

**TOWN BOARD  
REGULAR MEETING**

**MONDAY**

**May 9, 2022**

Meeting available for viewing via Zoom  
<https://madisoncounty-ny.zoom.us/j/87281861971>

Meeting ID: 872 8186 1971

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***\*Please note - this meeting is being recorded\****

**Supervisor Zupan opened the meeting at 7:30 p.m. with all Councilors present. Councilor Golub attended remotely via the videoconferencing platform, Zoom.**

**Pledge of Allegiance.**

**Correspondence:** *There was no unshared correspondence.*

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**Motion by Councilor Race, seconded by Councilor Reger to accept the minutes from the April 11, 2022 regular meeting. The motion was unanimously approved.**

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Supervisor Zupan asked if anyone cared to speak to the Town Board regarding any subject on this meeting's agenda.

**Public comment #1:** *There were no comments.*

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**Motion by Councilor Race, seconded by Councilor Johnson to open the public hearing relative to Local Law B – 2022, entitled *a Local Law to Amend Chapter 165 (Zoning) of the Town Code of the Town of Cazenovia with Respect to the Town of Cazenovia Solar Regulations.***

**Public comment:**

*Dave Eilers said he has been part of the solar process and attended many solar subcommittee meetings. He felt there are many fine aspects of the law, in particular, the site plan review provisions and the negative demonstration impacts on property values. He said he is particularly pleased with the committee's work on site plan review, specifically located on page 21 of the proposed law. He thanked the board for a very thorough process over the past eleven months.*

**Motion by Councilor Reger, seconded by Councilor Race to close the public hearing. The motion was unanimously approved.**

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**Resolution No. 62 presented by Councilor Golub, seconded by Councilor Reger**

**TOWN OF CAZENOVIA LOCAL LAW NO. B OF 2022**

(“A Local Law to Amend Chapter 165 (Zoning) of the Town Code of the Town of Cazenovia with Respect to the Town of Cazenovia Solar Regulations”)

**WHEREAS**, pursuant to the provisions of the New York State Constitution, the Municipal Home Rule Law and the Statute of Local Governments, proposed Local Law No. B-2022, titled “A Local Law to Amend Chapter 165 (Zoning) of the Town Code of the Town of Cazenovia with Respect to the Town of Cazenovia Solar Regulations,” was presented and introduced at a regular meeting of the Town Board of the Town of Cazenovia held on February 14, 2022; and

**WHEREAS**, a public hearing was held on such proposed local law on the 14<sup>th</sup> day of March, 2022, by the Town Board of the Town of Cazenovia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Cazenovia in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, from comments received from the public and the Town Board, proposed Local Law B-2022 was amended; and

**WHEREAS**, an additional public hearing was scheduled for April 11, 2022 by the Town Board of the Town of Cazenovia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Cazenovia in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, on February 14, 2022, the Town Board pursuant to Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law (SEQRA) declared that adoption of Local Law No. B-2022 was a Type I Action, that the Town Board would act as lead agency for purposes of SEQRA and made a determination that the aforementioned law would not result in any adverse environmental impacts and therefore issued a Negative Declaration; and

**WHEREAS**, the proposed Local Law was duly referred to the Madison County Planning Department for review and comment pursuant to the New York State General Municipal Law; and

**WHEREAS**, the Madison County Planning Board has previously reviewed the application for county-wide or intermunicipal impacts and returned the application for local determination; and

**WHEREAS**, the Town Board of the Town of Cazenovia has now determined that it is in the public interest to enact said Proposed Local Law No. B-2022.

**NOW, THEREFORE**, it is

**RESOLVED** that the Town Board of the Town of Cazenovia, Madison County, New York, does hereby enact Proposed Local Law No. B-2022 as Local Law No. 3-2022 as follows:

**“TOWN OF CAZENOVIA  
LOCAL LAW NO. 3 OF 2022**

**A LOCAL LAW TO AMEND CHAPTER 165 (ZONING) OF THE  
TOWN CODE OF THE TOWN OF CAZENOVIA WITH RESPECT  
TO THE TOWN OF CAZENOVIA SOLAR REGULATIONS**

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

**SECTION 1. AUTHORITY.**

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

**SECTION 2. PURPOSE.**

The Town Board of the Town of Cazenovia had previously adopted a comprehensive solar zoning law (September 12, 2016) designed to address the potential impacts of solar energy facilities within the Town. However, more recently, the Town has recognized a renewed proliferation of large-scale solar facilities throughout Central New York in recent years. This proliferation is anticipated to continue and increase as New York State continues to incentivize such projects. The Town therefore desires to address the potential negative impacts of such large-scale projects by providing for additional protections related to agricultural resources, town roadways, decommissioning and uniform solar guidelines for such uses. These revisions would further provide clarification for the requirements for Payment in Lieu of Tax (PILOT) Agreements and Host Community Benefit Agreements to be associated with such uses and for the purposes and intents described in the proposed Section 165-104.1 as amended herein.

**SECTION 3. NEW DEFINITIONS.**

Section 165-61 (“Definitions”) of Chapter 165 of the Town Code of the Town of Cazenovia is hereby amended by adding the following new terms and definitions to be included as follows:

**“Alternating Current (AC)**

An electric current that reverses direction at regular intervals, having a magnitude that varies continuously in sinusoidal manner.

**Atterberg Limits and Field Tests**

A basic measure of the critical water contents of a fine-grained soil and its shrinkage limit, plastic limit, and liquid limit. Establishes the moisture contents at which fine-grained clay and silt soils transition between solid, semi-solid, plastic, and liquid states.

**Commercial Solar Project**

A solar energy system or collection of solar energy systems or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

**Community Solar Project**

Proposed commercial solar projects sited in the Town of Cazenovia that will feature the ability to participate in subscriptions for lower electricity costs to Town residents.

**Direct Current**

An electric current of constant direction, having a magnitude that does not vary or varies only slightly.

**Environmental Monitor (EM)**

An individual possessing the skills and knowledge to effectively develop a site for use as a solar PV system and then reclaim the site restoring it, to the greatest extent practical, to its original use.

**Farmland of Statewide Importance**

Land, designated as “Farmland of Statewide Importance” in the U.S. Department of Agriculture Natural Resources Conservation Service’s (NRCS) Soil Survey Geographic (SSURGO) Database on Web Soil Survey, and/or pursuant to the New York State classification system for Madison County, that is of statewide importance for the production of food, feed, fiber, forage, and oil seed. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by New York State.

**Host Community Agreement**

A contract between a developer and a local governing body, whereby the developer agrees to provide the community with certain negotiated benefits and mitigate specified impacts of the solar project.

**Important Bird Area (“IBA”)**

An area determined by the New York Audubon to meet 1 of 3 criteria: (1) a place where birds congregate in large numbers at one time; (2) a place for species that are at-risk; and/or (3) a place that supports groups of birds representing certain habitats such as forests, wetlands, grasslands and shrublands.

**Kilowatt (kW)**

A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used; 1,000 kW is equal to one megawatt (MW).

**Megawatt (MW)**

A unit of electrical power equal to 1,000 kilowatts, which constitutes a unit of electrical demand.

**Native Perennial Vegetation**

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

**Pollinator**

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

**Prime Farmland, Prime Soils, and Prime Soil Lands**

Soils and land that are best suited for producing food, feed, forage, fiber, and oilseed crops, and must be available for this use. Such soils have the soil quality, growing season, and moisture supply needed to economically produce a sustained high yield of crop when it is treated and managed according to acceptable farming methods. Prime Farmland may now be in crops, pasture, woodland, or other land, but not in urban and built-up land or water areas. (As referenced by the 2019 Madison County Agriculture and Farmland Protection Plan; lands designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service’s (NRCS) Soil Survey Geographic (SSURGO) Database on Web Soil Survey; and Class I and Class II soil classifications found in the Madison County Planning Department Soil Classification Map of Madison County (September 2007)).

**Unified Solar Permit**

The standardized permit and permit process utilized for streamline processing of small scale solar installations of 25 kW or less.”

**SECTION 4. AMENDED DEFINITION.**

Section 165-61 (“Definitions”) of Chapter 165 of the Town Code of the Town of Cazenovia is hereby amended by deleting the term “Solar Panel” in its entirety and replacing said term with the following definition to be included as follows:

**Solar Panel**

A device which converts solar energy into electricity and/or heat.

**SECTION 5.**

Article XXI-A (“Solar Energy Systems”) of Chapter 165 of the Town Code of the Town of Cazenovia is hereby deleted in its entirety and is now to read as follows:

**“ARTICLE XXI-A  
Solar Energy Systems**

**§165-104.1. Purpose and intent.**

The Town of Cazenovia recognizes that solar energy is a clean, readily available and renewable energy source. Development of solar energy systems offers an energy source that can prevent fossil fuel emissions, reduce the Town’s energy demands and attract and promote green business development within the Town. The Town of Cazenovia has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and businesses. This article is intended to promote the effective and efficient use of solar energy systems; establish provisions for the placement, design, construction, operation and removal of such systems in order to uphold the public health, safety and welfare, promote the co-location of solar energy systems within active farming and

agricultural lands in a manner that preserves the rural character of the Town of Cazenovia; to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and maintain the rural character of the Town. The Town, when appropriate, will promote the location of commercial solar projects in multiple locations to further mitigate impacts from such larger projects. Further, the Town of Cazenovia wishes to enhance agricultural viability within the Town and preserve productive agricultural land resources, mitigate the impacts of solar energy systems on environmental resources such as prime farmlands, prime soils (including USDA Prime Soils), prime soil lands, Farmland of Statewide Importance, other important agricultural lands, forests, wildlife, and other protected resources. This Chapter also recognizes that such uses in the Town may, in some instances, represent large disturbances of lands, the hosting of complex equipment and the need to assure that such projects and property are removed or disposed of at the time of the discontinuance, while minimizing impacts to local roads and nearby property values and avoiding financial burdens on taxpayers.

**§165-104.2. Applicability.**

This article shall apply to all solar energy systems (including solar heating panels) in the Town of Cazenovia which are installed or modified after the effective date of this Article. All solar energy systems which are installed or modified after the effective date of this article shall be in compliance with all of the provisions hereof. Any proposed solar energy system subject to review by the New York State Board on Electric Generation 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 New York State Executive Law or any subsequent law, shall be subject to all substantive provisions of this Article and any other applicable provisions of the Town of Cazenovia Town Code.

**§165-104.3. Building-integrated solar energy systems.**

- A. Districts where allowed. Building-integrated solar energy systems shall be permitted in all zoning districts within the Town subject to the submission of, application for and review and issuance of an applicable building permit.
- B. Building-integrated solar energy systems shall be subject to the general requirements set forth at §165-104.6.

**§165-104.4. Rooftop-mounted solar energy systems.**

- A. Districts where allowed. Rooftop-mounted solar energy systems shall be permitted in all zoning districts within the Town subject to the following requirements:
  - (1) A building permit shall be required for installation of all rooftop-mounted solar energy systems.
  - (2) Rooftop-mounted solar energy systems shall not exceed the maximum allowed height of the principal use in the zoning district in which the system is located and shall specifically prohibit solar racking systems extending from the roof surface more than 12 inches when measured from average grade of roof surface at maximum height.
  - (3) In order to ensure firefighter and other emergency responder safety, except in the case of accessory buildings under 1,000 square feet in area, there shall be a

perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all rooftop-mounted solar energy systems. Additionally, installations shall provide for adequate access and spacing in order to:

- (a) Ensure access to the roof.
- (b) Provide pathways to specific areas of the roof.
- (c) Provide for smoke ventilation opportunity areas.
- (d) Provide for emergency egress from the roof.
- (e) Exceptions to these requirements may be requested where access, pathway or ventilation requirements are reduced due to:
  - [1] Unique site specific limitations;
  - [2] Alternative access opportunities (such as from adjoining roofs);
  - [3] Ground level access to the roof area in question;
  - [4] Other adequate ventilation opportunities when approved by the Codes Office;
  - [5] Adequate ventilation opportunities afforded by panels setback from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment);
  - [6] Automatic ventilation devices; or
  - [7] New technology, methods or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.
- (f) In the event any of the standards in this Subsection (A)(3) are more stringent than the New York State Uniform Fire Prevention and Building Code, they shall be deemed to be installation guidelines only and the standards of the Code shall apply.

- B. Rooftop-mounted solar energy systems shall be subject to the general requirements set forth at §165-104.6.
- C. On structures having significant architectural features as defined by the U.S. Department of Interior, all installations will conform to the Secretary of the Interior's Standards for Rehabilitation of historical structures. Locational placement of such panels shall be made such that there is no direct adverse effect or visual impact on any significant architectural features. Destruction or alteration of historic or architecturally significant features or materials that characterize the structure shall be prohibited.
- D. Rooftop-mounted solar energy systems which are not eligible for the unified solar permit provisions set forth at §165-104.4(E) shall otherwise be subject to and comply with the requirements set forth therein in addition to the requirements

specified in §165-104.4(A) and (B).

- E. Unified Solar Permit for eligible rooftop-mounted solar energy systems.<sup>1</sup> The Town of Cazenovia has adopted the New York State Unified Solar Permit model process for streamlining the issuance of permits for the installation of certain rooftop-mounted solar energy systems of 25 kW or less. The following shall be observed:

(1) Provided the rooftop-mounted solar energy system meets the requirements for a Unified Solar Permit, an applicant shall only be subject to and comply with the requirements specified in this §165-104.4(D). An applicant must submit the unified solar permit application to the Code Enforcement Officer as follows:

(a) Unified Solar Permit eligibility checklist.

