square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes ☑No
If Yes,
i. Purpose of the impoundment: _____
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____
iii. If other than water, identify the type of impounded/contained liquids and their source. _____
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐Yes ☑No
If Yes:
i. What is the purpose of the excavation or dredging? _____
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____
iv. Will there be onsite dewatering or processing of excavated materials? ☐Yes ☐No
If yes, describe. _____
v. What is the total area to be dredged or excavated? _____ acres
vi. What is the maximum area to be worked at any one time? _____ acres
vii. What would be the maximum depth of excavation or dredging? _____ feet
viii. Will the excavation require blasting? ☐Yes ☐No
ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes ☑No
If Yes:
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

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

_____

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No
If Yes, describe: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

d. Will the proposed action generate liquid wastes? ☐Yes ☑No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☐No
If Yes:

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

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

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

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes☐No

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

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

_____

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

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑Yes☐No

If Yes:

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

1,700 Square feet or 0.039 acres (impervious surface)

2,395,800 Square feet or ±55.0 acres (parcel size)

ii. Describe types of new point sources. None

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)?

On-site surface waters and stormwater management features

- If to surface waters, identify receiving water bodies or wetlands: On-site stream and wetlands
- Will stormwater runoff flow to adjacent properties? ☐Yes☑No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes☑No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

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

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

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

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☑No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 8 AM - 6 PM
- Saturday: 8 AM - 6 PM
- Sunday: N/A
- Holidays: N/A

ii. During Operations:

- Monday - Friday: N/A
- Saturday: N/A
- Sunday: N/A
- Holidays: N/A

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:

Noise levels will increase during construction due to construction equipment during the hours of 8 AM - 6 PM Monday - Saturday. Noise will be negligible following construction once the solar facility is in operation.

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

Describe: Existing vegetation will remain to the maximum extent practicable and only minor grading will occur.

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

If yes:

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

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

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

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

If Yes:

i. Product(s) to be stored _____

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

iii. Generally, describe the proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s):

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

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

If Yes:

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

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

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

ii. If mix of uses, generally describe:

Adjoining the property is a mix of rural (vacant farm land), agricultural, commercial land and a solar farm to the south.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.38	0.419	+0.039
• Forested	8.61	8.61	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	29.98	37.381	+7.401
• Agricultural (includes active orchards, field, greenhouse etc.)	10.06	2.32	-7.74
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	5.57	5.57	0
• Non-vegetated (bare rock, earth or fill) Dirt Tractor Path	0.40	0.29	-0.11
• Other Describe: Limited Use Pervious Access Road	0	0.41	+0.41

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☑ No

i. If Yes: explain: _____

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

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐ Yes ☑ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

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

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☑ No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? Not Encountered feet *bedrock not encountered during geotech investigation, borings ranged from 10 to 14ft below grade

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:

Madalin silty clay loam, 0 to 3% slopes (Ma)	44.6 %
Churchville silty clay loam, 0 to 3% slopes (ChA)	18.9 %
Mohawk silt loam, 8 to 15% slopes (MsC)	11.3 %

d. What is the average depth to the water table on the project site? Average: ±7.3 feet *ground water encountered at 7.3ft during geotech investigation, NRCS notes ground water can vary from 1 to 6ft

e. Drainage status of project site soils:

☑	Well Drained:	18.4 % of site
☐	Moderately Well Drained:	% of site
☑	Poorly Drained	81.6 % of site

f. Approximate proportion of proposed action site with slopes:

☑	0-10%:	88.7 % of site
☑	10-15%:	11.3 % of site
☐	15% or greater:	% of site

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? ☑ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name NYS Wetland Approximate Size NYS Wetland (in a...
- Wetland No. (if regulated by DEC) TH-5

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: Principal Aquifer

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

Raccoons	Gray Squirrels	Migratory Birds
White-tailed deer	Rabbits	Eastern Chipmunk

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): Northern Long-eared Bat (*Myotis septentrionalis*) listed as federally endangered.

According to the USFWS iPaC Report there may be potential for the Northern Long-eared Bat to occur in the vicinity of the project area. Typically tree clearing needs to be completed between November 1st to March 31st, however, there is no tree clearing proposed for this project

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: MONT002

b. Are agricultural lands consisting of highly productive soils present? ☑ Yes ☐ No

i. If Yes: acreage(s) on project site? 39 acres (Farmland of Statewide Importance & Prime Farmland)

ii. Source(s) of soil rating(s): NRCS Web Soil Survey

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

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

If Yes:

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

ii. Name: _____

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

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

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

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

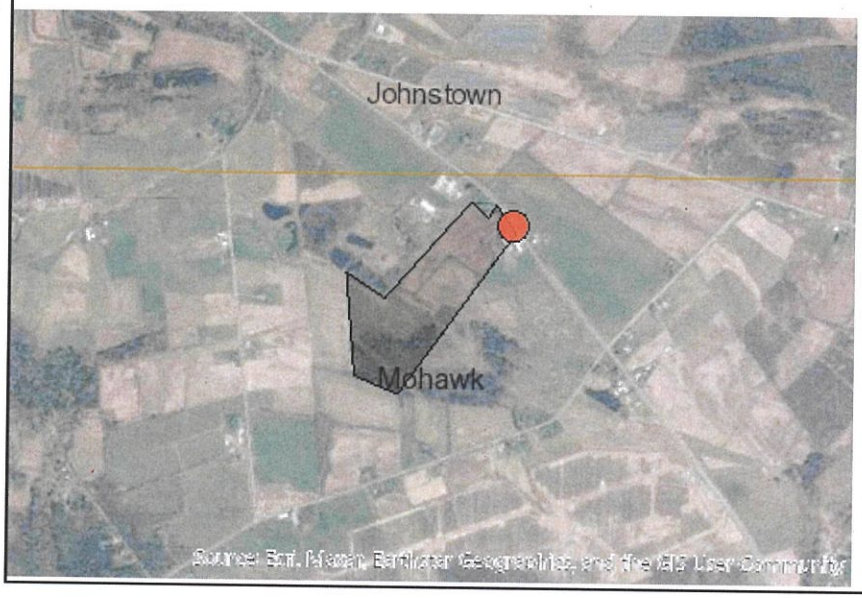
Applicant/Sponsor Name Evan Comilloni, PE as Agent for Yellow 22 LLC Date 04/05/2024

Signature Evan Comilloni Title Project Manager

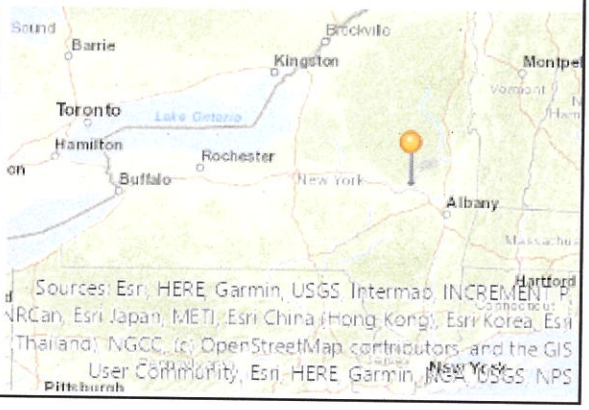
PRINT FORM

EAF Mapper Summary Report

Monday, April 1, 2024 3:02 PM

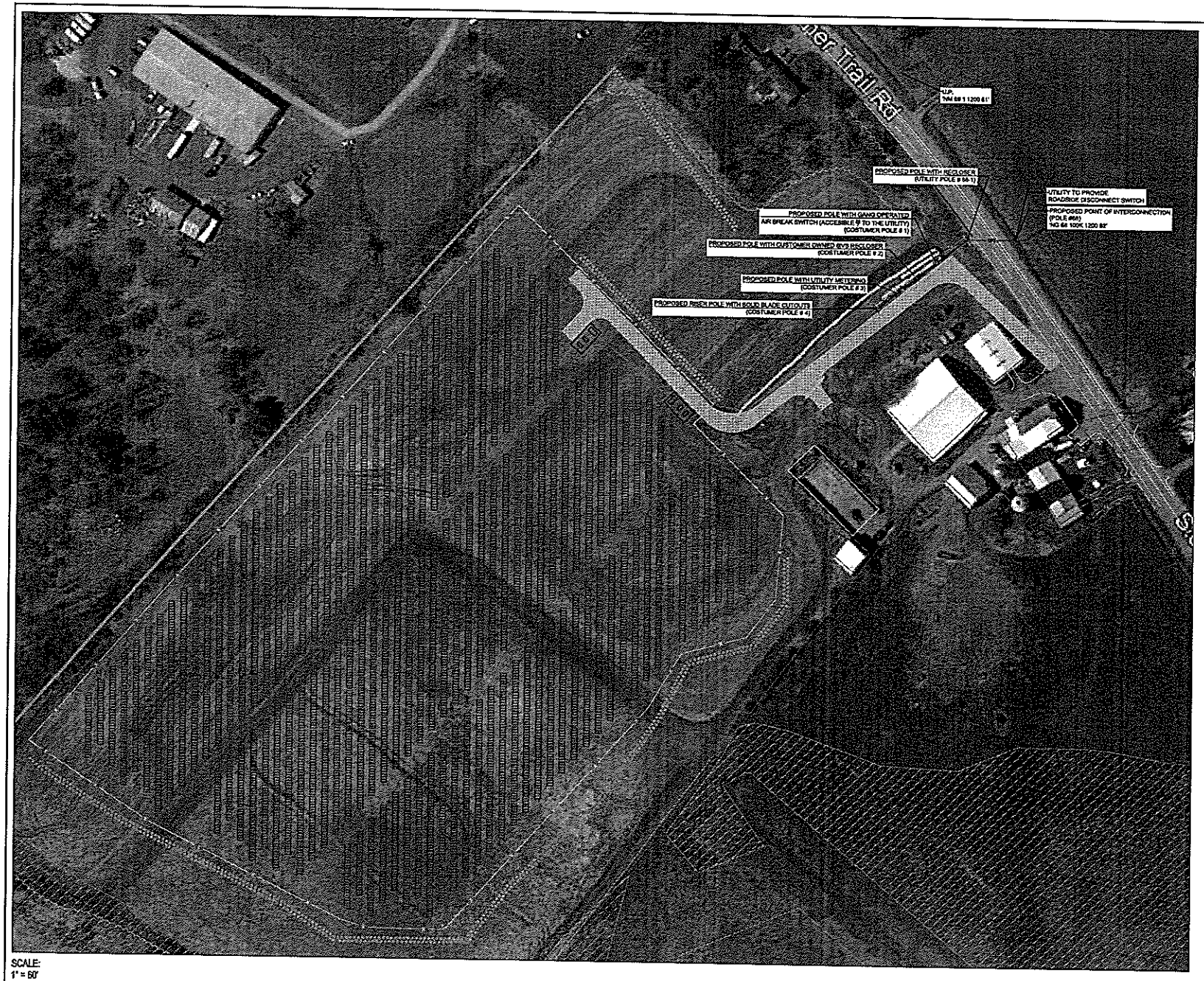


Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):40.8
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	TH-5
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No

E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	MONT002
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No



SCALE:
1" = 60'

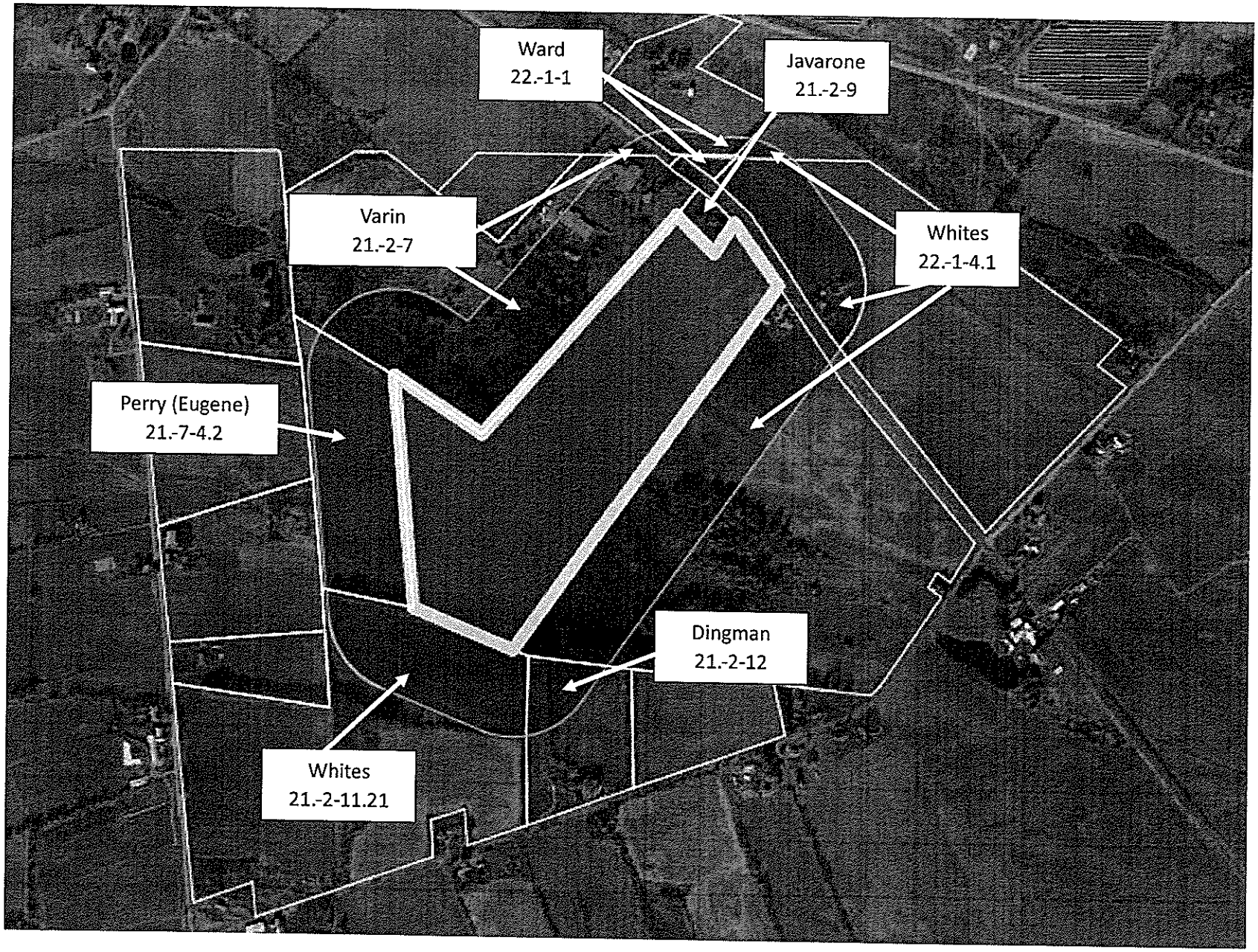
MONTGOMERY PROJECT

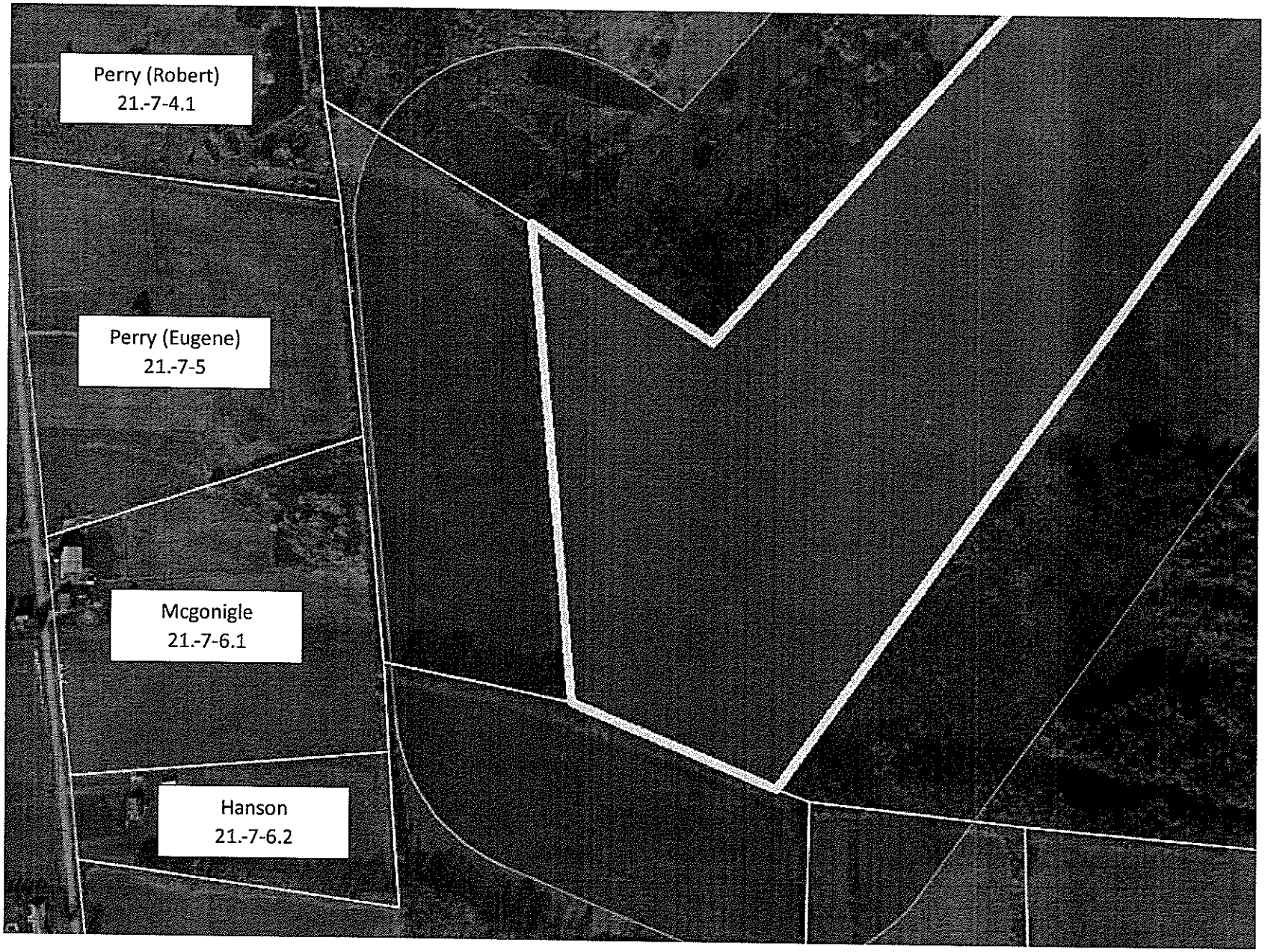
3.987 MWp
3.750 MW (AC)

254 Stoner Trail Rd,
Johnstone, NY 12095

CIPRIANI ENERGY GROUP

125 WOLF ROAD, SUITE 312
COLONIE, NY 12205


Ward
22.-1-1
Javarone
21.-2-9
Varin
21.-2-7
Whites
22.-1-4.1
Perry (Eugene)
21.-7-4.2
Dingman
21.-2-12
Whites
21.-2-11.21


Perry (Robert)
21.-7-4.1
Perry (Eugene)
21.-7-5
Mcgonigle
21.-7-6.1
Hanson
21.-7-6.2

CONDITIONS FOR CONSIDERING GRANTING AN AREA VARIANCE

BY THE TOWN OF MOHAWK ZONING BOARD

MONTGOMERY COUNTY, FONDA, NEW YORK

Reason For Application: Cipriani/White Request for Solar Setback Area Variance To Varin Enterprises Property

THE FIVE FACTORS FOR CONSIDERATION: Date: 04/18/2024

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance

Board Member	Yes	No	Abstain
John Buccos	_____	_____	_____
Bob Francisco	_____	_____	_____
Stan Mitchell	_____	_____	_____
Julie Weil	_____	_____	_____
Henry Araujo	_____	_____	_____

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Board Member	Yes	No	Abstain
John Buccos	_____	_____	_____
Bob Francisco	_____	_____	_____
Stan Mitchell	_____	_____	_____
Julie Weil	_____	_____	_____
Henry Araujo	_____	_____	_____

3. Whether the requested area variance is substantial.

Board Member	Yes	No	Abstain
John Buccos	_____	_____	_____
Bob Francisco	_____	_____	_____
Stan Mitchell	_____	_____	_____
Julie Weil	_____	_____	_____
Henry Araujo	_____	_____	_____

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Board Member	Yes	No	Abstain
John Buccos	_____	_____	_____
Bob Francisco	_____	_____	_____
Stan Mitchell	_____	_____	_____
Julie Weil	_____	_____	_____
Henry Araujo	_____	_____	_____

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the variance.

Board Member	Yes	No	Abstain
John Buccos	_____	_____	_____
Bob Francisco	_____	_____	_____
Stan Mitchell	_____	_____	_____
Julie Weil	_____	_____	_____
Henry Araujo	_____	_____	_____

SEQRA: Negative: _____ Positive: _____

CONDITIONS: (If a zoning board decides to grant an area variance, it may impose reasonable conditions to mitigate anticipated impacts of the variance.)

_____

_____

Motion to Grant / Deny the requested Variance made by: _____ Seconded by: _____

Board Member	Yes	No	Abstain
John Buccos	_____	_____	_____
Bob Francisco	_____	_____	_____
Stan Mitchell	_____	_____	_____
Julie Weil	_____	_____	_____
Henry Araujo	_____	_____	_____

Motion Carried: Approved _____ Denied _____

_____ _____

Chairman Henry Araujo Date

JANET DePALMA
Supervisor

KIMBERLY M. SULLIVAN
Town Clerk

WILLIAM D. HOLVIG
Highway Superintendent

TOWN OF MOHAWK

PO BOX 415 2-4 Park Street
Fonda, New York 12068-415
Phone: 518-853-3031 Fax: 518-853-3081
Court: 518-853-8865 Fax: 518-853-4730

TOWN OF MOHAWK ZONING BOARD

NOTICE OF PUBLIC HEARING ON APRIL 18, 2024, AT 7:00 PM

NOTICE IS HEARBY GIVEN, that the Town of Mohawk Zoning Board will hold a Public Hearing on Thursday, April 18, 2024, at 7:00 pm at the Town of Mohawk Town Hall, 2-4 Park Street, Fonda, NY. It is to review Cipriani Energy's Solar Project Request for an Area Variance to reduce the project setback on Parcel SBL: 21.-2-10.1, from 250 feet to 50 feet to the adjoining White Parcel SBL: 22.-1-4.1, bordered by Stoner Trail Rd.

PLEASE TAKE FURTHER NOTICE, that a copy of the above-mentioned applications will be available for public review and inspection at the Town of Mohawk Office of the Town Clerk; and

PLEASE TAKE FURTHER NOTICE, that all persons interested in being heard concerning the proposed applications will be given such opportunity during the public hearing at the time and date stated above.

Any questions, Comments and/or Concerns, you may contact Stan Waddle.

Dated: April 8, 2024

Stanley F. Waddle

Town of Mohawk
Building and Zoning Code Enforcement Official
PO Box 415
2-4 Park Street
Fonda, New York 12068
(518)-774-0420
zoning@townofmohawk.net

Application #: 24-4-18 #3
Date: 4/5/2024
Name: Cipriani/White Solar Energy Project White Setback

TOWN OF MOHAWK NEW YORK

APPLICATION TO THE ZONING BOARD OF APPEALS

APPLICATION IS HEREBY MADE TO THE ZONING BOARD OF APPEALS FOR:

(CHECK APPROPRIATE BOX)

*** ( ) SPECIAL PERMIT; (COMPLETE BLOCKS A, B-1, B-2, F AND G)**

( ) USE VARIANCE; (COMPLETE BLOCKS A, B, F AND G)

(X) AREA VARIANCE; (COMPLETE BLOCKS A, B-2, C, F AND G)

( ) REVIEW OF A DECISION OF THE ZONING/ADMINISTRATIVE OFFICIAL; (COMPLETE BLOCKS A, D, F AND G)

( ) INTERPRETATION OF THE ZONING ORDINANCE; (COMPLETE BLOCKS E AND G)

***AS ACCEPTED IN THE ZONING ORDINANCE; REV. SEPTEMBER 24TH, 1998**

A.1. DESCRIPTION, LOCATION AND ZONING DISTRICT OF THE PREMISES INVOLVED: This application involves a proposed 3.75 MWac community solar project to be located on a 13.6+/- acre leased portion of parcel 21.-2-10.1 on Stoner Trail Road in Montgomery County, New York. The project area is located in zoning district A.Agriculture/R-1 Residential. The full parcel spans 55.0+/- acres in total.

2. THE APPLICANT HAS OWNED OR WILL OWN THE SUBJECT PROPERTY AS OF The project area will be leased by applican **(DATE)**

3. THE APPLICANT CERTIFIES OWNERSHIP OF ANY OF THE FOLLOWING ADJOINING PROPERTY: The applicant currently has a lease option agreement with the landlord and will proceed to lease the project area when all permits have been obtained and construction is about to begin. In addition to parcel 21.-2-10.1, the landowner owns adjoining parcels 22.-1-4.1 and 21.-2-11.21

B.1. THE APPLICANT PROPOSES TO USE THE PREMISES FOR THE FOLLOWING PURPOSES: (GIVE DETAILS)

The applicant proposes to use the premises to install a ground mounted community solar facility that will feed approximately 3.75 MWac to the grid to be used locally. In addition to racking and solar panels, this project will also involve the installation of an access road, electric utility upgrades, power inverters, agricultural fencing, and vegetation for screening. The ground cover will be maintained by grazing sheep, and will be decommissioned/restored when the lease expires at a maximum of 40 years.

