

COMMON COUNCIL WORKSHOP AGENDA

June 23, 2022

The following meeting has been scheduled for **TUESDAY JUNE 28, 2022:**

6:00 PM PUBLIC HEARING – For the Proposed Nomination for Designation of Landmark
Or Historic District Status for the North Tonawanda Memorial Pool

6:30 PM Special Session

**Re: SEQR-Negative Declaration
Solar Energy Systems Law-Local Law# 2
Solar Energy Systems Pilot Local Law # 3**

Workshop Agenda

6:45PM Laura Wilson

**Re: 2022 NYS Consolidated Funding
Application**

7:00 PM Common Council

- Re: General Discussion

Respectfully submitted,



**Donna L. Braun
City Clerk-Treasurer**

LANDMARK FORM

CITY OF NORTH TONAWANDA
CITY HALL • 216 PAYNE AVENUE
NORTH TONAWANDA, NEW YORK 14120
(716) 695-8555 FAX (716) 695-8557

NORTH TONAWANDA HISTORIC PRESERVATION COMMISSION

NOMINATION FOR

DESIGNATION OF LANDMARK OR HISTORIC DISTRICT

(Pursuant to Chapter 51C of the City Code)

APPLICANT INFORMATION

Applicant Name: Kristin Derby c/o North Tonawanda Historic Preservation Commission

Mailing Address: 216 Payne Ave, North Tonawanda, NY 14120

Telephone: 716-380-4516

E-mail: kderby@syr.edu

If applicant is acting through an authorized agent or legal representative, identify agent's name, address and telephone:

Does applicant own the property?:

Yes

X

No

If applicant does not own the property, identify owner's name, address and telephone:

City of North Tonawanda

216 Payne Ave, North Tonawanda, NY 14120

If applicant is different from owner,
does the owner concur in this application?

X

Yes

No

If applicant is different from owner, is there a
relationship between applicant and owner?

X

Yes

No

If yes, explain:

 The HPC members are appointed by and report to the
 Mayor's office.

If applicant is different from owner, explain applicant's interest in the property:

 The North Tonawanda Historic Preservation Commission is

 tasked with identifying, promoting, and preserving historic

 places in the City. Memorial Pool is a significant type of architecture.

Is applicant or owner related to any official or employee of the City of North Tonawanda or the
North Tonawanda Historic Preservation Commission?

X

Yes

No

If yes, explain: The signatory for ownership is the Mayor. The applicant is the North
 Tonawanda Historic Preservation Commission

PROPERTY INFORMATION

Property Address: 848 Payne Avenue
North Tonawanda, NY 14120

Name of Property (if applicable): Memorial Pool

Tax Map ID No.: _____

Zoning Classification: Recreation

Parcel Size: _____

Present Use of Property: Swimming Pool

Historic Use of Property: Swimming Pool

Designation Sought (check one): X Landmark Historic District

Year of Construction: 1948

Original architect (if known): Wesley Bintz

Original builder (if known): Joseph M. Wrazin

Original and subsequent owners of the property, including dates of ownership (if known):
City of North Tonawanda

Describe the architectural style of the property:

Bintz style pool

Describe primary building materials:

Foundation: Reinforced concrete Roof: Open

Walls: Brick/Concrete Other: _____

How does the property in its present condition materially differ from the property as originally constructed? Describe material alterations or additions to the property subsequent to its original construction (include dates if known). Attach photographs of alterations if available:

Alterations include: art moderne entrance facade removed and replaced by brick
during ADA upgrades, glass block window replacing original windows

Describe the present condition of the property:

The Pool retains high character and has continued as a swimming pool
in limited use although there are minor leaks, cracking of the concrete decking, and
a worn liner.

Describe site and surroundings (e.g., outbuildings, landscaping, neighborhood):

Payne Park and the surrounding neighborhood reflect the Post War expansion of the City.

Are there any presently known threats to the property?

Yes

No

If yes, describe:

The Pool will be decommissioned which leaves an uncertain future for the structure.

Is the property associated with any personages of historic significance?

Yes

No

If yes, identify and explain:

Wesley Bintz was the architect and is significant as his design was patented and fiercely protected. The Pool is also associated with Robert J. H. Kiphuth, the Yale University and Olympic Swim Coach who dedicated the pool.