(b) A site plan showing location of major components of the solar energy system and other equipment on the roof or legal accessory structure. This plan should represent relative locations of components at the site, including, but not limited to, location of arrays, existing electrical service locations, utility meters, inverter locations, system orientation and tilt angles. This plan should show access and pathways that are compliant with New York State Uniform Fire Prevention and Building Code, if applicable.

(c) One-line or three-line electrical diagram. The electrical diagram required by NYSERDA for an incentive application and/or utilities for an interconnection agreement may also be provided here.

(d) Specification sheets for all manufactured components. If these sheets are available electronically, a web address will be accepted in place of an attachment, at the discretion of the Town.

(e) All diagrams and plans must be prepared by a professional engineer or registered architect as required by New York State law and include the following:

[1] Project address, section, block and lot number of the property;

[2] Owner's name, address and phone number;

[3] Name, address and phone number of the person preparing the plans; and

[4] System capacity in kW-DC.

(2) Permit review and inspection timeline. Unified Solar Permit determinations will be issued within 14 days upon receipt of complete and accurate applications. The municipality will provide feedback within seven days of receiving incomplete or inaccurate applications. If an inspection is required, a single inspection should be sufficient and will be provided within seven days of inspection request.

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<sup>1</sup> The Unified Solar Permit Process was adopted by the Town of Cazenovia Town Board in and around April 14, 2014.

**§165-104.5. Ground-mounted solar energy systems.**

- A. Districts where allowed. Ground-mounted solar energy systems are permitted as accessory structures in the Rural A (RA) District, the Rural B (RB) District, the Industrial Overlay (IO) District and the Agriculture Overlay (AO) District of the Town, subject to the granting of site plan approval by the Planning Board and further subject to the following requirements:
- (1) A building permit and site plan approval shall be required for installation of all ground-mounted solar energy systems.
  - (2) Ground-mounted solar energy systems as an additional accessory structure. For purposes of this §165-104.5 (and notwithstanding any other provision of this Chapter 165), ground-mounted solar systems authorized for placement on qualifying lots shall not be considered an “additional accessory structure” as otherwise limited within this Chapter.
  - (3) Notwithstanding any other provision of this Chapter, ground-mounted solar energy systems are prohibited in all front yards and all lake abutting yards (front or rear yards with physically adjacent lake frontage but not including side yards). In cases of side yard placement, the applicant shall demonstrate mitigation of any visual impacts of such placement to address the Lake and surrounding vantage points.
  - (4) Ground-mounted solar energy systems shall comply with the most restrictive area, yard and bulk regulations in each applicable zoning district in which the ground-mounted solar energy system is constructed.
  - (5) Setbacks. Further setbacks, area and yard requirements and bulk restrictions may be required by the Planning Board in addition to those set forth in §165-104.5(A)(3) above in order to protect the public’s safety, health and welfare.
  - (6) The height of the solar collector/panel and any mounts shall not exceed 10 feet when oriented at maximum tilt measured from the ground (average grade) and including any base. **[Amended 5-11-2020 by L.L. No. 2-2020]**
  - (7) As part of the site plan approval, a ground-mounted solar energy system shall be screened when possible and practicable from adjoining lots and street rights-of-way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and the surrounding area. The proposed screening shall not interfere with the normal operation of the solar collectors/panels.
  - (8) Neither the ground-mounted solar energy system nor any component thereof shall be sited within any required buffer area.
  - (9) The total surface area of all ground-mounted solar energy system components shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, excluding patios, decks, balconies, screened and open porches, and attached garages.

(10) The area beneath the ground-mounted solar energy system shall not be included as impervious surface coverage in calculating whether the lot meets the maximum permitted lot coverage requirements for the applicable zoning district.

(11) The criteria for site plan as set forth in Chapter 133 shall be demonstrated for each application.

B. Districts where prohibited. Ground-mounted solar energy systems shall not be permitted in the New Woodstock Hamlet Overlay (NWHO) District and the New Woodstock Central Business Overlay (NWCBO) District. **[Amended 5-11-2020 by L.L. No. 2-2020]**

C. Districts where allowed subject to the granting of a special use permit. Ground-mounted solar energy systems may be allowed, subject to the issuance of a special use permit by the Zoning Board of Appeals, in the following districts and further subject to the provision for appropriate screening for such uses, as determined in the sound discretion of the Zoning Board of Appeals, to wit: Lake Watershed and Riparian Corridor (LW&RC) District, Commercial Overlay (COMO) District, Wellhead Protection Overlay (WPO) District and Village Edge Overlay (VEO) District. **[Added 5-11-2020 by L.L. No. 2-2020]**

(1) In addition to the criteria required under §165-114, Criteria for Decisions, the following additional criteria shall be applicable to the granting of a special use permit for a ground-mounted solar energy system pursuant to this Subsection C:

(a) For all lots, such location shall be in the side yard or rear yard of such lot.

(b) To determine the appropriateness of the approval for any such use, the Zoning Board of Appeals shall have the discretion to require visual/photo simulations of the proposed ground-mounted solar energy system facility for projects visible from Cazenovia Lake. Such viewpoint(s) shall be determined in the reasonable discretion of the Zoning Board of Appeals.

(c) The Zoning Board of Appeals shall determine appropriate screening of such specially permitted use.

(2) Notwithstanding anything to the contrary in this §165-104.5, ground-mounted solar energy systems shall not be installed within the Lake Watershed and Riparian Corridor (LW&RC) District for lots which physically front on or abut Cazenovia Lake when such structures are visible from the Lake.

**§165-104.6. General requirements applicable to all solar energy systems.**

A. All solar energy system installations must be performed by a qualified solar installer.

B. Solar energy systems, unless part of a commercial solar project, shall be permitted only to provide power for use by owners, lessees, tenants,

residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a net-metering arrangement in accordance with New York Public Service Law §66-j or similar state or federal statute. However, solar energy system applications in a residential setting and serving a residential use on a single parcel or lot shall be limited to 25 kW or 110% of energy consumed on the site in the prior 12 months. Solar energy system applications serving an associated commercial or industrial use shall be limited to no more than 110% of the energy consumed on the site in the prior 12 months unless applicant can demonstrate a need to exceed the threshold.

- C. Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.
- D. Any connection to the public utility grid must be inspected by the appropriate public utility and proof of inspection shall be provided to the Town.
- E. Solar energy systems shall be maintained in good working order.
- F. Solar energy systems shall be permitted only if they are determined by the Town to be consistent in size and use with the character of surrounding neighborhood.
- G. Solar energy systems shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including but not limited to:
  - (1) Weight load;
  - (2) Wind resistance; and
  - (3) Ingress or egress in the event of fire or other emergency.
- H. All solar energy systems described in this article shall meet and comply with all relevant and applicable provisions of the New York State Uniform Fire Prevention and Building Code Standards. To the extent the provisions of the New York State Uniform Fire Prevention and Building Code are more restrictive than the provisions set forth in this Article, the provisions of the New York State Uniform Fire Prevention and Building Code shall control.
- I. The application for any solar energy system shall specifically recite the use or nonuse of solar storage batteries, their placement, capacity, and compliance with all existing New York State and Federal rules and regulations. If solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town and other applicable

laws and regulations.

- J. All utility services and electrical wiring/lines shall be placed underground and otherwise be placed within the walls or unobtrusive conduit.
- K. If a solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall completely remove the system, mount and all other associated equipment and components by no later than 90 days after the end of the twelve-month period or within 10 days of written notice from the Town.
- L. To the extent practicable, solar energy systems shall have neutral, non-reflective paint colors, materials and textures to achieve visual harmony with the surrounding area.
- M. The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings. All panels and supporting structures shall utilize materials and colors that are non-reflective in nature.
- N. Marking of equipment.
  - (1) Solar energy systems and components 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. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover.
  - (2) In the event any of the standards in this subsection for markings are more stringent than applicable provisions of the New York State Uniform Fire Prevention and Building Code, they shall be deemed to be guidelines only and the standards of the State Code shall apply.
- O. Prior to the time of the issuance of a solar building or construction permit, the applicant/owner shall demonstrate to the Town Code Enforcement Officer a reliable and safe master method for the deenergizing of the solar energy system in the event of an emergency.
- P. For applications requiring screening, the applicant may be encouraged to incorporate plantings that balance the need for screening against the impacts of shading. Applicant should propose a balanced planting plan to allow for the most protected energy efficiency.

**§165-104.7. Commercial Solar Projects.**

- A. Districts where allowed. Subject to the issuance of site plan approval and a special use permit and other requirements as set forth herein, commercial solar projects shall not be a permitted use in any zoning district other than the Rural A (RA) District, Rural B (RB) District and Industrial Overlay (IO) District within the Town.
- B. Districts where prohibited. Commercial solar projects shall be prohibited in the Lake

Watershed and Riparian Corridor (LW&RC) District, New Woodstock Central Business Overlay (NWCBO) District, Commercial Overlay (COMO) District, Wellhead Protection Overlay (WPO) District, Village Edge Overlay (VEO) District and the Agriculture Overlay (AO) District. Notwithstanding anything contrary to the above, such use may be permitted by the Planning Board in an Agriculture Overlay (AO) District but only when it is demonstrated not to have negative impacts on the soils deemed to be USDA prime soils, prime farmland, prime soils, prime soil lands and lands deemed to be farmlands of Statewide importance, and only upon the issuance of a special use permit.

C. Lot area, yard and other regulations. The following lot area, yard regulations and siting criteria shall apply to commercial solar projects located in the Rural A (RA) District, Rural B (RB) District, Industrial Overlay (IO) District and Agriculture Overlay (AO) District (when applicable) within the Town.

- (1) Minimum street frontage: 300 feet.
- (2) Minimum lot area: 50 contiguous acres under single ownership (when such parcel is not bisected by a public road).
- (3) Minimum front yard setback to fence: 250 feet.
- (4) Minimum rear yard setback to fence: 200 feet.
- (5) Minimum side yard setback to fence: 200 feet.
- (6) Commercial solar projects shall be set back at least 1,000 feet from any Important Bird Area as identified by the New York Audubon, and from Federal or State-listed wetlands.
- (7) Each commercial solar project application shall demonstrate that the facility operator owns or controls sufficient land area to properly operate and maintain the facility.
- (8) To prevent the oversaturation of commercial solar projects in one (1) area of the Town of Cazenovia, no commercial solar project shall be approved if it is within one (1) mile of an already approved commercial solar project unless the reviewing board makes specific findings that it will not have a significant impact on the community character of the area.
- (9) In siting consideration of commercial solar projects the applicant shall avoid areas that substantially contribute to and are important to the scenic quality of the landscape.
- (10) When applicant is unable to meet siting and/or mitigation requirements, each application shall formally address and assess the availability and feasible use of alternative sites if less objectionable.

D. Permits required. No person, firm or corporation, or other entity being the owner, occupant, or lessee of any land or premises within the Town of Cazenovia shall use or permit the use of land or premises for the construction or installation of a commercial solar project without obtaining a building permit, a special use permit issued by the Zoning Board of Appeals and a site plan approval issued by the Planning Board as hereinafter provided.

E. Special use permit.

(1) In addition to the criteria established pursuant to §165-114, the following criteria are hereby established for purposes of granting a special use permit for a commercial solar project under this Chapter:

(a) Scenic viewsheds. A commercial solar project shall not be installed in any location that would materially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, as viewed from any public road, right-of-way or publicly owned land within the Town of Cazenovia or that extends beyond the border of the Town of Cazenovia. For purposes of this subsection, consideration shall be given to any relevant portions of the current, amended and/or future Town of Cazenovia Comprehensive Plan and/or any other prior, current, amended and/or future officially recognized Town planning document or resource.

(b) Emergency shutdown/safety and signage. The applicant shall demonstrate the existence of adequate emergency/safety measures. The applicant shall post an emergency telephone number so that the appropriate entities may be contacted should any solar panel or other component of the commercial solar project need immediate repair or attention. This emergency telephone number should be clearly visible and in a location which is convenient and readily noticeable to someone likely to detect a problem. The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.

(c) Security. All commercial solar projects shall be secured to the extent practicable to restrict unauthorized access. *See* §165-104.7(F)(1)(q).

(d) Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of constructing any roadways necessary to access the commercial solar project, they shall be constructed in a way that allows for the passage of emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress to and egress from the commercial solar project site. Access roads shall be designed to be permeable to encourage proper drainage and reduce runoff.

(e) The development and operation of the commercial solar project shall not have a significant impact on fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the Town of Cazenovia or federal or state regulatory agencies.

(f) Setbacks. Additional setbacks may be required from those set forth in §165-104.7(C) by the Zoning Board of Appeals in order to provide for the public's safety, health and welfare.

(g) In the granting of a special use permit, the Zoning Board of Appeals will strive to permit the location of commercial solar projects in such a manner so that no one area or neighborhood in the Town shall be overburdened by the placement of any proposed commercial solar project(s). Screening, including plantings, berms, and other screening methods may be

required to mitigate any unavoidable impacts. Such plantings and screening shall be continuously maintained and replaced if dead, dying, or falling into disrepair.