2. THE APPLICANT CONTENDS THAT THE PROPOSED USE WILL NOT BE INJURIOUS TO THE CHARACTER OF THE NEIGHBORHOOD FOR THE FOLLOWING REASONS:

Please reference attached letter

3. THE APPLICANT CONTENDS THAT NO PERMISSIBLE USE OF HIS PROPERTY WILL PERMIT A REASONABLE RETURN FOR THE FOLLOWING REASONS:

Please reference attached letter

C.1. THE APPLICANT REQUEST RELIEF FROM THE ZONING ORDINANCE PROPERTY RESTRICTIONS AS EXPLAINED BELOW

The applicant requests relief from the TOWN OF MOHAWK LOCAL LAW #1 2023 - Solar Energy, Section VI., C., 8. which states

> *"Setbacks. The Tier 3 Solar Energy Systems shall meet all applicable parcel line and other setback requirements of 250 feet. Fencing, collection lines, access roads and landscaping may occur within the setback."*

REQUEST: The applicant requests that the 250 ft setback from the White's 22.-1-4.1 property line be reduced to 50 ft.

2.THE APPLICANT CERTIFIES THAT THE FOLLOWING SPECIAL CIRCUMSTANCES APPLY TO THIS PROPERTY BUT DO NOT APPLY GENERALLY TO LAND OR BUIDINGS IN THE NEIGHBORHOOD:

Please reference attached letter

3. THE APPLICANT CERTIFIES THAT THE RELIEF REQUESTED IS THE MINIMUM VARIANCE WHICH WILL ENABLE REASONABLE USE OF THIS PROPERTY FOR THE FOLLOWING REASONS:

Please reference the attached letter

D.1. THE APPLICANT REQUEST RELIEF FROM THE ACTION OF THE ZONING/ADMINISTRATIVE OFFICIAL WITH RESPECT TO THE FOLLOWING SECTION/ SECTIONS OF THE ZONING ORDINANCE:

The applicant requests relief from the TOWN OF MOHAWK LOCAL LAW #1 2023 - Solar Energy, Section:

-VI. Permitting Requirements for Tier 3 Solar Energy Systems.

-C. Solar Energy Facility Permit Standards.

-8. Setbacks. The Tier 3 Solar Energy Systems shall meet all applicable parcel line and other setback requirements of 250 feet. Fencing, collection lines, access roads and landscaping may occur within the setback.

2. THE APPLICANT REQUESTS A REVERSAL OF THE ZONING/ADMINISTRATIVE OFFICIAL DECISION REGARDING DOCUMENT NUMBER: NA

(ATTACH A COPY OF DENIED BUILDING PERMIT IF APPLICABLE)

E.1. AN INTERPRETATION IS REQUESTED OF THE ZONING ORDINACE PERTAINING TO: NA

(COMPLETE EACH ITEM THAT MAY APPLY)

ARTICLE: _____ **SECTION:** _____ **PARAGRAPH NO:**_____

PAGE NO:_____ **TABLE NO:**_____ **MAP NO:** _____

COMMENTS:_____

_____

_____

_____

_____

_____

F.1. SUBMIT A MAP SHOWING : PROPERTY LINES; EXISTING AND PROPOSED STRUCTURES, WATER SUPPLY AND SEWAGE LINES; ALL WITH PROPER DIMENSIONS.

(LIST AND IDENTIFY ACCURATELY)

Please reference attached site plans

2. ESTIMATED COST OF PROJECT: $6,000,000

3. ESTIMATED TIME OF COMMENCEMENT: September, 2024

4. ESTIMATED TIME OF COMPLETION: December, 2024

G. APPLICANT INFORMATION

1. NAME: Yellow 22 LLC c/o Dana Pickett

2. ADDRESS 125 Wolf Road, Suite 312, Colonie, New York 12205

****

OWNER INFORMATION (IF OTHER THAN APPLICANT)

3. NAME: Lyman R. White Sr., Florence L. White, Lyman W. White Jr, John R. White

4. ADDRESS: 265 Stoner Trail Rd., Johnstown, NY 12095

****

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT ALL APPLICABLE FEDERAL AND STATE STATUTES HAVE BEEN COMPLIED WITH. I HAVE READ THE FOREGOING APPLICATION AND THE CONTENTS THEREOF ARE TRUE TO MY OWN KNOWLEDGE.

APPLICANT SIGNATURE: Dana Pickett

DATE: 4/05/24 Dana Pickett

OWNER SIGNATURE: Lyman R. White
DATE: 4/5/24 Lyman R White Sr.

OWNER SIGNATURE: Florence L White
DATE: 4/5/24 Florence L White

OWNER SIGNATURE: Lyman W. White
DATE: 4/5/24 Lyman W White Jr.

OWNER SIGNATURE: John R White
DATE: 4/5/2024 John R White

(ONLY IF NOT SAME AS APPLICANT)

CERTIFIED MAIL, RETURN RECEIPT REQUIRED (RETURNED TO TOM CODE OFFICE) - ALL LANDOWNERS WITHIN 500 FEET OF THE APPLICANTS PARCEL

WITNESSED BY: _____ **DATE:** _____

BOARD OF APPEALS RECEIVED: 4/11/2024

FEE PAID: N/C

CIPRIANI ENERGY GROUP
125 Wolf Road, Suite 312 Colonie, NY 12205 (855) 786-4383

Stan Waddle, Zoning Enforcement Officer
Town of Mohawk
2-4 Park Street
P.O. Box 415
Fonda, NY 12068

RE: Area Variance Request
Yellow 22 LLC and Cipriani Energy Group
Montgomery Solar Project on Stoner Trail Rd.
Town of Mohawk, Montgomery County, New York

Dear Mr. Waddle and Members of the Town of Mohawk Zoning Board,

Agrivoltaic Community Solar Projects greatly benefit local residents and the towns in which they live. In addition to distributing clean energy locally, these projects help agricultural communities preserve their land and character while creating economic opportunities for individual community members, landowners, local businesses, and the Town.

Cipriani Energy Group is proud to develop Yellow 22 LLC's proposed 3.75 +/- megawatt AC, 13.6 +/- acre agrivoltaic community solar project on Stoner Trail Road. Through this application, our team looks forward to presenting the benefits of this area variance while addressing concerns for potential harm. The merits of granting the area variance will be communicated by analyzing the five factors the NYSDOS requires for consideration. These factors, meant to evaluate the hardships and benefits related to granting an area variance to a potential development, include:

1. *whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;*
2. *whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;*
3. *whether the requested area variance is substantial;*
4. *whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and*
5. *whether an alleged difficulty is self-created.*

A detailed analysis of the five-factor test is provided on the following pages.

CIPRIANI ENERGY GROUP
125 Wolf Road, Suite 312 Colonie, NY 12205 (855) 786-4383

1) WHETHER AN UNDESIRABLE CHANGE WILL BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD, OR A DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED BY THE GRANTING OF THE AREA VARIANCE;

The granting of the area variance will not produce an undesirable change in the character of the neighborhood or cause a detriment to nearby properties. Conversely, granting the area variance will make a project that will provide numerous benefits to the neighborhood and the Town of Mohawk's surrounding areas possible. Several of these benefits include:

1. Enhanced Agricultural Land Use and Soil Improvement

This project is located in an agricultural community. In addition to producing energy, this project will provide pasture for sheep to graze. Sheep will provide pesticide-free site maintenance while growing into strong flocks that support the development of high-value domestic sheep production. Currently, the vast majority of sheep are imported. Ground-mounted solar's need for environmentally friendly maintenance combined with sheep herders' need for grazable land creates a symbiotic relationship that facilitates sustainable, environmentally friendly jobs, crops, and energy.

Over the life of the temporary project (maximum lease period of 40 years), rest and grazing will enhance the quality of the soil. While the project area is being used to produce clean energy, it will not be farmed by crops that rob the soil of its nutrients. Instead, the sheep will feed on specialized mix of nutrient rich grass and fertilize the land, improving the quality of soil over time. When the project is decommissioned and the site is restored, the soil on the project site will be richer and more fertile than it is in its current state.

This setback variance will expand the area being maintained by sheep, thus increasing the area of the land that is improved by fertilization.

2. Preventing Urban Sprawl in Favor of Agricultural Land Use

Two averages are increasing, the age of a farmer and the price of a house. These trends threaten the character of the neighborhood by encouraging the transition of farmland to residential land. As the price of housing in urban and suburban areas continues to skyrocket, affordable rural housing becomes more attractive. Farmers without better alternatives will choose to subdivide their land to provide lots for those seeking rural housing. More housing would lead to more traffic, traffic associated emissions, and household waste.

Providing farmers with an incentive to profitably maintain their land will prevent urban sprawl. Furthermore, the agrivoltaic maintenance program will support the budding solar-site sheep grazing industry, thus encouraging a new generation of workers to pursue agricultural careers.

CIPRIANI ENERGY GROUP
125 Wolf Road, Suite 312 Colonie, NY 12205 (855) 786-4383

3. **Clean Power Produced Safely and Quietly and Consumed Locally**

This community solar facility will provide neighbors and the community at large with a safe, quiet, clean, sustainable, locally consumed energy source.

The project parcel and surrounding areas are currently safe and free of pollution. This project will not change the safe, clean character of the local environment as alternative power generation facilities, or the addition of other value-adding enterprises would. All equipment used has UL (Underwriters Laboratory) or equivalent certification which puts safety concerns to rest. In terms of pollution, the solar power facility's energy production process does not create contamination byproducts. In addition to preventing pollution, the nature of the facility prevents noise pollution as well. The most substantial noise generating components, the inverters, generate sound decibel levels that are lower than those created by a household refrigerator. The sound of the inverters attenuates over a short distance, and the minimal noise created will not be heard over the ambient noise of the environment.

Community solar provides homegrown *distributed generation* (power that is produced and consumed locally) which provides many advantages to the neighborhood and surrounding areas. By producing energy locally, the community minimizes the need to receive energy from power plants over long-distance transmission lines. Transmission lines create noise and wide easements that minimize the usefulness and desirability of land within the community. Long distance power transmission also results in power losses. Producing and distributing energy locally reduces these losses, increasing local energy efficiency.

4. **Energy Bill Savings**

The energy generated by this solar project supports a program that provides subscribers with the chance to save 10% on their electric bill. Program subscribers can enjoy cost savings related to solar energy production without installing panels on their own property. The number of community members able to enjoy the cost savings is proportional to the amount of energy produced making this project's production valuable to many new energy consumers.

5. **Direct Benefits to the Town**

The added value that this project creates for the land will provide potential for increased Town revenue. Although statue provides a 15-year relief of the increased taxes associated with the project's value addition, the Town can choose to capitalize on this added value and either negotiate for Payment in Lieu of Taxes (increased revenue for the Town due to value created by the project) or opt out of the program that relieves taxes and receive full taxation. The increased costs associated with higher taxes impact the economic feasibility of community solar projects, which makes the area variance, and the related increased production so important.

In addition to the potential for additional revenue, by approving this area variance, the Town will be preserving the character of the community it manages. Agricultural land will be improved, jobs will be supported, and damaging alternative developments will be prevented.

CIPRIANI ENERGY GROUP
125 Wolf Road, Suite 312 Colonie, NY 12205 (855) 786-4383

2) WHETHER THE BENEFIT SOUGHT BY THE APPLICANT CAN BE ACHIEVED BY SOME METHOD WHICH WILL BE FEASIBLE FOR THE APPLICANT TO PURSUE BUT WOULD NOT REQUIRE A VARIANCE;

Due to restrictions on buildable area imposed by wetlands and Town's required setbacks, there is not a feasible way for the applicant to achieve the benefits that will be provided by this project without the area variance.

In order to respect the community's concerns regarding visual impact, there is extensive screening integrated into this project's design. The project area provides very little natural screening. Efforts dedicated to optimizing screening require a large investment in trees. The design with the allowed area variance provides a more efficient use of land that will incorporate excellent screening without demanding an excessive number of additional trees. Without the area variance, the cost of screening would be very damaging to the feasibility of the project.

Wetlands provide substantial obstacles to expanding the project to an appropriate size without the area variance. A design that connected an array on the southwestern portion of the parcel was considered, but ruled out due to poor feasibility. The southwestern area is extremely limited due to wetlands, wetland setbacks, and Town Code setbacks. The southwestern array was eliminated from the project design due to construction costs, wetland disturbance, and minimal added production.

Since the southern part of the parcel cannot be feasibly incorporated into this project, there is not a realistic opportunity to achieve this project's benefits without reducing the setbacks to create an efficiently shaped, well screened array that sits far away from the road.

3) WHETHER THE REQUESTED AREA VARIANCE IS SUBSTANTIAL;

The requested area variance strategically expands the project's buildable area to accommodate an efficient project design while maintaining adequate surrounding space to accommodate advantageous features and paths for movement. The limits of the requested area variance accommodate extensive screening, maintenance access, and room for farm equipment to navigate around the project as well as an adequate buffer between neighboring properties as can be verified by the neighboring parcel owner support. Without the area variance, the project size would be drastically reduced, greatly diminishing the project's feasibility and potential benefits.

4) WHETHER THE PROPOSED VARIANCE WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT; AND

As referenced in response to the first factor of evaluation, the proposed variance will have a positive impact on the physical and environmental conditions in the neighborhood and surrounding area. This project is, by nature, environmentally friendly and temporary. Throughout the limited life of this project, the quality of the soil will increase, traffic to and from the land will remain minimal, and no contaminants or waste will be produced. When the project is decommissioned and the land restored, farmland with soil richer than before, will be

CIPRIANI ENERGY GROUP
125 Wolf Road, Suite 312 Colonie, NY 12205 (855) 786-4383

available for agricultural production. During the life of this project, the parcel will not be developed for residential, commercial, or any other waste-producing, traffic-increasing, environmentally damaging venture. The site will remain clean, safe, quiet, and productive, just as a farm should be.

(5) WHETHER AN ALLEGED DIFFICULTY IS SELF-CREATED."

Making the choice to develop an agrivoltaic community solar project involves many difficulties. Finding land with buildable area and hosting capacity suitable for a community solar project that a landowner is willing to lease is difficult. No parcel of land is perfect, and challenges must be overcome to develop a project that works for the community as well as the developer. The land on which this project is proposed to be built has high potential for a community solar project that greatly benefits the neighborhood and surrounding areas without causing harm. The Town's 250 ft setback presents a challenge to this project's viability. To overcome this challenge, this project has been designed in a manner that has garnered the endorsements of those who own the property related to the setbacks subject to area variance applications. Yellow 22 LLC and Cipriani Energy Group hope that the Zoning Board agrees that the benefits to granting this area variance outweigh the hardships, and like the neighbors who would potentially be impacted, endorses the approval of this area variance.

Thank you for reviewing the proposed 3.75 +/- megawatt AC Agrivoltaic Community Solar Project to be located on Stoner Trail Road. We look forward to discussing the Area Variance application at the Town of Mohawk Zoning Board of Appeals meeting on Thursday, April 18th.

Best regards,

Dana Pickett
Chief Operating Officer
Cipriani Energy Group
(518)556-3631 ext. 109
d.pickett@ciprianienergyus.com

4/5, 2024

Town of Mohawk
Planning Board
2-4 Park Street
PO Box 415
Fonda, New York 12068

RE: *Letter in Support –Yellow 22 LLC's Request for a setback reduction (Solar Project at 254 Stoner Trail Road, Johnstown, New York 12095)*

Dear Planning Board Members:

Lyman R. White Sr., Florence L. White, Lyman W. White Jr., and John R. White (the "Landowners") own certain real property located on Stoner Trail Road, Johnstown, New York 12095, SBL 22.-1-4.1, which property borders the property located at 254 Stoner Trail Road which is the subject of a potential solar project of Cipriani Energy Group Corp. or its subsidiary, Yellow 22 LLC, or its successors or assigns (Collectively "Cipriani").

It is our understanding that Cipriani has applied or intends to apply to the Town of Mohawk Planning Board (the "Planning Board") for the elimination or waiver of the setback requirement applicable to the Solar Project as it relates to the border between the property owned by the Landowners and the Solar Project.

Please let this letter serve as the Landowners' consent to and in support of Cipriani's application or request for the elimination or waiver of the applicable setback requirements.

Very truly yours,

Lyman R. White
Lyman R. White, Sr.

Florence L. White
Florence L. White

Lyman W. White
Lyman W. White, Jr.

John R White
John R. White

13432664_1

3. Environmental Resources

a. Tree-cutting. Removal of existing trees larger than [6] inches in diameter should be minimized to the extent possible.

b. To the extent practicable, Tier 2 Solar Energy System Owners shall utilize and maintain native perennial vegetation to provide foraging habitat for pollinators in all appropriate areas within the Facility Area.

c. Use integrated pest management practices to refrain from/limit pesticide use (including herbicides) for long-term operation and site maintenance.

c PID

VI. Permitting Requirements for Tier 3 Solar Energy Systems.

All Tier 3 Solar Energy Systems are permitted through the issuance of a solar energy facility permit within the Agricultural zoning district, and subject to site plan application requirements set forth in this Section.

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

1. Reviewed by the Planning Board for completeness. Applicants shall be advised within 30 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. This hearing shall be in compliance with all existing public hearing requirements established under law by the Town of Mohawk.

3. Referred to the Montgomery County Planning Board pursuant to General Municipal Law § 239-m if required.

4. Upon closing of the public hearing, the Planning Board shall take action on the application within 60-days of the public hearing, which can include approval, approval with conditions, or denial. The 60-day period may be extended upon consent by both the Planning Board and applicant.

B. Application & Site Plan Review Requirements. Applications for Tier 3 Solar Energy Systems, including materials for site plan review, shall include the following:

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

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

3. Nameplate Capacity of the Solar Energy System (as expressed in MW).

4. Zoning district designation for the parcel(s) of land comprising the Facility Area.

5. Property lines and physical features, including roads, for the project site.

6. Map(s) of MSG 1-4 soils and Active Agriculture Lands on the parcel(s) comprising the Facility Area and adjacent parcels.

7. Adjacent land uses on contiguous parcels within a certain radius of the site boundary.

8. Proposed changes to the landscape of the site, including site grading, vegetation clearing and planting, the removal of any large trees, access roads, exterior lighting, signage, fencing, landscaping, and screening vegetation or structures.

9. Erosion and sediment control and stormwater management plans prepared to NYS Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

10. A one- or three-line electrical diagram detailing the entire Solar Energy System layout, including the number of Solar Panels in each ground-mount array, solar collector installation, associated components, inverters, electrical interconnection methods, and utility meter, with all National Electrical Code compliant disconnects and over current devices. The diagram should describe the location and layout of all Battery Energy Storage System components if applicable and should include applicable setback and other bulk and area standards.

11. A preliminary equipment specification sheet that documents all proposed Solar Panels, system components, mounting systems, racking system details, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

12. A Property Operation and Maintenance Plan that describes continuing site maintenance, anticipated
dual use, and property upkeep, such as mowing and trimming.

13. A Decommissioning Plan signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant. The decommissioning plan shall address the following:

    a. The time required to decommission and remove the Solar Energy System and any ancillary structures.

    b. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

    c. The cost of decommissioning and removing the Solar Energy System, as well as all necessary site remediation or restoration.

    d. The provision of a decommissioning security which shall adhere to the following requirements:

        1. The deposit, executions, or filing with the Town of Mohawk Clerk of cash, bond, or other

form of security reasonably acceptable to the Town of Mohawk attorney, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal.

The amount of the bond or security shall be 115% of the cost of removal and site restoration for the Tier 3 Solar Energy System, and shall be revisited every [5] years and updated as needed to reflect any changes (due to inflation or other cost changes). The decommissioning amount shall be reduced by the amount of the estimated salvage value of the Solar Energy System.

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

C. Solar Energy Facility Permit Standards. Planning Board may issue a special use permit for a Tier 3 Solar Energy System only after it has found that all the following standards and conditions have been satisfied:

1. Underground Requirements. All utility lines located outside of the Facility Area shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

2. Vehicular Paths. Vehicular paths within the Facility Area shall be designed in compliance with Uniform Code requirements to ensure emergency access, while minimizing the extent of impervious materials and soil compaction.

3. Signage.

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

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

4. Glare. All Solar Panels shall have anti-reflective coating(s).

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

6. Multiple lots. At the discretion of the Planning Board, where a Tier 3 Solar Energy System's Facility Area comprises multiple lots (regardless of ownership by an individual or multiple participating landowners), the combined lots may be treated a single lot for the purposes of applying specific standards and requirements, including but not limited to [lot size, setback] requirements.

7. Lot size. The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements of the underlying zoning district.

8. Setbacks. The Tier 3 Solar Energy Systems shall meet all applicable parcel line and other setback requirements of 250 feet. Fencing, collection lines, access roads and landscaping may occur within the setback.

9. Height. The Tier 3 Solar Energy Systems shall comply with the building height limitations for Principal structures of the underlying zoning district.

   a. This height requirement can be waived by the Planning Board if the panels are being raised to accommodate continued or new agricultural purposes.

10. Lot coverage. Lot coverage of the Solar Energy System, as defined below, shall not exceed the maximum lot coverage requirement of the underlying zoning district. The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:

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

    b. All mechanical equipment of the Solar Energy System, including any pad mounted structure for Battery Energy Storage System components, switchboards, or transformers.

    c. Paved access roads servicing the Solar Energy System.

Alternatively, the requirement below measures a system's lot coverage by Solar Panel square footage and requires that the system not exceed a maximum lot coverage requirement established specifically for Ground-Mounted Solar Energy Systems.

    a. The Tier 3 Solar Energy System shall not exceed [60%] of the lot where it is installed. The surface area covered by Solar Panels shall be included in total lot coverage.

11. Fencing Requirements. All mechanical equipment, including any structure for Battery Energy Storage System components, shall be enclosed by a 7-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.

12. Screening and Visibility.

    a. Solar Energy Systems smaller than 10 acres 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.

b. Solar Energy Systems larger than 10 acres shall be required to:

1. Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, shall be required to be submitted by the applicant.

2. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practicable from public roadways and adjacent properties to the extent feasible.

i. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Town of Mohawk.

ii. The Planning Board may elect to waive certain screening and landscaping requirements in select locations based on an applicant's demonstration of non-impact or impact mitigation on adjacent parcels.

13. Environmental Resources

a. Tree-cutting. Removal of existing trees larger than [6] inches in diameter should be minimized to the extent possible.

b. Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing Native Perennial Vegetation and foraging habitat beneficial to game birds, songbirds, and Pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes and seed all appropriate areas within the Facility Area. Any project which is designed to incorporate agricultural or farm-related activities or uses within the Facility Area may be excluded from this requirement based on the amount of space actually occupied by the agricultural use(s). This exclusion will only be allowed based on the Planning Board's determination that these lands are being used for actual agricultural uses.

c. Use integrated pest management practices to refrain from/limit pesticide use (including herbicides) for long-term operation and site maintenance.

14. Agricultural Resources. Tier 3 Solar Energy Systems for which the Facility Area includes lands consisting of MSG 1-4 shall adhere to the following requirements:

a. Tier 3 Solar Energy System components, equipment, and associated impervious surfaces shall occupy no more than 50% of the area of MSG 1-4 within the Facility Area.

1. A Tier 3 Solar Energy System may exceed the [50%] MSG 1-4 coverage threshold if it incorporates an onsite activity or program which provides for the use of the land as a Farm Operation. Exceedance beyond the 50% threshold will only be allowed based on the Planning Board determination that the land is being used for a Farm Operation.

2. Subject to discretion of the Planning Board, if the landowner demonstrates that – notwithstanding the classification as MSG 1-4 – the land cannot be profitably employed due to excessive wetness, rocky conditions or slopes, the land may be excluded from the calculation required by this section.

b. To the maximum extent practicable, Tier 3 Solar Energy Systems located on MSG 1-4 shall be constructed, monitored, and decommissioned in accordance with the NYS Department of Agriculture and Markets' "Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands."

D. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the decommissioning plan. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within 30 days of the ownership change.

VII. Permitting Requirements for Tier 4 Solar Energy Systems.

All Tier 4 Solar Energy Systems are permitted through the issuance of a Solar Energy Facility Permit within the Agricultural zoning district, and are subject to the site plan and special use permit application requirements established for Tier 3 Solar Energy Systems in Section [8], in addition to (or in some cases amended by) the following requirements:

A. Applications for Tier 4 Solar Energy Systems shall:

1. Be reviewed by the Planning Board for completeness. Applicants shall be advised within 60 days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.

B. Pre-Application Meeting.

At least 60 days prior to the submission of an application, the Applicant shall conduct a pre-application meeting with the Planning Board to ensure all parties have clear expectations regarding any Town of Mohawk requirements applicable to the proposed Solar Energy System. A written request for this purpose shall be sent to the Planning Board. Submission and review of the application shall not be delayed based on the failure of the Planning Board to respond in a timely manner to a properly filed meeting request.