Describe the historic significance of the property (i.e., why it merits designation as a landmark or historic district). Indicate relevant sources of information. Attach additional sheets as needed:

See attached

CERTIFICATION

APPLICANT: I hereby certify that this application is accurate and complete to the best of my knowledge.

Applicant's Signature: Kristin Derley Date: 4/18/22

OWNER: (if different from applicant, and if owner concurs in application): I have read and familiarized myself with this application and do hereby consent to its submission and processing.

Owner's Signature: Austin [Signature] Date: 4/29/22

NORTH TONAWANDA PAYNE AVE MEMORIAL POOL - 1948

HISTORY OF THE RESOURCE

The North Tonawanda Payne Avenue Memorial Pool represents a mid-to-late career example of Wesley Bintz's work, as well as an example of his style choices evolving to meet the preferences and popular aesthetics of the time. The style applied to the facade of the pool is definitively Post-World War II, and is a style the Bintz consistently uses between 1947 and at least 1950. By 1953, his design changes again to a Mid-Century Modern style. As a Bintz pool overall, the North Tonawanda Pool is significant as an example of the work of a master, in this case, a master swimming pool designer. The design of the pool is definitively Bintz - he protected his patent vigorously - and they are becoming ever more scarce, in New York and throughout the country. There are estimates of 100-170 Bintz Pools that were built throughout the country made by scholars, historians, and enthusiasts, but there is no national survey to confirm which are still extant. Newspaper articles suggest only about 12 of these pools are still standing in some form. The Pool was dedicated in August 1947 by Tonawanda-born Robert J. H. Kiphuth, the head coach of Yale University men's swim team. The Pool officially opened following completion of construction in the summer of 1948.

DESIGN

Wesley Bintz first received his patent paperwork approval in February 1926. While Bintz' designs varied, the vast majority of his pools has specific features: They were an ovoid shaped structure which allowed for an easy transition from the deep end to the shallow end. They also housed all of the operations and the locker rooms underneath the pool. Visitors would typically enter the pool area through a staircase past the locker rooms. The above ground structure contained the pool, locker rooms, mechanics within the ring of the pool its self. Bintz pools were suited for urban environments to accommodate different topographies and sizes. The design became popular saving time, money, and space. Advertisements were often geared towards Municipal leaders identifying these features. The North Tonawanda Memorial Pool is about the 5th generation of design of Wesley Bintz pool that was a drastic departure in style from his earlier pools which included the covered observation deck with vertical structure element. Of the six pools that were built using this style, North Tonawanda is the only pool of this particular Bintz style that is still open for swimming.

SIGNIFICANCE TO COMMUNITY

Drownings, racism, and lack of air conditioning contributed to the push for Municipal Swimming Pools across the country. Pools were seen as a way to regulate swimming lessons and alleviate community conflict at beaches, most notably after the events of the Summer of 1919. Specifically, the Tonawandas are a community surrounded by water where there has been constant public and municipal support for safe swimming facilities. Wesley Bintz came to the City Council meeting in September 1946 to testify about the design, costs, and project timelines.

The North Tonawanda Memorial Pool is a living memorial to the men and women who served in World War II. The dedication plaque from 1947 specifically acknowledges both genders, which is uncommon for the time period. The Pool featured floodlights allowing visitors to swim past sundown. The Pool was popular and well used from Day 1. Recreational swimming, races, sports carnivals, and amenities contributed to an average of over 1300 children using the facility daily during the swim season in the early 1950's. A State grant was awarded in 1985 for maintenance and accessibility upgrades. This is when the original Art Moderne façade was altered. The changes made were a response to the continued needs of the community. Population decreases, the increasing popularity of home pools, and advances in air conditioning have contributed to a declining daily use. However, there are still large groups of the community that the current pool serves with affordable admissions and swimming lessons. A recent public survey in February 2020 identified the public's support of having a public pool and recognition of the historic importance to the community. The structure is one of only a small number of iconic buildings in the city and located on a major thoroughfare visible to all

The preservation of this structure is important to architectural significance, it's original intention as a living memorial, the story of the post-war North Tonawanda community, and the greater conversation involving the Bintz Pools throughout the state and/or country.



City of North Tonawanda

Department of Community Development
500 Wheatfield Street
North Tonawanda, New York 14120
716-695-8580
716-614-0519 (fax)

June 22nd, 2022

Honorable Mayor and Common Council
North Tonawanda City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Re: 2022 New York State Consolidated Funding Applications

Dear Honorable Body:

As you may be aware, the twelfth round of state-wide economic development funding through the New York State Regional Economic Development Councils has been announced. \$375 Million is available through a pool of over 8 State agencies. In previous rounds, North Tonawanda submitted 25 applications and secured over \$3 million. This year's application deadline is July 29th, 2022.