(h) Mitigation. When it is determined that an applicant’s proposed mitigation of visual impacts to the site or area is insufficient, the ZBA may under such circumstances and in the exercise of its reasonable discretion require compensatory offsets to reduce the overall impacts to visual resources from such project. Such offsets may include but are not limited to financial or in-kind donations to a community project such as environmental conservation of a stream or site; restoration of a park, historic structure, or cultural resource; planting of trees along nearby streets; and other similar projects that enhance the community character and are of benefit to the Cazenovia community at large.

(i) Equipment specification sheets shall be documented and submitted to the Zoning Board of Appeals for all photovoltaic panels, significant components, mounting systems, batteries and inverters that are to be installed.

(j) Non-invasive, native ground cover, under and between the rows of solar panels, which are suitable for animal grazing and/or pasturing shall be low-maintenance, drought-resistant, non-fertilizer-dependent and shall be pollinator-friendly to provide a habitat for bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

(k) For projects proposed by the applicant to be community solar projects, the reviewing board has the authority to require that the applicant open subscription services to Town residents before offering subscriptions to others.

(2) Waiver. The Zoning Board of Appeals may, upon exercise of its reasonable discretion, waive one or more of the submission requirements imposed herein. Relief from all other requirements must be made by way of an area or use variance from the Zoning Board of Appeals.

#### F. Site plan review.

(1) The following submission requirements must be observed regarding a site plan application for a commercial solar project. The Planning Board may also require any of the requirements of Chapter 133 as part of the submission.

(a) A completed application form as supplied by the Town of Cazenovia for site plan approval for a commercial solar project.

(b) Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application.

(c) Plans and drawings of the proposed commercial solar project installation signed and stamped by a professional engineer registered in New York State showing the proposed layout of the entire commercial

solar project along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved, along with proposed screening and fencing. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of site plan approval and written authorization from the Town's Code Enforcement Officer. The plans and development plan shall be drawn in sufficient detail and shall further describe:

[1] Property lines and physical dimensions of the proposed site, including contours at a minimum of five-foot intervals.

[2] Location, approximate dimensions and types of all existing structures and uses on the site.

[3] Location and elevation of the proposed commercial solar project and all components thereof.

[4] Location of all existing aboveground utility lines within 1,200 linear feet of the site.

[5] Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a commercial solar project shall be buried underground and include necessary encasements in accordance with the National Electric Code and Town requirements. The Planning Board may recommend waiving this requirement if sufficient engineering data is submitted by the applicant demonstrating that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead electric utility/transmission lines (if permitted) and underground electric utility/transmission lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility.

[6] Location of all service structures proposed as part of the installation.

[7] Landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features, including size and type of plant material, and for screening purposes. The plan shall show any trees and/or vegetation which is proposed to be removed for purposes of providing greater solar access.

[8] A berm, landscape screen, or any other combination acceptable to the Town capable of screening the site, shall be provided along any property line.

[9] A Geotechnical Report, which includes a soil analysis, as performed by an independent third party, and which provides measurements of soil samples for permeability, organic content, and nutrient content at the proposed installation site for use as a baseline for comparison at the end of the life of the project. The Zoning Board of Appeals and/or the Planning Board shall require the Geotech information and/or soil analysis at the commencement of the approval process and shall require an updated analysis upon decommissioning of the project, which analysis shall include a comparison of pre- and post-development soil conditions, concerning the chemical and physical properties of the soil.

[10] Submission of a written operation and maintenance plan for the proposed commercial solar project that include measures for maintaining safe access, operational maintenance of the commercial solar project, and general property upkeep, such as mowing and trimming and an agricultural soils preservation plan if applicable. The operation and maintenance plan shall be filed and recorded by the applicant in the Madison County Clerk’s Office (indexed to the property) following approval of the site plan by the Planning Board.

[i] For installations on farmland, projects shall comply with the most recently published New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands. Where an agricultural soils preservation plan has been approved as part of a project, it shall be a condition of any such approval that such agricultural component will be maintained as approved. (*See also* the “Town of Cazenovia Solar Guidelines”, as adopted by the Town of Cazenovia Town Board).

[ii] Herbicides are prohibited except where the Planning Board finds it impractical to use mechanical means to control vegetation and will not have a deleterious effect on the quality of soils.

(d) Photographic simulations shall be included showing the proposed commercial solar project including elevation views with dimensions in accordance with the manufacturer’s specifications and photos of the proposed solar energy system, solar collectors, solar panels and all other components comprising the commercial solar project from all neighboring properties and from other vantage points and at selected hourly increments (including seasons) at full tilt in both directions (shadow study), all as selected by the Planning Board. Such photos will depict before and after simulations showing the extent of mitigation from vantage points selected by the Planning Board.

(e) When applicable, certification from a professional engineer or

architect registered in New York State indicating that any building or structure to which a solar panel or solar energy system is affixed is capable of handling the loading requirements of the solar panel or solar energy system and various components.

(f) One- or three-line electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices.

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

(h) Access Road Maintenance Agreement.

(i) A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site. The SWPPP shall be filed and recorded in the Madison County Clerk's Office (indexed against the property) by the applicant following Planning Board approval (prior to commencement of construction) and shall provide for access to the Town of Cazenovia in the event of a default of the operator's obligations under the SWPPP. The SWPPP shall include a security amount approved by the Town's Consulting Engineer and shall remain in place until decommissioning is complete. The SWPPP shall comply with applicable current New York State Department of Environmental Conservation regulations. The applicant shall be responsible for all reasonable and necessary professional fees and expenses associated with completion of the SWPPP and associated reporting requirements per State and Local regulations.

(j) Documentation of utility notification, including an electric service order number.

(k) NYS Agriculture and Markets findings and report, applicable.

(l) U.S. Army Corps of Engineers wetlands determination, if applicable.

(m) Detail and specifications for all gates and/or fencing.

(n) Sign-off from First Responders/Emergency Medical Service providers.

(o) Sunchart. Where deemed appropriate, the Planning Board may require that the applicant submit a sunchart for the proposed site indicating the sun angle for the southern boundary of the site for a minimum four-hour continuous period during the time of the highest sun angle on December 21, along with the potential for existing buildings, structures, and/or vegetation on the site or on adjacent sites to obstruct the solar skyspace of the proposed commercial solar project. The sunchart shall also indicate the potential for obstructions to the solar skyspace of the proposed commercial solar project under a scenario where an adjacent site is developed as otherwise permitted by applicable provisions of Chapter 165

of the Code of the Town of Cazenovia with a building/structure built to maximum bulk and height at the minimum setback. Where no standards for setback are established and/or when existing adjacent structures are present, this scenario shall assume a maximum setback of five feet from the property line on the sunchart. [The sunchart shall be kept on file at the Town Code Enforcement Office and determine the minimum setback required for any solar collectors from the south property line as well as the solar skyspace that should be considered when development of neighboring properties occurs.] This section in no way places responsibility on the Town for guaranteeing the solar skyspace of a solar energy system in the event setbacks are waived at the applicant's request.

(p) Solar energy systems shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the electric systems. Materials used for marking shall be weather-resistant. The marking shall be placed adjacent to the main service disconnect location clearly visible from the location where the lever is operated.

(q) The height of the solar panel array shall not exceed 12 feet at its highest tilt measured from the ground and including any base or supporting materials. However, the Planning Board may consider heights in excess of 12 feet in circumstances when active agricultural uses are proposed for the life of the lease, but in no case shall panel height exceed 20 feet.

(r) Color. Neutral paint colors, materials and textures may be required for commercial solar project components, buildings and structures to achieve visual harmony with the surrounding area as approved by the Planning Board.

(s) The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.

(t) Artificial lighting of commercial solar projects shall be limited to lighting required for safety and operational purposes, shall be shielded from all neighboring properties and public roads, downcast and shall meet dark skies requirements of Chapter 133.

(u) Commercial solar projects shall be enclosed by perimeter fencing to restrict unauthorized access, with "HIGH VOLTAGE" placards affixed every 50 feet, and as otherwise approved by the Planning Board. Style and type of fence shall be approved by the Planning Board as part of the site plan. Fence height shall be established at a minimum of 7 feet, subject to Planning Board approval. Proposed fencing shall be designed to allow periodic low level gaps (no greater than 12-inches from ground level) to accommodate wildlife movement for smaller species.

(v) Only signage used to identify the location of the commercial solar project shall be allowed and such signage shall otherwise comply with the

Town’s sign regulations and requirements.

(w) The area beneath the solar energy systems comprising the commercial solar project shall not be included as impervious surface coverage in calculating whether the lot meets the maximum permitted lot coverage requirements for the applicable zoning district.

(x) All applications shall be accompanied by a full environmental assessment form for purposes of environmental review under the New York State Environmental Quality Review Act (SEQRA), including a visual impact analysis. The following additional material may be required by the Planning Board:

[1] A digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations to distances as determined by the reviewing board from the center of the project and the base map shall be a published topographic map showing cultural features.

[2] No fewer than four (4) color photos taken from locations, as selected by the Planning Board and computer-enhanced to simulate the appearance of the as-built aboveground commercial solar project components as they would appear from these locations.

(y) Applicant shall submit details of the proposed noise that may be generated by solar inverter fans or other commercial solar project components. The Planning Board may require a noise analysis to determine potential adverse noise impacts. In no instance shall noise exceed 50 dB as measured from the subject parcel’s property line.

(2) Site plan review criteria. In addition to the above and subject to the criteria from Chapter 133, no site plan shall be approved unless the Planning Board determines that the proposed commercial solar project complies with the following:

(a) The use is oriented in its location upon the site as to layout, coverage, screening, means of access and aesthetics so that:

[1] The flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;

[2] There is reasonable compatibility in all respects with any structure or use in the surrounding area, actual or permitted, which may be directly substantially affected;

[3] There shall not be any unreasonable detriment to any structure or use, actual or permitted, in the surrounding area;

[4] There is a reasonable provision for open space and yard areas as appropriate to the surrounding area.

[5] The removal of existing trees larger than 6 inches in diameter has been minimized to the extent possible.

[6] It has been demonstrated that the establishment of the proposed solar facility will not have negative impacts to surrounding property values as established by competent evidence.

G. Public hearing. No action shall be taken by the Zoning Board of Appeals to issue a special use permit or by the Planning Board to issue site plan approval, nor the Zoning Board of Appeals to grant a use or area variance in relation to an application for a commercial solar project until after public notice and a public hearing. Proper notice of a hearing before a board shall be given by legal notice published in the official newspaper of the Town of Cazenovia at least five days before the date set for such public hearing(s) and written notice mailed to the applicant or his agent at the address given in the application to be considered. The applicant shall be responsible for notifying, by certified mail, all property owners of record within 500 feet of the outside perimeter of the boundary line of the property involved in the application, as well as other property owners deemed by the Planning Board to be potentially impacted by the project, of the time, date and place of such public hearing at least 10 days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the Town Assessor or at the property address. At least seven days prior to such hearing, the applicant shall file with the Board his/her affidavit verifying the mailing of such notices. Failure of the property owners to receive such notice shall not be deemed a jurisdictional defect.

H. Compliance with New York State Uniform Fire Prevention and Building Code.

(1) Building permit applications shall be accompanied by standard drawings of structural components of the commercial solar project and all its components (including but not limited to solar panel, solar collector, solar energy system, etc.). Drawings and any necessary calculations shall be certified, in writing, by a New York State-registered professional engineer that the system complies with the New York State Uniform Fire Prevention and Building Code. This certification would normally be supplied by the manufacturer.

(2) Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York State-registered professional engineer for compliance with the structural design provisions of the New York State Uniform Fire Prevention and Building Code.

I. Compliance with state, local and national electric codes.

(1) Building permit applications shall be accompanied by a line drawing identifying the electrical components of the commercial solar project to be installed in sufficient detail to allow for a determination that the manner of installation conforms with the National Electric Code. The application shall include a statement from a New York State-registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electric Code, as well as applicable state and local electrical codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

(2) Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified

by a New York State-registered professional engineer for compliance with the requirements of the National Electric Code and good engineering practices.