At the pre-application meeting, the Applicant must provide (1) a brief description of the proposed

CONDITIONS FOR CONSIDERING GRANTING AN AREA VARIANCE

BY THE TOWN OF MOHAWK ZONING BOARD

MONTGOMERY COUNTY, FONDA, NEW YORK

Reason For Application: Cipriani/White Request for Solar Setback Area Variance To White Property

THE FIVE FACTORS FOR CONSIDERATION: Date: 04/18/2024

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance

Board Member	Yes	No	Abstain
John Buccos	_____	_____	_____
Bob Francisco	_____	_____	_____
Stan Mitchell	_____	_____	_____
Julie Weil	_____	_____	_____
Henry Araujo	_____	_____	_____

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Board Member	Yes	No	Abstain
John Buccos	_____	_____	_____
Bob Francisco	_____	_____	_____
Stan Mitchell	_____	_____	_____
Julie Weil	_____	_____	_____
Henry Araujo	_____	_____	_____

3. Whether the requested area variance is substantial.

Board Member	Yes	No	Abstain
John Buccos	_____	_____	_____
Bob Francisco	_____	_____	_____
Stan Mitchell	_____	_____	_____
Julie Weil	_____	_____	_____
Henry Araujo	_____	_____	_____

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Board Member	Yes	No	Abstain
John Buccos	_____	_____	_____
Bob Francisco	_____	_____	_____
Stan Mitchell	_____	_____	_____
Julie Weil	_____	_____	_____
Henry Araujo	_____	_____	_____

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the variance.

Board Member	Yes	No	Abstain
John Buccos	_____	_____	_____
Bob Francisco	_____	_____	_____
Stan Mitchell	_____	_____	_____
Julie Weil	_____	_____	_____
Henry Araujo	_____	_____	_____

SEQRA: Negative: _____ Positive: _____

CONDITIONS: (If a zoning board decides to grant an area variance, it may impose reasonable conditions to mitigate anticipated impacts of the variance.)

_____

_____

Motion to Grant / Deny the requested Variance made by: _____ Seconded by: _____

Board Member	Yes	No	Abstain
John Buccos	_____	_____	_____
Bob Francisco	_____	_____	_____
Stan Mitchell	_____	_____	_____
Julie Weil	_____	_____	_____
Henry Araujo	_____	_____	_____

Motion Carried: Approved _____ Denied _____

_____ _____

Chairman Henry Araujo Date

[DATE] 3/16/2024

Town of Mohawk
Planning Board
2-4 Park Street
PO Box 415
Fonda, New York 12068

RE: *Letter in Support - Cipriani Energy Group Corp. Request for a setback reduction (254 Stoner Trail Road, Johnstown, New York 12095)*

Dear Planning Board Members:

Varin Enterprises, LLC ("Varin") is a New York limited liability company that owns certain real property located at Stoner Trail Road, Johnstown, New York 12095, which property borders property located at 254 Stoner Trail Road which is the subject of a potential solar project (the "Solar Project") of Cipriani Energy Group Corp. or its subsidiary, Yellow 22 LLC (collectively, "Cipriani").

It is our understanding that Cipriani has applied or intends to apply to the Town of Mohawk Planning Board (the "Planning Board") for a reduction of the setback requirement applicable to the Solar Project. Specifically, it is our understanding that Cipriani is seeking to reduce the applicable setback requirement as it relates to the border between the property owned by Varin and the Solar Project from two-hundred fifty (250) feet to fifty (50) feet.

Please let this letter serve as Varin's consent to and support of Cipriani's application or request for a reduction of the applicable setback requirements. Varin's consent and support as articulated herein shall be limited to the application or request of Cipriani or its successors or assigns, and shall not be construed as support or consent to a future application or request of a third party other than Cipriani or its successors or assigns.

Very truly yours,

Varin Enterprises, LLC

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4/5, 2024

Town of Mohawk
Planning Board
2-4 Park Street
PO Box 415
Fonda, New York 12068

RE: *Letter in Support –Yellow 22 LLC's Request for a setback reduction (Solar Project at 254 Stoner Trail Road, Johnstown, New York 12095)*

Dear Planning Board Members:

Lyman R. White Sr., Florence L. White, Lyman W. White Jr., and John R. White (the "Landowners") own certain real property located on Stoner Trail Road, Johnstown, New York 12095, SBL 22.-1-4.1, which property borders the property located at 254 Stoner Trail Road which is the subject of a potential solar project of Cipriani Energy Group Corp. or its subsidiary, Yellow 22 LLC, or its successors or assigns (Collectively "Cipriani").

It is our understanding that Cipriani has applied or intends to apply to the Town of Mohawk Planning Board (the "Planning Board") for the elimination or waiver of the setback requirement applicable to the Solar Project as it relates to the border between the property owned by the Landowners and the Solar Project.

Please let this letter serve as the Landowners' consent to and in support of Cipriani's application or request for the elimination or waiver of the applicable setback requirements.

Very truly yours,

Lyman R. White
Lyman R. White, Sr.

Florence L. White
Florence L. White

Lyman W. White
Lyman W. White, Jr.

John R White
John R. White

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3. Environmental Resources

   a. Tree-cutting. Removal of existing trees larger than [6] inches in diameter should be minimized to the extent possible.

   b. To the extent practicable, Tier 2 Solar Energy System Owners shall utilize and maintain native perennial vegetation to provide foraging habitat for pollinators in all appropriate areas within the Facility Area.

   c. Use integrated pest management practices to refrain from/limit pesticide use (including herbicides) for long-term operation and site maintenance.

VI. Permitting Requirements for Tier 3 Solar Energy Systems.

All Tier 3 Solar Energy Systems are permitted through the issuance of a solar energy facility permit within the Agricultural zoning district, and subject to site plan application requirements set forth in this Section.

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

1. Reviewed by the Planning Board for completeness. Applicants shall be advised within 30 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. This hearing shall be in compliance with all existing public hearing requirements established under law by the Town of Mohawk.

3. Referred to the Montgomery County Planning Board pursuant to General Municipal Law § 239-m if required.

4. Upon closing of the public hearing, the Planning Board shall take action on the application within 60-days of the public hearing, which can include approval, approval with conditions, or denial. The 60-day period may be extended upon consent by both the Planning Board and applicant.

B. Application & Site Plan Review Requirements. Applications for Tier 3 Solar Energy Systems, including materials for site plan review, shall include the following:

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

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

3. Nameplate Capacity of the Solar Energy System (as expressed in MW).

4. Zoning district designation for the parcel(s) of land comprising the Facility Area.

5. Property lines and physical features, including roads, for the project site.

6. Map(s) of MSG 1-4 soils and Active Agriculture Lands on the parcel(s) comprising the Facility Area and adjacent parcels.

7. Adjacent land uses on contiguous parcels within a certain radius of the site boundary.

8. Proposed changes to the landscape of the site, including site grading, vegetation clearing and planting, the removal of any large trees, access roads, exterior lighting, signage, fencing, landscaping, and screening vegetation or structures.

9. Erosion and sediment control and stormwater management plans prepared to NYS Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

10. A one- or three-line electrical diagram detailing the entire Solar Energy System layout, including the number of Solar Panels in each ground-mount array, solar collector installation, associated components, inverters, electrical interconnection methods, and utility meter, with all National Electrical Code compliant disconnects and over current devices. The diagram should describe the location and layout of all Battery Energy Storage System components if applicable and should include applicable setback and other bulk and area standards.

11. A preliminary equipment specification sheet that documents all proposed Solar Panels, system components, mounting systems, racking system details, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

12. A Property Operation and Maintenance Plan that describes continuing site maintenance, anticipated
dual use, and property upkeep, such as mowing and trimming.

13. A Decommissioning Plan signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant. The decommissioning plan shall address the following:

    a. The time required to decommission and remove the Solar Energy System and any ancillary structures.

    b. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

    c. The cost of decommissioning and removing the Solar Energy System, as well as all necessary site remediation or restoration.

    d. The provision of a decommissioning security which shall adhere to the following requirements:

        1. The deposit, executions, or filing with the Town of Mohawk Clerk of cash, bond, or other

form of security reasonably acceptable to the Town of Mohawk attorney, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal.

The amount of the bond or security shall be 115% of the cost of removal and site restoration for the Tier 3 Solar Energy System, and shall be revisited every [5] years and updated as needed to reflect any changes (due to inflation or other cost changes). The decommissioning amount shall be reduced by the amount of the estimated salvage value of the Solar Energy System.

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

C. Solar Energy Facility Permit Standards. Planning Board may issue a special use permit for a Tier 3 Solar Energy System only after it has found that all the following standards and conditions have been satisfied:

1. Underground Requirements. All utility lines located outside of the Facility Area shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

2. Vehicular Paths. Vehicular paths within the Facility Area shall be designed in compliance with Uniform Code requirements to ensure emergency access, while minimizing the extent of impervious materials and soil compaction.

3. Signage.

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

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

4. Glare. All Solar Panels shall have anti-reflective coating(s).

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

6. Multiple lots. At the discretion of the Planning Board, where a Tier 3 Solar Energy System's Facility Area comprises multiple lots (regardless of ownership by an individual or multiple participating landowners), the combined lots may be treated a single lot for the purposes of applying specific standards and requirements, including but not limited to [lot size, setback] requirements.

7. Lot size. The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements of the underlying zoning district.

8. Setbacks. The Tier 3 Solar Energy Systems shall meet all applicable parcel line and other setback requirements of 250 feet. Fencing, collection lines, access roads and landscaping may occur within the setback.

9. Height. The Tier 3 Solar Energy Systems shall comply with the building height limitations for Principal structures of the underlying zoning district.

    a. This height requirement can be waived by the Planning Board if the panels are being raised to accommodate continued or new agricultural purposes.

10. Lot coverage. Lot coverage of the Solar Energy System, as defined below, shall not exceed the maximum lot coverage requirement of the underlying zoning district. The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:

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

    b. All mechanical equipment of the Solar Energy System, including any pad mounted structure for Battery Energy Storage System components, switchboards, or transformers.

    c. Paved access roads servicing the Solar Energy System.

Alternatively, the requirement below measures a system's lot coverage by Solar Panel square footage and requires that the system not exceed a maximum lot coverage requirement established specifically for Ground-Mounted Solar Energy Systems.

    a. The Tier 3 Solar Energy System shall not exceed [60%] of the lot where it is installed. The surface area covered by Solar Panels shall be included in total lot coverage.

11. Fencing Requirements. All mechanical equipment, including any structure for Battery Energy Storage System components, shall be enclosed by a 7-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.

12. Screening and Visibility.

    a. Solar Energy Systems smaller than 10 acres 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.

b. Solar Energy Systems larger than 10 acres shall be required to:

1. Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, shall be required to be submitted by the applicant.

2. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practicable from public roadways and adjacent properties to the extent feasible.

   i. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Town of Mohawk.

   ii. The Planning Board may elect to waive certain screening and landscaping requirements in select locations based on an applicant's demonstration of non-impact or impact mitigation on adjacent parcels.

13. Environmental Resources

a. Tree-cutting. Removal of existing trees larger than [6] inches in diameter should be minimized to the extent possible.

b. Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing Native Perennial Vegetation and foraging habitat beneficial to game birds, songbirds, and Pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes and seed all appropriate areas within the Facility Area. Any project which is designed to incorporate agricultural or farm-related activities or uses within the Facility Area may be excluded from this requirement based on the amount of space actually occupied by the agricultural use(s). This exclusion will only be allowed based on the Planning Board's determination that these lands are being used for actual agricultural uses.

c. Use integrated pest management practices to refrain from/limit pesticide use (including herbicides) for long-term operation and site maintenance.

14. Agricultural Resources. Tier 3 Solar Energy Systems for which the Facility Area includes lands consisting of MSG 1-4 shall adhere to the following requirements:

a. Tier 3 Solar Energy System components, equipment, and associated impervious surfaces shall occupy no more than 50% of the area of MSG 1-4 within the Facility Area.

1. A Tier 3 Solar Energy System may exceed the [50%] MSG 1-4 coverage threshold if it incorporates an onsite activity or program which provides for the use of the land as a Farm Operation. Exceedance beyond the 50% threshold will only be allowed based on the Planning Board determination that the land is being used for a Farm Operation.

2. Subject to discretion of the Planning Board, if the landowner demonstrates that – notwithstanding the classification as MSG 1-4 – the land cannot be profitably employed due to excessive wetness, rocky conditions or slopes, the land may be excluded from the calculation required by this section.

b. To the maximum extent practicable, Tier 3 Solar Energy Systems located on MSG 1-4 shall be constructed, monitored, and decommissioned in accordance with the NYS Department of Agriculture and Markets' "Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands."

D. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the decommissioning plan. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within 30 days of the ownership change.

VII. Permitting Requirements for Tier 4 Solar Energy Systems.

All Tier 4 Solar Energy Systems are permitted through the issuance of a Solar Energy Facility Permit within the Agricultural zoning district, and are subject to the site plan and special use permit application requirements established for Tier 3 Solar Energy Systems in Section [8], in addition to (or in some cases amended by) the following requirements:

A. Applications for Tier 4 Solar Energy Systems shall:

1. Be reviewed by the Planning Board for completeness. Applicants shall be advised within 60 days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.

B. Pre-Application Meeting.

At least 60 days prior to the submission of an application, the Applicant shall conduct a pre-application meeting with the Planning Board to ensure all parties have clear expectations regarding any Town of Mohawk requirements applicable to the proposed Solar Energy System. A written request for this purpose shall be sent to the Planning Board. Submission and review of the application shall not be delayed based on the failure of the Planning Board to respond in a timely manner to a properly filed meeting request.

At the pre-application meeting, the Applicant must provide (1) a brief description of the proposed

REFERRAL FORM
MONTGOMERY COUNTY PLANNING BOARD

Referral Number_____
assigned by the MCPB upon acceptance of referral for review

This Referral must be received **SEVEN CALENDAR DAYS** prior to the MCPB meeting date in order for it to be placed on the agenda.

TO: Montgomery County Planning Board,
Old County Courthouse,
PO Box 1500, Fonda, New York 12068
Phone: 518-853-8334
Fax: 518-853-8336

FROM: Municipal Board: Town of Mohawk Planning & Zoning Bds
Referring Officer: Patrick Clear and Henry Araujo
Mail original resolution to: Town of Mohawk
Atten: Town Clerk; Kim Sullivan, PO Box 415
2-4 Park Street, Fonda, New York 12068

1. **Applicant:** William Newkirk/Chris Foss - Advisor **2. Site Address:** 129 Old Trail Rd., Fonda, NY 12068

3. **Tax Map Number(s):** 37.-6-8.2 **4. Acres:** 21 plus acres

5. **Is the site currently serviced by public water?** [X] Yes [ ] No

6. **On-site waste water treatment is currently provided by:** [ ] Public Sewer or [X] Septic System

7. **Current Zoning:** R-M Residential Mobile Hom Prk **8. Current Land Use:** Mobile Home Park

9. **Project Description:** Owner wishes to create by subdivision a separate 3 trailer Mobile Home Park from the current Mobile Home Park The new Park will have its own well source and each home will have its own septic system. The Owner plans to keep the 3 Mobile Home Park and sell the larger park. But needs an Area Variance for less than minimum Lot size and Subdivision.

10. **MCPB Jurisdiction:**

[ ] **Text Adoption or Amendment** [X] **Site is located within 500' of:** _____

- [ ] a municipal boundary.
- [X] a State or County thruway/highway/roadway
- [X] an existing or proposed State or County park/recreation area Town Park
- [ ] an existing or proposed County-owned stream or drainage channel
- [ ] a State or County-owned parcel on which a public building or institution is situated
- [ ] a farm operation within an Agricultural District (Incl. Ag data Statement) (does not apply to area variances)

11. **PUBLIC HEARING:** Date: Planning Board April 16, 2024 Zoning Board April 18, 2024 Time: 6 PM 7 PM Location: TOM Town Hall TOM Town Hall

Referred Action(s)

If referring multiple, related actions, please identify the referring municipal board if different from above.

12. [ ] **Text Adoption or** [ ] **Amendment** **Referring Board:**

[ ] Comprehensive Plan [ ] Local Law [ ] Zoning Ordinance [ ] Other _____

13. [ ] **Zone Change** **Referring Board:**

Proposed Zone District: _____ Number of Acres: _____

Purpose of the Zone Change: _____

14. [ ] **Site Plan** [ ] **Project Site Review** **Referring Board:**

Proposed Improvements: Subdivision will only separate property and affect nothing else.

Proposed Use: Small Mobile Home Park

Will the proposed project require a variance? [X] Yes [ ] No Type: [X] Area [ ] Use

Specify: Area Variance for reduction of requirement of 5 acres for Mobile Home Park

Is a State of County DOT work permit needed? If Yes : [ ] State or [ ] County [X] No

Specify: _____

15. ☐ **Special Permit** **Referring Board:**

Section of local zoning code that requires a special permit for this use: _____

Will the proposed project require a variance? ☒ Yes ☐ No Type: ☒ Area ☐ Use

16. Variance **Referring Board:** TOM Zoning Board of Appeals

☒ Area ☐ Use

Section(s) of local zoning code to which the variance is being sought: TOM Local Zoning Law 2022; Schedule A; Mobile Home Park minimum Lot size

Describe how the proposed project varies from the above code section: _____

Minimum Lot size for a Mobile Home Park is 5 acres, proposed new park will be 1.6 acres, leaving 20 plus acres for the other Mobile Home Park.

SEQR Determination

Action:

- ☐ Type I
- ☐ Type II
- ☒ Unlisted Action
- ☐ Exempt

Finding:

- ☐ Positive Declaration – Draft EIS
- ☐ Conditional Negative Declaration
- ☒ Negative Declaration
- ☐ No Finding (Type II Only)

SEQR determination made by (Lead Agency): TOM Planning Board **Date**: 4/16/2024

REQUIRED MATERIAL

Send 3 copies of a "Full Statement of the Proposed Action" which includes:

All materials required by and submitted to the referring body as an application

- If submitting site plans, please submit only 1 large set of plans, and 12 11x17 packets.
- All material may be submitted digitally as well at http://www.mcbdc.org/planning-services/montgomery-county-planning-board-referrals/

This referral, as required by GML §239 l and m, includes complete information, and supporting materials to assist the Montgomery County Planning Board (MCPB) in its review. Recommendations by MCPB shall be made to the Referring Body within thirty days of receipt of the Full Statement.

Stanley F. Waddle; Zoning Code Official; (518)-774-0420 — 05/06/2024

Name, Title & Phone Number of Person Completing this Form — Transmittal Date

This side to be completed by Montgomery County Planning.

REFERRAL FORM

MONTGOMERY COUNTY PLANNING BOARD

TO: _____

Receipt of 239-m referral is acknowledged on _____. Please be advised that the Montgomery County Planning Board has reviewed the proposal stated on the opposite side of this form on _____ and makes the following recommendation.

☐ Approves

☐ Approves (with Modification)

☐ Disapproves:

☐ No significant County-wide or inter-community input

☐ Not subject to Planning Board review

☐ Took no action

Section 239-m of the General Municipal Law requires that within thirty days after final action by the municipality is taken; a report of the final action shall be filed with the County Planning Board.

_____
Date

_____
Kenneth F. Rose, Director
Montgomery County Dept. of Economic
Development and Planning

Agency Use Only [If applicable]

Project: Newkirk Trailer Park Subdivision

Date: 04/16/2024

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?	☑	☐

PRINT FORM

Agency Use Only [If applicable]

Project: Newkirk Trailer Park Sub

Date: 04/16/2024

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.

☐ 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 Mohawk Planning Board	4/16/24
Name of Lead Agency	Date
Patrick Clear	Chairman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

TOWN OF MOHAWK

PO BOX 415 2-4 Park Street
Fonda, New York 12068-415
Phone: 518-853-3031 Fax: 518-853-3081
Court: 518-853-8865 Fax: 518-853-4730

JANET DePALMA
Supervisor

KIMBERLY M. SULLIVAN
Town Clerk

WILLIAM D. HOLVIG
Highway Superintendent

TOWN OF MOHAWK ZONING BOARD

NOTICE OF PUBLIC HEARING ON APRIL 18, 2024, AT 7:00 PM

NOTICE IS HEARBY GIVEN, that the Town of Mohawk Zoning Board will hold a Public Hearing on Thursday, April 18, 2024, at 7:00 pm at the Town of Mohawk Town Hall, 2-4 Park Street, Fonda, NY. It is to review Newkirk's request for Area Variance of required Lot size involving Sub-division Application of Tax Parcel 37.-6-8.2, Mobile Home Park to create 2 separate parcels and parks, off Old Trail Rd.

PLEASE TAKE FURTHER NOTICE, that a copy of the above-mentioned applications will be available for public review and inspection at the Town of Mohawk Office of the Town Clerk; and

PLEASE TAKE FURTHER NOTICE, that all persons interested in being heard concerning the proposed applications will be given such opportunity during the public hearing at the time and date stated above.

Any questions, Comments and/or Concerns, you may contact Stan Waddle.

Dated: April 8, 2024

Stanley F. Waddle

Town of Mohawk
Building and Zoning Code Enforcement Official
PO Box 415
2-4 Park Street
Fonda, New York 12068
(518)-774-0420
zoning@townofmohawk.net

FILE # 2024-4-18-1 DATE ACCEPTED: 4/5/24

TOWN OF MOHAWK NEW YORK

APPLICATION TO THE ZONING BOARD OF APPEALS

APPLICATION IS HEREBY MADE TO THE ZONING BOARD OF APPEALS FOR:

(CHECK APPROPRIATE BOX)

*** ( ) SPECIAL PERMIT; (COMPLETE BLOCKS A, B-1, B-2, F AND G)**

( ) USE VARIANCE; (COMPLETE BLOCKS A, B, F AND G)

X) AREA VARIANCE; (COMPLETE BLOCKS A, B-2, C, F AND G)

( ) REVIEW OF A DECISION OF THE ZONING/ADMINISTRATIVE OFFICIAL; (COMPLETE BLOCKS A, D, F AND G)

( ) INTERPRETATION OF THE ZONING ORDINANCE; (COMPLETE BLOCKS E AND G)

***AS ACCEPTED IN THE ZONING ORDINANCE; REV. SEPTEMBER 24TH, 1998**

X **A.1. DESCRIPTION, LOCATION AND ZONING DISTRICT OF THE PREMISES INVOLVED:** The owner wishes to split a 1.6 acre lot with three trailers off of a 20+/- trailer park, keeping the small lot and conveying the remainder. One of the three trailers is his mothers. The lot will have an access easement from Old Trail Road and Shirley Street. The property is zoned R-M tax map IID 37.-6-8.2

X **2. THE APPLICANT HAS OWNED OR WILL OWN THE SUBJECT PROPERTY AS OF** 01/08/2001 **(DATE)**

X **3. THE APPLICANT CERTIFIES OWNERSHIP OF ANY OF THE FOLLOWING ADJOINING PROPERTY:** He owns another lot on the north side of Old Trail Road

B.1. THE APPLICANT PROPOSES TO USE THE PREMISES FOR THE FOLLOWING PURPOSES: (GIVE DETAILS)

Use willl remain unchanged

X2. THE APPLICANT CONTENDS THAT THE PROPOSED USE WILL NOT BE INJURIOUS TO THE CHARACTER OF THE NEIGHBORHOOD FOR THE FOLLOWING REASONS:

There no change to the character of the neighborhood as there will be no noticiable change to use or the structures on the lot

3. THE APPLICANT CONTENDS THAT NO PERMISSIBLE USE OF HIS PROPERTY WILL PERMIT A REASONABLE RETURN FOR THE FOLLOWING REASONS:

N/A

XC.1. THE APPLICANT REQUEST RELIEF FROM THE ZONING ORDINANCE PROPERTY RESTRICTIONS AS EXPLAINED BELOW:

the minimum lot size in the R-M zone is supposedly five acres. The owner wishes to keep these three trailers one of which being his mother's, and there is no way to make that lot reach the minimal acreage

X2.THE APPLICANT CERTIFIES THAT THE FOLLOWING SPECIAL CIRCUMSTANCES APPLY TO THIS PROPERTY BUT DO NOT APPLY GENERALLY TO LAND OR BUIDINGS IN THE NEIGHBORHOOD:

The R-M Zone is primarily this parcel and two or three others and doesn't affect the other lots in the neighborhood.