In consultation with various City departments and Mayor Tylec, we have identified five potentially viable projects. These projects were selected based on a number of factors including project feasibility, project need, funding availability, and project readiness.

1.) Comprehensive Plan Update

The City of North Tonawanda is looking to complete an update to its existing Comprehensive Plan, which has not been updated since 2008. A Comprehensive Plan is one of the central land use planning tools for local governments in New York State. The Comprehensive Plan articulates the community's vision and goals for land use and economic development.

Through the NYS Department of State Smart Growth Community Planning & Zoning grant program, the City of North Tonawanda will be able to prepare and adopt a new city-wide comprehensive plan. By preparing the Comprehensive Plan based upon Smart Growth principles, the City and community stakeholders will have the opportunity to evaluate local resources, develop goals, and develop a comprehensive strategy for the best and most efficient use of resources and guide future development of the city. The plan will address a variety of issues including but not limited to: zoning, physical development, economic development, transportation patterns, natural and build environment inventories, affordable housing, and demographic trends.

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CITY CLERK'S OFFICE
2022 JUN 22 10:30 AM
NORTH TONAWANDA, NY

The maximum award for this program is \$100,000. Based off of a cost estimate from a professional consulting firm, we estimate the total budget for this project is approximately \$151,000. The Smart Growth Comprehensive Planning program will provide up to 90% of the project funding with the city required to provide the remaining 10% match.

Budget Breakdown:

NYS Department of State:	\$100,000
Local Match:	\$51,000 (\$10,000 In-Kind/\$41,000 Cash)
Total Project Cost:	\$151,000

2.) Memorial Pool- Pre-Planning Development & Design

The City of North Tonawanda is seeking funding through the Office of Parks, Recreation & Historic Preservation (OPRHP) Environmental Protection Fund for Parks, Preservation and Heritage (EPF) to assist with design and engineering costs for redevelopment of the Memorial Pool facility. EPF funds can be used for the acquisition, planning, development, and improvement of parks, historic properties, and heritage areas located within New York State.

For planning & design projects, the maximum award is \$500,000, with a 50% match requirement. Based off cost estimates received from professional engineering firms, the estimated total project cost is \$500,000.

Budget Breakdown:

NYS EPF:	\$250,000
Local Match:	\$250,000 (\$225,000 Cash / \$25,000 In-Kind)
Total Project Cost:	\$500,000

3. Local Waterfront Revitalization Plan (LWRP) Update

The City of North Tonawanda is looking to update its Local Waterfront Revitalization Plan (LWRP), which has not been updated since 1988. The LWRP plan provides a long-term land and water use plan and identifies legal techniques and policies for implementation. The LWRP plan guides future development along the waterfront and includes general regulations such as: Assuring that new waterfront development is well designed, provides public access, brings land use regulations into better conformity while protecting natural areas, and reducing the impact on our environment and waterways. Once in place, the updated LWRP may be utilized to better compete for waterfront development projects and

should be reviewed and reaffirmed by the City of North Tonawanda Common Council at least once every five years.

The minimum award for the LWRP update is \$50,000, with a 25% local match requirement. Possibility for a reduced 15% match based on the City's potential Environmental Justice Area considerations by grant reviewers. Based off cost estimates received from a professional planning and engineering firm, the estimated total project cost is \$130,000.

Budget Breakdown:

NYS LWRP Program: \$97,500

Local Match: (25%): \$32,500 (\$10,000 In-Kind/ \$22,500 Cash)

Total Project Cost: \$130,000

4. Gateway Harbor Wifi & Harbor Master Facility Technology Improvements

The City of North Tonawanda is seeking to install Wifi at Gateway Harbor and an interactive kiosk in the Visitor's Center and Harbor Master Facility. These projects will assist in serving overnight boaters and visitors and have been identified as potential Downtown Revitalization Initiative (DRI) projects as well as the Erie Canalway Recreation Hub pilot program. Similar kiosks have been installed at the Niagara Falls Visitor's Center and Canalside. These kiosks can assist visitors with obtaining information on a variety of local attractions, bicycle trail routes, and kayak routes.