- J. Following construction/installation of the commercial solar project, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust and demonstrating established growth. Every Operations and Maintenance Plan shall include provisions for reseeding and maintaining established growth.
- K. Post-construction/installation certification. Following the construction/installation of the commercial solar project, the applicant shall provide a post-construction/installation certification from a professional engineer registered in New York State that the project complies with any and all applicable codes and industry practices and has been constructed and operating according to the drawings and development plan(s) submitted to the Town.
- L. Insurance. The applicant, owner, lessee or assignee shall at all times during construction and operation maintain a current insurance policy which will cover installation and operation of the commercial solar project and shall be increased annually per industry standards. Said policy shall provide a minimum of \$5,000,000 property and personal liability coverage. Proof of such policy shall be provided to the Town on an annual basis.’ Notwithstanding any terms, conditions, or provisions in any other writing between the parties, the applicant shall agree to effectuate the naming of the Town as an additional insured on the applicant’s insurance policies, with the exception of workers’ compensation and NYS disability insurance. The policy naming the Town as an additional insured shall:
- (1) Be an insurance policy from an A.M. Best rated “secured” or better insurer, authorized to conduct business in New York State. A New York State licensed insurer is preferred.
  - (2) State that the applicant’s insurance coverage shall be primary and noncontributory coverage for the Town, its Board, employees, agents, and volunteers.
  - (3) Additional insured status shall be provided by standard or other endorsements that extend coverage to the Town for both on-going and completed operations. A completed copy of the endorsements shall be attached to the certificate of insurance.
  - (4) The applicant shall provide a copy of the declaration page of the liability policies with a list of endorsements and forms. If so requested, the applicant will provide a copy of the policy endorsements and forms.
  - (5) The certificate of insurance shall contain a provision that coverage afforded under the applicable policy shall not be cancelled or terminated until at least 30 days’ prior notice has been provided to the Town. In the event of a termination, cancellation, or lapse of the required insurance coverage, the special use permit to operate the solar energy system shall be immediately suspended and operation of the system shall cease. Upon restoration of the required insurance coverage, to the satisfaction of the Town, permission to operate the commercial solar project may be restored.
- M. Inspections. The Building Inspector, Zoning Enforcement Officer, Code Enforcement

Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or its agent, the premises on which a commercial solar project is being or is constructed, to inspect all parts of said commercial solar project installation and require that repairs or alterations be made if, in their judgment, there exists a deficiency in the operation or the structural stability of the commercial solar project or any component thereof. If necessary, the Building Inspector or Town Engineer may order the system secured or to otherwise cease operation. It shall not be required that the owner or agent be present in the event of an emergency situation involving danger to life, limb or property. Weekly status/inspection reports are to be submitted during construction of the project and annual post-installation reviews thereafter.

- N. Power to impose conditions. In granting any site plan approval, special use permit or variance for a commercial solar project, the Zoning Board of Appeals or Planning Board, as the case may be, may impose reasonable conditions to the extent that such board finds that such conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties and to protect the general health, safety and welfare of the Town.
- O. Decommissioning and removal of commercial solar project facilities. The following shall be the minimum requirements to be addressed for the decommissioning of every commercial solar project:

- (1) The submission of an acceptable Decommissioning Plan and Decommissioning Bond/Security subject to review by the Town’s consulting Attorneys and Engineers and approved by the Town of Cazenovia. For purposes of the Decommissioning Plan and Decommissioning Bond, the following shall constitute “Decommissioning Events” triggering the decommissioning of the site and/or a call on the Decommissioning Bond: (a) if construction and installation of the project improvements are not completed within 18 months of commencement of construction (such time period may be reasonably extended upon notification to the Town and with good cause shown for any delays in completion);<sup>2</sup> (b) if the solar energy facility ceases to be used for its intended purpose for twelve (12) consecutive months (such time period may be reasonably extended upon notification to the Town with good cause shown); (c) at the time of decommissioning, complete removal of the project within ninety (90) days thereafter, except for any portions of the project access roads otherwise requested by the owner to remain to facilitate agricultural access to the property or conduit buried more than 4’ below ground; (d) upon the end of the project’s operation; (e) if the applicant, or its successors or assigns, seeks dissolution or files for bankruptcy or (f) failure to have in place or timely replace adequate decommissioning securities. Renewal securities shall be in place no less than ninety (90) days prior to the expiration of any existing securities.

- (2) All decommissioning activities shall be completed to the reasonable satisfaction of the Town, and consistent with the Decommissioning Plan.

- (3) Such plan shall also include a commitment by the applicant to impose a

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<sup>2</sup> Such reasonable extensions as noted above may be granted upon a demonstration that said delay or default is caused by forces outside of the Applicant’s control.

similar obligation to remove any unused and/or obsolete solar panels upon any person subsequently securing rights to relocate the solar panels.

(4) At a minimum, the applicant shall include the following binding terms in the decommission plan:

(a) Complete removal of above-ground and below-ground equipment, fencing, structures, and foundations.

(b) Restoration of the surface grade and soil after removal of equipment to the condition (or better), which existed prior to the installation. This includes adding an adequate layer of topsoil where existing topsoil has been removed or eroded, and reseeding and/or reforestation of areas that were cleared of mature trees (with established growth demonstrated).

(c) Replanting/replacement of trees destroyed or lost in the decommissioning process with a species that will be capable of re-establishment after 25 years from planting (for those trees installed by the developer).

(d) Herbaceous revegetation of restored soil areas with native seed mixes, excluding any invasive species.

(e) Specifically address: the useful lifespan of proposed solar facility and any storage batteries; the current New York State and Federal rules and regulations regarding placement thereof and disposal thereof at the end of their useful lifespan; together with plans for replacement of solar storage batteries. The financial surety required by the Town shall take into account maintenance, replacement, and disposal of solar storage batteries if included in the application for a commercial solar project.

(f) When required by the Approving Board, removal of screening vegetation and/or plantings at the end of the useful life of the project.

(g) Such Decommissioning Plan shall be executed by the applicant and the property owner and shall be recorded against the property in the Madison County Clerk's Office.

(5) Bond/security. The applicant shall be required to execute and file with the Town Clerk and file and record with the Madison County Clerk's Office, a bond, or other form of security acceptable to the Town Attorney and Engineer in favor of the Town, in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this Chapter, and to provide for expenses associated with the decommissioning removal and restoration (including soil restoration to the Town's satisfaction) of the site subsequent to the removal of the commercial solar project. The bond must be issued by a company which has a "AAA" Standard & Poor's (S&P) and Fitch Ratings bond rating, a Moody's Investors Service's rating of "AAA," and can demonstrate sufficient assets to cover the bond. The amount of the bond or security shall be no less than 150% of the cost of the removal of the solar panels and restoration of the site (as measured from the end of its projected useful life), shall be in writing for an initial minimum non-cancellable term of the projected life of the system plus two years. (In the

event the applicant demonstrates that there exists no commercially available bond or other security product in the market for the projected life of the project, the reviewing board may consider a bond or security product with an initial minimum term of five-years with automatic renewal in five-year increments, and shall further be reviewed and adjusted at said five-year increments). Such amounts shall account for inflation and prevailing wage costs for decommissioning. In the event of a default upon performance of any such conditions of an approval or a violation of this Chapter or any of them, the bond or security shall be forfeited to the Town, upon demand. The bond or security shall remain in full force and effect until the complete removal of the solar panels and site restoration is finished. The bond security must be renewed a minimum of six (6) months prior to expiration with proof of renewal in the form of the original security instrument filed with the Town. In addition to the above, the submitted security (cash or bond) shall include monies sufficient to guarantee replacement of all screening plantings and/or other screening elements incorporated into the approved project.

P. Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of Cazenovia. In accordance with the requirements of Chapter 75, (Development and Project Fees), it shall be the applicant's responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application and operation of a commercial solar project under this article.

Q. Waiver. The Planning Board or the Zoning Board of Appeals may, under appropriate circumstances, waive one or more of the submission requirements contained herein.

R. Road remediation. The applicant shall be responsible for remediation of any public roads or other public property damaged, during the construction of and/or completion of the installation (or removal) of any commercial solar projects approved pursuant to this Chapter. The Code Enforcement Officer is hereby authorized and directed to ensure a public improvement (road repairs) bond (subject to the same bond ratings and financial surety requirements as the decommissioning bond described in §165-104.7(O)(5)) be posted prior to the issuance of any building permit in an amount sufficient to compensate the Town for any damage to local roads that is not corrected by the applicant. The Highway Superintendent or Town Engineer is authorized to consult with any necessary professional to determine or confirm the bond amount all at the sole cost and expense of the applicant. Applicant shall, upon authorization by the Town Code Enforcement Officer, file and record the original performance bond in the Town Clerk's Office.

S. Agricultural resources. For projects located on agricultural lands:

(1) The Zoning Board of Appeals and Planning Board shall in all instances give special consideration to areas that consist of Prime Farmland, Prime Soils, Prime Soil Lands, and/or Farmland of Statewide Importance and the removal of such lands when reviewing applications and granting special use permits and site plan approvals to commercial solar project applicants under this law.

(2) To the maximum extent practicable, commercial solar projects approved to be located on Prime Farmland, Prime Soils, Prime Soil Lands, and/or Farmland of Statewide Importance shall be constructed in accordance with the construction

requirements of the New York State Department of Agriculture and Markets.

(3) Commercial solar project applicants 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, pollinators and grazing or pastured animals. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the applicants shall use native plant species and seed mixes.

(4) Where a commercial solar project is to be located on Prime Farmland, Prime Soils, Prime Soil Lands, and/or Farmland of Statewide Importance, the applicant shall retain and designate an environmental monitor to oversee the construction, restoration, and subsequent monitoring of the agricultural lands. The environmental monitor is to be on site whenever construction is occurring on the agricultural land(s) and any construction shall be coordinated with the Town's Code Enforcement Officer and the New York State Department of Agriculture and Markets to develop an appropriate schedule for inspections to assure these lands are being preserved and protected to the greatest extent possible.

(5) Structures for overhead collection lines, interconnect cables and transmission lines installed aboveground (when unavoidable) shall be located outside agricultural field boundaries. When above-ground cables and transmission lines must cross agricultural fields, applicant shall use taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable.

(a) All buried electric cables in cropland, hay land and improved pastures shall have a minimum depth of 48 inches of cover.

(b) The Madison County Planning Department is to be consulted concerning the type of intercept drain lines whenever buried electric cables alter the natural stratification of soil horizons and natural soil drainage patterns.

(6) Access roads are to be located along the edge of agricultural fields, in areas next to hedgerows and field boundaries, and in the nonagricultural portions of the site.

(7) Unless shown to have no negative effects, there shall be no cut and fill so as to reduce the risk of creating drainage problems by locating access roads, which cross agricultural fields, along ridge tops and by following field contours to the greatest extent possible.

(8) The width of access roads across or along agricultural fields is to be no wider than 20 feet so as to minimize the loss of agricultural lands and comply with the New York State Fire Code.

(9) The surface of commercial solar project access roads to be constructed through agricultural fields should be level with the adjacent field surface where possible.

(10) All existing drainage and erosion control structures such as diversions,

ditches, and tile lines shall be preserved, and applicants shall take appropriate measures to maintain the design and effectiveness of these structures. Applicants shall repair any structure disturbed during construction to as close to original condition as possible unless such structures are to be eliminated based upon an approved site plan for the commercial solar project.

(11) Culverts and water bars are to be installed to maintain natural drainage patterns.

(12) All topsoil areas to be used for vehicle and equipment traffic, parking, equipment laydown, and as storage areas are to be stripped. All topsoil stripped from work areas (parking areas, electric cable trenches, along access roads) is to be stockpiled separate from other excavated materials (rock and/or subsoil).

(13) Where an open trench is required for cable installation, topsoil stripping from the entire work area may be necessary. As a result, additional workspace may be required as part of site plan approval.

(14) A maximum of 50 feet of temporary workspace is to be provided along open-cut electric cable trenches for proper topsoil segregation. All topsoil will be stockpiled immediately adjacent to the area where stripped/removed and shall be used for restoration on that particular site. No topsoil shall be removed from the site. The site plan shall clearly designate topsoil stockpile areas in the field and on the construction drawings.

(15) All vehicle and equipment traffic and parking to the access road and/or designated work areas, such as laydown areas, are to be limited in size to the greatest extent practical.

(16) No vehicles or equipment are to be allowed outside the work area without prior approval from the Environmental Monitor.

(17) In pasture areas, it is necessary to construct temporary or permanent fences around work areas to prevent livestock access, consistent with any applicable landowner agreements.

(18) Excess concrete used in the construction of the site is not to be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas.

(19) Restoration requirements. Upon the cessation of the solar use, the Town of Cazenovia shall require reasonable soil restoration to occur on the site. The following minimum requirements are set forth herein. Applicants shall restore all agricultural lands temporarily disturbed by construction and operation of the use in a manner consistent with the most recently published guidelines of the New York State Department of Agriculture and Markets and as follows:

- (a) Be decompacted to a depth of 18 inches with a deep ripper or heavy-duty chisel plow. Soil compaction results should be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. In areas where the topsoil was stripped, soil decompaction should be conducted prior to topsoil replacement. Following decompaction, removal

of all rocks four inches in size or greater from the surface of the subsoil shall occur prior to replacement of topsoil. Topsoil shall be replaced to original depth and original contours reestablished where possible. All rocks shall be removed that are four inches and larger from the surface of the topsoil. Subsoil decompaction and topsoil replacement shall be avoided after October 1 of each year.

(b) Regrade all access roads to allow for farm equipment crossing and to restore original surface drainage patterns, or other drainage pattern incorporated into the approved site design by the Planning Board/Zoning Board of Appeals, as applicable.

(c) Seed all restored agricultural areas with the seed mix specified by the environmental monitor and this Chapter, in order to maintain consistency with the surrounding areas.

(d) All damaged subsurface or surface drainage structures are to be repaired to preconstruction conditions, unless said structures are to be removed as part of the site plan approval. All surface or subsurface drainage problems resulting from construction of the solar energy project shall be remedied with the appropriate mitigation measures as determined by the Environmental Monitor.

(e) Postpone any restoration practices until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration is not to be conducted while soils are in a wet or plastic state of consistency. Stockpiled topsoil should not be regraded, and subsoil should not be decompacted until plasticity, as determined by the Atterberg Limits and Field Test, is adequately reduced. No project restoration activities are to occur in agricultural fields between the months of October and May unless favorable soil moisture conditions exist.