X **F.1. SUBMIT A MAP SHOWING : PROPERTY LINES; EXISTING AND PROPOSED STRUCTURES, WATER SUPPLY AND SEWAGE LINES; ALL WITH PROPER DIMENSIONS.**

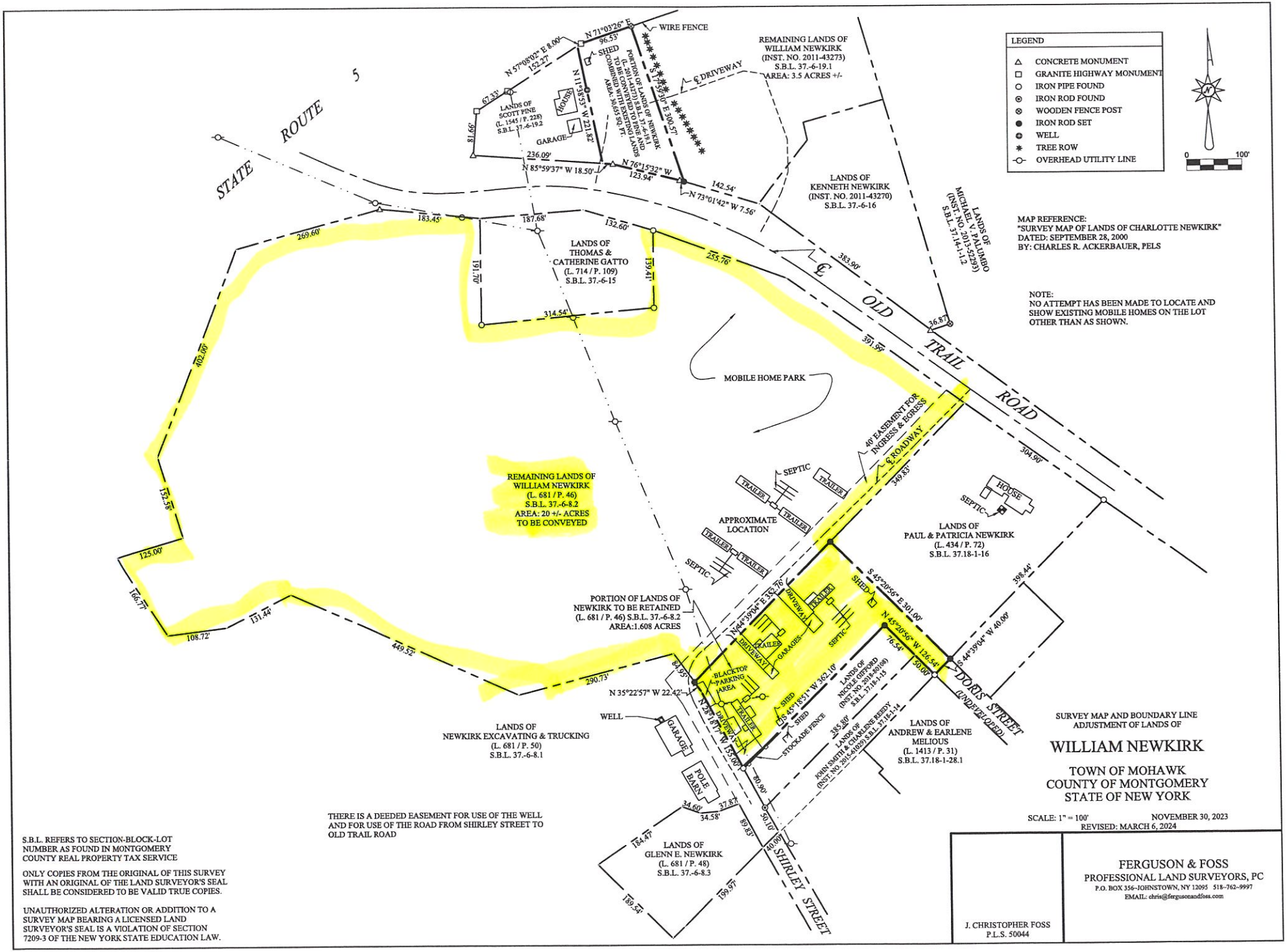
(LIST AND IDENTIFY ACCURATELY)

See Attached Survey Map

X **2. ESTIMATED COST OF PROJECT:** no cost to project

X **3. ESTIMATED TIME OF COMMENCEMENT:** as soon as approved

X **4. ESTIMATED TIME OF COMPLETION:** one month after approval


LEGEND
CONCRETE MONUMENT
GRANITE HIGHWAY MONUMENT
IRON PIPE FOUND
IRON ROD FOUND
WOODEN FENCE POST
IRON ROD SET
WELL
TREE ROW
OVERHEAD UTILITY LINE
0
100'
STATE ROUTE 5
OLD TRAIL ROAD
SHIRLEY STREET
DORIS STREET (UNDEVELOPED)
WIRE FENCE
REMAINING LANDS OF WILLIAM NEWKIRK (INST. NO. 2011-43273) S.B.L. 37.-6-19.1 AREA: 3.5 ACRES +/-
LANDS OF KENNETH NEWKIRK (INST. NO. 2011-43270) S.B.L. 37.-6-16
LANDS OF MICHAEL V. PALUMBO (INST. NO. 2013-52993) S.B.L. 37.14-1-12
LANDS OF SCOTT PINE (L. 1545 / P. 228) S.B.L. 37.-6-19.2
PORTION OF LANDS OF NEWKIRK (L. 681 / P. 46) S.B.L. 37.-6-8.2 TO BE CONVEYED TO PINE AND COMBINED WITH EXISTING LANDS AREA: 30,653 SQ. FT.
SHED
GARAGE
DRIVEWAY
LANDS OF THOMAS & CATHERINE GATTO (L. 714 / P. 109) S.B.L. 37.-6-15
MOBILE HOME PARK
REMAINING LANDS OF WILLIAM NEWKIRK (L. 681 / P. 46) S.B.L. 37.-6-8.2 AREA: 20 +/- ACRES TO BE CONVEYED
40' EASEMENT FOR INGRESS & EGRESS
ROADWAY
SEPTIC
TRAILER
APPROXIMATE LOCATION
HOUSE
LANDS OF PAUL & PATRICIA NEWKIRK (L. 434 / P. 72) S.B.L. 37.18-1-16
PORTION OF LANDS OF NEWKIRK TO BE RETAINED (L. 681 / P. 46) S.B.L. 37.-6-8.2 AREA:1.608 ACRES
BLACKTOP PARKING AREA
GARAGES
WELL
POLE BARN
STOCKADE FENCE
LANDS OF NEWKIRK EXCAVATING & TRUCKING (L. 681 / P. 50) S.B.L. 37.-6-8.1
LANDS OF NICOLE GIFFORD (INST. NO. 2018-40198) S.B.L. 37.18-1-15
LANDS OF JOHN SMITH & CHARLENE REEDY (INST. NO. 2015-41029) S.B.L. 37.18-1-14
LANDS OF ANDREW & EARLENE MELIOUS (L. 1413 / P. 31) S.B.L. 37.18-1-28.1
LANDS OF GLENN E. NEWKIRK (L. 681 / P. 48) S.B.L. 37.-6-8.3
N 71°03'26" E
N 57°08'02" E 8.00'
N 11°38'53" W 221.82'
N 85°59'37" W 18.50'
N 76°15'32" W 123.94'
N 73°01'42" W 7.56'
S 45°59'30" E 200.57'
S 45°20'56" E 301.00'
N 45°20'56" W 126.54'
S 44°39'04" W 40.00'
N 44°39'04" E 35.76'
N 35°22'57" W 22.42'
N 24°18'17" W 175.00'
S 45°18'51" W 362.10'
MAP REFERENCE:
"SURVEY MAP OF LANDS OF CHARLOTTE NEWKIRK"
DATED: SEPTEMBER 28, 2000
BY: CHARLES R. ACKERBAUER, PELS
NOTE:
NO ATTEMPT HAS BEEN MADE TO LOCATE AND SHOW EXISTING MOBILE HOMES ON THE LOT OTHER THAN AS SHOWN.
THERE IS A DEEDED EASEMENT FOR USE OF THE WELL AND FOR USE OF THE ROAD FROM SHIRLEY STREET TO OLD TRAIL ROAD
S.B.L. REFERS TO SECTION-BLOCK-LOT NUMBER AS FOUND IN MONTGOMERY COUNTY REAL PROPERTY TAX SERVICE
ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY WITH AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209-3 OF THE NEW YORK STATE EDUCATION LAW.
SURVEY MAP AND BOUNDARY LINE ADJUSTMENT OF LANDS OF
WILLIAM NEWKIRK
TOWN OF MOHAWK
COUNTY OF MONTGOMERY
STATE OF NEW YORK
SCALE: 1" = 100'
NOVEMBER 30, 2023
REVISED: MARCH 6, 2024
J. CHRISTOPHER FOSS
P.L.S. 50044
FERGUSON & FOSS
PROFESSIONAL LAND SURVEYORS, PC
P.O. BOX 356–JOHNSTOWN, NY 12095 518–762–9997
EMAIL: chris@fergusonandfoss.com

X 3. THE APPLICANT CERTIFIES THAT THE RELIEF REQUESTED IS THE MINIMUM VARIANCE WHICH WILL ENABLE REASONABLE USE OF THIS PROPERTY FOR THE FOLLOWING REASONS:

Three sides of the proposed lot are owned by other people. Adding more of the trailer park into this proposed lot would start adding other trailers.

D. 1. THE APPLICANT REQUEST RELIEF FROM THE ACTION OF THE ZONING/ADMINISTRATIVE OFFICIAL WITH RESPECT TO THE FOLLOWING SECTION/SECTIONS OF THE ZONING ORDINANCE:

2. THE APPLICANT REQUESTS A REVERSAL OF THE ZONING/ADMINISTRATIVE OFFICIAL DECISION REGARDING DOCUMENT NUMBER: _____

(ATTACH A COPY OF DENIED BUILDING PERMIT IF APPLICABLE)

E. 1. AN INTERPRETATION IS REQUESTED OF THE ZONING ORDINACE PERTAINING TO:

(COMPLETE EACH ITEM THAT MAY APPLY)

ARTICLE: _____ SECTION: _____ PARAGRAPH NO: _____

PAGE NO: _____ TABLE NO: _____ MAP NO: _____

COMMENTS: _____

X G. **APPLICANT INFORMATION**

X **1. NAME:** J. Christopher Foss, P.L.S

X **2. ADDRESS** P.O. Box 356 Johnstown, NY 12095

****

OWNER INFORMATION (IF OTHER THAN APPLICANT)

X **3. NAME:** Willaim Newkirk

X **4. ADDRESS:** 138 Westminster Dr Fonda, NY

****

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT ALL APPLICABLE FEDERAL AND STATE STATUTES HAVE BEEN COMPLIED WITH. I HAVE READ THE FOREGOING APPLICATION AND THE CONTENTS THEREOF ARE TRUE TO MY OWN KNOWLEDGE.

X **APPLICANT SIGNATURE:** _____

X **DATE:** 03/26/2024

X **OWNER SIGNATURE:** William C. Newkirk

X **DATE:** 4/1/24 **(ONLY IF NOT SAME AS APPLICANT)**

X * NOTE - THE APPLICANT SHALL NOTIFY BY CERTIFIED MAIL, RETURN RECEIPT REQUIRED (RETURNED TO TOM CODE OFFICE) - ALL LANDOWNERS WITHIN 500 FEET OF THE APPLICANTS PARCEL

WITNESSED BY: _____ **DATE:** _____

BOARD OF APPEALS RECEIVED: _____

FEE PAID: N/C

Property Description Report For: 129 Old Trail Rd, Municipality of Town of Mohawk

No Photo Available

		Status:	Active
		Roll Section:	Taxable
		Swis:	273289
		Tax Map ID #:	37.-6-8.2
		Property Class:	416 - Mfg hsing pk
		Site:	COM 1
		In Ag. District:	No
		Site Property Class:	416 - Mfg hsing pk
		Zoning Code:	CONF - Conforming
		Neighborhood Code:	27050 - rural comm
Total Acreage/Size:	21.70	**School District:**	Fonda-Fultonville
Land Assessment:	2023 - $200,000	**Total Assessment:**	2023 - $436,106
Full Market Value:	2023 - $614,234		
Equalization Rate:	----	**Property Desc:**	
Deed Book:	681	**Deed Page:**	46
Grid East:	544796	**Grid North:**	1498770

Owners

William Newkirk
138 Westminster Dr
Fonda NY 12068

Sales

Sale Date	Price	Property Class	Sale Type	Prior Owner	Value Usable	Arms Length	Addl. Parcels	Deed Book and Page
1/8/2001	$1	416 - Mfg hsing pk	Land & Building	Newkirk, Charlotte	No	No	No	681/46

Utilities

Sewer Type:	Comm/public	**Water Supply:**	Comm/public
Utilities:	Gas & elec		

Inventory

Overall Eff Year Built:		**Overall Condition:**	Fair
Overall Grade:	Economy	**Overall Desirability:**	2

Buildings

AC%	Sprinkler%	Alarm%	Elevators	Basement Type	Year Built	Eff Year Built	Condition	Quality	Gross Floor Area (sqft)	Stories	Num Indent Bldgs

Site Uses

Use	Rentable Area (sqft)	Total Units

Improvements

Structure	Size	Grade	Condition	Year
Mobile home	66 × 14	Average	Normal	2007
Mobile home	62 × 14	Average	Normal	1987
Mobile home	66 × 14	Average	Normal	2007
Mobile home	56 × 14	Average	Normal	2008
Mobile home	60 x 14	Average	Normal	1988
Mobile home	56 x 12	Average	Normal	1960
Mobile home	40 x 26	Economy	Normal	1994
Gar-1.0 det	12 x 20	Economy	Normal	1994
Gar-1.0 det	24 x 26	Economy	Normal	1993
Mobile home	70 x 14	Average	Normal	1990
Mobile home	70 x 14	Average	Normal	1990
Mobile home	60 x 12	Average	Normal	1968
Mobile home	70 x 14	Average	Normal	1990
Mobile home	60 x 12	Average	Normal	1968
Mobile home	70 x 14	Average	Normal	1990
Mobile home	52 x 12	Average	Normal	1968
Mobile home	70 x 14	Average	Normal	1977
Mobile home	52 x 10	Average	Normal	1968
Mobile home	62 x 14	Average	Normal	1968
Mobile home	56 x 14	Average	Normal	2003
Mobile home	56 x 14	Average	Normal	1991
Mobile home	70 x 14	Average	Normal	1988
Mobile home	60 x 15	Average	Normal	2009
Mobile home	70 x 14	Average	Normal	1990
Mobile home	56 x 14	Average	Normal	1977
Mobile home	46 x 12	Average	Normal	1968
Mobile home	66 x 14	Average	Normal	1992
Mobile home	66 x 14	Average	Normal	1978
Mobile home	72 x 14	Average	Normal	1990
Mobile home	66 x 14	Average	Normal	2006
Mobile home	66 x 14	Average	Normal	2006

Land Types

Type	Size
Primary	12.00 acres
Residual	9.70 acres

Special Districts for 2023

Description	Units	Percent	Type	Value
FD003-Tribes hill fire	0	0%		0
LD001-Tribes hill light	0	0%		0

Exemptions

Year	Description	Amount	Exempt %	Start Yr	End Yr	V Flag	H Code	Own %

Taxes

Year	Description	Amount
2023	County	$6,559.82
2022	School	$7,771.12

*** Taxes reflect exemptions, but may not include recent changes in assessment.**

LOT, THROUGH: A lot or parcel of land having frontage on two non-adjacent roadways (public or private) that extends from one roadway to the other.

LOT, WIDTH: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district.

MOBILE HOME: A movable single dwelling unit equipped with a chassis designed for and providing housekeeping facilities for year round occupancy including plumbing, heating, electrical, cooking and refrigeration systems and equipment.

MOBILE HOME COURT: A parcel of land which has been planned and improved for the placement of two or more mobile homes for non-transient use.

MOTEL: A building or group of buildings, whether detached or connected units, used as individual sleeping units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities.

MOTOCROSS TRACK: A defined path or course, with or without one or more obstacles, including dirt mounds, jumps, or berms, constructed, installed or arranged for use by recreational vehicles. This definition includes private, public or commercial motocross tracks. A motocross track is prohibited unless permitted pursuant to the text of this Zoning Law and Schedule A.

NON-CONFORMING USE: A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

NURSING OR CONVALESCENT HOME OR HOME FOR THE AGED: A building used for the accommodation and care of persons with, or recuperating from, illness or incapacity, where nursing services are furnished, or for the accommodation and care of persons of advanced age,

PARKING SPACE: The area required for parking one automobile which in this law is held to be an area at least nine feet wide and 20 feet long, exclusive of passageways and driveways thereto.

SECTION 16 - R-M Mobile Home Residential District

(A) Uses Permitted:

1. One Family Dwelling
2. Two Family Dwelling
3. Mobile Home
4. Accessory Use of Building
5. Low-Impact Recreation Area
6. Mobile Home Park
7. Trailer Camp

(B) Uses Permitted as a special exception by the Board of Appeals:

1. Launderette
2. Retail Store
3. Bed and Breakfast Establishment
4. Farm and Accessory Buildings or Uses
5.

SECTION 17 A-1- PERSONAL WIRELESS SERVICE FACILITIES OVERLAY DISTRICT

A. The purpose of these regulations is to promote the health, safety and general welfare of the residents of the Town of Mohawk.

B. The purpose of the Personal Wireless Service Facilities Overlay District is to provide a suitable choice of locations for the establishment, construction and maintenance of Personal Wireless Services Facilities, while protecting the integrity of the established neighborhoods of the Town of Mohawk.

C. To provide standards for the safe provision of Wireless Telecommunications Facilities consistent with applicable Federal and State regulations, and to protect the natural features and aesthetic character of the Town of Mohawk.

D. To accommodate the need for Wireless Telecommunications Facilities while regulating their location and number in the Town of Mohawk.

TOWN OF MOHAWK ZONING LAW
SCHEDULE A

District (1)	Permitted Principal Uses (see Article V - Use Regulations for Complete List)(2)	Uses Permitted Upon Issuance of a Special Permit by the Board of Appeals (3)	MINIMUM LOT SIZE Area in Feet or Acres (4)	Road Frontage Width in Feet (5)	Max % of Lot to be Occupied (6)	Min. Living Area Sq. Ft. (7)	BLDG. HEIGHT (MAX) In Stories (8)	In Feet (9)	YARD DIMENSIONS Front (10)	Mid of Road Center State	Side One (11)	Total (12)	Rear (13)
	Financial services (insurance accountant, etc.)												
	Municipal, county, state or federal offices												
	Decorator or interior design shop												
	Fraternal Organization												
	Laundromat												
	Medical services (including supplies)												
	Museum												
	Retail stores and shops												
	Shoe repair												
	Undertaking establishment												
	~~Utility substation~~												
		Animal care facilities	80,000	300	35		2 1/2	35	60	75	20	50	50
		Bed & breakfast establishment											
		Café											
		Daycare											
		Florist/greenhouse											
		Storage facility											
M-1	B-2 Business Uses		SAME AS ABOVE										
Manufacturing	Manufacturing of textile or leather goods				40				80	95	25	50	50
	Manufacturing and processing of dairy or other food products				40				80	95	25	50	50
	Cold storage plant				40				80	95	25	50	50
	Light manufacturing or assembly plants				40				80	95	25	50	50
	Manufacturing or assembly of electronic devices, appliances or instruments				40				80	95	25	50	50
	Manufacturing of plastic, paint, fibre, wood, metal, stone or concrete products				40				80	95	25	50	50
	Tool, die, pattern or machine shop				40				80	95	25	50	50
	Welding, metal shop, or auto body shop				40				80	95	25	50	50
	Lumber or building materials sales or storage				40				80	95	25	50	50
	Truck terminal				40				80	95	25	50	50
	Customary accessory use or building				40				80	95	25	50	50
		Storage of hazardous materials											
		Concrete mixing											
M-2	B-2 Business Uses												
	Manufacturing of textile or leather goods				40				80	95	25	50	50
	Manufacturing and processing of dairy or other food products				40				80	95	25	50	50
	Cold storage plant				40				80	95	25	50	50
	Light manufacturing or assembly plants				40				80	95	25	50	50
	Manufacturing or assembly of electronic devices, appliances or instruments				40				80	95	25	50	50
	Manufacturing of plastic, paint, fibre, wood, metal, stone or concrete products				40				80	95	25	50	50
	Tool, die, pattern or machine shop				40				80	95	25	50	50
	Welding, metal shop, or auto body shop				40				80	95	25	50	50
	Lumber or building materials sales or storage				40				80	95	25	50	50
	Customary accessory use or building				40				80	95	25	50	50
		Storage of hazardous materials											
		Concrete mixing											
N-P	Earth, sand, gravel, mineral excavation		5 acres						130	145	100	200	100
Natural Products	Rock quarry operation								130	145	100	200	100
	Accessory uses												
R-M	One-Family dwelling												
Mobile Home Residence	Two-Family dwelling												

TOWN OF MOHAWK ZONING LAW
SCHEDULE A

District (1)	Permitted Principal Uses (see Article V - Use Regulations for Complete List)(2)	Uses Permitted Upon Issuance of a Special Permit by the Board of Appeals (3)	MINIMUM LOT SIZE Area in Feet or Acres (4)	Road Frontage Width in Feet (5)	Max % of Lot to be Occupied (6)	Min. Living Area Sq. Ft. (7)	BLDG. HEIGHT (MAX) In Stories (8)	In Feet (9)	YARD DIMENSIONS Front (10)	Mid of Road Center State	Side One (11)	Total (12)	Rear (13)
	Mobile Home												
	Customary accessory use or building												
	Low-Impact Recreation												
	Mobile Home Park												
	Trailer Camp												
		Launderette											
		Retail store											
		Bed & breakfast establishment											
		Farm & accessory buildings or uses											
All Districts		Cemetary and lumbering o				Subject to state law and Board of Appeals restrictions							
Notes:	du = Dwelling Unit												
	mh = Mobile Home												
Front Yards:	Dimension from the center of all road pavements except State Highways.												
	Dimension from the center of all State Highway pavements.												
	Notwithstanding, a structure shall be set back a minimum of thirty feet from the front lot line.												

CONDITIONS FOR CONSIDERING GRANTING AN AREA VARIANCE

BY THE TOWN OF MOHAWK ZONING BOARD

MONTGOMERY COUNTY, FONDA, NEW YORK

Purpose for Meeting: Newkirk Subdivision Mobile Home Area Variance for Minimum Lot Size

THE FIVE FACTORS FOR CONSIDERATION: Date: 04/18/2024

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance

Board Member	Yes	No	Abstain	Excused
John Buccos	_____	_____	_____	_____
Bob Francisco	_____	_____	_____	_____
Stan Mitchell	_____	_____	_____	_____
Julie Weil	_____	_____	_____	_____
Henry Araujo	_____	_____	_____	_____

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Board Member	Yes	No	Abstain	Excused
John Buccos	_____	_____	_____	_____
Bob Francisco	_____	_____	_____	_____
Stan Mitchell	_____	_____	_____	_____
Julie Weil	_____	_____	_____	_____
Henry Araujo	_____	_____	_____	_____

3. Whether the requested area variance is substantial.

Board Member	Yes	No	Abstain	Excused
John Buccos	_____	_____	_____	_____
Bob Francisco	_____	_____	_____	_____
Stan Mitchell	_____	_____	_____	_____
Julie Weil	_____	_____	_____	_____
Henry Araujo	_____	_____	_____	_____

Town of Mohawk Planning Board Meeting
April 16, 2024

Member Attendance:
Planning Board Chair: Patrick Clear
Planning Board Members: Mark Hoffman, Cynthia House, David Dumar, Paul Dettenrieder (excused)
Town of Mohawk Attorney: Claudia Braymer
Code Enforcer: Stan Waddle

Public Attendance:	**Reason for Attending:**
Dana Pickett	Cipriani Projects
Evan Comilloni	Cipriani Solar
Bill Newkirk	Subdivisions
Chris Foss	Subdivisions
Michael Quinn	Yellow Solar

Public Hearing – 6:00 pm

Newkirk Subdivision 1
Chairman Clear opened the Public Hearing:
Chris Foss reported that the subdivision is a boundary line adjustment. He noted that Mr. Newkirk's neighbor would like more property. Code Enforcer Stan Waddle reported that Mr. Newkirk met all the requirements that were asked of him at the March 19, 2024 Planning Board Meeting. There has been no negative feedback from neighbors. There were no questions or comments from the public or Planning Board Members. This Public Hearing was closed.

Newkirk Subdivision 2
Chairman Clear opened the Public Hearing:
Chris Foss reported that Mr. Newkirk would like to separate 3 trailers from the trailer park creating a separate trailer court.. An area variance will be needed for this, the proposed new trailer court will be smaller than the minimum lot size allowed per the TOM Zoning Law 2022. . The Planning Board completed the SEQR Part 2 and 3 made a Negative Declaration decision, that the proposed action will not result in any significant adverse environmental impacts. The Town of Mohawk Zoning Board be reviewing this request for the area variance at their April 18, 2024 meeting, if approved by the Zoning Board, the Planning Board will meet on May 21 to finalize their decision. Code Enforcer Stan Waddle reported that each trailer has its own septic and water source There were no questions or comments from the public or Planning Board Members. This Public Hearing was closed.

Cipriani Energy Solar Energy (Stoner Trail Road – Site Plan Review)

Chairman Patrick Clear recused himself and went out and sat with the public, Board member Mark Hoffman then chaired the Public Hearing. The Public Hearing was opened:
Evan Comilloni, Cipriani Solar, gave a presentation. He noted that additional screening has been added to the project. Visuals were distributed to Planning Board Members. The landowner also wanted additional space between the corn bunker. Two area variances were required for the site plan presented. These area variances are requested in order to reduce the required 250 foot setback to adjoining property lines, the request is for a 50 foot setback, the area variance applications will be brought before the Zoning Board on April 18, 2024. It was noted that grass filter strips will be put on the concrete pad. Code Enforcer Stan Waddle reported that the Town of Mohawk Fire Chief wants access all around the solar panels. Cipriani Solar noted that there will be access. There will not be a roadway just meadow. Access to the inside of the fence and panels was discussed. There were no further questions or comments from the public or Planning Board Members. Code Enforcer Stan Waddle noted that there hasn't been any negative responses from the mailings that were sent out. Mark Hoffman made a motion to close the Public Hearing. Cynthia House seconded the motion. All were in favor.