Through the NYS Canalway Grant Program, communities along NYS canals are eligible for up to \$150,000 for canal related projects, with a 50% local match requirement. The City of North Tonawanda has obtained cost estimates from Centerpointe Communications and Full Circle Studios.

Budget Breakdown:

WIFI: \$20,000

Interactive Kiosk: \$30,000

Total: \$50,000

NYS Canals: \$25,000

City Match: \$25,000 (\$20,000 Cash/ \$5,000 In-Kind)

5. City of North Tonawanda Wastewater- Green Infrastructure Grant Program (GIGP)

The City of North Tonawanda Wastewater Treatment Plant is seeking funding to replace the stormwater pumps, storm pump drives, and pump check valves at the Wastewater Treatment Plant that are over 49

years old, vastly inefficient and routinely failing, and lack the required check valves to necessary prevent overflows from back flowing though the pump once the pump is shut down which, when occurs, essentially turns the pumps into a turbine causing significant issues with the electrical system for the storm pumps and discharges untreated stormwater into the Niagara River. The proposed improvements and upgrades are critical components of the NT WWTP CIP Phase 2 *high importance phase*, will drastically improve operating and maintenance costs, and reduce energy consumption by up to 25% without incurring additional fees and/or rate increases to end users.

Through the NYS Environmental Facilities Corporation and the Green Innovation Grant Program (GIGP – Energy Efficiency), up to 75% of eligible project costs (not to exceed \$3 million) is available for an energy efficiency project in a municipality that meets the MHI criteria, or that serves, protects, or benefits an environmental justice area.

Eligible *Energy Efficient Replacement* projects must achieve at least a 25% reduction in energy consumption through the replacement of equipment with energy efficient equipment. These projects must compare the energy used by the existing system or unit process to the proposed project. The energy used by the existing system should be based on name plate data when the system was first installed, recognizing that the old system is currently operating at a lower overall efficiency than at the time of installation. New Publicly-owned treatment works projects or capacity expansion projects should be designed to maximize energy efficiency and should select high efficiency premium motors and equipment where cost effective.

Eligible projects must meet or exceed requirements identified in USEPA Green Project Reserve guidance (published in 2012)

Budget Breakdown (*best case scenario*):

2021 Costs attached

GIGP Program (75%): \$2,140,464

Local Match: (25%): \$713,488

Total Project Cost: \$2,853,952

At this time, we are respectfully requesting this Honorable Council authorize applications for grant funding to the above listed grant sources including:

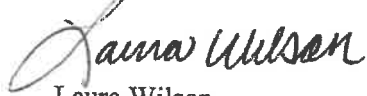
- \$151,000 to the Smart Growth Comprehensive Planning Program
 - Use Capital Bond Funds: \$150,000 (City Bond) - \$41,000 (City Match) = \$109,000
- \$250,000 to the EPF PARKS program
 - Use Capital Bond Funds: \$500,000 (City Bond) - \$250,000 (City Match)
- \$130,000 to the NYS Department of State LWRP program
 - Use Capital Bond Funds: \$109,000 (City Bond) - \$32,500 (City Match) = \$76,500
- \$25,000 to the NYS Canalway Grants
 - Need to allocate \$25,000 in the 2023 budget for City Match

- \$2,140,464 to the NYS Department of Environmental Conservation GIGP program
 - Use \$5m NYS DEC (NYS Assembly) Award/Grant to cover \$713,488 (City Match)

Based on the above cost estimates, the total local match requirement from the City will include approximately \$1,071,988 in both cash and in-kind services, much of which is either covered by the City Capital Bond or NYS Funding.

Thank you for your consideration. Please let me know if you have any questions or require any additional information.

Thank you,

A handwritten signature in cursive script that reads "Laura Wilson". The signature is written in black ink and is positioned above the printed name and title.

Laura Wilson
Director

CITY OF NORTH TONAWANDA

Office of the Mayor

AUSTIN J. TYLEC

June 23, 2022

North Tonawanda Common Council
216 Payne Ave
North Tonawanda, NY 14120

Re:

1. **SEQR - Negative Declaration**
2. **Solar Energy Systems Law - Local Law #2**
3. **Solar Energy Systems PILOT Law - Local Law #3**

Dear Honorable Body,

The City of North Tonawanda's 6-Month Moratorium on Solar Energy Systems ended on June 21 2022. Our office directed the Climate Smart Task Force & Maureen Harding, AICP to create a Solar Energy Systems Law & PILOT Law to ensure our city has regulations in place to protect our resident's interests while providing policies to install Solar Energy Systems.