(f) Following site restoration, remove all construction debris from the site.

(g) Following site restoration, the project sponsor is to provide a monitoring and remediation period of no less than two years. General conditions to be monitored include topsoil thickness, relative content of rock and large stones, trench settling, crop production, drainage and repair of severed subsurface drain lines, fences, etc.

(h) Mitigate any topsoil deficiency and trench settling with imported topsoil that is consistent with the quality of topsoil on the affected site. All excess rocks and large stones are to be removed from the site.

(i) All concrete piers, footers, or other supports are to be removed to a depth of 48 inches below the soil surface.”

(j) Restoration should include complete removal of conduits.

(k) There shall be no mixing of the subsoil with the topsoil and there shall be removal and replacement of soil contaminated with subsoil to

restore the rich soil for farming.

T. Payment in Lieu of Tax (“PILOT”) Agreement and Host Community Agreement.

(1) In every instance of a commercial solar project application, the applicant shall be required to propose a Payment in Lieu of Tax (“PILOT”) Agreement. The developer shall also comply with the notice requirements of NYS Real Property Tax Law Section 487. The applicant will then contact the Town’s legal counsel to negotiate the terms of said Agreement.

(2) In addition to a PILOT Agreement, the applicant shall propose to the Town, on projects involving 1 megawatt and above, a Host Community Agreement benefit package for consideration by the Town Board as part of the approval process. Once the application package materials are deemed complete and while the Planning Board/Zoning Board of Appeals are completing their reviews, the project/application shall be referred to the Town Board to decide on the completion and terms of a Host Community Agreement. This Agreement shall be in addition to a PILOT Agreement.

U. Reference to Article 94-c

Any proposed solar energy system subject to review by the New York State Board on Electric Generation 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 New York State Executive Law, shall be subject to all substantive provisions of this Article and any other applicable provisions of the Town of Cazenovia Town Code.

V. Adherence to “Solar Energy Guidelines”

In addition to the above regulations, all commercial solar project applicants shall demonstrate to the Planning Board compliance with the Town of Cazenovia “Solar Energy Guidelines”, as amended from time-to-time, attached hereto as Schedule “A”.

W. Inspection, Inspection Reimbursement and Review During and After Construction

Each approved project shall be annually inspected by the Town for compliance with any granted approval and these regulations. The Town shall be reimbursed by the project owner for the cost of reasonable and necessary inspection expenses incurred by the Town’s engineering consultant.

X. Compliance with New York State Department of Agriculture and Markets Guidelines and New York State Department of Environmental Conservation Solar Development Guidelines

Any approved project shall be in compliance with the most recently published New York State Department of Agriculture and Markets Guidelines and New York State Department of Environmental Conservation guidance for solar development.”

**SECTION 6. VALIDITY & SEVERABILITY.**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 7. PRE-EMPTION.**

To the extent that any provisions of this Chapter are inconsistent with the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, §§ 261 through 285, the Town Board of the Town of Cazenovia hereby declares its intent to supersede those sections of the Town Law, including but not limited to, in particular §261-A, §261-B, §261-C, §267, §267-A, §267-B, §268, §271, §274-A, and §274-B pursuant to its home rule powers under Municipal Home Rule Law, Article 2, §10 et seq., of the Consolidated Laws of the State of New York.

**SECTION 8. EFFECTIVE DATE.**

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

**SCHEDULE “A”**

**Solar Energy Guidelines  
Town of Cazenovia, New York  
2022**

**Introduction**

In 2019, the State of New York developed an accelerated strategy to reduce greenhouse gas emissions by transitioning to renewable energy sources, such as solar, wind, and hydropower. By reducing such emissions, the plan aims to mitigate the impacts of climate change. Included among its goals, the Climate Leadership and Community Protection Act now calls for:

- 70% of electricity generation from renewable energy sources by 2030 (the “70 x 30” goal)
- 100% of electricity generation to be carbon-free by 2040.

The Town of Cazenovia supports these goals as essential in transitioning away from fossil fuel power and toward a system comprised of a mix of smaller scale solutions and large solar projects. In addition to slowing climate change, solar energy systems ---- along with other renewable energy sources – can improve air quality and community health; reduce impacts to finite resources; increase reliability and resiliency of the state’s electrical supply; and create local economic benefits through new jobs and revenue creation.

The Town of Cazenovia seeks to maximize the development of renewable energy projects while protecting the Town’s natural, cultural, economic, and historic resources; its farmland; scenic views; and the health and welfare of its residents. It recognizes that while climate change poses threats to these very resources, the solution itself cannot pose an equivalent threat to much of what defines our community character and quality of life. The Town’s Solar Energy Law, amended and adopted in 2022, aims to balance these objectives.

This guide neither replaces nor supersedes that which is stated in the Town Code. It is intended for residents, business owners, and large-scale solar developers to understand what solutions are available; key requirements for the applicant; the practices the Town encourages; and the processes for approval. Any applicant whose application requires an exception to the stated requirements may appeal to the Zoning Board of Appeals for consideration.

### **1.0.0 SOLAR SOLUTIONS ENCOURAGED IN THE TOWN OF CAZENOVIA**

Solar energy solutions are all photovoltaic systems. A photovoltaic system is one which generates voltage by absorbing and converting radiant energy (sunlight) into an electrical current. Based on the technology available in 2022, the Town recognizes the following as acceptable forms of deployment:

- Roof-top solar panel installations which consist of individual panels mounted on top of an existing roof. They can consist of multiple components, including the photovoltaic modules, mechanical and electrical connections and mounting, and a means of regulating and/or modifying the electrical output.
- Ground-Mounted Systems (also called “free-standing” or “pole-mounted”) allow the benefits of renewable solar power without disrupting a roofline or altering a structure. Typically, they are placed away from the structure and connected through underground wiring. Where a roof may be blocked by trees and not receiving sunlight, or when roof placement is not acceptable, a free-standing panel(s) allows mobility to place in optimal sunlight areas or to avoid those areas that change seasonally.
- Building-Integrated Solar (Photovoltaic) Systems: These systems or products are seamlessly integrated into the building envelope, forming an integral and essential part of a permanent building structure, such as facades, windows, or roofs. Included in this category are solar shingles, also called photovoltaic shingles, which are solar cells designed to look like conventional asphalt shingles. Varieties range from shingle-sized solid panels that take the place of a number of conventional shingles in a strip to semi-rigid designs to various thin film solar cell technologies that match conventional shingles in size and flexibility.
- Commercial Solar Projects are solar energy systems or collection of solar energy systems with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider. This includes *Community Solar Projects* which feature the ability to participate in subscriptions for lower electrical costs to Town residents.

There are general requirements that apply to all such installations. Additionally, there are best practices, requirements, permitted locations, and approval processes specific to each type, as described below. The Town Code should be referenced for additional detail, clarifying language, and/or explanatory statements.

### **2.0.0 GENERAL REQUIREMENTS APPLICABLE TO ALL TYPES OF SOLAR INSTALLATIONS**

- Installation by a qualified solar installer

- Unless a commercial solar project, solar installations are to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected.
- Residential solar energy system applications shall be limited to 25 kW or 110% of energy consumed on the site in the prior 12 months.
- Solar energy systems serving a commercial or industrial use shall be limited to no more than 110% of the energy consumed on the site in the prior 12 months unless applicant can demonstrate a need to exceed the threshold.
- Electrical connections and those connecting to the grid are to be inspected by the Town Code Officer, designated electrical inspection person or agency, and/or public utility, prior to operation, and providing proof of such inspection.
- All systems shall be maintained in good working order or removed if not functioning after a period of 12 consecutive months; shall be consistent in size and use with the character of surrounding neighborhoods; and shall present no safety hazards.
- Compliance to New York State Uniform Fire Prevention and Building Code Standards and to all existing New York State and Federal rules and regulations.
- All utility services and electrical wiring/lines shall be placed underground and otherwise be placed within the walls or unobtrusive conduit.
- Shall have neutral, non-reflective paint colors, materials and textures to achieve visual harmony with the surrounding area.
- Shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks, and public buildings
- Equipment shall be marked to readily identify the energy system to emergency responders. The applicant/owner shall demonstrate to the Town Code Enforcement Officer a reliable and safe master method for the de-energizing of the system in the event of an emergency.

### **3.0.0 ROOF-TOP INSTALLATIONS**

Roof-top installations have become fairly common for residential, farming, and business properties, providing energy savings, as well as reducing carbon-based emissions. They may be placed on roofs of residences, businesses, as well as secondary structures. They also offer an alternative when ground-mounted systems are not possible. Flat-roof installations are particularly welcome due to minimal impact on neighboring properties.

**Where Permitted:** All Districts

**Additional Requirements Specific to Roof-Top Installations:**

- On structures having significant architectural features as defined by the U.S. Department of Interior, all installations will conform to the Secretary of the Interior's Standards for Rehabilitation of historical structures (<https://www.nps.gov/tps/standards/rehabilitation.htm>)
- Locational placement of such panels shall be made such that there is no direct adverse effect or visual impact on any significant architectural features. Destruction or alteration of historic or architecturally significant features or materials that characterize the structure shall be prohibited.

*(Roof-Top Installations, continued)*

- A site plan showing location of major components of the solar energy system and other equipment on the roof or legal accessory structure. Indicate relative locations of components (location of arrays, existing electrical service locations, utility meters, inverter locations, system orientation, tilt angles, etc.). If applicable, plan should show access and pathways compliant with NYS Fire Prevention and Building Code.
- One-line or three-line electrical diagram
- Specification sheets for all manufactured components
- All diagrams and plans must be prepared by a professional engineer or registered architect.

**Best Practices:**

- Utilize low-profile solar panels.
- Where possible, install on rear slopes or other locations not easily visible from the public right of way.
- Avoid locating panels on the primary façade or public facing side.
- Panels should not alter the slope of the roof. Flat roof structures should have panels set back from the roof edge to reduce visibility.
- Where possible, position panels behind defining architectural features such as dormers or chimneys.

**Examples:**



Residential installation, multi-level roof; Photo courtesy of National Park Service, <https://www.nps.gov/>

*(Roof-Top Installations, continued)*



Residential installation, one story; photo courtesy of CNET, [www.cnet.com](http://www.cnet.com)



Business installation, flat roof; photo courtesy of Adco. Roofing, [www.adco.com](http://www.adco.com)

**Process:**

- Unified Solar Permit Application\* (for rooftop systems generating 25 KW or less)
- Site Plan
- Building Permit
- Payment of Fee
- Approval by Code Enforcement Officer

*(Roof-Top Installations, continued)*

\*The Unified Solar Permit provides the following link to a comprehensive list of technical standards and requirements of installers and equipment: <https://www.nyserda.ny.gov>

**Timeline:** 14 days upon receipt of complete and accurate Permit applications. If an inspection is required, a single inspection should be sufficient and will be provided within seven days of inspection request.

#### **4.0.0 GROUND-MOUNTED SOLAR SYSTEMS (“Free-Standing” “Pole-Mounted”)**

Ground-mounted solutions offer the flexibility to be positioned on a property to receive the maximum sunlight and are an option when the property is not ideal for a roof-top system. If the roof isn't at the right angle, doesn't face south, or has obstructions, the solar array may be less productive. Ground-mounted systems can be located wherever conditions are best. In addition, if the property uses a lot of electricity, the roof might not be big enough for a solar energy system that meets the electricity needs. In contrast, ground-mounted solar systems can be sized to match electricity consumption without the space restrictions of a rooftop system.

**Where Permitted:** Rural A (RA) District, the Rural B (RB) District, the Industrial Overlay (IO) District and the Agriculture Overlay (AO) District of the Town. Ground mounted systems may be installed within the Lake Watershed and Riparian Corridor (LW&RC) District on lots which physically front on or abut Cazenovia Lake only when such structures are not visible from the Lake.

**Where Prohibited:** Ground-mounted solar energy systems shall not be permitted in the New Woodstock Hamlet Overlay (NWHO) District and the New Woodstock Central Business Overlay (NWCBO) District. If visible from the lake, such structures are not allowed within the Lake Watershed and Riparian Corridor on lots fronting or abutting the Lake.

#### **Restrictions:**

- Prohibited in all front yards and all lake abutting yards (front or rear yards with physically adjacent lake frontage but not including side yards). Side yard placement will demonstrate mitigation of any visual impacts of such placement to address the Lake and surrounding vantage points.
- Height of the solar collector/panel and any mounts shall not exceed 10 feet when oriented at maximum tilt measured from the ground (average grade) and including any base
- Shall be screened to harmonize with the character of the property and the surrounding area.

- Surface area of all ground-mounted solar energy system components shall not exceed the area of the ground covered by the building structure of the largest building on the lot.

**Permitted with Special Use Permit:** Lake Watershed and Riparian Corridor (LW&RC) District, Commercial Overlay (COMO) District, Wellhead Protection Overlay (WPO) District and Village Edge Overlay (VEO) District.

*(Ground-Mounted Installations, continued)*

**Additional Requirements Specific to Special Use Ground-Mounted Installations:**

- For all lots, such location shall be in the side yard or rear yard of such lot.
- If desired by the ZBA, visual/photo simulations of the proposed energy system facility for projects visible from Cazenovia Lake
- Appropriate screening with vegetation, trees, or fencing suitable for the scale and character of the property and neighboring properties.