Chairman Patrick Clear; The Regular Monthly Planning Board Meeting was called to order at 6:32 pm. Motion to accept the minutes of the March 19, 2024 meeting was made by Mark Hoffman and seconded by David Dumar. All were in favor.

Public Comment:

There were no questions or concerns from the public. The Public Comment portion of the meeting was closed.

Old Business:

Item #1: Newkirk Subdivision 1

Part 1 of the SEQR was completed. Part 2 of the SEQR did not need to be completed. Cynthia House made a motion of Negative Declaration and Mark Hoffman seconded the motion. All were in favor.

Item #2: Newkirk Subdivision 2

SEQR Part 2 and 3 were completed. Cynthia House made a motion of Negative Declaration and David Dumar seconded the motion. All were in favor. Mark Hoffman made a motion to approve the subdivision contingent on the Zoning Board approving the variances. Cynthia House seconded the motion. All were in favor. Atty. Braymer noted that if the Zoning Board approves the variances they will need to refer this to the County Planning Board.

Item #3: Cipriani Solar (Albany Bush Project) – Yellow 23, LLC Project

Chairman Patrick Clear recused himself and went out and sat with the public, Board member Mark Hoffman then chaired discussion;
Code Enforcement official reported that on Monday night, April 15, 2024, the Montgomery County Planning Board had reviewed the project referred to them in March by the TOM Planning Board, and they approved the project.
Conditions of Site Plan Approval were reviewed and discussion ensued. Atty. Braymer noted that these conditions are based on updated Solar Laws. A draft of conditions will be completed by Atty. Braymer and distributed to the parties involved.

Cynthia House made a motion to approve the conditions (with changes) and Mark Hoffman seconded the motion. All were in favor.

Item #4: Cipriani Solar (Stoner Trail Project) – Yellow 22, LLC Project

Chairman Patrick Clear recused himself and went out and sat with the public, Board member Mark Hoffman then chaired discussion;

Evan Comilloni and Michael Quinn from Cipriani Solar, gave a presentation. Discussion of the project ensued with further questions from the Board with Dana Pickett (Cipriani Solar) answering questions regarding the proposed timeline for construction.

Mark Hoffman made a motion to seek lead agency status and Cynthia House seconded the motion. All were in favor. Conditions of Site Plan Approval were reviewed and changes made. A draft of conditions will be completed by Atty. Braymer and distributed to the parties involved.

Part 2 and 3 of the Full Environmental Assessment Form was completed. Cynthia House made a motion of Negative Declaration and Mark Hoffman seconded the motion. All were in favor.

Two area variances were required for the site plan presented. These area variances are requested in order to reduce the required 250-foot setback to adjoining property lines, the request is for a 50 foot setback, the area variance applications will be brought before the Zoning Board on April 18, 2024.

David Dumar made a motion to refer Yellow 22, LLC Project to the County Planning Board contingent on the Zoning Board of Appeals approving the Site Plan. Cynthia House seconded the motion.
All were in favor.

New Business:

Chairman Patrick Clear asked if there was any new business from the Board members;
Code Enforcer Stan Waddle wanted to make the Planning Board aware that an Amish group would like to purchase the lot by the Twin Pine Family Chiropractic Office owned by Mr. Todd Perry on Route 30A. They would like to display sheds and buildings for purchase on the lot. They will not be building the sheds and buildings on site. The lot is approved for retail use.
The Board advised that the group should make a Sketch presentation to the Board at an upcoming meeting.

The Town's Comprehensive Plan was discussed. A new Comprehensive Plan needs to be completed . Patrick Clear reported that there are grants that can be applied for to offset the cost of completing the plan. Code Enforcer Stan Waddle also noted that the County will assist in writing grants. Patrick Clear stated that he will send this information to Town Supervisor Janet DePalma.

Varin Enterprises April Newsletter was distributed to members.

David Dumar made a motion to adjourn the meeting. Cynthia House seconded the motion. All were in favor. The meeting was adjourned at 8:11 pm.

Application #: 24-04-16 #2
Date: 04/16/2024
Project Name: Newkirk Subdivision of Trailer Court

Town of Mohawk
Planning Board
Application to the Planning Board

A completed Application must be filed at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board, including all applicable attached information.

Applicant: J. Christopher Foss, P.L.S
Address: P.O. Box356
Johnstown, NY 12095
Phone: ( ) 518-762-9997

Property Owner: William Newkirk
(if different)
Address: 138 Westminster Dr
Fonda, NY 12068
Phone: ( ) 518-848-2477

Professional Advisor: same
Address:
Phone: ( )

Other:
(if appropriate, please specify)
Address:
Phone: ( )

1) Property Location:
Address: 129 Old Trail Road Tribes Hill
General Location: Trailer park on Old Trail Road just south of Route 5
Zoning District: R-M
Tax Parcel ID# (SBL): 37.-6-8.2

2) Type of Application (please check appropriate box(s)):

- ☐ **Major Subdivision/** **$500**
- ☒ **Minor Subdivision** **$100**
- ☐ **Major Site Plan** **$500**
- ☐ **Minor Site Plan** **$100**
- ☐ **Special Permit** **$100**
- ☐ **Lot Line Adjustment** **$100**

3) Project Description: subdivision of lot out of trailer park

For each type of application a checklist detailing the required information has been attached. These checklists are only intended to be a guide to the applicant, for specifics on submission requirements, procedures, timeframes, etc., the applicant should refer to the applicable Town Ordinance (Zoning, Subdivision, etc.), and or State Law (SEQR, Ag & Markets, etc).

Applicant Signature: J. Christopher Foss Date: 3/14-2024

Property Owner's Signature: William Newkirk Date: 3/14/24

Town of Mohawk
Zoning Board of Appeals
Thursday, April 18, 2024, 7:00 pm

Present: Zoning Board Chairman Henry Araujo, Board Members: Stan Mitchell, Robert Francisco, John Buccos, Julia Weil. Atty. Claudia Braymer (via Zoom). Code Enforcer Stan Waddle

Present from the public: Dana Pickett (Cipriani Solar), Michael Quinn (Cipriani Solar), Chris Foss (Newkirk Subdivision), William Newkirk, Daniel Rickard (special permit), Tony Bruno (Rickard's special permit).

The meeting was called to order by Chairman Araujo at 7:00 pm.

Chairman Araujo introduced the Board, Recording Secretary and Code Officer to the applicants and public. Attorney Braymer via Zoom.

Chairman Henry Araujo made a motion to accept the minutes from the September 21, 2023 ZBA meeting and Julia Weil seconded the motion. All were in favor. None opposed.

William Newkirk requested an Area Variance to allow a smaller than allowed lot size for three mobile homes that are located in his trailer park off Old Trail Road. The three trailers have their own separate septic systems and a well that feeds all three. The SEQR was approved by the Planning Board at their April 16, 2024 meeting. Stan Mitchell made a motion to open the Public Hearing and Robert Francisco seconded the motion. All were in favor. None opposed. Motion to review the Five Factors for Consideration of a Variance was made by Robert Francisco and seconded by Julia Weil. All were in favor. None opposed. John Buccos made a motion of Negative Declaration for the SEQR and Stan Mitchell seconded the motion. All were in favor. None opposed. Motion granted and the variance was approved. Julia Weil made a motion to submit this area variance to the County Planning Board and John Buccos seconded the motion. All in favor. None opposed. The TOM Planning Board will also be notified that the ZBA approved the variance. Atty. Braymer will draft a resolution and will email it to Code Enforcer Stan Waddle for Chairman Henry Araujo's signature.

Cipriani Energy's/White Solar Project requested an area variance to reduce a required 250 foot setback to a 50 foot setback to the adjoining Varin parcel on Stoner Trail Road. Mr. Varin submitted a letter in support of allowing the lesser setback. The Planning Board approved the SEQR at their April 16, 2024 meeting and the Site plan contingent on the variances being approved by the ZBA. Mr. Quinn (Cipriani Solar) gave a presentation on the proposed project. The following were discussed: additional screening, shepherds maintaining the land inside the panels, perimeter accessibility for the fire department, roadway maintenance, seed mixes for

grass, bat and bird houses. Julia Weil made a motion that the ZBA accepts that the Planning Board will take lead agency for this project. Robert Francisco seconded the motion. All were in favor. None opposed. Five Factors for Consideration of a Variance were read by Julia Weil and reviewed. Stan Mitchell made a motion to grant the variance and Julia Weil seconded the motion. All were in favor. None opposed. John Buccos stated that he was only approving of this variance because of the 400 foot plus setback off of the Stoner Trail road. He noted that he does not want to set a precedence. This approval is only particular to this variance only. John Buccos also stated that if the 50 foot setback was in the front of the project he would not have approved it. Stan Mitchell made a motion to send this to the County Planning Board and Robert Francisco seconded the motion. All were in favor. None opposed. Motion carried and variance was approved. Atty. Braymer will draft a resolution and will email it to Code Enforcer Stan Waddle for Chairman Henry Araujo's signature.

Cipriani Energy's/White Solar Project requested an area variance to reduce the required 250 foot setback to 50 foot to adjoining White parcel on Stoner Trail Road. The White family submitted a letter in support of allowing the lesser setback. Five Factors of Consideration of a Variance were read by Julia Weil and reviewed. Julia Weil made a motion to grant the variance and Robert Francisco seconded the motion. All were in favor. None opposed. Motion carried and variance was granted. Henry Araujo made a motion to include in the minutes that the ZBA is not setting a precedence by approving the variances for both Cipriani Projects. Approval is only particular to these two projects. Julia Weil seconded the motion. All were in favor. None opposed. Henry Araujo made a motion to refer this variance to the TOM Planning Board and the Montgomery County Planning Board All were in favor. None opposed. Motion carried. Atty. Braymer will draft a resolution and will email it to Code Enforcer Stan Waddle for Chairman Henry Araujo's signature.

Daniel Rickard requested a special permit to allow a storage building (mainly for his personal use) in B-2 Zone on a parcel on the corner of Stoner Trail Road and NYS Route 30A. Stan Mitchell asked Mr. Rickard why he didn't put the storage container on his existing property across the road. Mr. Rickard noted that there wasn't the room on his existing property across the road. Code Enforcer Stan Waddle reported that he has the road frontage that is needed for the storage unit and the County didn't have a problem with its placement. The Scenic By Ways also didn't have any concerns, but indicated that signs couldn't be painted on the side of the trailer. Code Enforcer Stan Waddle noted that he (Mr. Rickard) will have to acquire a driveway permit from the County. Part of the Building Permit Application is that Mr. Rickard will need to have the proper permits in place. Mr. Buccos and Mr. Mitchell both asked if the county had approved where the present driveway (the present location has been there since prior to Mr. Rickard purchasing the property in 2019) is in relation to the stop sign and intersection, Mr. Rickard is in communication with Eric Mead from the County as to the Driveway permit. Mr. Buccos stated that he would like to see a Site Plan. Code Enforcer Stan

Waddle stated that Mr. Rickard is aware that there may be property maintenance issues on both of his properties that may need to be corrected. Mr. Rickard explained to the Board that the purpose and use of the on the corner of Old Trail road and Rt 30A was have a place to park and store his RV Trailer, car trailer, Boat and the CONEX storage building to store mainly his personal materials and equipment. Atty. Braymer stated that the ZBA has the right to ask for additional information in order to make a decision on the special permit. John Buccos had concerns of the property located on the opposite side of the road where Mr. Rickard has his Truck Repair business becoming a junk yard as well as the property the CONEX building is on with the truck bed and tires on top of the CONEX building and questioned the limit of cars that are not licensed or road worthy. Code Enforcer Stan Waddle noted that it is not a residential area but is B-2 and the Storage Building is allowed with the granting of a special permit. Code Enforcer Stan Waddle will review the minutes of when the permit for the Truck Repair business located across the road was originally approved and it's conditions. The business is a NYS Licensed business. The license will be displayed on the new office that is being built. The address has also been changed on the license. Code Enforcer Waddle will further investigate the vehicles that are located on the Truck Repair property and advise the Board.

Henry Araujo made a motion to open Public Comment and John Buccos and Stan Mitchell seconded the motion. All were in favor. None opposed.

Tony Bruno expressed concerns about the aesthetics of the property owned by Daniel Rickard. He stated that "it doesn't look very nice". He noted that he doesn't know Mr. Rickard, but he seems nice. Mr. Buno stated that he has lived in the Town of Mohawk for 45 years and has seen many changes. Henry Araujo asked Mr. Bruno if he had any suggestions to make the property look better. Mr. Bruno wasn't sure on what could be done to make it look nice. Chairman Araujo asked the ZBA members what they recommended. John Buccos stated that he would like to see a Site Plan completed on the Special Permit request, Section (F) for the CONEX Storage building. It was suggested that the Section (F) Site Plan include the following: that it's a 170' x 130' parcel; setbacks to the CONEX building; if there will be fencing; location of the driveway; indicate buildings; mark the wells (the wells supply water to Mr. Rickard's house and property across the road (NYS Rt 30A) from this property); trees; and paint color for the storage unit (a neutral color); start date and completion date; and complete an area variance request because the lot size is less than the required size for the storage building. John Buccos made a motion to table Mr. Rickards application until the next ZBA meeting on May 30th at 7:00pm, Stan Mitchell seconded the motion. All were in favor. None opposed. The Public Hearing was left open for this special permit.
Code Enforcer Waddle will further investigate the vehicles that are located on the Truck Repair property and advise the Board.

Stan Mitchell made a motion to adjourn the meeting and Julia Weil seconded the motion. All were in favor. None opposed. The meeting was adjourned at 8:51 pm. The next ZBA meeting will take place on Thursday, May 30, 2024 at 7 pm.

CONDITIONS FOR CONSIDERING GRANTING AN AREA VARIANCE

BY THE TOWN OF MOHAWK ZONING BOARD

MONTGOMERY COUNTY, FONDA, NEW YORK

Purpose for Meeting: Newkirk Subdivision Mobile Home Area Variance for Minimum Lot Size

THE FIVE FACTORS FOR CONSIDERATION: Date: 04/18/2024

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance

Board Member	Yes	No	Abstain	Excused
John Buccos		✓		
Bob Francisco		✓		
Stan Mitchell		✓		
Julie Weil		✓		
Henry Araujo		✓		

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Board Member	Yes	No	Abstain	Excused
John Buccos		✓		
Bob Francisco		✓		
Stan Mitchell		✓		
Julie Weil		✓		
Henry Araujo		✓		

3. Whether the requested area variance is substantial.

Board Member	Yes	No	Abstain	Excused
John Buccos	✓			
Bob Francisco	✓			
Stan Mitchell	✓			
Julie Weil	✓			
Henry Araujo	✓			

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Board Member	Yes	No	Abstain	Excused
John Buccos		✓		
Bob Francisco		✓		
Stan Mitchell		✓		
Julie Weil		✓		
Henry Araujo		✓		

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the variance.

Board Member	Yes	No	Abstain	Excused
John Buccos		✓		
Bob Francisco		✓		
Stan Mitchell		✓		
Julie Weil		✓		
Henry Araujo		✓		

SEQRA: Negative: ✓ Positive: _____ Determined by: _____

CONDITIONS: (If a zoning board decides to grant an area variance, it may impose reasonable conditions to mitigate anticipated impacts of the variance.)

_____

_____

Motion to Grant / Deny the requested Variance made by: Buccos Seconded by: Mitchell

Board Member	Yes	No	Abstain	Excused
John Buccos	✓			
Bob Francisco	✓			
Stan Mitchell	✓			
Julie Weil	✓			
Henry Araujo	✓			

Motion Carried: Approved _____ Denied _____

Accepted By: Henry Araujo Date: 4-18-24

REFERRAL FORM
MONTGOMERY COUNTY PLANNING BOARD

Referral Number_____
assigned by the MCPB upon acceptance of referral for review

This Referral must be received **SEVEN CALENDAR DAYS** prior to the MCPB meeting date in order for it to be placed on the agenda.

TO: Montgomery County Planning Board,
Old County Courthouse,
PO Box 1500, Fonda, New York 12068
Phone: 518-853-8334
Fax: 518-853-8336

FROM: Municipal Board: TOWN OF GLEN TOWN BOARD
Referring Officer: TIMOTHY REILLY
Mail original resolution to: glenSupervisor@gmail.com

1. **Applicant:** TOWN of GLEN **2. Site Address:** 7 ERIE STREET Fultonville, NY 12072
3. **Tax Map Number(s):** N/A **4. Acres:** N/A
5. **Is the site currently serviced by public water?** ☐ Yes ☐ No
6. **On-site waste water treatment is currently provided by:** ☐ Public Sewer or ☐ Septic System
7. **Current Zoning:** _____ **8. Current Land Use:** _____
9. **Project Description:** LAND USE MANAGEMENT LAW (TOWN wide ZONING)

10. **MCPB Jurisdiction:**

☒ **Text Adoption or Amendment** ☐ **Site is located within 500' of:** _____

- ☐ a municipal boundary.
- ☐ a State or County thruway/highway/roadway
- ☐ an existing or proposed State or County park/recreation area
- ☐ an existing or proposed County-owned stream or drainage channel
- ☐ a State or County-owned parcel on which a public building or institution is situated
- ☐ a farm operation within an Agricultural District (Incl. Ag data Statement) (does not apply to area variances)

11. **PUBLIC HEARING:** Date: JUNE 10, 2024 Time: 7:05 PM Location: 7 ERIE STREET

Referred Action(s)
If referring multiple, related actions, please identify the referring municipal board if different from above.

12. ☐ **Text Adoption or** ☒ **Amendment** **Referring Board:**

☐ Comprehensive Plan ☒ Local Law ☒ Zoning Ordinance ☐ Other _____

13. ☐ **Zone Change** **Referring Board:**

Proposed Zone District: _____ Number of Acres: _____

Purpose of the Zone Change: _____

14. ☐ **Site Plan** ☐ **Project Site Review** **Referring Board:**

Proposed Improvements: _____

Proposed Use: _____

Will the proposed project require a variance? ☐ Yes ☐ No Type: ☐ Area ☐ Use

Specify: _____

Is a State of County DOT work permit needed? If Yes : ☐ State or ☐ County ☐ No

Specify: _____

15. ☐ **Special Permit** **Referring Board:**

Section of local zoning code that requires a special permit for this use: _____

Will the proposed project require a variance? ☐ Yes ☐ No Type: ☐ Area ☐ Use

16. Variance **Referring Board:**

☐ Area ☐ Use

Section(s) of local zoning code to which the variance is being sought: _____

Describe how the proposed project varies from the above code section: _____

_____

SEQR Determination

Action:

- ☒ Type I
- ☐ Type II
- ☐ Unlisted Action
- ☐ Exempt

Finding:

- ☐ Positive Declaration – Draft EIS
- ☐ Conditional Negative Declaration
- ☒ Negative Declaration
- ☐ No Finding (Type II Only)

SEQR determination made by (Lead Agency): _____ **Date:** _____

REQUIRED MATERIAL

Send 3 copies of a "Full Statement of the Proposed Action" which includes:

All materials required by and submitted to the referring body as an application

- If submitting site plans, please submit only 1 large set of plans, and 12 11x17 packets.
- All material may be submitted digitally as well at http://www.mcbdc.org/planning-services/montgomery-county-planning-board-referrals/

This referral, as required by GML §239 l and m, includes complete information, and supporting materials to assist the Montgomery County Planning Board (MCPB) in its review. Recommendations by MCPB shall be made to the Referring Body within thirty days of receipt of the Full Statement.

Timothy Reilly Supervisor 518 853-3865 5/8/24

Name, Title & Phone Number of Person Completing this Form Transmittal Date

This side to be completed by Montgomery County Planning.

REFERRAL FORM

MONTGOMERY COUNTY PLANNING BOARD

TO: _____

Receipt of 239-m referral is acknowledged on _____. Please be advised that the Montgomery County Planning Board has reviewed the proposal stated on the opposite side of this form on _____ and makes the following recommendation.

☐ Approves

☐ Approves (with Modification)

☐ Disapproves:

☐ No significant County-wide or inter-community input

☐ Not subject to Planning Board review

☐ Took no action

Section 239-m of the General Municipal Law requires that within thirty days after final action by the municipality is taken; a report of the final action shall be filed with the County Planning Board.

_____
Date

_____
Kenneth F. Rose, Director
Montgomery County Dept. of Economic
Development and Planning

Land Use Management Local Law

Town of Glen

Montgomery County, New York

LAND USE MANAGEMENT LOCAL LAW

The attached Land Use Management Local Law, including Schedule "A," and a Land Use Map, were adopted by the Town Board of the Town of Glen on [enter date].

Town of Glen

Montgomery County, New York

Town Board 2024

Supervisor	Timothy Reilly
Councilperson	Ronald C. Crewell
Councilperson	Russell J. Kelley
Councilperson	Rosalie Farina
Councilperson	Susan Whiteman

Planning Board 2024

Chairperson	Sandra Hemstreet
Vice Chairperson	Jennifer Mete-Jeffer
Member	Nancy Langdon
Member	JD Downing
Member	David Russo
Member	Vacant
Member	Vacant

Zoning Board of Appeals 2024

Chairperson	Ryan Kelly
Member	Vacant
Secretary	Roy Dykeman

Attorney- William J. Mycek, Esq.
Town Clerk- Roxanne Douglass

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TOWN OF GLEN
MONTGOMERY COUNTY, NEW YORK

A LOCAL LAW regulating and restricting the location, construction, alteration and use of buildings and land in the Town of Glen, Montgomery County, New York, pursuant to the Land Use Management provisions of ARTICLE 16 of the Town Law of the State of New York.

THE TOWN OF GLEN TOWN BOARD, by virtue of the power and authority vested in it by law, does hereby ordain and enact as follows:

ARTICLE I - Authority, Title, Purpose, Scope and Separability

Section 1.01 Authority

Pursuant to the authority conferred by Article 16 of the Town Law of the State of New York and the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Glen, New York, hereafter referred to as the Town Board, hereby replaces the 2006 Land Use Management ordinance and adopts and enacts as follows:

Section 1.02 Title

This Local Law shall be known and may be cited as the "Town of Glen Land Use Management Local Law".

Section 1.03 Purpose

The provisions of this Local Law shall be held to be the minimum requirements adopted to promote the health, safety, and general welfare of the Town of Glen. These regulations are adopted and intended to achieve the following goals:

- Promote the health, safety, and general welfare of the community consistent with the
- objectives of Article 16 of the Town Law.
- Preserve and enhance the town's farming operations and agricultural lands.
- Preserve the town's natural environment.
- Employ viable town initiatives to foster economic development.
- Enhance and encourage preservation of the town's historic character.
- Promote local and regional tourism.
- Preserve the town's rural character and open spaces.
- Maintain and enhance the aesthetics of the town.
- Enhance the recreational and cultural opportunities in the town.
- Cooperate with the town's adjacent municipalities and Montgomery County.

Section 1.04 Scope

This Local Law shall apply to the construction, installation, or alteration of any building or structure and any lot, plot or parcel of land used, occupied or otherwise maintained as herein provided for in the Town of Glen, outside the corporate limits of the Village of Fultonville, unless specifically exempted elsewhere in this Local Law.

Section 1.05 Separability

Should any section or provision of this law, or as amended hereafter, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so declared to be invalid.

Article II - Definitions

Section 2.01 General

For the purpose of this ordinance certain words or terms used herein shall be interpreted or defined as follows:

Words used in the present tense shall include the future. The singular number includes the plural, and the plural the singular. The word "person" includes a corporation as well as an individual.

The word "building" includes the word "plot" or "parcel". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "built, arranged or designed to be used or occupied."

Section 2.02 Definitions

ACCESSORY BUILDING: A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

ACCESSORY USE: A use customary or incidental and subordinate to the principal use of a building and located on the same lot with such principal use or building.

ADULT ORIENTED BUSINESS: Whenever used in this Local Law, the words "Adult Oriented Business" or "Adult Oriented Businesses" apply to the following types of establishments, and any others which exclude or restrict minors by reason of age.

> ADULT BOOKSTORE OR VIDEO STORE: An establishment having as a substantial or a significant portion of its stock-in-trade books, magazines, other periodicals, films. slides or video tapes and which establishment excludes or restricts minors by reason of age.
>
> ADULT ENTERTAINMENT CABARET: A public or private nightclub, bar, restaurant, or similar establishment which presents topless or bottomless dancers, strippers, male or female impersonators, exotic dancers, or other similar entertainment, and which establishment excludes or restricts minors by reason of age.
>
> ADULT MOTEL: A motel which excludes or restricts minors by reason of age, and which makes available to its patrons in their room's films, slide shows or videotapes, which if presented in a public movie theatre would exclude or restrict minors by reason of age.