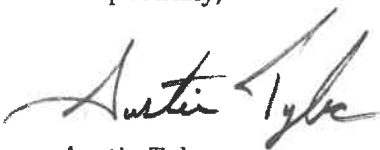
After input from the Common Council, Community Members, Department Heads, Zoning Board, Planning Board and others, the attached Solar Law & PILOT Law have been created. After extensive efforts, I am asking that the Common Council approve the following items for the betterment of our community, protection from unwanted solar in residential neighborhoods, and future opportunities for alternative energy sources.

1. Resolution to accept the **State Environmental Quality Review (SEQR)** to allow the city to sign the negative declaration
2. Resolution for **Solar Energy Systems Local Law #2**
3. Resolution for **PILOT for Solar Energy Systems Local Law #3**

I would like to commend all involved who helped make these policies possible. This was an enormous undertaking that will help North Tonawanda businesses & residents move forward.

Thank you for your attention to this matter and being a part of North Tonawanda's future energy sources.

Respectfully,



Austin Tylec
Mayor

RESOLUTION – SEQR NEG DEC – Zoning Law provisions for solar energy system

WHEREAS,

A. The proposed action involves adding to the City of North Tonwanda Zoning Law provisions for solar energy systems.

B. The Common Council of the City of North Tonwanda elected to treat adoption of the proposed local law as Type 1 pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and is the lead agency for the purposes of uncoordinated environmental review in connection with approval by the City.

C. The Common Council of the City of North Tonwanda, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of SEQRA, (i) thoroughly reviewed the Environmental Assessment Form (“EAF”), Parts I and 2, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) completed the EAF, Part 3;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council of the City of North Tonwanda, based upon (i) its thorough review of the EAF, Parts I and 2, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the EAF, Part 3, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQR for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required, and

2. The Responsible Officer of the Common Council of the City of North Tonwanda is hereby authorized and directed to complete, and sign as required the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed EAF and determination of significance shall be incorporated by reference in this Resolution.

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: City of North Tonawanda Local Law entitled, "NORTH TONAWANDA SOLAR ENERGY SYSTEMS LAW"		
Project Location (describe, and attach a general location map): City of North Tonawanda, NY		
Brief Description of Proposed Action (include purpose or need): The city's current zoning law does not address or accommodate solar energy systems. The state and federal government has driven solar development by offering incentives in order to meet renewable standards and goals. Therefore, the city zoning law is be updated to address the uptick in solar energy proposals within the city's jurisdictional boundaries and to give residents renewable alternatives for servicing their energy needs.		
Name of Applicant/Sponsor: The City of North Tonawanda, New York/Austin Tylec, Mayor		Telephone: (716) 695-8540
		E-Mail: atylec@northtonawanda.org
Address: 216 Payne Avenue		
City/PO: North Tonawanda	State: New York	Zip Code: 14120
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of North Tonawanda Common Council	June 2022
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Niagara County Planning Department GML Section 239 review only; no official approval	June 2022
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
NT Momentum Plan (“Tonawanda Island Brownfield Opportunity Area (BOA)), Erie Canalway National Heritage Area	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
 All zoning districts (R1-1, Single-Family Residence, R1-2, Single-Family Residence, R-2, General Residence R-C, Residence-Restricted Business, C-1, Neighborhood Business, C-2, General Commercial, M-1, Light Manufacturing, M-2, General Industrial, M-3, Special Industrial, DD, Downtown Mixed Use)

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

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? City of North Tonawanda School District

b. What police or other public protection forces serve the project site?
NYS Police, Niagara County Sheriff, City of North Tonawanda Police

c. Which fire protection and emergency medical services serve the project site?
There are 6 fire departments and 3 emergency medical service agencies which serve the City of North Tonawanda.

d. What parks serve the project site?
Veterans Park, Gratwick Park, Pine Woods Park, Mayors Park, Payne Park, North Tonawanda Gateway Park, North Tonawanda Audubon Nature Preserve, Heritage Park.