**Best Practices:**

- Install in locations that can maximize energy collection regardless of season.

**Example:**



Ground-mounted solar system; photo courtesy of DIY Solar Racking, <https://www.diy-solarracking.com/>

**Process:**

- Site Plan Application and Short Environmental Assessment Form (EAF)
- Building Permit
- Payment of Fee
- Site Plan, including planting plan
- Approval by Planning Board

*If within designated restricted Districts:*

- Special Use Permit Application
- Approval by Zoning Board of Appeals

**Timeline:** 2-3 months dependent on completeness of application

### **5.0.0 BUILDING-INTEGRATED SYSTEMS**

Building-integrated systems, including solar shingles, are systems or products seamlessly integrated into the building envelope.

**Where Permitted:** All Districts

**Requirements Specific to Building-Integrated Systems:** Such systems will be guided by the “General Requirements Applicable to All Types of Solar Installations,” as described above in Section 2.0.0 and conformance to NYS Building Code.

**Example:**



A roof with solar shingles; photo courtesy of GAF Energy

**Process:**

- Application
- Building Permit
- Payment of Fees and Deposit
- If for new construction, process will be part of Site Plan Review by Planning Board.

**Timeline:** Dependent on project

### **6.0.0 COMMERCIAL SOLAR PROJECTS**

The transition to 70% clean energy will require large-scale renewable energy projects as part of the solution. Such projects are undertaken by developers either to sell power wholesale to the state-wide electric grid or on community scale where power is sold directly to the consumer. Smaller scale roof-top or ground mounted systems alone cannot achieve this goal nor meet the electricity needs of New York State.

Due to their scale and the acreage footprint required, commercial solar projects involve examination of a wide range of numerous and scientific factors, along with consideration of property owner interests, community character, and quality-of-life impacts. Despite these factors, commercial solar projects offer benefits over other energy facilities or business uses: they do not require parking and traffic for on-site personnel; can be less visible than taller industrial

structures; and do not have impacts associated with other industrial uses such as noise and pollution. New York State law requires decommissioning plans for any project generating over 25 megawatts to ensure that a facility is properly restored after an energy project reaches end of life.

*(Commercial Solar Projects, continued)*

The Town of Cazenovia utilizes a GIS mapping application, developed in conjunction with the Cazenovia Preservation Foundation. This tool, through a layering of data and weighting of siting considerations, identifies optimal potential locations where commercial solar projects could be considered. The resultant map is accessible on the Town’s website, [www.townofcazenovia.org](http://www.townofcazenovia.org) and may be updated from time-to-time by resolution of the Town Board.

Where possible, commercial solar projects should be located using a site design that limits the potential for negative impacts to the long-term use of productive farmland. The NYS Department of Agriculture and Markets (NYSDAM) recommends that project sponsors avoid installing solar arrays on the most valuable or productive farmland. The order of importance for solar array avoidance, per NYSDAM is:

1. Active rotational farmland
2. Permanent hay land
3. Improved pasture
4. Unimproved pasture
5. Other support lands
6. Fallow/inactive farmland

Woodland sites that may be proposed for a commercial solar project generally do not have prime agricultural soils. It may, however, be dominated by the growth of non-invasive, native tree species such as sugar maple, red maple, lack birch, beech, hickory, red oak, white oak, shadblow, and white pine. Use of such sites is discouraged.

**Where Permitted:** Rural A (RA) District, Rural B (RB) District and Industrial Overlay (IO) District within the Town. Use in an Agriculture Overlay (AO) District is allowable with a special use permit, only if it can be demonstrated that it poses no negative impacts on the soils deemed to be USDA prime soils, prime farmland, prime soils, prime soil lands, and lands deemed to be farmlands of Statewide importance.

**Where Prohibited:** Lake Watershed and Riparian Corridor (LW&RC) District, New Woodstock Central Business Overlay (NWCBO) District, Commercial Overlay (COMO) District, Wellhead Protection Overlay (WPO) District, Village Edge Overlay (VEO) District and the Agriculture Overlay (AO) District.

Use in an Agriculture Overlay (AO) District is allowable with a special use permit, only if it can be demonstrated that it poses no negative impacts on the soils deemed to be USDA prime soils, prime farmland, prime soils, prime soil lands and lands deemed to be farmlands of Statewide importance.

**Restrictions:**

- Minimum of 50 contiguous acres and compliance to required set-backs; smaller parcels may be considered by applying for an Area Variance.
- Not within one mile of an existing or approved project, unless Planning Board determines there is no detrimental impact to any siting considerations or best practices.

**Requirements Specific to Commercial Solar Projects:**

In regard to the following, the reviewing boards may waive or add specific requirements based on the site.

*(Commercial Solar Projects, continued)*

- Proof of ownership and demonstration that owner owns sufficient land area to operate and maintain the facility
- Demonstrate avoidance of areas impacting scenic quality, versus alternate sites
- A process for emergency shutdown and display of supporting signage
- Adequate security to restrict unauthorized access
- No material impact on scenic views or on fish, wildlife, animal or plant species or their critical habitats, or other significant habitats
- Use of non-invasive, pollinator-friendly, native ground covers between rows of solar panels
- Should any shrubs, trees, and other vegetation planted by developer die or deteriorate noticeably within the first ten years of operation, they are to be replaced by developer
- Weekly Status/Inspection Reports during the life of the construction and Annual Post-Installation Reviews
- Required Documents<sup>3</sup>:
  1. Site Plans (indicating property lines, adjacent lots, existing structures, current and proposed utility and transmission lines) of the following, stamped by a professional engineer registered in New York State:
    - a. Aerial Site Plan
    - b. Site Survey with Existing Topographical Conditions
    - c. Site Survey with New Topographical Conditions
    - d. Landscaping Plan showing proposed removals and additions
    - e. Grading Plan
    - f. Erosion and Sediment Control Plan<sup>4</sup>
    - g. Erosion and Sediment Control Details<sup>2</sup>
  2. A Geo-Technical Report, which includes a Soil Analysis as performed by an independent third party, and which provides measurements of soil samples for permeability, organic content, and nutrient content at the proposed installation site
  3. Photo Simulations of current and proposed views based on a Digital Elevation Model and a map designating vantage points
  4. Panel/Racking Specifications
  5. Plant Selections (trees, vegetation, cover crop selections)
  6. e and Gate Specifications (material, style, height, color)

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<sup>3</sup> Additional detail may be found in Town Code

<sup>4</sup> To be reviewed in conjunction with SWPPP review

7. Signage Details (size, verbiage, quantity, color)
8. Storm Water Pollution Prevention Plan (SWPPP)
9. Sun chart

*(Commercial Solar Projects, continued)*

10. Glare Analysis
11. Utility Notification and Service Order Number
12. Construction Timetable
13. Report to NY Department of Agriculture and Markets (Ag & Markets) and its determination of any impact
14. A Wetlands Determination of no impact by Army Corps of Engineers, if applicable
15. A Business Operations Plan, outlining hours of operation, maintenance & frequency, lighting, etc.
16. A Determination of No Impact from Federal Aviation Agency (FAA)
17. Notification to and confirmations from Emergency Services within affected area
18. Road Maintenance Agreement with the Town<sup>3</sup>
19. Payment in Lieu of Taxes Agreement and Community Host Benefit Agreement with the Town<sup>3</sup>
20. Decommissioning Plan<sup>3</sup>

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<sup>3</sup> Finalization of these documents may occur after approvals by reviewing board but must be completed prior to initiating any work on the site

**Best Practices:**

- Focus on previously disturbed areas for potential sites. In Cazenovia, this includes large expanse building rooftops, contaminated brownfields, under-utilized parking lots, abandoned mining locations, and non-productive farm areas. Protect and/or avoid impacts on highest value, productive agricultural lands
- Avoid impacts to historic, cultural, ecological, and scenic resources
- Avoid migratory pathways of wildlife
- Maintain the purpose and value of conserved lands
- Avoid and minimize new transmission and distribution lines
- Use construction and operation best practices, such as minimizing grading, avoiding use of concrete footings, mitigating run-off and potential for erosion, etc.
- Where feasible and desired, promote co-location with agricultural uses
- When mitigation of visual or other impacts proves unfeasible, provide a beneficial compensatory offset to the community

- Use pollinator-friendly plantings in and among solar arrays to support bees and other insects that pollinate crops

*(Commercial Solar Projects, continued)*

**Examples:**



Commercial solar project; photo courtesy of *The Statesman Journal*, Salem OR, [www.statesmanjournal.com](http://www.statesmanjournal.com)



Commercial solar project; photo courtesy of *Springfield News Leader*, Springfield MO, [www.news-leader.com](http://www.news-leader.com)

(Commercial Solar Projects, continued)

**Process:**

- Site Plan Application and Long Form EAF
- Building Permit
- Payment of Fee
- Submission and Review of Required Documents (see above). *Plans a – g in Item 1 and Item 2 should be submitted prior to remaining documents*
- Site Plan Review and Approval by Planning Board
- Special Use Permit
- Special Use Permit Review and Approval by ZBA

**Timeline:** 6 - 12 months”

**Roll call:**

|                          |            |
|--------------------------|------------|
| <b>Councilor Race</b>    | <b>Yes</b> |
| <b>Councilor Golub</b>   | <b>Yes</b> |
| <b>Councilor Reger</b>   | <b>Yes</b> |
| <b>Councilor Johnson</b> | <b>Yes</b> |
| <b>Supervisor Zupan</b>  | <b>Yes</b> |

**Supervisor Zupan declared Resolution No. 62 adopted.**

*Supervisor Zupan expressed his appreciation to the Committee for their hard work on this legislation.*

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*Supervisor Zupan said Bob Johnson has done the rake toss for a number of years, but has declined doing it any longer. Upstate Freshwater Institute has agreed to take on the project. He further explained the rake toss study involves going around to several hundred spots on the lake. A rake is tossed into the lake and the weeds are pulled out and categorized by number and classification. The purpose of the rake toss study is to determine treatment areas for Eurasian Milfoil.*

**Resolution No. 63 presented by Councilor Race, seconded by Councilor Johnson**

**2022 RAKE TOSS SURVEY FOR CAZENOVIA LAKE**

To authorize the Town Supervisor to execute an agreement with Upstate Freshwater Institute to survey Cazenovia Lake in September and October 2022 for aquatic plant species presence and abundance by the rake-toss method at pre-determined sample locations selected using a 2008 survey performed by Allied Biological, Inc. and to provide a written report with electronic backup that documents plant species presence, identification to at least genus but generally plant species, abundance at the pre-determined GPS sample locations and contract the results to previous plant surveys conducted by Allied Biological, Inc. and Racine-Johnson Aquatic Ecologists. The report will be provided in a format similar to annual written reports of survey results to the Town of Cazenovia by Racine-Johnson Aquatic Ecologists for 2009 through 2021. The report will be

provided no later than November 11, 2022. The cost for survey and reporting will be invoiced to the Town of Cazenovia in an amount not to exceed Sixteen Thousand Nine and 00/100 Dollars (\$ 16,009.00.) Said agreement is subject to final review and approval by the Attorney for the Town.

\*\*\*\*\*

**AGREEMENT  
BETWEEN THE TOWN OF CAZENOVIA  
AND  
UPSTATE FRESHWATER INSTITUTE**

This agreement is entered into as of the last date on the signature page hereof, by and between the Town of Cazenovia located at 7 Albany Street, Cazenovia, NY 13035 and the Upstate Freshwater Institute (UFI), located at 224 Midler Park Drive, Syracuse, NY 13206.

The parties mutually agree to the following terms:

**ARTICLE 1. STATEMENT OF WORK**

UFI will use its best efforts to perform a macrophyte survey of Cazenovia Lake as described in the statement of work, and shall furnish all necessary labor, materials and facilities to carry out the specified objectives outlined in the work plan (Exhibit A).

**ARTICLE 2. PERIOD OF PERFORMANCE**

The period of performance for this Agreement shall be from the date upon this fully executed Agreement (beginning date) through December 31, 2022 (termination date), unless amended by written mutual agreement. Expenditures prior to the beginning date or subsequent to the termination date are unallowable.

**ARTICLE 3. PAYMENT**

The total cost of the work to be performed under this Agreement is \$16,009. The Town of Cazenovia shall not be obligated to reimburse nor shall UFI be obligated to incur any expenditure in excess of this limitation.

UFI shall submit detailed quarterly invoices on vouchers approved by the Town of Cazenovia. A UFI representative shall certify on the invoice that the request for payment is true and correct to the best of their knowledge and that all expenditures reported have been made in accordance with the work plan and this agreement. The invoices shall reference a contract or purchase order number and be sent to:

Town of Cazenovia  
Town Clerk's Office  
7 Albany Street  
Cazenovia, NY 13035

The Town of Cazenovia shall pay all invoices within 45 days of receipt. The final billing, clearly marked as FINAL, shall be submitted no later than 60 days after the end of the period of performance as indicated in Article 2. In no event shall the final billing exceed the Agreement amount.

**ARTICLE 4. GENERAL PROVISIONS**

A Federal W-9 must be completed and returned with the signed Agreement. The W-9 must be received prior to the issuance of a contract/purchase order number.

**ARTICLE 5. HOLD HARMLESS**

To the extent allowable by NYS Law, each party hereby assumes any and all risks of personal injury and property damage attributable to the negligent acts or omissions of that party and the officers, employees and agents thereof.