ADULT THEATRE: A theatre that customarily presents motion pictures, films, videotapes or slide shows, and that excludes or restricts minors by reason of age.

MASSAGE ESTABLISHMENT: Any establishment having a fixed place of business where massages are administered, including but not limited to massage parlors, sauna baths, and steam baths and which exclude or restricts minors by reason of age. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or duly licensed physical therapist or massage therapist, licensed masseuse or masseur, or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

PEEP SHOW: A theatre which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure and excludes or restricts minors by reason of age.

ALLEY: A minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

ANIMAL HOSPITAL/VETERINARY CLINIC: A business that treats animals and regularly houses them on the premises overnight and for extended periods for treatment.

APPLICANT: The legal, real property contract vendee, or beneficial owner or owners of a lot or of any land included in the proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

AREA BUILDING: The total ground area of a principal building and accessory buildings, exclusive of uncovered porches, parapets, steps and terraces.

BASEMENT: A space of full story height partly below grade and having at least half of its clear floor-to-ceiling height above the average grade, and which is not designed or used primarily for year-round living accommodations.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

BED AND BREAKFAST: An establishment in a private dwelling that supplies temporary accommodations to overnight guest for a fee. Meals may or may not be provided. Tourist

homes and inns are included here.

BOARDING OR ROOMING HOUSE: Any dwelling in which more than three persons, either individually or as families are housed or lodged, except those engaged in farm work, for hire with or without meals, and/or any dwelling with ten or less sleeping rooms in which more than three persons, either individually or as families, are housed or lodged, except those engaged in farm work, for hire or otherwise, without separate kitchen facilities, with or without meals. If there are more than ten sleeping rooms, such buildings shall be considered hotels.

BUFFER ZONE: Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

BUILDING: Any roofed structure intended for the shelter, housing, or enclosure of persons, animals or property. When a building, is divided into separate parts extending from the ground up, each part so divided is deemed a separate building.

BUILDING LINE: A line established by law, usually parallel with a property line, beyond which a structure may not extend.

BUILDING, FLOOR AREA: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches, and roofed terraces. All dimensions shall be measured between exterior faces of walls.

CELLAR: That space of a building which has more than half of its height, measured from floor to ceiling, below the average grade.

CELL TOWER: Structure used for cell communications.

CLUSTER HOUSING: Subdivision technique in which detached dwelling units are grouped relatively close together, leaving open spaces as common areas.

COMMERCIAL COMPOSTING: Aerobic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material used for fertilizing and conditioning land.

COMMUNITY PARK OR PLAYGROUND: Land managed by the public and set aside for public use which may or may not have developed recreational facilities, such as playground, tennis courts, horse and bike trails, baseball fields, picnic areas, swimming pools and/or lavatories.

CUSTOM WORKSHOP: A small establishment where manufacturing or handicrafts are carried on.

COMPOSTING FACILITY: Composting facilities are locations where composting of yard clippings or other organic materials occurs using mechanical handling techniques such as physical turning, windrowing, or aeration or using other management techniques.

DAYCARE: Provision of daytime training, supervision, recreation, and often medical services for children of preschool age, for the disabled, or for the elderly.

DOMESTIC ANIMALS: The animals identified by name in the following definitions, other than domestic pets, as well as any of the various animals adapted by humans to live and breed in domestication.

DOMESTIC PETS: Dogs, cats, canaries, parakeets, parrots, and other animals and fowl commonly treated and considered as house pets, housed indoors and not prohibited by state and federal law.

DRIVEWAYS AND PASSAGEWAYS: Private access routes which directly service a parking area or parking spaces not directly serving more than two (2) dwelling units, and not providing a route for through traffic. Minimum driveway widths shall be as follows:

PARKING ANGLE	DRIVEWAY WIDTH
No parking	18'
Parallel 20'	20'
45° one-way	20'
60° one-way	20’
90° one-way	24’

DWELLING, ONE-FAMILY: A detached building, other than a trailer or other temporary structure designed for exclusive year-round occupancy by one family only.

DWELLING, TWO-FAMILY: A detached building, other than a trailer or other temporary structure, designed for exclusive year-round occupancy by two families living independently of each other.

DWELLING, MULTIPLE FAMILY: A building or group of buildings, designed for year-round occupancy by more than two families, including apartment houses and group houses, but excluding hotels and rooming houses.

DWELLING UNIT: One or more rooms with provision for living, sanitary, and sleeping facilities arranged for the use of one family.

FAMILY: Any number of persons or recognized relationships maintaining a common household, including domestic help.

FARM PRODUCTS PLANT: Any operation which starts with a farm product, including but not limited to vegetables, fruits, milk, beef, pork, lamb, chicken, eggs, turkey etc. and whose end product packages that product in a form suitable for retail market distribution. This definition includes but is not limited to dairies, cheese plants, vegetable/fruit canneries, slaughterhouses, etc.

FARM STAND: A structure used in the sale of agricultural products that are produced on the premises.

FOWL: Chickens, ducks, geese, turkeys, swan, guinea fowl, pea fowl, pheasants, quail, and other fowl similar to the foregoing.

FRONT: That part of a parcel of land or building abutting or facing the principal street or road. In the case of corner lots on two intersecting streets or road the parcel will be considered to have two front yards, one side yard and one rear yard at minimum.

GARAGE, PRIVATE: A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises.

GARAGE, PUBLIC: A building or part thereof for the storage, hiring, selling, greasing, washing, servicing, or repair of motor-driven vehicles, operated for gain.

GASOLINE STATION: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning, or otherwise servicing motor vehicles, not including the painting or major repair thereof. The term "Gasoline Station" shall be deemed to include filling station and service station.

GREENSPACE: Area of land with vegetative cover.

HISTORIC BUILDING OR SITE: A building or area which has historic and special public value because of notable architectural or other features relating to the cultural, historic, or artistic heritage of the community.

HOBBY FARM: An agricultural operation grossing under $10,000 per year under special permitted use.

HOME OCCUPATION: An occupation or profession which is customarily carried on in a

dwelling unit or in a building or other structure accessory to a dwelling unit; and is carried on by a member of the family residing in the dwelling unit; and is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and which conforms to the following additional conditions:

1. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.

2. There shall be no exterior display, nor any exterior sign except a business sign, no exterior storage or materials and no other exterior indication of the home occupation or variation from the residential character of the principal building. The Business Sign shall comply with Section 34 of this Local Law.

3. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced. A home occupation includes, but is not limited to art studio; dressmaking; barber shop or beauty parlor; professional office of physician; dentist, lawyer, engineer, architect, accountant: or musical instruction limited to a single pupil at a time.

HOSPITAL: A building or structure for the diagnosis and medical or surgical care of human ailments.

HOTEL: Facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities. The word "hotel" includes the words "motel", "motel court", "inn", "tourist court", or similar names excluding rooming houses and Bed and Breakfast establishments.

INDUSTRIAL WIND TURBINE: A wind energy conversion system consisting of a tower, nacelle and associated control or conversion electronics and equipment contained within or atop a tower which convert the kinetic energy of wind to generate electricity to supply energy primarily into a grid for sale to the general public or to supply multiple users located off-site on which the energy system is located.

JUNKYARD: A lot, land or structure, or part thereof, used for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles, and for the sale of the parts thereof; or for the storing or abandonment of two or more unlicensed or unregistered motor vehicles for 30 days or more.

KENNEL: A structure used for the harboring for hire of five or more dogs or cats, more than six months old.

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy generation facility, whether a ground-mounted and/or rooftop installation, principally used to covert solar energy to

electricity, whether by photovoltaics, concentrating solar thermal devised or various experimental solar technologies, designed, and intended to supply energy primarily into a utility grid for sale to the general public or to supply multiple users located off-site on which the energy system is located.

LAUNDERETTE: A business premises serviced by municipal sewerage or a NYSDOH approved system, equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential hotel or club.

LIGHT ASSEMBLY PLANT: A use engaged in the creation, predominately from previously prepared materials, of finished products or part, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

LIVING AREA: The sum of the gross horizontal area of the several floors of a building, including areas below grade devoted to residential use. All dimensions shall be measured between exterior faces of walls.

LOADING SPACE: A paved area designed for the parking, loading and unloading of delivery vehicles.

LOT: A parcel of land considered as a unit, occupied or capable of being occupied by a building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as are required by this Local Law and having its principal frontage on a public street or an officially approved place.

LOT AREA: The total horizontal area included within lot lines. No part of the area within a public right-of-way may be included in the computation of lot area.

LOT, CORNER: A lot located at the intersection of and fronting on two or more intersecting streets and having an interior angle at the corner of intersection of less than 135 degrees.

LOT, COVERAGE: That portion of the lot that is covered by buildings or any impervious material, (including all blacktop and concrete areas).

LOT, INTERIOR: A lot other than a corner lot.

LOT, THROUGH: A lot having frontage on two approximately parallel or converging streets other than a corner lot.

LOT, DEPTH: The mean horizontal distance between the front and rear lot lines, measured in

the general direction of the side lot lines.

LOT, WIDTH: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district, except as noted in Section 16.

MINERAL: any naturally formed, usually inorganic, solid material located on or below the surface of the earth. For the purposes of this Local Law, peat and topsoil shall be considered minerals.

MINING: the extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial, or construction use; exclusive of manufacturing processes, at the mine location; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. "Mining" shall not include the excavation, removal, and disposition of minerals from construction projects, exclusive of the creation of water bodies, or excavations in aid of agricultural activities.

MINOR: A person less than eighteen (18) years of age.

MOBILE HOME: A movable single dwelling unit equipped with a chassis designed for and providing housekeeping, facilities for year-round occupancy including plumbing, heating, electrical, cooking and refrigeration systems and equipment. Includes double wide units.

MOBILE HOME PARK: A parcel of land which has been planned and improved for the placement of two or more mobile homes for non-transient use.

MODULAR HOME: A prefabricated dwelling unit capable of being delivered to a site in several sections and is indistinguishable in appearance from conventionally built homes.

MOTORIZED SPORTS FACILITY: Racetrack, dragstrip, motocross, snowmobiles.

NAMEPLATE: A plaque or sign for non-business purposes bearing the name of the owner of the residence and no larger than eight (8) square feet.

NON-CONFORMING USE: A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

NURSING OR CONVALESCENT HOME OR HOME FOR THE AGED: A building used for the
accommodation and care of persons with, or recuperating from, illness or incapacity, where nursing services are furnished, or for the accommodation and care of persons of advanced age.

OPEN SPACE: Any parcel or area of land or water. Essentially unimproved by buildings.

PARKING SPACE: The area required for parking one automobile which in this Local Law is held to be an area at least nine feet wide and 20 feet long, exclusive of passageways and driveways thereto.

PERMANENT FOUNDATION: Concrete or stone walls which support the bottom floor and exterior walls of a building and extending below the ground deeper than the average annual frost level, or a reinforced concrete base below the bottom floor pf a building of sufficient thickness and having a suitable sub-base to resist shifting and heaving from changes in temperature and moisture conditions in the ground beneath the building.

PERSONAL SERVICE SHOPS: Establishments providing services or entertainment, as opposed to products, to the general public including, but not limited to cleaning and garment services, beauty shops, photography shops, shoe repair, barber shops, funeral services, clothing rental, reduction salons and tanning parlors.

PERSONAL WIRELESS SERVICES: shall mean any person, firm, corporation, or governmental agency, duly licensed/authorized to furnish the public, under governmental regulation, commercial mobile services, wireless telecommunication services, and common carrier wireless exchange access services, including cellular radiotelephone, specialized mobile radio system and personal communication services, which are regulated by the Federal Communications Commissions in accordance with the Communication Act of 1934 (47U.S.C. Sections 151-613 (1988) as it may hereinafter be amended from time to time.

PERSONAL WIRELESS SERVICE FACILITY: Is a facility for the provision of Personal Wireless Services. A Personal Wireless Service Facility includes an Antenna, Equipment Mounting Structure, and accessory buildings and equipment. For purposes of this Local Law, a Personal Wireless Service Facility shall not be included within the definition of a "Public Utility Facility" as specified in this Local Law.

PLANNING BOARD: Planning Boards are given certain advisory powers by State statute simply by virtue of their being created. These "automatic" functions fall into two general categories:

a) The power to make investigations, maps, and reports on specific issues relating to the planning and development of the municipality. A Planning Board doesn't have to wait to

be asked for an opinion. Within the limit of its budget, it can act on its own in rendering advice.

b) The power to draft and recommend a comprehensive plan to guide the future growth of the Town in an orderly manner.

PROFESSIONAL OFFICE: Offices for a person or persons whose vocation or occupation requires advanced training in liberal arts or science and whose service usually involves nonmanual work.

PUBLIC BUILDING: Any town, county, state or federally owned building(s) or land including but not limited to town halls and highway department garages.

PRIVATE OR PUBLIC UTILITY: Shall mean any person, firm, corporation, or governmental agency, duly authorized to furnish the public, under governmental regulation, electricity, gas, water, sewage treatment, steam, cable television, or related communication service. This definition shall not bestow any special status or standing not already provided by State or Federal Law. This shall not include a major renewable energy facility as set forth in Local Law no.5 of 2022 which shall be regulated pursuant to Local Law no. 5 of 2022.

PRIVATE OR PUBLIC UTILITY FACILITY: A facility other than a Personal Wireless Service Facility for the provision of public utility services, including facilities constructed, altered or maintained by utility corporations, either public or privately owned, or governmental agencies, necessary for the provision of electricity, gas, steam, heat, communication, water, sewage collection, or such service to the general public. Such facilities shall include poles, wires, mains, drains, sewers, pipes, conduits, cables, alarms and call boxes and other similar equipment, but shall not include office or administrative buildings. This shall not include a major renewable energy facility as set forth in Local Law no. 5 of 2022 which shall be regulated pursuant to Local Law no. 5 of 2022.

RESIDENCE: A structure or portion thereof used as a dwelling unit.

RESTAURANT: A building or portion of a building wherein food and beverages are available for on-site or off-site consumption.

RETAIL FARM MARKET: A structure for the sale of agricultural products either produced on or off the premises.

RETAIL STORE: Any building or permanent structure or portion thereof in which one or more services or one or more articles of merchandise are sold at retail including department stores.

SAWMILL: A facility utilized to process timber into boards, beams and related wood stock for commercial purposes.

SHED: An accessory building which is no larger than 150 square feet.

SIGN: Any devise affixed tb or painted or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business, but not including any flag, badge or insignia of any government or government agency, school, or religious group or of any civic, charitable, religious, patriotic, fraternal, or similar organization, nor any official traffic control devise. Each display surface shall be considered to be a "sign".

SIGN, ADVERTISING: A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed, only incidentally on the premises, if at all.

SIGN, BUSINESS: A sign which directs attention to a business or profession conducted, or a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "For Sale" or "For Let" sign relating to the lot on which it is displayed shall be deemed to be a business sign.

SIGN, FLASHING: A "flashing sign" is any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color when such sign is in use. For the purpose of this Local Law any revolving, illuminated sign shall be considered a "flashing sign".

SITE PLAN: A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right of way, boundaries, all essential dimensions, and bearings and any other information deemed necessary by the Planning Board.

SITE PLAN REVIEW: A review and approval process, conducted by the Planning Board, whereby site plans are reviewed utilizing criteria stated in the Local Law and as authorized by Town Law.

SMALL-SCALE SOLAR ENERGY SYSTEM: A solar energy system that is designed and/or built to provide power for use by owners, lessees, tenants, residents, businesses, or other occupants of the premises on which they are erected, i.e. on premises consumption of the power to be produced.

SOLAR COLLECTOR: A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR INSTALLATION: Ground-mounted and freestanding solar collectors are permitted as Accessory Structures in all zoning districts and require a Building Permit issued by the Code Enforcement Officer.

SOLAR INSTALLER, QUALIFIED: A person who is on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or is certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP).

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

SPECIAL PERMITTED USE / SPECIAL PERMIT: A use of property that may be appropriate to a given zoning district, but which may be incompatible in some locations within the district and therefore, is not permitted by right everywhere within such districts. A special permitted use, therefore, is one which is allowable only when facts and conditions specified in the Local Law as those upon which the use is permitted are found to exist.

STABLE, PRIVATE: A principal or accessory building in which horses are kept for private use and not for hire or sale.

STABLE, PUBLIC: A principal or accessory building in which horses are kept for remuneration, hire or sale.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF: That part of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space with less than five feet clear headroom shall not be considered as floor area.

STREET: A public way which affords the principal means of access to abutting property.

STRUCTURE: Any building or other construction, with or without a roof, which requires location on the ground or attachment to something having location on the ground.

STRUCTURAL ALTERATION: Any change in the supporting members of a building.

SUB-DIVISION: Division of any parcel or property into 2 or more parcels.

THEATER, OUTDOOR: An open lot or part thereof, with its appurtenant structures and facilities, devoted primarily to the showing of motion pictures or theatrical production on a paid admission basis.

TINY HOME: A permanent residential living structure containing 400 SF or less that is constructed in accordance with the most recent revision to Appendix Q of the International Residential Code and the New York State Uniform Fire Prevention and Building Code.

TOOL AND DIE BUSINESS: The industrial art of manufacturing stamping dies, plastics molds, and jigs and fixtures to be used in the mass production of solid objects.

TOURIST HOME: A dwelling where transient guests are lodged for hire.

TOWN HOUSE: One of several units in a building designed for and occupied exclusively as a residence for not more than one family living independently of any other family, separated from other units by a party wall or walls, and erected on a lot intended to be held in the form of a condominium or in a single and separate ownership from any adjoining units.

TRAILER: A mobile unit designed for camping, recreational travel, or vacation use which is equipped with a chassis and provides partial housekeeping facilities such as plumbing, heating, electrical, cooking or refrigeration systems or equipment.

TRAILER CAMP: An area occupied or designed for seasonal occupancy by two or more trailers.

TRUCK TERMINAL: A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks are parked or stored.

VARIANCE: Permission to depart from the literal requirements of the Local Law.

VARIANCE, AREA: A departure from the area setback, frontage, coverage, size or other requirements of the applicable zoning district, or a departure from any provision of this Local Law except use.

VARIANCE, USE: A variance granted for a use or structure that is not permitted in the zoning district.

WHOLESALE STORAGE OR WAREHOUSE: A building or buildings used as a wholesale distribution center.

WINDMILL: Wind powered devices that convert the energy of wind by means of vanes into mechanical energy. Supplies energy solely for on-site use. Windmill height not to exceed 75 feet to tip of blade in vertical position.

WIND TURBINE: A wind energy conversion system consisting of a tower, nacelle and associated control or conversion electronics and equipment contained within or atop a tower

which converts the kinetic energy of wind to generate electricity. Supplies energy solely for on-site use and not connected to the power grid for commercial sale of electricity. Wind Turbine height not to exceed 75 feet to tip of blade in vertical position.

YARD, FRONT: An open unoccupied and unobstructed space on the same lot with a main building, extending the full width of the lot and situated between the front property line and the front line of the main building projected to the side lines of the lot.

YARD, REAR: A space on the same lot with a main building, open and unoccupied except for accessory buildings, extending the full width of the lot and situated between the rear line of the main building projected to the side lines of the lot and the rear line of the lot.

YARD, SIDE: An open unoccupied space on the same lot with a main, building, situated between the sideline of the main building and the adjacent sideline of the lot extending from the front yard to the rear yard. Any lot line not a front line or rear line shall be deemed a side line.

Article III- Districts and Boundaries

Section 3.01 Establishment of Districts

For the purpose of this ordinance, the Town of Glen is divided into the following districts:

Rural / Residential (R-R)
Hamlet (H)
Commercial (C)
industrial Business Park (IBP)

Said districts are bounded and defined as shown on a map entitled "Zoning Map Town of Glen", hereinafter called the Zoning Map, adopted by the Town Board and certified by the Town Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Local Law.

Section 3.02 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

• Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

• Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

• Where the boundary of a district follows a stream or other body of water, said boundary line shall be deemed to be the center line of such stream or body of water unless otherwise indicated.

Article IV- Use Regulations

The principal permitted uses of each zoning district are permitted as of right. All special permitted uses require both special permit review and site plan review. Uses not listed for a specific zoning district are prohibited from that district and would therefore require a use variance.

Section 4.01 Rural Residential (RR)

In the Rural Residential (RR) district no building or premises shall be used, and no building shall be erected or altered except for one or more of the following uses:

A. Principal Permitted Uses-

1. One Family Dwelling
2. Two Family Dwelling
3. Farm and Accessory Buildings and Uses (to include Hobby Farms)
4. Mobile Home, including double wide
5. Nursery
6. Community Park or Playground
7. Accessory Use and Building
8. Home Occupation
9. Windmill or wine turbine (accessory use only)
10. Restaurant
11. Bakery
12. Garage (public and non-public)
13. Historic Building Site
14. Small Scale Solar Energy System (Accessory Use)
15. Organic Fertilizer Manufacturing (Composting, accessory use only)

B. Permitted Uses by Special Permit- See Section 9

1. Multiple Family Dwelling including Townhouse
2. Cluster Housing
3. Bed and Breakfast Establishment
4. Boarding or Rooming House
5. Church
6. Parish House, Convent
7. Public or Parochial School or College
8. Nursing, Convalescent or Home for the Aged
9. Adult Residential Center
10. Daycare
11. Launderette
12. Retail Store

13. Golf Course, Country Club, or Other Sporting Facilities
14. Commercial Recreation
15. Public Building
16. Animal/veterinary Hospital
17. Kennel (5 or More Animals)
18. Boarding Stable
19. Funeral Home
20. Crematorium
21. Firehouse / Emergency Services
22. Self-Storage
23. Radio, TV Transmitter or Receiving Tower with Building
24. Radio, TV Transmitter or Receiving Tower without Building
25. Car Wash
26. Public or Private Utility Facility with Building
27. Public or Private Utility Facility without Building
28. Personal Wireless Service facility (Cell Tower)
29. Farm Products Plant
30. Topsoil Operation
31. Earth, Sand, Gravel or Mineral Excavation
32. Gas or Oil Extraction
33. Agricultural Lime Manufacturing
34. Rock Quarry Operation
35. Advertising Sign
36. Airport / Heliport
37. Motorized Sports Facility
38. Bio-fuel production and storage
39. Hotel
40. Gaming Facility
41. Sawmill
42. Townhouse
43. Picnic Grove
44. Fish and Game Club
45. Large-Scale Solar energy systems

C. Prohibited Uses-

1. Battery Energy Storage Systems for Commercial Use
2. Windmill/ Wind Turbines in excess of 75ft from tip of blade in vertical position
3. Industrial Wind Turbine

Section 4.02 Hamlet (H)

In the Hamlet District (H) no Building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

A. Principal Permitted Uses-

1. One Family Dwelling
2. Two Family Dwelling
3. Community Park or Playground
4. Farm and Accessory Use or Building (to include Hobby Farms)
5. Fire Station, Municipal Building
6. Historic Building or Site
7. Accessory Uses or Building
8. Home Occupation
9. Small Scale Solar Energy System (Accessory Use)

B. Permitted Uses by Special Permit- See Section 9

1. Church
2. Parish House, Convent
3. Public or Parochial School or College
4. Hotel
5. Gasoline Station
6. Multi Family Dwelling including townhouse
7. Bed and Breakfast Establishment
8. Retail Store
9. Personal Service Shop
10. Bank
11. Custom Workshop
12. Museum
13. Launderette
14. Restaurant
15. General Store
17. Professional Office, Studio
18. Antique Store
19. Mobile Home, including double widest
20. Bakery

C. Prohibited Uses-

1. Battery Energy Storage Systems for Commercial Use
2. Windmill/ Wind Turbines in excess of 75ft from tip of blade in vertical position
3. Industrial Wind Turbine
4. Large-Scale Solar Energy System

Section 4.03 Commercial (C)

In the Commercial District (C) no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

A. Principal Permitted Uses-

1. Bed and Breakfast Establishment
2. Personal Service Shop
3. Retail Store
4. Museum
5. Custom Workshop
6. Radio, Television or Household Appliance Sales or Service
7. Funeral Home
8. Antique Shop
9. Animal/Veterinary Hospital
10. Feed, Lumber, Seed or Fertilizer Building
11. Carwash
12. Fire Station or Municipal Building
13. Cabinet, Electrical, Heating, Plumbing or Air Conditioner Shop
14. Mobile Home as part of a Farm Operation,
15. Community Park or Playground
16. Retail Bakery
17. Historic Building or Site
18. Laundry or Dry-Cleaning Plant
19. Farm and Accessory Uses or Building (to include Hobby Farms)
20. One Family Dwelling
21. Accessory Use or Building
22. Home Occupation
23. Light Industrial Manufacturing, Fabrication or Assembly Facility
24. Garage (public and nonpublic)
25. Restaurant
26. Two Family Dwelling
27. Small Scale Solar Energy System (Accessory Use)

B. Permitted Uses by Special Permit- See Section 9

1. Gasoline Station
2. Professional Office, Studio
3. Bank
4. Public Utility Facility
5. Hotel
6. Public Garage
7. Restaurant

8. Fuel Sales and Storage
9. Automobile, Boat, Farm Implement, Tool or Mobile Home Sales or Rental
10. Indoor Storage of Non-Liquid, Non-Gaseous Fuel
11. Bowling Alley
12. Multi Family Dwelling (two family dwelling)
13. Adult Oriented Business
14. Tavern
15. Windmill or Wind Turbine
16. Biofuel production and/or storage
17. Leather Mill
18. Marina
19. Large-Scale Solar Energy Systems

C. Prohibited Uses-

1. Battery Energy Storage Systems for Commercial Use
2. Windmill/ Wind Turbines in excess of 75ft from tip of blade in vertical position
3. Industrial Wind Turbine

Section 4.04 Industrial (I)

In the IBP Industrial Business Park District no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

A. Principal Permitted Uses-

1. Warehousing, Storage and Distribution
2. Light Industrial Manufacturing, Fabrication or Assembly Facility
3. Manufacturing or Assembly of Electronic Devises or Instruments
4. Printing or Publishing Plant
5. Tool, Die, Pattern or Machine Shop
6. Small Scale Solar Energy System (Accessory Use)
7. Research and Development Center
8. Transportation Services, Including Automobile and Truck Rentals and Public Garages
9. Professional Offices
10. Accessory use or building associated with approved primary use
11. Farm and Accessory Use or Building

B. Permitted Uses by Special Permit- See Section 9

1. Manufacture or Processing Dairy or Other Food Products
2. Communication Towers
3. Vehicle Wash

4. Bulk Storage of inflammable and non-hazardous liquids
5. Public or Private Utility Facility with Building
6. Animal/Veterinary Hospital, Commercial Kennel
7. Public Building/Firehouse/Emergency Services
8. Commercial Laundry Facility
9. Retail Store to Retail Establishment which does not sell gasoline or diesel fuel
10. Sawmill/Wood Product Processing
11. Crematorium
12. Large Scale Solar Energy System

C. Prohibited Uses-

1. Battery Energy Storage Systems for Commercial Use
2. Windmill/ Wind Turbines in excess of 75ft from tip to blade in vertical motion
3. Industrial Wind Turbine
4. Slaughterhouse
5. Manufacture or Storage of Explosives and Fireworks
6. Manufacture or Storage of Hazardous or Toxic Materials
7. Temporary/Long-term storage intended for landfill materials
8. Auto Wrecking Yards or Scrap Metal Storage

Article V - Area and Height Regulations, Lots, Yards and Buildings

Section 5.01 Regulations in Schedule A

Regulations governing lot area and lot width; front, side and rear yards; building coverage and building height are specified in Schedule A and in the additional regulations of Article VI, and supplementary regulations of Article VII Schedule A accompanies, and is hereby made a part of this Local Law.