D. Project Details

D.1. Proposed and Potential Development

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

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

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

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

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

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

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

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

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

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

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

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

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

If Yes, describe: _____

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

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

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

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

- Source(s) of supply for the district: _____

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

If Yes:

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

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

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

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

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

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

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

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

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

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

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

• Will stormwater runoff flow to adjacent properties? Yes No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

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

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

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

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

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

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

If Yes:

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

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

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

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

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

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

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

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

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

If Yes:

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

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

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

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

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
--	---

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

If yes:

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

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No

Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s): _____

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

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

If Yes:

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

• Construction: _____ tons per _____ (unit of time)

• Operation : _____ tons per _____ (unit of time)

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

• Construction: _____

• Operation: _____

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

• Construction: _____

• Operation: _____

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

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

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

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

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

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

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

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

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

E.2. Natural Resources On or Near Project Site

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

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

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

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

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

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

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

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

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

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

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

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

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

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

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

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

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

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

If Yes:

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

ii. Name: _____

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

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

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Austin Tylec _____ Date _____

Signature _____ Title Mayor _____

PRINT FORM

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

Agency Use Only [If applicable]
 Project : NT Solar Energy Systems Local Law
 Date : May 26, 2022

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

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

Tips for completing Part 2:

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

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

2. Impact on Geological Features

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

NO

YES

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

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

3. Impacts on Surface Water

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

NO

YES

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

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

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
----------------------------------	--	--------------------------	--------------------------

4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. NO YES
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If "Yes", answer questions a - h. If "No", move on to Section 5.

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

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding. NO YES
 (See Part 1. E.2)
If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: <u>New local law will allow development of large-scale solar facilities. Earth disturbance during construction may result in increased runoff.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air
 The proposed action may include a state regulated air emission source. NO YES
 (See Part 1. D.2.f., D.2.h, D.2.g)
If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflouorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals
 The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) NO YES
If "Yes", answer questions a - j. If "No", move on to Section 8.

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

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

8. Impact on Agricultural Resources		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

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

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

d. Other impacts: Action will allow development of large-scale solar facilities. Facilities may visually impact historic.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

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

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

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.
(See Part 1. D.2.j)

 NO YES

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

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

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.
(See Part 1. D.2.k)

 NO YES

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

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

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.
(See Part 1. D.2.m., n., and o.)

 NO YES

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

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

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health			
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1. C.1, C.2. and C.3.)

NO

YES

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

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

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
(See Part 1. C.2, C.3, D.2, E.3)

NO

YES

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

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

PRINT FULL FORM

City of North Tonawanda Solar Energy Systems Local Law

Attachment A to SEQR FEAF Part 3

Zoning Law Amendments adding solar energy system provisions

The current zoning law does not allow solar energy systems as a permitted as-of-right in any of the city's use groups or zoning districts. Therefore, new local law is being developed to update the city's zoning law to provide for a wider range of solar development opportunities.

The update to the zoning law permits as-of-right the ability for residents, businesses, or industry to install solar collectors either on a building, roof or as ground mounted solar energy systems. The law defines three different tiers according to the size of the solar energy system and by urban density sizes of parcels within the various zoning districts and use groups.

The local law identifies a Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include the following:

- a. Rooftop-Mounted Solar Energy Systems
- b. Building-Mounted Solar Energy Systems
- c. Building-Integrated Solar Energy Systems

B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with a total surface area of all solar panels on the lot of up to 4,000 square feet and that generate up to 110 % of the electricity consumed on the site over the previous 12 months.

C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

Further information specific to questions in Part 2 are referenced by section number below. Based on this information, the impacts in that section are considered small or moderate in magnitude, and none rise to the level of a significant adverse environmental impact.

Sections 5, 7, 8, 9, and 10. Impact on Flooding; Plants and Animals; Agricultural Resources; Aesthetic Resources; and Historic and Archaeological Resources – Small impact may occur

The zoning law update would allow development of solar facilities, but the potential impact to the above listed resources are small. Overall, solar energy systems are considered low impact development.

Larger-scale ground mounted solar energy systems in the local law have requirements for decommissioning plans, design standards, special use permit oversight and site plan approval. Each project will also be reviewed in accordance with SEQR where potential impacts from physical alteration of the site, stormwater runoff, habitat alteration, impacts to historical resources, changes to the aesthetics and community character, and other changes will be evaluated. Mitigation, avoidance and minimization of the above resources are part and parcel of the local law.

For larger-scale systems the design standards and site plan approval requirements will be important tools for addressing potential impacts. Yard setbacks and height limitations are more restrictive than those required by the underlying zoning district. Further design standards address appearance, buffering, access, parking, engineering, maintenance, security, and emergency management measures.