**ARTICLE 6. EQUIPMENT**

No purchase of new equipment shall be made using funds from this agreement.

**ARTICLE 7. DISPUTES**

Except as otherwise provided for in this Agreement, any dispute not disposed of by mutual consent shall be decided by procedures jointly agreed upon by both parties.

**ARTICLE 8. ALLOWABLE COSTS**

For the performance of the work herein, the Town of Cazenovia agrees to pay UFI the cost thereof determined to be allowable in accordance with the terms of this Agreement, but in no event a sum greater than the amount of the grant.

**ARTICLE 9. TERMINATION**

Either party may terminate this Agreement without cause by providing thirty (30) days prior written notice to the other party. Upon termination notice, UFI will make no further commitments under this Agreement and will take all reasonable actions to cancel outstanding obligations. UFI will furnish all necessary reports of research completed or in progress through the date of termination.

**ARTICLE 10. PERSONNEL**

The following individual will be responsible for all aspects of the proposed work to be provided by UFI:

David A. Matthews, Ph.D., CLM. Substitutions for this individual or substantial reduction in any of the level of effort will not be made without prior written approval of the Town of Cazenovia.

**ARTICLE 11. PUBLICATIONS**

UFI is free to publish reports or results of the research being performed under this Agreement. Thirty (30) days prior to such publication UFI will submit to the Town of Cazenovia, a copy of the proposed publication. Publications based upon results of research supported directly or indirectly by this award should include the following acknowledgement: *“This [paper/report/video] was prepared by the Upstate Freshwater Institute under a grant funded by the Town of Cazenovia. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the Town of Cazenovia.”*

**ARTICLE 12. PUBLICITY**

Neither the Town of Cazenovia nor UFI will use the name of the other expressly or by implication, in any news, publicity release, or other promotional fashion without the express written approval of the other.

**ARTICLE 13. REPORTS**

UFI shall prepare a report summarizing the 2022 Cazenovia Lake macrophyte survey that is similar in scope to those prepared previously for the Town by Racine-Johnson Aquatic Ecologists. The report will be submitted to the Town by November 11, 2022.

**ARTICLE 14. LIABILITY AND INSURANCE**

UFI agrees that it shall maintain appropriate levels of insurance as required by law or in an amount of at least one million dollars (\$1,000,000) and name the Town of Cazenovia as an additional insured. UFI shall supply the Town with a copy of its insurance prior to any work commencing. The Town of Cazenovia shall be given notice of any termination during the term of this agreement should insurance be cancelled for any reason. UFI also agrees that it has entered into this Agreement and will discharge its obligations, duties and undertakings and work pursuant thereto, whether requiring professional judgement or otherwise, as an independent agent without imputing liability on the part of the Town of Cazenovia for the acts of UFI and its employees.

**ARTICLE 15. ASSURANCES**

By signing this Agreement, UFI certifies that:

- It is not delinquent on the repayment of any Federal debt
- It is presently not disbarred, suspended, proposed for debarment, declared ineligible, nor voluntarily excluded from covered transactions by any Federal department or agency in accordance with Executive Order 12549 (34 CRP Part 85, Section 85.510)
- It is in compliance with the Drug-Free Workplace Act of 1988 (34 CFR Part 85, Subpart F)
- It is in compliance with the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) regarding restrictions on lobbying
- Funds expended under this award will comply with applicable Federal cost principles

**ARTICLE 16. EQUAL OPPORTUNITY**

During the performance of the work under this Agreement, UFI shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap, special disability or special Vietnam era status. All Equal Employment Opportunity provisions set forth in Executive Order No. 11246, as amended by Executive Order 11375, and as supplemented by 41 CRF Part 60 are hereby incorporated by reference into this Agreement.

**ARTICLE 17. RECORDS**

All records and reports that relate to this Agreement shall be retained by UFI for three (3) years from the date of final payment and will be made available during that period for inspection by representatives of the Town of Cazenovia, its independent auditors, or the Federal Government during normal business hours.

**Agreed to by:**

**UPSTATE FRESHWATER INSTITUTE**

**TOWN OF CAZENOVIA**

\_\_\_\_\_  
**Signature**

David A. Matthews, Ph.D., CLM

\_\_\_\_\_  
**Typed/Printed Name and Title**

Date: April 25, 2022

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Typed/Printed Name and Title**

Date: \_\_\_\_\_

**EXHIBIT A: Work Plan for 2022 Cazenovia Lake Macrophyte Survey**

**Background**

The macrophyte community of Cazenovia Lake has been surveyed annually since 2009 by Racine-Johnson Aquatic Ecologists to evaluate changes in response to herbicide treatments and mechanical harvesting to control the abundance of Eurasian watermilfoil. The herbicide triclopyr (Renovate®) was applied in 2009, 2010, 2012, 2014, 2017 and 2019. In 2021, the lake was treated with the herbicide floryrauxifen-benzyl (ProcellaCOR®). Herbicide treatments since 2009 have successfully reduced the standing crop of Eurasian watermilfoil; the ProcellaCOR® treatment in 2021 was especially effective. Results of the annual macrophyte surveys are used to track effectiveness of the lake management program, determine priority areas for subsequent herbicide treatment, and document that the native plant community remains intact.

**Macrophyte Survey**

Upstate Freshwater Institute (UFI) will perform the macrophyte survey of Cazenovia Lake in 2022, using the same sampling protocols and locations that have been sampled annually by Racine-Johnson Aquatic Ecologists since 2009. Specifically, UFI will conduct duplicate tosses with a dual-headed rake attached to 50 feet of nylon rope at 304 sites located around the perimeter of the lake and record presence and abundance of aquatic plant species. Sites will be located using GPS and the coordinates published in Racine-Johnson’s 2021 report. Overall and species-specific abundance will be recorded for each sampling location. These data will be entered into an Excel spreadsheet and provided to the Town of Cazenovia. The abundance estimates from each of the two rake-tosses will be averaged to produce a mean value for each location. The survey will be conducted within the August to early September timeframe to ensure the results are comparable to earlier surveys.

**Report**

The results of the 2022 macrophyte survey will be summarized in a report similar in content to those prepared previously by Racine-Johnson Aquatic Ecologists. The report, which will be submitted to the Town of Cazenovia by November 11, 2022, will provide the Town with important information to guide management of Cazenovia Lake in 2023.

\*\*\*\*\*

**Roll call:**

|                          |            |
|--------------------------|------------|
| <b>Councilor Race</b>    | <b>Yes</b> |
| <b>Councilor Golub</b>   | <b>Yes</b> |
| <b>Councilor Reger</b>   | <b>Yes</b> |
| <b>Councilor Johnson</b> | <b>Yes</b> |
| <b>Supervisor Zupan</b>  | <b>Yes</b> |

**Supervisor Zupan declared Resolution No. 63 adopted.**

\*\*\*\*\*

*Supervisor Zupan said this next resolution is to appoint members to work on updates to the Comprehensive Plan. The last time it was done was 14 years ago and the state recommends it gets updated every ten years.*

**Resolution No. 64 presented by Councilor Reger, seconded by Councilor Johnson**

**APPOINT MEMBERS TO THE COMPREHENSIVE PLAN REVIEW SPECIAL BOARD**

**WHEREAS**, the last Village & Town of Cazenovia Comprehensive Plan was adopted by the Town Board in June of 2008; and

**WHEREAS**, pursuant to Town Law, Article 16, § 272-a, a Town Board can create a “special board” charged with creating and amending the comprehensive plan for possible adoption by the Town Board; and

**WHEREAS**, the following individuals shall be appointed for purposes of providing updates to the Comprehensive Plan:

- Kyle Reger (*Town Councilor*)
- Robert Ridler (*Planning Board*)
- Michael Palmer (*Zoning Board of Appeals*)
- Roger Cook (*Zoning & Codes Enforcement*)
- Elizabeth Moran (*Former Town Supervisor*)
- Kristi Andersen (*Former Town Councilor*)

**Roll call:**

- Councilor Race**                   **Yes**
- Councilor Golub**               **Yes**
- Councilor Reger**               **Yes**
- Councilor Johnson**           **Yes**
- Supervisor Zupan**           **Yes**

**Supervisor Zupan declared Resolution No. 64 adopted.**

\*\*\*\*\*

*Supervisor Zupan explained a Map, Plan & Report is required in order to apply for grants. He would like to get funding to assist in updating the water mains in this district, particularly in one section where there are problems.*

**Resolution No. 65 presented by Councilor Race, seconded by Councilor Reger**

**AUTHORIZE DUNN & SGROMO ENGINEERS, PLLC TO PREPARE A MAP, PLAN AND REPORT IN RELATION TO FUTURE WATER SYSTEM CAPITAL IMPROVEMENTS IN THE MT. PLEASANT WATER DISTRICT**

**WHEREAS**, the Town Board of the Town of Cazenovia has contemplated, considered and remains in the process of planning for future water system capital improvements for the benefit of the existing Town of Cazenovia Mt. Pleasant Water District and its users; and

**WHEREAS**, in furtherance of said planning the Town Board of the Town of Cazenovia wishes to engage the services of Dunn & Sgromo Engineers, PLLC to prepare a map, plan and report/preliminary engineering report to study and evaluate future water system capital improvements to the Town of Cazenovia Mt. Pleasant Water District.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that the Town Board of the Town of Cazenovia, Madison County, New York, does hereby direct Dunn & Sgromo Engineers, PLLC to prepare a map, plan and report/preliminary engineering report and provide such other services consistent therewith regarding future water system capital improvements in the Town of Cazenovia Mt. Pleasant Water District, at an amount not to exceed \$7,500 to be paid from proceeds of the ARPA State & Local Fiscal Recovery Plans within Town General Fund A; and it is further

**RESOLVED AND DETERMINED**, that if additional funds are necessary for the completion of the map, plan and report/preliminary engineering report further authorization from the Town Board shall be required; and it is further

**RESOLVED AND DETERMINED**, that if the Town Board shall thereafter authorize said water system capital improvements and/or the establishment or extension of a water district and construction of the same, the expense of the map, plan and report/preliminary engineering report as specified above, shall be deemed to be part of the cost of said water system improvements; and it is further

**RESOLVED AND DETERMINED**, that the Town Board of the Town of Cazenovia hereby authorizes the Town Supervisor to execute any documents necessary to carry out the intent of this resolution.

**Roll call:**

|                          |            |
|--------------------------|------------|
| <b>Councilor Race</b>    | <b>Yes</b> |
| <b>Councilor Golub</b>   | <b>Yes</b> |
| <b>Councilor Reger</b>   | <b>Yes</b> |
| <b>Councilor Johnson</b> | <b>Yes</b> |
| <b>Supervisor Zupan</b>  | <b>Yes</b> |

**Supervisor Zupan declared Resolution No. 65 adopted.**

\*\*\*\*\*

*John Langey, Esq. explained this parcel has special stormwater management practices that will need long-term maintenance. The agreement makes it a recordable instrument and the ability to enforce, if necessary.*

**Resolution No. 66 presented by Councilor Race, seconded by Councilor Johnson**

**AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE AND ENTER INTO A STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT BETWEEN LIVING ON LAKE TIME, LLC AND THE TOWN OF CAZENOVIA**

The Town of Cazenovia Town Supervisor is hereby authorized to execute the “Stormwater Control Facility Maintenance Agreement” for site plan approval granted to the premises of Living on Lake Time, LLC located at 1657 Hedge Lane, Cazenovia upon final review and approval by the Attorney for the Town.

**Roll call:**

|                          |            |
|--------------------------|------------|
| <b>Councilor Race</b>    | <b>Yes</b> |
| <b>Councilor Golub</b>   | <b>Yes</b> |
| <b>Councilor Reger</b>   | <b>Yes</b> |
| <b>Councilor Johnson</b> | <b>Yes</b> |
| <b>Supervisor Zupan</b>  | <b>Yes</b> |

**Supervisor Zupan declared Resolution No. 66 adopted.**

\*\*\*\*\*

*Supervisor Zupan stated the annual road tour is Sunday, May 15, 2022 at 7:00 a.m. The Town Board will meet Bryan Smith, Highway Superintendent, at the Town Office as the starting point.*

**Resolution No. 67 presented by Councilor Race, seconded by Councilor Reger**

**AGREEMENT FOR THE EXPENDITURE OF HIGHWAY FUNDS  
– 2022 –**

Town of Cazenovia                      Madison County, NY

Pursuant to the provisions of section 284 of the Highway law, we agree that money levied and collected in the Town of Cazenovia for the repair and improvement of highways, and received from the State for State Aid for the repair and improvements of Highways, shall be expended as follows:

1. **General repairs.** The Sum of \$ **50,000** shall be set aside to be expended for primary work and general repairs upon all road miles of Town highway, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. **Improvements.** The following sums shall be set aside to be expended for the permanent improvement of Town highways:
  - a. On Meadow Hill Road, a distance of .18 miles
    - i. for the sum of \$ **17,092.01**
    - ii. Project type – Cold Mix Pave
    - iii. Width of Surface – 19.0’
    - iv. Thickness – 1.5”
  - b. On Indian Lookout Road, a distance of .13 miles
    - i. for the sum of \$ **12,796.16**
    - ii. Project type – Cold Mix Pave
    - iii. Width of Surface – 20.0’
    - iv. Thickness – 1.5”
  - c. On Smith Road, a distance of 0. 91 miles
    - i. for the sum of \$ **87,745.08**
    - ii. Project type – Cold Mix Pave
    - iii. Width of Surface – 18.0’
    - iv. Thickness – 3.0”

3. **Improvements.** The following sums shall be set aside to be expended for the permanent improvement of Town highways:

a. On the following roads:

| <b>NAME</b>       | <b>DISTANCE</b>    |
|-------------------|--------------------|
| Ballina Road      | 2.76               |
| Lincklaen Road    | 2.84               |
| Mosely Road       | .66                |
| Rathbun Road      | 2.15               |
| Stone Quarry Road | 1.60               |
|                   | <b>10.01 miles</b> |

- b. a distance of 10.01 miles
- c. for the sum of \$ **143,645.75**
- d. Project type – chip seal

The total amount of improvements not to exceed the amount of \$ **311,279.00**

**Roll call:**

|                          |            |
|--------------------------|------------|
| <b>Councilor Race</b>    | <b>Yes</b> |
| <b>Councilor Golub</b>   | <b>Yes</b> |
| <b>Councilor Reger</b>   | <b>Yes</b> |
| <b>Councilor Johnson</b> | <b>Yes</b> |
| <b>Supervisor Zupan</b>  | <b>Yes</b> |

**Supervisor Zupan declared Resolution No. 67 adopted.**

\*\*\*\*\*

**Resolution No. 68 presented by Councilor Race, seconded by Councilor Johnson**

**ANNUAL HIGHWAY EQUIPMENT RENTALS**

Pursuant to Highway Law, Article 7, § 143 to authorize the rental of equipment for Highway Department use for 2022:

All Roads

Rental of all equipment shall not exceed \$ 30,000.00.