Section 5.02 Area Regulations

1. Lots of Less Than Required Dimensions -

1.a. Any lot with an area or a width less than that required in the district in which said lot is located may be used for any permitted principal use in the district, provided that all other regulations prescribed for the district shall be complied with, and further provided that said lot was held under separate ownership at the time of the adoption of this local law and the owner thereof owned no adjoining land that could be combined with said lot to meet the dimension requirements.

2. Reduction of Lot Area -

2.a. The minimum yards and open spaces, including lot area per family, required by this ordinance shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot be reduced below the district requirements of this Local Law.

3. Corner Lots - On a corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard on each such street. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a permit.

4. Visibility at Street Corners - On a corner lot in any district where a front yard is required, no fence, hedge, wall or other structure or planting more than three feet in height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points 20 feet distant from the point of intersection, measured along said lines. Intersections with county or state road shall be in accordance with corresponding transportation department regulations and restrictions imposed by this Local Law.

5. Transition Yard Requirements -

5.a. Where two districts abut on the same street between two intersecting streets, and the front yard requirements of one district are less than those of the other district, there shall be provided for buildings hereafter constructed or structurally altered within a distance of 50 feet from the district boundary line in the less restricted district a front yard equal in depth to the average of the required depth in the two districts.

5. b. Where the side or rear yard of a lot in a Residential District abuts a side or rear yard of a lot in a Commercial District, there shall be provided along such abutting line or lines in the Commercial District a side or rear yard equal in depth to that required in the more restricted district, and in addition, a planting buffer at least 10 feet wide, having evergreen vegetative screening and/or opaque fencing at least 8 feet high may be required by the Town Planning Board in an easement in any Commercial District.

6. Projecting Architectural Features, Terraces, Porches, Fire Escapes -

6. a. The space in any required yard shall be open and unobstructed except for the ordinary projections of windowsills, belt courses, cornices, eaves, and other architectural features, provided, however, that such features shall not project more than two feet into any required yard.

6.b. A paved terrace shall not be considered as part of a building in the determination of yard size or lot coverage, provided that such terrace is without a roof and without walls, parapets, or other form of enclosure exceeding six feet in height.

6.C. In determining the percentage of building coverage or the size of yards for the purpose of this ordinance, enclosed porches, or porches open at the side but roofed, shall be considered a part of the building.

7. Walls, Fences and Hedges - The yard requirements of this ordinance shall not prohibit any necessary retaining wall nor any fence, wall or hedge permitted by the Town Local Law, provided that in any Residence District such fence, wall or hedge shall be no closer to any front lot line than two feet, and shall comply with visibility at street corners as provided in this Article.

Section 5.03 Height Regulations

1. Chimneys, Spires, etc. - The height limitations of this ordinance shall not apply to belfries, church spires, cupolas, and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks or other storage tanks/silos and necessary mechanical appurtenances usually carried above the roof level; not to flag poles, monuments, transmission towers and cables, radio and television antennae or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended, and are subject to planning board, review, and approval.

No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank, or other structure which extends above the roof limitations.

Article VI - Site Plan Approval and Special Permits

Section 6.01 Purpose and Authorization

The purpose of site plan approval and special permit approval is to ensure compliance with the objectives of this Local Law, thereby promoting public health, safety, and general welfare. This section of the Town of Glen Land Use Management Local Law is enacted under the authority of Section 274-a of the Town Law of the State of New York to protect the health, safety, convenience, and general welfare of the inhabitants of the Town. This Section regulates the development of structures and sites in a manner, which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances.

The power to approve, or approve with conditions, or deny site plans and special permits as required by this article is rested in the Planning Board. All site plan and special permit applications shall comply with the adopted, current requirements and procedures of the Planning Board.

Section 6.02 Developments Requiring Site Plan Review

All development projects in all districts other than agricultural in the Rural Residential District require site plan review. In addition, all special permits require site plan review by the planning board:

Section 6.03 Procedure

1. Prior to the submission of a formal site plan, a pre-submission conference shall be held wherein the applicant shall meet in person with the Zoning Enforcement Officer to discuss the proposed site plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Town's requirements in matters relating to the development of the site.

2. Within six (6) months following the pre-submission conference, five (5) copies of the site plan and any related information shall be submitted to the Zoning Enforcement Officer, accompanied by a fee in accordance with the schedule of fees of the Town of Glen, payable to the Town Clerk. If the application is not submitted within this six-month period, another resubmission conference may be required. An Environmental Assessment Form, as required by the State Environmental Quality Review Act, shall also be submitted with the application.

3. The Zoning Enforcement Officer shall certify on each site plan or amendment whether or not the application is complete in accordance with the requirements of this section, and whether the plan meets the requirements of all zoning ordinance provisions other than those of this section, such as setbacks, number of parking spaces, etc. The Zoning Enforcement Officer

shall act to certify the application or return it to the applicant for completion or revision within ten (10) days of submission by the applicant.

4. Following certification of a complete application, the Zoning Enforcement Officer shall forward the application to the Planning Board no later than ten (10) days prior to its next meeting.

5. The Planning Board may, at its discretion, hold a public hearing on the application. Said hearing shall be held within sixty-two (62) days of submission to the Planning Board of said complete application. The Planning Board shall give notice of the hearing in a newspaper of general circulation in the Town at least ten (10) days prior to the hearing. In addition, the applicant shall give notice in writing by certified mail, return receipt required to all property owners of the land immediately adjacent to, extending five hundred feet (500') there from, and directly opposite thereto, extending five hundred feet (500') from the street frontage of the land in said application. The applicant shall mail these notices at least ten (10) days in advance of the hearing and furnish the Planning Board with such Post Office receipts as have been received as of the date of such hearing.

6. The Planning Board shall make a determination of significance of the proposed site plan according to SEQR. The time limitations of section 19 part 8 shall not apply until the conclusion of the SEQR process.

7. Whenever any Site-Plan involved real property in an area described in Section 239-m of the General Municipal Law, said Site Plan shall be referred to the County Planning Board, which Board shall report its recommendations to the Town Planning Board. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval. The concurring vote of a majority plus one of the Town Planning Board shall be necessary to override County Planning Board recommendations of approval with modification or disapproval. In the event that the County Planning Board recommends modifications or disapproval of a referred matter and the Town Planning Board acts to the contrary, the Town Planning Board shall file a report of its final action with the County Planning Board within seven (7) days after final action.

8. The Planning Board shall, within 62 days of the public hearing, if one is held, or within 62 days of the receipt of a complete site plan application shall either:

8.a. Approve the site plan if the Board finds that the plan meets the requirements of this ordinance and any other applicable rules and regulations; or

8.b. Condition approval of the site plan upon the applicant making certain changes or modifications to the plan, said conditions to be set forth in writing by the Board; or

8.c. Disapprove the site plan, the reasons for such action to be set forth in writing by

the Board.

Failure by the Planning Board to act within the required time shall be deemed approval. Should the Planning Board need additional time to consider the application; they may do so only with the consent of the applicant. Said agreement shall be recorded in the meeting minutes.

9. Review of amendments to an approved site plan shall be acted upon in the same manner as the review of an original plan.

Section 6.04 Enforcement

1. The Planning Board may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. The Zoning Enforcement Officer may suspend any permit or license when work is not performed as required.

2. Any Special Permit issued under this section shall lapse within one year if a substantial use thereof has not commenced, except for good cause. The time required to pursue and await determination of a judicial appeal pursuant to the Town Law shall be included within the one-year time limit.

3. The Planning Board may adopt additional detailed design guidelines and performance standards, as it deems necessary by majority vote of the Planning Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing shall be advertised once in a newspaper of general local circulation, at least seven (7) days prior to the hearing. Such standards and guidelines shall not become effective until adopted by the Town Board following a public hearing.

Section 6.05 Submission Requirements

1. The site plan shall include the following data, details and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan except in accordance with Section 6.05, part 2, below.

2. The Planning Board may waive any of the requirements of Section 6.05, parts 3 or 4 and parts thereof, prior to the submission of a formal site plan, when such requirements are not material to the project under review.

3. Site plans shall be prepared by a surveyor, registered professional engineer, architect, or landscape architect at a scale of one inch (1") equals twenty feet (20') or less, on standard 24" X 36" sheets, with continuation on 8 1/2 x 11" sheets as necessary for written information.

4. Items required for submission include -

4.a. Name of the project, boundaries, location maps showing site's location in the Town, date, north arrow and scale of the plan. This title block shall be located in the lower right-hand corner of the Site Plan.

4.b. Name and address of the owner of record, developer, and seal of the engineer, architect, surveyor, or landscape architect.

4.c. Name and address of all owners of record of abutting parcels and those within five hundred feet (500') of the property line.

4.d. All existing lot lines, easements, and rights-of-way. Include areas in acres or square feet, abutting land uses, and the location and size of structures within five hundred feet (500') of the site.

4.e. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.

4.f. The location of all present and proposed public and private way, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, and walls. Location, type, and screening details for all waste disposal containers shall also be shown.

4.g. The location, height, intensity, and bulk type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.

4.h. The location, height, size, materials, and design of all proposed signage.

4.1. The location of all present and proposed utility systems including the following:

4.1.1. Sewage or septic systems

4.1.2. Water supply system

4.1.3. Telephone, cable and electrical systems

4.1.4. Storm drainage system including existing and proposed drainage lines, culverts, catch basins, headwalls, end walls, hydrants, manholes, and drainage swales.

The Planning Board may also require soil logs, soil profile analysis (deep hole test pits), percolation tests and storm water run-off calculations for large developments or developments in environmentally sensitive areas.

4.j. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable. There shall be pre and post drainage calculations for the site done by a certified engineer. From this the engineer must show how there will be no increase in runoff from the site. The use of ponds, dry wells, etc. shall be used, but all sites shall have zero increase in runoff so as not to disturb neighboring properties.

4.k. Existing and proposed topography at five-foot (5') contour intervals. All elevations shall refer to the nearest United States Coastal and Geodetic Benchmark. If any portion of the parcel is within the 100-year floodplain, the area will be shown, and base flood elevations given. Indicate areas within site where ground removal or filling is required and give its approximate volume in cubic yards.

4.l. A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features, including size and type of plant material, and erosion control measure. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.

4.m. Zoning district boundaries within two hundred feet (200') of the site's perimeter shall be drawn and identified on the plan.

4.n. Traffic flow patterns within the site, entrances arid exits, loading and unloading area, curb cuts on the site and within two hundred feet (200') of the site.

The Planning Board may require a detailed traffic study for large developments or for those in heavy traffic areas to include:

4.n.1. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic level.

4.n.2. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site.

4.n.3. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.

4.o. For new construction or alterations to any existing building, a table containing the following information must be included:

4.o.1. Area of building to be used for a particular use such as retail operation, office, storage, etc.

4.o.2. Maximum number of employees.

4.o.3. Maximum seating capacity, where applicable.

4.o.4. Number of parking spaces existing and required for the intended use.

4.o.5. Dimensions, materials, and designs of all structures

4.p. Elevation plans at a scale of 1/4" = 1' for all exterior facades of the proposed structures) and/or existing facades, plus addition(s) showing design features and indicating the type and color of materials to be used.

5. An Environmental Assessment Form (either a short or long form, depending upon the nature of the proposal) shall be submitted with the site plan to ensure compliance with the New York State Environmental Quality Review Act (6 NYCRR 617), to identify the potential environmental, social, and economic impacts of the project.

Section 6.06 Standards for Review

The Planning Board shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below. Pursuant to Section 6.05, Part 3, detailed design guidelines and performance standards may be adopted by the Planning Board to guide decisions with respect to these objectives, and to help ensure consistency in the review of all applications.

1. **Legal -** Conformance with the provisions of the Local Laws and Ordinances of the Town, the Town Law of New York State, and all applicable rules and regulations of State and Federal agencies.

2. **Traffic -** Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.

3. **Parking -** Provision for off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic.

4. **Public Services -** Reasonable demands placed on public services and infrastructure.

5. Pollution Control - Adequacy of methods of sewage and refuse disposal and the protection from pollution of both surface water and groundwater. This includes minimizing soil erosion both during and after construction.

6. Nuisances - Protection of abutting properties and town amenities from any undue disturbances caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.

7. Existing Vegetation - Minimize the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.

8. Amenities - The applicant's efforts to integrate the proposed development into existing landscape through design features, such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.

9. Town Character - The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape and the natural landscape.

10. Safety - the control of recognized hazards to achieve an acceptable level of risk.

Section 6.07 Consultant Review

In its review, the Planning Board may consult with the Code Enforcement Officer, Fire Commissioners, Highway Superintendent, other local and county officials, and the Town's private design consultants. In addition, the Town may also consult with representatives of federal and state agencies, the Soil Conservation Service, the State Department of Transportation, the State Department of Environmental Conservation, and the NYS Department of Health. If a consultant is retained by the board during the review process the developer shall agree to pay his/her fees. An estimate of his/her fees shall be provided at the beginning of the project. The developer will be required to pay one-third at this time, another third at the time of the public hearing and a final third before a decision is rendered by the Board.

Section 6.08 Additional Requirements

The Planning Board may require such additional provisions and conditions that appear necessary for the advancement of the public environment. Such shall include but shall not be limited to the following:

1. Reimbursable Costs - Reasonable costs incurred by the Planning Board for private consultation fees or other extra ordinary expense in connection with the review of a proposed

site plan shall be charged to the applicant. Such reimbursable costs shall be in addition to the fee required in the Town Schedule of Fees for site plan review.

2. Performance Guarantee - No Certificate of Occupancy shall be issued until all improvements shown on the final site plan are installed or a performance guarantee, a letter of credit or a certificate of deposit has been posted for improvements not yet completed. Such performance guarantee, letter of credit or certificate of deposit shall be posted in accordance with procedures specified within the Town Law relating to subdivisions. Additional requirements relating to performance guarantees shall be established by the Town Board. The amount and sufficiency of such performance guarantee shall be established by the Planning Board after consultation with the Code Enforcement Officer, Attorney(s) for the Town and the Planning Board's designated consultants, or other competent persons.

3. Inspection of Improvements - The Zoning Enforcement Office shall be responsible for the overall inspection of site improvements, including coordination with the Town's private consultants, as may be appropriate on multi-family residential, commercial, and industrial projects.

Section 6.09 Appeals

Any person or persons, jointly or severally aggrieved by any decision of the Planning Board concerning review of a site plan may bring a proceeding to review in a manner provided by Article Seventy-Eight of the Civil Practice Laws and Rules in a court of record.

Section 6.10 Special Permits

On application and after public notice and hearing by the Planning Board said Board may authorize, by resolution, the issuance of a special permit only for those uses in a district where this Local Law requires such a permit. In authorizing the issuance of a special permit, the Planning Board shall take into consideration the public health, safety, and general welfare and shall prescribe appropriate conditions and safeguard to ensure the accomplishment of the following objectives, unless otherwise provided all special permits shall be valid for a period as determined by the Planning Board.

1. Objectives of the special Permit Process

1.a. That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.

1.b. That the proposed use is of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly

development of adjacent properties in accordance with the zoning classification of such properties.

1.c. That, in addition to the above, in the case of any use located in, or directly adjacent to a residential district:

1.c.1. The location size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access street shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or incongruous with, the said residential district or conflict with the normal traffic or the neighborhood and use of adjacent land and buildings or diminish the value thereof.

1.c.2. The location and height of buildings and structures, the location, nature, and height of walls and fences, and the nature and extent of screening and landscaping on the site shall be such that the use will not hinder or discourage the appropriate development.

2. Procedure

Since all special permits require site plan review, the procedure for a special permit shall be the same as specified for a site plan review. Section 6.03 except that a public hearing is mandatory. Site plan and special permit review should be conducted jointly to save time, effort, and repetition of information.

3. Conditions and Safeguards

In authorizing the issuance of a special permit, it shall be the duty of the Planning Board to attach such conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the general objectives of this ordinance. The Planning Board may require that special permitted uses be periodically renewed. Such renewal shall be granted allowing due public notice and hearings and may be withheld only upon determination that such conditions as may have been prescribed by the Board in conjunction with the issuance of the original permit have not been or are no longer being complied with. In such cases, a period of 60 days will be granted the applicant for full compliance prior to the revoking of the said permit. Any use for which a special permit may be granted shall be deemed to be a conforming use in the district in which such use is located providing that:

3.a. The provision in this Local Law under which such exception was issued is still in effect.

3.b. Such exception was issued in conformity with the provisions of this ordinance.

3.c. Such use shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

4. Appeals

Any person or persons, jointly or severally aggrieved by any decision of the Planning Board may bring a proceeding to review of the Planning Board decision in a manner provided by Article Seventy-Eight of the Civil Practice Laws and Rules in a court of record.

Section 6.11 Reserved

Article Vll - Supplementary Regulations

Section 7.01 Access to Improved Streets or State Highways

In any district, a lot to be used for building purposes shall have direct frontage on an improved street, or highway, or on a street in a subdivision plot approved by the Planning Board.

Section 7.02 Lots in Two Districts

Where a district boundary line divides a lot in one ownership at the time of adoption of said district line, the regulation for either district may be used up to 100 feet into the other district provided the lot has the minimum required frontage on a street.

Section 7.03 Drive-In Food Services

Any drive-in food service building shall be located 60 feet or more from any public right-of-way. Such businesses, where persons are served in automobiles, shall not be closer than 200 feet to a Residential District. Arrangements of ingress and egress of vehicles, lights, fences and screening shall be approved by the Planning Board in such a way as not to interfere with uses in the Residential District.

Section 7.04 Accessory Building Number, Height and Location

1. Number - On any lot intended or used primarily for residential purposes, an accessory building such as a private garage for use in connection with the principal dwelling is permitted.

2. Height - Maximum height of accessory buildings shall be 25 feet, except that there shall be no height limitation on barns, silos, and other farm structures.

3. Location - Private garage accessory buildings in Rural Residential Districts, which are not attached to a principal building, may be erected within the rear yard in accordance with the following requirements:

3.a. Rear Yard - Five feet from side or rear property line, except when abutting an alley, then 10 feet.

3.b. Side Yard - Street side of corner lot same as for principal building.

3.c. Not closer to a principal or accessory building than 10 feet.

3.d. In any district, accessory buildings other than private garages shall comply with front and side yard requirements for the principal building to which they are accessory and shall be not closer to any rear property line than 10 feet.

4. **Attached Accessory Building in Residence District -** When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of this ordinance that are applicable to the principal building. The maximum lot coverage shall include all principal and accessory buildings.

Section 7.05 Quarrying/Soil Mining

1. Any quarry or soil mining operation which will extract 1000 tons or more of material within any twelve consecutive months shall operate only under a valid mining permit issued pursuant to the New York State Mined Land Reclamation Law and related regulations. No further mining permit from the Town shall be required.

2. Any commercial quarrying or soil mining operation which is not subject to the requirements of the New York State Mined Land Reclamation Law and related regulations shall apply to the Zoning Board of Appeals for a Special Use Permit pursuant to Article VII of this law. The issuance of such Special Use Permit shall be subject to the following requirements:

3. A time schedule for completion of either the entire operation, or, if excavation is to occur in stages, of each stage of the operation shall be submitted for approval as part of the Special Use Permit Application.

4. An operations plan, including the number and types of trucks and other machinery to be used on the site, shall be submitted for approval as part of the Special Use Permit Application.

5. A restoration and rehabilitation plan showing both existing contours and proposed final contours after operations are completed shall be submitted for approval as part of the Special Use Permit Application.

6. A performance bond to assure complete restoration and rehabilitation shall be posted in an amount satisfactory to the Planning Board.

7. A buffered area of not less than two hundred (200) feet shall be established between the operation and any residential land use within 1000 feet and shall be planted with evergreen trees so as to screen the operation from public view.

8. Such Special Use Permit shall be restricted to an active working area not to exceed ten (10) acres and a time limit not to exceed five (5) years. In any district, the mining of more than one thousand tons of minerals from the earth within twelve successive calendar months shall require a New York State Department of Environmental Conservation (DEC) permit and approval. Local review by the Planning Board is not required. The Town Board will be sent a copy of the applicant's proposal and may make suggestions on ingress, egress, and hours of operation, but final decisions are that of the DEC.

Section 7.06 Junkyards

See Local Law #2 Adopted 1993.

Section 7.07 Signs

Signs shall comply with the following regulations:

1. In the Rural Residential and Hamlet districts non-illuminated and non-advertising signs are permitted as follows:

1.a. One business sign, not to exceed an aggregate of twenty-four (24) square feet of sign area, showing the name or permitted home occupation of the occupant of the premises.

1.b. One sign not to exceed an aggregate of twenty-four (24) square feet of sign area, during and pertaining to the sale, lease, or rental, of the land or building.

1.c. One temporary sign, not to exceed an aggregate of twenty-four (24) square feet of sign area, during and pertaining to construction, repairs or alterations to the property.

1.d. Institutional or religious announcement sign, not to exceed sixty-four (64) aggregate feet in area.

1.e. The above signs can be located in any required yard provided that the sign is setback at least fifteen (15) feet from the road right-of-way.

1.f. Two farm product signs, each not exceeding sixty-four (64) aggregate feet in area, array be displayed on the property, but only when such products are on sale.

2. In Rural Residential (RR), Commercial (C), and Industrial Business Park (IBP), non-flashing, non-advertising signs are permitted as follows:

2.a. A business sign or signs directing attention to a business or profession conducted, or a commodity, service or entertainment offered or sold on the premises shall be permitted. Such sign can be two sided with a maximum of thirty-two (32) square feet on each side. The size of the sign may increase if the road frontage, on which the sign is displayed, is over five hundred (500) feet. For each additional five hundred (500) feet of road frontage, the sign may increase twenty-five (25) square feet on each side with a maximum total of one hundred (100) square feet on each side. No such sign shall project into or over the public right-of-way. In the case of a retail store or other group of related buildings, in addition to the general sign, each individual unit may display an identification sign affixed flat

against the building. Said sign may be a maximum of ten (10) percent of the vertical square feet of the side of the building it is attached to.

2.b. If illuminated, the source of light shall not be visible.

2.c. Non-illuminated real estate signs, not over sixteen (16) square feet in aggregate area, advertising the sale, rental, or lease of the premises on which they are located are permitted.

Section 7.08 Permanent Building Foundations

All dwellings, including One-family, Two-Family, Multiple-Family, Board or Rooming Houses, Mobile Homes, Tiny Homes, and Modular homes shall be placed upon a permanent foundation, except for temporary mobile homes allowed by special permit from the Planning Board.

Section 7.09 Sight Distance at Intersections

No obstructions to vision, such as shrubbery, brush, trees, earth, signs, or structures, shall be permitted at road intersections within the triangle formed by the intersections of road center lines and a line drawn between points along such lines 20 feet distance from their point of intersection.