Sections 1. and 18. Impact on Land and Consistency with Community Character – Moderate impact may occur

City of North Tonawanda Solar Energy Systems Local Law

Expanding the size of potential projects to larger-scale solar energy systems may allow areas of land greater than 10 acres to be developed with solar panels. These will result in potentially significant changes to the landscape. However, because the city is comprised of densely urban and small parcels, this type of development will likely occur rarely. The siting and location of community and utility scale solar energy systems have the potential for visual impacts on the community character. The placement of these projects will also influence the land use of large acreages for many years to come. Proper siting using the provisions of the North Tonawanda Solar Energy Systems law will limit and mitigate these impacts to the greatest extent possible. For these reasons there may be low to moderate impacts to land and community character.

While Tier 1 (Roof Mounted Building Integrated) systems are allowed in all zoning districts, larger-scale systems (Tier 2 and Tie 3) are not allowed in high density or medium density residential districts. This recognizes the greater potential impact to the denser neighborhoods. In the other districts the design standards, special use permit requirements and site plan approval requirements will be important tools for addressing potential impacts as well as the SEQR evaluation of the specific project. The design standards address appearance and buffering related to site specific conditions such as development constraints (wetlands), adjacent structures, and roadways. The law guides the City of North Tonawanda the ability to address visual impacts and community character issues and to mitigate potential impacts to adjacent land areas.

For the above reasons the North Tonawanda Solar Energy Systems update to the zoning law is not anticipated to have any significant adverse environmental impact.

**CITY OF NORTH TONAWANDA
COMMON COUNCIL RESOLUTION – LOCAL LAW NO. 2 OF 2022**

JUNE 28, 2022

A Resolution Adopting Local Law No. 2 of 2022 to add the North Tonawanda Solar Energy Systems Law to the Zoning Law

WHEREAS, the City has the authority to adopt the local law referred to above (hereafter “the Local Law”) pursuant to Article 9, §1 of the New York State Constitution and §10 of the New York State Municipal Home Rule Law and section 19 of General City Law (GCT), Chapter 21, Article 2-A of the New York State; and

WHEREAS, the North Tonawanda Solar Energy Systems Law currently does not allow solar energy systems; and

WHEREAS, the Local Law is enacted to protect and promote the health, safety and general welfare of present and future residents of the City of North Tonawanda by providing renewable energy options and a regulatory structure to guide their development; and

WHEREAS, the Local Law was drafted by the City of North Tonawanda, with input and advice of the Climate Smart Task Force and Attorneys for the Town, and was reviewed by the Planning Commission, and set a public hearing for May 24, 2022, at 6:00 p.m. to receive public comments on it; and

WHEREAS, notice of said public hearing was duly advertised in the local Newspaper, and

WHEREAS, said public hearing was duly held on said date and time at the City Hall of the City of North Tonawanda and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof, and

WHEREAS, the adoption of the proposed local law is a Type 1 action pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617, for which the Common Council of the City of North Tonawanda, acting as lead agency in an environmental review with respect to the adoption of this local law, made a negative determination of environmental significance on June 28, 2022, after having reviewed and accepted as adequate a Full Environmental Assessment Form Parts 1, 2 and 3 prepared by the City of North Tonawanda Engineering staff; and

WHEREAS, the Common Council finds that allowing certain solar energy systems to be developed through a special permit process furthers the health, safety and welfare of the community; and

WHEREAS, the Niagara County Department of Planning reviewed the proposed local law pursuant to sections 239-l and 239-m of the New York General Municipal Law and issued a letter determination dated 2022, and

Now, therefore, be it

RESOLVED, that the Common Council of the City of North Tonawanda hereby adopts Local Law No. 2 of 2022 entitled “A Local Law to add the North Tonawanda Solar Energy Systems Law to the Zoning Law”, and it is further

RESOLVED, that the City Clerk/Treasurer is hereby authorized and directed to file said local law with the Secretary of State as required by law.

FINAL JUNE 28, 2022

NORTH TONAWANDA SOLAR ENERGY SYSTEMS LAW

Chapter 103-XXX

§ 103-XXX. Authority.