**Roll call:**

|                          |            |
|--------------------------|------------|
| <b>Councilor Race</b>    | <b>Yes</b> |
| <b>Councilor Golub</b>   | <b>Yes</b> |
| <b>Councilor Reger</b>   | <b>Yes</b> |
| <b>Councilor Johnson</b> | <b>Yes</b> |
| <b>Supervisor Zupan</b>  | <b>Yes</b> |

**Supervisor Zupan declared Resolution No. 68 adopted.**

\*\*\*\*\*

**Resolution No. 69 presented by Councilor Race, seconded by Councilor Reger**

**AUTHORIZE SALE OF 2 - 2019 CHEVROLET SILVERADO 2500HD  
PICK UP TRUCKS ON AUCTIONS INTERNATIONAL**

Whereas, the Town Board has determined that in their best judgment regarding un-needed, worn out, and obsolete equipment, the sale of the following vehicles and/or equipment by use of online auction site [www.auctionsinternational.com](http://www.auctionsinternational.com) or by sale in any other legally acceptable manner, which will bring the maximum financial benefit to the taxpayers, is hereby authorized, and further, pursuant to Highway Law Section 142 and 271 (3), the Town Board has determined that the sale proceeds as stated below shall be applied to Town of Cazenovia Budget line *DA5130.2 MACHINERY Equipment*, exclusively intended for the purchase of highway department machinery, tools, equipment and implements to be used for general highway purposes:

| <u>Vehicle</u> | <u>Sale Price</u> |
|----------------|-------------------|
| Truck w/ Plow  | \$ 47,300.00      |
| Truck w/o Plow | \$ 39,100.00      |

Equipment is to be sold “as is” with no warranties.

**Roll call:**

|                          |            |
|--------------------------|------------|
| <b>Councilor Race</b>    | <b>Yes</b> |
| <b>Councilor Golub</b>   | <b>Yes</b> |
| <b>Councilor Reger</b>   | <b>Yes</b> |
| <b>Councilor Johnson</b> | <b>Yes</b> |
| <b>Supervisor Zupan</b>  | <b>Yes</b> |

**Supervisor Zupan declared Resolution No. 69 adopted.**

\*\*\*\*\*

**Resolution No. 70 presented by Councilor Reger, seconded by Councilor Race**

**NEW WOODSTOCK REGIONAL HISTORICAL SOCIETY  
REQUEST FOR THE USE OF HERITAGE PARK IN NEW WOODSTOCK**

The Town of Cazenovia Town Board approves the New Woodstock Regional Historical Society request for the use of Heritage Park including the Gazebo as outlined in the May 4, 2022 letter from the President of the New Woodstock Regional Historical Society to the Town Board. The park will be used for a total of nine concerts in the months of June, July and August.

If food is served, it is understood the New Woodstock Regional Historical Society will secure all necessary permitting that may be required from the Madison County Department of Health.

This approval is contingent upon receipt of an endorsed certificate of liability insurance naming the Town of Cazenovia as an additional insured from the New Woodstock Regional Historical Society in the amount of one million dollars in coverage that must be maintained throughout the event.

The certificate of liability insurance shall be filed with the Town Clerk no later than one week prior to the first event scheduled for June 17, 2022.

|                          |            |
|--------------------------|------------|
| <b>Councilor Race</b>    | <b>Yes</b> |
| <b>Councilor Golub</b>   | <b>Yes</b> |
| <b>Councilor Reger</b>   | <b>Yes</b> |
| <b>Councilor Johnson</b> | <b>Yes</b> |
| <b>Supervisor Zupan</b>  | <b>Yes</b> |

**Supervisor Zupan declared Resolution No. 70 adopted.**

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**Resolution No. 71 presented by Councilor Race seconded by Councilor Reger**

**ANNUAL CAZENOVIA TRIATHLON**

To approve the use of Hoffman Road, Ridge Road, and Chard Road (portion of road course that utilize Town roads) as part of the 2022 Cazenovia Triathlon on **Sunday, August 21, 2022**. The Town of Cazenovia has a non-discriminatory policy.

The races that will occur are the Sprint Triathlon, Sprint Aqua Bike (swim/bike), Olympic Triathlon, Olympic Aqua Bike, Sprint Relay and Olympic Relay. The starting and finish lines for all four races are at Lakeside Park. It is understood that the Madison County Sheriff’s Department and the Cazenovia Village Police Department will be utilized for traffic control and that CAVAC will be on-site.

This approval is contingent upon receipt of an endorsed Certificate of Liability Insurance, naming the Town of Cazenovia as an additional insured with coverage in the amount of One Million Dollars. The insurance certificate should describe the name of the activity, including date and time and must be maintained throughout the date of the event. The Certificate of Liability Insurance shall be filed with the Town Clerk no later than Friday, August 12, 2022.

**Roll call:**

|                          |            |
|--------------------------|------------|
| <b>Councilor Race</b>    | <b>Yes</b> |
| <b>Councilor Golub</b>   | <b>Yes</b> |
| <b>Councilor Reger</b>   | <b>Yes</b> |
| <b>Councilor Johnson</b> | <b>Yes</b> |
| <b>Supervisor Zupan</b>  | <b>Yes</b> |

**Supervisor Zupan declared Resolution No. 71 adopted.**

\*\*\*\*\*

**Attorney's Report:** *John Langey, Esq. said the major revisions to the solar law were adopted this evening. They will be “turn those out onto the highway” and see how they work. He knows of at least one pending application that may proceed. He said other towns he represents are now seeing the 94C large projects that are over 20-25 megawatts and knows a couple are in Madison County. On another note, he will assist the Comprehensive Plan Committee, procedurally, as they move forward.*

*Councilor Race inquired if the moratorium ended?*

*John Langey, Esq. said tomorrow the local law will be filed and with its own terms, once filed the moratorium ends. Pending applications can now be heard.*

\*\*\*\*\*

**Supervisor's Report:** *Supervisor Zupan said he worked on Mt. Pleasant in an effort to get grants for that district. He talked with the town insurance people about renewal of the town insurance. He worked with the engineer for the Ridge Road drainage concerns and fielded calls from residents within that neighborhood.*

\*\*\*\*\*

**Councilor Race** (Highway Department, South Cemetery, Water Pollution Control Facility & Water Districts): *Reported they are out of the winter mode and our preparing for the 284 Agreement that was adopted earlier tonight which will be the roads that are worked on this summer. Additionally, there is a new hire starting Monday, Corey Marshall who took Mike Butler’s spot. Ted Stearns will also be retiring so they will be looking for another replacement in the near future. The pickups have been delivered and are working out well.*

**Councilor Golub** {Cazenovia Lake Association, Cazenovia Lake Watershed Council, Solar & Future of the Town Office (Gothic Cottage), Anti-Racism Coalition}: *The CLA was shocked to learn of the passing of Richard Husted and are working on a way to honor him. Regarding Earth Week, he went with Village Trustee Porter to the home of Shelly Kempton whose home is net 0, partially because she has solar and heat pumps. There was a meeting at the municipal building for the Heat Smart Program. On another area of oversight, he talked with the ARC about some situations at the school and it is more school related than the town. Additionally, he commented at the end of the Councilor’s reports, regarding the passage of the solar law. He acknowledged there was a consistent presence from residents that was constructive-Dave Eilers, Al Brandolino and Gerry Mehlbaum. He also thanked other members of the Board, especially Anne Ferguson and John Langey.*

**Councilor Reger** (Planning & Zoning, CACC, Comprehensive Plan, Shared Services & New York State Police): *Echoed Jimmy’s comments about Earth Week and thanked the volunteers time for coordinating the events. He has worked with Councilor Johnson as the duties continue to transition. She is doing a great job! The Comprehensive Plan Team is just starting to convene and has a meeting on May 18<sup>th</sup>.*

**Councilor Johnson** {CACDA, Senior Recreation & Joint Youth Recreation, Parks, New Woodstock Fire Department, Solar & Future of the Town Office (Gothic Cottage)}: *Reported Joint Youth Recreation is looking good for this year and it’s Kristen’s second year. The swim hours will be modified which is smart from a budget standpoint. There will be one less hour per day. Swim Hours 10-3 & 4-8 Monday – Saturday and Sunday’s 10-6. The diving board issues will be taken care of, but the wall is being rebuilt so they want to retrofit that equipment or get new. The Farmer’s Market went great last weekend and seemed to go off without a hitch. There was an issue with garbage cans, but Bill Carr will take care of that going forward. On the CACDA front, there is some state consolidated funding that just came out and is primarily for economic development and due at the end of July. There is also some funding for parks and water projects.*

\*\*\*\*\*

Supervisor Zupan asked if any member of the public cared to use the second comment period to speak to the board regarding any area of Town Board oversight. First, he asked for the public to speak that weren't part of the Ridge Road drainage concerns.

**Public comment #2:**

Mark Braiman of 4775 East Lake Road wanted to follow up about the power for the Farmer's Market on the Town-owned "Green." He was under the impression there would be a van that had solar panels. However, he felt this was an impractical use of solar power. He also inquired about a long-term plan to provide power at the "Green."

Councilor Johnson said she understands there are restrictions that have to be followed due to being a parade ground.

Councilor Race said it is, technically, State controlled because it is a parade ground.

Supervisor Zupan told Councilor Johnson she needs to reach out to National Grid about putting panels on their poles.

Councilor Johnson suggested Mr. Braiman and she set-up a time to discuss this outside the meeting and in more detail.

Rob Arnold of 4540 Ridge Road described his parcel as in the middle of the Jephson Estate. He said they are all concerned about the state of the road and the curbs. He expressed they want to keep things looking very close to the current appearance. He said they understand there are water issues on the road and felt there was a lot of confusion with information that has been shared over the years.

Supervisor Zupan said they would like to set up a meeting with all the stakeholders. The 17<sup>th</sup> of May is a day that works for the lawyer as well as the engineer. The meeting will be at 7:00 p.m. He stressed the water problem has to be addressed because it is a hazard and it is in the right-of-way and the town is responsible for fixing it. The goal is a way to fix the problem and alleviate everyone's fears about what is happening.

Kevin Curtis thanked the Town Board for addressing this, being one that has had a lot of the flooding issues.

Judson Ames of 4612 Ridge Road noticed things are getting marked out utility-wise. He thought something would be moving forward relatively quickly. He asked for clarification.

Supervisor Zupan said the underground facilities have to be marked out to come up with a plan.

Judson Ames asked for clarification about a plan.

Supervisor Zupan said there is a plan from, he thought, two years ago. It has Ridge Road and one line representing a culvert down through.

Kate Dunn of 4612 Ridge Road wondered what the scope and goal of the project is-is it just drainage issues on Ridge Road?

Supervisor Zupan said the scope is to cure the drainage issues on that section of Ridge Road.

\*\*\*\*\*

**The Town Clerk presented the monthly bills list.**

The Town Board's method-of-choice for review of the monthly bills:

The Town Board's first review takes place when detailed lists of the monthly bills are emailed to them on the weekend preceding the meeting. As a second review, the Town Clerk reads aloud the monthly bills list as the Town Board followed along with hard copies. The invoices are present at the meeting and the Town Board visually inspects them and discusses them at their discretion.

**Motion by Councilor Reger, seconded by Councilor Race to approve payment of the bills. The motion was unanimously approved.**

\*\*\*\*\*

**Motion by Councilor Race, seconded by Councilor Johson to adjourn this meeting. The motion was unanimously approved.**

**At 8:08 p.m., Supervisor Zupan declared this meeting adjourned.**

\*\*\*\*\*

**Signed:**           *Connie J. Sunderman*            
Connie J. Sunderman, Town Clerk