Section 7.10 Landscaping Requirements

1. Where any permitted non-residential land use, multiple-family development or mobile home park abuts an existing residential parcel or vacant parcel where residential development could occur, a strip of land at least 20 feet wide shall be maintained as a landscaped area in the front, side and/or rear yard which adjoin these uses.

2. Required landscaping shall be installed and maintained in a healthy growing condition and shall take the form of any or all of the following: shade trees, deciduous shrubs, evergreens, well-kept grassed areas or ground cover.

Section 7.11 Corner and Through Lots

Front yard setbacks and minimum road frontages are required on both road fronts. The two remaining yards shall be designated by the applicant as to which will be the rear yard, and which will be the side yard.

Section 7.12 Flag Lots

1. The access strip of land shall be a minimum of 75 feet wide and a maximum of 300 feet long.

2. The minimum lot area, lot width and lot depth requirements shall be met exclusively of the land contained in the access strip.

3. Minimum front, side and rear setback requirements shall be met, excluding the narrow access strip.

4. No more than one flag lot shall be served by a single access strip.

5. Access strips shall be a minimum distance apart of at least the minimum lot width in the zoning district.

6. Access strip shall not be a right-of-way but shall be owned in fee title by the owner of the flag parcel.

7. No more than 10 percent of the lots in a new residential subdivision approved after the date of the adoption of these zoning revisions shall be flag lots.

Section 7.13 Environmental Quality Review

The State Environmental Quality Review Act (SEQR) requires that local government examine the environmental impact of all actions they permit, fund or construct. Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations are hereby adopted by reference.

Section 7.14 Exterior Lighting

In no case shall any exterior lighting be directed toward the highway so as to interfere with the vision or attract the attention of the driver of a motor vehicle, nor shall the light be directed toward any other lot or cause excessive illumination to adjacent properties.

Section 7.15 Mobile Homes

See Local Law.

Section 7.16 Public Utility Facility Personal Wireless Service Facility

Public utility substations and similar structures, shall comply with the following:

1. Facility shall be surrounded by a fence set back from property lines in conformance with district regulations for front, side and rear yards.

2. Landscaped area at least 20 feet wide shall be maintained in front, side and rear yards.

3. There shall be no equipment visible from surrounding property.

4. Public Utility Services' line poles and attendant lines will be allowed, as necessary, in all districts.

Section 7.17 Swimming Pools

1. Accessory to Single Family Dwellings

Swimming pools, whether permanent or portable, having depth of at least two (2) feet, shall meet the front, rear, and side setback requirements.

2. Accessory to Residential Developments

Swimming pools accessory to residential developments, whether clustered single-family dwellings, seasonal dwelling, camps, or multi-family dwelling, shall be of permanent construction and shall be located not closer than 10 feet to any lot line and closer than 10 feet to any dwelling unit and shall meet the setback of the existing house.

3. Non-Residential

Swimming pools that are part of non-residential uses, whether commercial or non-commercial, such as hotels, motels, clubs, campgrounds, day-use recreational facilities or institution, shall be of permanent construction and shall be located not closer than the setback requirements for the district in which it is located.

4. Fencing

Fencing of swimming pools shall comply with the New York State Uniform Fire Prevention and Building Construction Code requirements.

Section 7.18 Adult Oriented Businesses Overlay

See Local Law #3 - Adopted 1989.

Section 7.19 Off-Street Loading Facilities

Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Loading requirements apply to individual occupancy and are exclusive of driveways, aisles, and other necessary circulation areas. For uses not specified, the Board of Appeals shall establish loading requirements, after recommendation of the Planning Board

Loading space requirements for certain uses are specified in the following table. For uses not specified, the Planning Board and the Zoning Board of Appeals shall establish loading requirements. Loading requirements apply to each occupancy and are exclusive of driveways, aisles, and other necessary circulation areas.

Table of Off Street Loading	
Off Street Loading Use	**Spaces Required**
All Commercial Use	1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor
All Industrial Use	1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor
Institution	1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor
Hospital	1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor
Hotel	1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor

Section 7.20 Windmills or Wind Turbines

A wind turbine is a device that converts kinetic energy from the wind, also called wind energy, into mechanical energy in a process known as wind power. Windmills/wind turbines are often used to produce electricity or pump water. Windmills/wind turbines shall be allowed as an accessory use for an allowed primary use or approved special use, power generated shall be utilized on site and not sold commercially, with a maximum height of 75 feet to tip of blade in vertical position and shall maintain a setback of 2.5 times the height from the property lines.

Section 7.21 Historical District

See overlay within Hamlet (H) District.

Section 7.22 Waste Management

See Appendix C for Local Law #1a Adopted 1998.

Section 7.23 Wells and Septic Systems

Minimum property setbacks for wells and septic systems are 50 feet from property line. The septic system includes all portions of the system including the leach field.

Section 7.24 Outhouse/Sanitary Privy

Privy construction requires a watertight concrete vault.

Privies must be professionally pumped out by a NY Licensed septic tank pumper before the contents get within 12 inches of the top of the concrete vault. The contents must be disposed of off-site. The spreading of sewage sludge is prohibited in the Town of Glen, see local law number 1, 1998.

Section 7.25 Reserved

Section 7.26 Reserved

Section 7.27 Reserved

Section 7.28 Reserved

Section 7.29 Non-Conforming Uses

The lawful use of any land or building existing at the time of adoption of this Local Law may be continued although such use does not conform to the provisions of this Local Law. Any such building may be reconstructed or structurally altered, and the non-conforming use thereby changed, provided the following conditions prevail:

Section 7.30 Non-Conforming Uses of Buildings

1. Reconstruction or Alteration - A non-conforming building may not be reconstructed or altered during its life to exceed fifty (50) percent of its fair value, unless such building is changed from a non-conforming use to a conforming use as defined by this Local Law, except that a mobile home which is a pre-existing non-conforming use may be replaced with a new or larger mobile home, provided that such exchange is made within 30 days, after the owner has obtained a building permit to make the exchange.

2. Restoration - A building, non-conforming as to use, which has been damaged by fire or other causes to the extent of seventy-five (75) percent of its fair value, and has not been repaired or reconstructed for the same non-conforming use within a period of twelve (12) months, shall not be repaired or reconstructed except in conformance with the regulations of the District in which such building is located.

3. Discontinuance - When a non-conforming use has been discontinued for a period of twelve (12) months, any future use of such building shall conform to the regulation for the District in which it is located.

4. Changes - A non-conforming use may not be changed to another non-conforming use under the provisions of this Section.

5. Completion of Building - Any building lawfully under construction at the time of enactment of this Local Law may be completed.

Section 7.31 Non-Conforming Use of Land

The non-conforming use of land shall not be enlarged or extended beyond the area of land occupied by such use at the time of adoption of this Local Law. A non-conforming use of land may not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such non-conforming use at the time of adoption of this Local Law. If a non-conforming use of land is discontinued for a period of twelve (12) consecutive months, it shall not be renewed, and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

Article VIII - Administration

Section 8.01 Enforcement

The Town Board shall designate an Officer to enforce this Local Law. The Enforcement Officer shall in no case grant any building permit where the proposed erection, alteration, relocation, or use would be in violation of any provision of this law. The Enforcement Officer shall make inspections of buildings or premises necessary to carry out his duties. No permit or certificate of occupancy required hereunder shall be issued by the Enforcement Officer except in compliance with the provisions of this Local Law or as directed by the Board of Appeals under the provisions of ARTICLE XII.

Section 8.02 Building Permit

1. No building shall hereafter be erected, relocated or altered as to outside dimensions or so as to permit a change, in its use and no excavation for any building shall be begun unless and until a permit therefore has been issued by the Enforcement Officer.

2. No such permit shall be issued until there has been filed with the Enforcement Officer a sketch or plot plan showing the actual dimensions and angles of the lot to be built upon, the exact size and location of the lot of the building or accessory buildings to be erected, relocated, or altered and such other information of this Local Law. Each application shall state the purpose for which the structure of land is to be used and a general description of the type of construction. A working drawing of any proposed building shall be filed with the application for a building permit.

3. The Enforcement Officer shall act upon all applications for building permits within a reasonable time not to exceed 10 days, and shall, within such period, issue or refuse to issue such permits. Notice of refusal to issue any permit shall be given to the owner or to his authorized representative in writing and shall state the reason for said refusal. The building permit fee shall be set by the Town Board. The fees charged shall be reviewed periodically.

4. A building permit shall be issued for a period of one year and may be renewed for two additional years.

5. No building permit shall be issued for lots in an approved subdivision except as provided for in the subdivision regulations.

Section 8.03 Certificate of Occupancy

No land shall be used or no building occupied, prior to the issuance of a certificate of occupancy by the Code Enforcement Officer. Under such rules as may be established by the Board of Appeals, a temporary certificate of occupancy for not more than 30 days for a part of a building

may be issued by the Enforcement Officer. For previously existing construction, the Enforcement Officer may, on request, issue such certificate if he determines that the use of the building in question meets the requirements of the Local Law.

A certificate of occupancy shall be issued only if the proposed use and construction of the building or land conforms to the provisions of this ordinance and to the plot plan, purpose, and description of which the permit was issued. The Enforcement Officer shall make or cause to have made an inspection of each building or lot for which a certificate of occupancy has been applied before issuing such certificate. Such inspection shall be made within ten (10) days from the date of application, with Saturdays, Sundays and legal holidays being the exception.

The Enforcement Officer shall deny a certificate of occupancy if any violation of the State or County Health regulations is discovered. The issuance of a Certificate of Occupancy shall not be construed as a representation by the Town that the premises comply with such health Regulations, but solely that no violations have been found.

Section 8.04 Violations

Any person, firm or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the proper enforcement of any of the provisions of these regulations shall, upon conviction, be deemed guilty of a violation, punishable by a fine of $350.00, or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment. Each week an offense that is continued shall be deemed a separate violation of these regulations.

If any building or structure is erected, constructed, reconstructed, altered, converted, or maintained; or any building, structure or land is used; or any land is divided into lots, blocks, or sites. In violation of this Local Law, the Town Board or the Zoning Enforcement Officer may institute an action or proceeding in the Town Justice Court or In the County Court, Montgomery County, to prevent such unlawful conduct; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about subject premises. In any such action by the Town Board or the Zoning Enforcement Officer, any person found to have violated the ordinance shall be liable to the Town.

Article IX - Zoning Board of Appeals

Section 9.01 Creation, Appointment and Organization

A Zoning Board of Appeals is hereby created. The Zoning Board of Appeals chooses its own Chair, to be ratified by the Town of Glen Full Board.

Section 9.02 Powers and Duties

The Zoning Board of Appeals shall have all the powers and duties prescribed as by statue and by this Local Law, which are more particularly specified as follows:

1. Interpretation: Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this Local Law, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

2. Appeals for Variances: The Zoning Board of Appeals shall hear requests for variances. Not all requests for variances need include a denial from the Zoning Enforcement Officer. New State laws passed in 1993 allow applicants with proposed subdivisions or site plans which lack minimum area, frontage, or setback requirements to appeal directly to the Zoning Board of Appeals.

3. Area variances: Area variances may be granted were setback, frontage, lot size, density or yard requirements of this Local Law cannot be reasonably met. In making decisions, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Zoning Board of Appeals shall also consider the following:

3.a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the area variance.

3.b. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

3.c. Whether the requested area variance is substantial.

3.d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

3.e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance. The Zoning Board of Appeals, in the

granting of area variances, shall grant the minimum variance that it deems necessary and adequate and yet at the same time which will preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

4. Use Variance: Use variances may be granted by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulation. No such variance shall be granted by a Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. The applicant shall demonstrate to the Zoning Board of Appeals that:

4.a. Under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence.

4.b. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

4.c. That the requested use variance, if granted, will not alter the essential charter of the neighborhood; and

4.d. That the alleged hardship has not been self-created.

5. Procedure

5. a. All applications for variances shall be in writing on forms established by the Zoning Board of Appeals and are available from the Zoning Enforcement Officer.

5.b. Every application shall refer to the specific provision of the law involved and establish the details of why the variance should be granted.

5.c. Upon receipt of the completed application, the Zoning Board of Appeals shall:

5.c.1. Schedule a public hearing within 62 days.

5.c.2. Arrange publication of notice of public hearing in the Town's official newspaper.

5.c.3. Notify the applicant of the date of the public hearing at least 15 days in advance of such hearing.

5.c.4. All use variances submitted to the Zoning Board of Appeals shall be referred to the Planning Board for review as to the conformance with the objectives of the Comprehensive Plan. No decision shall be made by the Zoning Board of Appeals until the Planning Board review has been completed and a report has been issued. If the Planning Board fails to

issue its report within 30 days, the Zoning Board of Appeals shall assume that a favorable report has been issued.

5.c.5. Refer application to the County Planning Board as required by General Municipal Law Section 239, if required.

5.c.6. Determine whether a Draft Environmental Impact Statement should be required.

The applicant shall notify by certified mail, return receipt required, all landowners within 500 feet of the applicant's parcel. The Zoning Board of Appeals shall render a decision within 62 days of the close of the Public Hearing. If the matter was referred to the County Planning Board, a copy of the Zoning Board of Appeals' findings and decision must be sent to the County Planning Board. All decisions made by the Zoning Board of Appeals shall be by resolution, each of which will contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Town Clerk by case number under one or another of the following headings: Interpretations, Use Variances and Variance Variances; together will all documents pertaining thereto. The Zoning Board of Appeals shall notify the Town Board of each variance granted under the provisions of this Local Law.

Article X - Amendments to the Land Use Management Local Law

Section 10.01 How Amendments are Initiated

Such regulations, restrictions and boundaries may from time to time be amended. Such amendment shall be effected by a simple majority vote of the town board, except that any such amendment shall require the approval of at least three-fourths of the members of the town board in the event such amendment is the subject of a written protest, presented to the town board and signed by:

a. the owners of twenty percent or more of the area of land included in such proposed change; or

b. the owners of twenty percent or more of the area of land immediately adjacent to that land included in such proposed change, extending one hundred feet therefrom; or

c. the owners of twenty percent or more of the area of land directly opposite thereto, extending one hundred feet from the street frontage of such opposite land.

The provisions of the previous section relative to public hearings and official notice shall apply equally to all proposed amendments.

Section 10.02 Referral of Amendments to Town Planning Board

All proposed amendments, supplements or changes originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Town Planning Board shall submit its report within forty-five (45) days after receiving a referral. Failure of the Planning Board to report within the required time may be deemed to be approval of the proposed amendment.

Section 10.03 Hearing on Proposed Amendment

Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon as provided by law. The notice of hearing shall be published in the official newspaper at least ten (10) days prior to the hearing. Such hearing may be held by the Town Board, by a committee of the Board, or by the Planning Board on request.

Section 10.04 Adoption of Amendment

After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend the Zoning Ordinance except as described in Section 10.04 Protest Petition.

Section 10.05 Protest Petition

If a protest against a proposed amendment, supplement or change is presented to the Town Board, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet there from, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of three fourths of the Town Board.

Section 10.06 Reserved

Article XI - Miscellaneous

Section 11.01 Periodic Review of Zoning Ordinance

From time to time, at intervals of not more than five (5) years, the Planning Board shall reexamine the provisions of this ordinance and the location of district boundary lines and shall submit a report to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity, or the general welfare.

Section 11.02 Validity

The validity of any section or provision of this Local Law shall not invalidate any other section or provision thereof.

Section 11.03 Interpretation

In their interpretation and application, the provisions of this law shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this law are at conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the more restrictive, or that imposing the high standard shall govern.

Section 11.04 When Law Becomes Effective

Section 11.05 Reserved

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
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, or Village Board of Trustees ☐ Yes ☐ No		
b. City, Town or Village Planning Board or Commission ☐ Yes ☐ No		
c. City, Town or Village Zoning Board of Appeals ☐ Yes ☐ No		
d. Other local agencies ☐ Yes ☐ No		
e. County agencies ☐ Yes ☐ No		
f. Regional agencies ☐ Yes ☐ No		
g. State agencies ☐ Yes ☐ No		
h. Federal agencies ☐ Yes ☐ No		

i. Coastal Resources.

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

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

iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☐ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

_____

_____

_____

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

_____

_____

_____

C.3. Zoning

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

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

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

C.4. Existing community services.

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

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
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
_____
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____
_____
_____

f. Does the project include new residential uses? ☐ Yes ☐ No
If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No
If Yes,
i. Total number of structures _____
ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length
iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No
If Yes,
i. Purpose of the impoundment: _____
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify:
_____
iii. If other than water, identify the type of impounded/contained liquids and their source.
_____
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☐ No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
If Yes:
i .What is the purpose of the excavation or dredging? _____
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
_____
_____
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No
If yes, describe. _____
_____
v. What is the total area to be dredged or excavated? _____acres
vi. What is the maximum area to be worked at any one time? _____ acres
vii. What would be the maximum depth of excavation or dredging? _____ feet
viii. Will the excavation require blasting? ☐ Yes ☐ No
ix. Summarize site reclamation goals and plan: _____
_____
_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No
If Yes:
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____
_____

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

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes ☐ No
If Yes, describe: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
_____
_____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

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

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

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

  _____

  _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☐ No

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

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

_____

_____

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

_____

_____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐ Yes ☐ No

If Yes:

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

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

_____

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

_____

_____

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

  _____

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

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☐ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

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

_____

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

_____

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

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

_____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

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

If yes:

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

_____

_____

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

Describe: _____

_____

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

If yes:

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

_____

_____

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

Describe: _____

_____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

_____

_____

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

If Yes:

i. Product(s) to be stored _____

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

iii. Generally, describe the proposed storage facilities:_____

_____

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

If Yes:

i. Describe proposed treatment(s):

_____

_____

_____

_____

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

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

If Yes:

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

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

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

- Construction: _____

  _____
- Operation: _____

  _____

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

- Construction: _____

  _____
- Operation: _____

  _____

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

_____

_____

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

_____

_____

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

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

_____

_____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

_____

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

_____

_____

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

_____

_____

b. Land uses and covertypes on the project site.

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

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No

i. If Yes: explain: _____

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

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐ Yes ☐ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

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

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures:_____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

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

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

E.2. Natural Resources On or Near Project Site

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

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

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

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

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

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

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

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

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

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

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

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

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

i. Name of aquifer: _____

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

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

_____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No

If Yes:

i. Species and listing (endangered or threatened):_____

_____

_____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No

If Yes:

i. Species and listing:_____

_____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No

If yes, give a brief description of how the proposed action may affect that use: _____

_____

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

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

_____

_____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

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

If Yes:

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

ii. Name: _____

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

_____

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

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

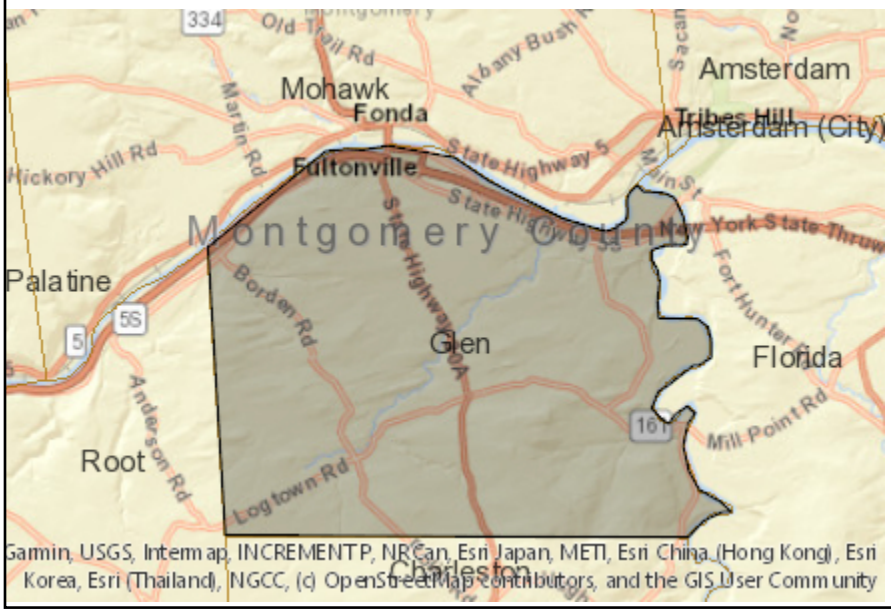
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date_____

Signature_____ Title_____

EAF Mapper Summary Report

Wednesday, June 1, 2022 11:25 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediaton Sites:429003, NYS Heritage Areas:Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	429003
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	429003
E.2.g [Unique Geologic Features]	Yes
E.2.g [Unique Geologic Features]	Stone Ridge - Dillenbeck Rd., Ingersoll Road (Route 117) - Auriesville
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	876-243, 876-239, 876-184, 876-185, 876-183, 879-11, 876-240, 876-242, 876-238, 876-12, 876-11, 876-189, 876-10, 876-182
E.2.h.iv [Surface Water Features - Stream Classification]	C, B

E.2.h.iv [Surface Water Features - Lake/Pond Name]	876-190
E.2.h.iv [Surface Water Features - Lake/Pond Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):84.2, NYS Wetland (in acres):102.5, NYS Wetland (in acres):68.9, NYS Wetland (in acres):20.5, NYS Wetland (in acres):25.7, NYS Wetland (in acres):31.6, NYS Wetland (in acres):49.9, NYS Wetland (in acres):29.1, NYS Wetland (in acres):40.6, NYS Wetland (in acres):36.1, NYS Wetland (in acres):32.2, NYS Wetland (in acres):20.3, NYS Wetland (in acres):42.8
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	R-18, R-15, TH-17, R-20, R-19, TH-21, TH-18, TH-19, R-16, TH-9, R-35, TH-13, TH-25
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat, Bald Eagle
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	MONT003
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:SCHOHARIE CROSSING STATE HISTORIC SITE, Eligible property:Wycoff Cemetery, Eligible property:Round Barn, Eligible property:JACOB RES., Eligible property:WILES (PATUN RES), Eligible property:BAIRD-BENNETT HOUSE, Eligible property:Auriesville Cemetery, Eligible property:DOPP RES, Eligible property:BIN 5523610, Eligible property:BIN 1002940, Eligible property:Knickerbocker Farm, Eligible property:129 Valley View Drive, Eligible property:National Shrine the North America Martyrs at Auriesville, Eligible property:Our Lady of Martyrs Shrine Gift Shop, New York State Barge Canal Historic District, Glen Historic District, Smith–Voorhees–Covenhoven House, Fultonville Historic District (2019), Erie Canal NHL Schoharie Crossing SHS
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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

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

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

Tips for completing Part 2:

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

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) ☐ NO ☐ YES
If "Yes", answer questions a - j. If "No", move on to Section 2.

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

2. Impact on Geological Features

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

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

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

3. Impacts on Surface Water

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

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

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

l. Other impacts: _____ _____		☐	☐

4. Impact on groundwater

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

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

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

5. Impact on Flooding

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

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

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

g. Other impacts: _____ _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. ☐ NO ☐ YES
(See Part 1. D.2.f., D.2.h, D.2.g)
If "Yes", answer questions a - f. 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 emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐ NO ☐ YES
If "Yes", answer questions a - j. If "No", move on to Section 8.

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

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

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☐ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

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

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) ☐ NO ☐ YES

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

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

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) ☐ NO ☐ YES

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

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

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

11. Impact on Open Space and Recreation

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

☐ NO ☐ YES

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

12. Impact on Critical Environmental Areas

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

☐ NO ☐ YES

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

13. Impact on Transportation

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

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

14. Impact on Energy

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

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

15. Impact on Noise, Odor, and Light

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

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

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

16. Impact on Human Health

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

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

	Relevant Part I Question(s)	No,or small impact may cccur	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. ☐ NO ☐ YES
(See Part 1. C.1, C.2. and C.3.)
If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	☐	☐
f. The proposed action is located 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. ☐ NO ☐ YES
(See Part 1. C.2, C.3, D.2, E.3)
If "Yes", answer questions a - g. If "No", proceed to Part 3.

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

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 that 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.

The Town of Glen is proposing various changes to the Town of Glen Land Use Management Ordinance, currently dated December 2006. The current Land Use Management Ordinance dated 2006 states that at intervals of no more than three years the Planning Board shall re-examine the provisions to the ordinance and the location of district boundary lines and shall submit a report to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or the general welfare.

The Town has determined that comprehensive regulations regarding development, including but not limited to solar energy systems and IBP uses are necessary to protect the interests of the Town, its residents, and its businesses. The proposed changes provide guidelines to support the Town of Glen Comprehensive Plan Future Objectives by incorporating Local Law #5 regarding solar regulations that protect open spaces, the rural character, and aesthetics of the Town.

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
Proposed changes to the Town of Glen Land Use Management

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Glen 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 which 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: Proposed Changes for the Town of Glen Land Use Management Ordinance and Glen Code

Name of Lead Agency: Town of Glen

Name of Responsible Officer in Lead Agency: Timothy Reilly

Title of Responsible Officer: Town of Glen Supervisor

Signature of Responsible Officer in Lead Agency: Date:

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

For Further Information:

Contact Person: Timothy Reilly

Address: 7 Erie Street, Fultonville, NY 12072

Telephone Number: 518-853-3633

E-mail: glensupervisor@gmail.com

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

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