This zoning for solar electric energy systems is adopted pursuant to the Section 20 of the Municipal Home Rule Law and §20(24) of General City Law of the State of New York, which authorizes the City of North Tonawanda to adopt zoning provisions that advance and protect the health, safety, and welfare of the community and to make provisions for, so far as conditions may permit, the accommodation of solar energy systems and equipment.

§ 103-XXX. Findings.

The City Council of the City of North Tonawanda makes the following findings:

- A.** The City Council finds a growing need to properly site solar energy systems within the boundaries of the City of North Tonawanda to protect residential, business areas and other land uses; to preserve the overall beauty, nature, and character of the City of North Tonawanda; to promote the effective and efficient use of solar energy resources; and to protect the health, safety, and general welfare of the citizens of the City of North Tonawanda.
- B.** Prior to the adoption of this article, no specific procedures existed to address the siting of solar energy systems. Accordingly, the City Council finds that the promulgation of this article is necessary to direct the location and construction of these systems.
- C.** To manage and regulate solar development in ways that compliment and protect local residential neighborhoods, business and commercial districts while mitigating potential negative impacts solar installations may have on such community assets.
- D.** Solar energy systems need to be regulated for removal when no longer utilized with managed restoration plans in place.

§ 103-XXX. Definitions.

The following definitions shall apply to this article:

APPLICANT — The person or entity filing an application and seeking an approval under this article; the owner of a solar energy system or a proposed solar energy system project; the operator of a solar energy system or a proposed solar energy system project; any person acting on behalf of an applicant, solar energy system or proposed solar energy system. Whenever the term "applicant" or "owner" or "operator" is used in this article said term shall include any person acting as an applicant, owner, or operator.

BARRIER — A structure and/or plant materials that obstruct visual and/or noise impact on a use from another use and which is located in a buffer yard. A barrier is not considered a fence for the purposes of the regulations set forth §103-XXX. Permitting requirements.

BUFFER — An area of land forming a physical separation between two uses and consisting of the required setback.

BUILDING INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEM (TIER 1) — A combination of photovoltaic building components integrated into any building envelope system, such as vertical

facades including glass and other facade material, semitransparent skylight systems, roofing materials and shading over windows.

BUILDING-MOUNTED SOLAR ENERGY SYSTEMS (TIER 1) — A solar energy system that is affixed to the side(s) of a building or other structure either directly or by means of support structures or other mounting devices, but not including those mounted to the roof or top surface of a building. Said system is designed and intended to generate electricity primarily for use on said lot (net metering is allowed), potentially for multiple tenants, through a distribution system that is not available to the general public.

GROUND-MOUNTED SOLAR ENERGY SYSTEM (TIER 2) — A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices. Said system is an accessory structure, designed and intended to generate electricity primarily for use on said lot (net metering is allowed), potentially for multiple tenants, through a distribution system that is not available to the general public. Ground-mounted solar energy systems not meeting the definition as outlined in this article will be treated as utility-scale solar energy systems and the requirements of such.

FENCE — A vertical structure, constructed of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials, erected in the minimum setback or buffer yard.

FINISHED GRADE — The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or structure. If the line of intersection is not reasonably horizontal, the finished grade, in computing height of a building or structure, shall be the mean elevation of all finished grade elevations around the periphery of the building or structure.

NET METERING — A billing mechanism that credits solar energy system owners for the electricity they add to the grid. For example, if a residential customer has a solar energy system on their roof, it may generate more electricity than the home uses during daylight hours.

NATIVE PERENNIAL VEGETATION — Native wildflowers, forbs, 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 — Land, designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

PERMIT, BUILDING — A permit issued by the code enforcement officer in conformance with this title, the New York State Uniform Fire Prevention and Building Code and/or any other building code requirements adopted by the City of North Tonawanda.

ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM (TIER 1) — Any solar energy system that is affixed to the roof of a building and wholly contained within the limits of the roof surface. Said system is designed and intended to generate electricity solely for use on said lot (net metering is allowed), potentially for multiple tenants.

SETBACK — A line generally parallel to a lot line and spaced equidistant there from by a distance specified in § 103-6 thru § 103-13.1 of the City Code in the underlying districts or a line generally parallel to an edge of a drive or internal drive and spaced equidistant therefrom by a distance specified in Chapter 103 of the City of North Tonawanda Zoning Code.

SEDIMENT CONTROL — Measures that prevent eroded sediment from leaving the site.

SITE PLAN — A map, plan and supporting information required pursuant to Chapter 103 for uses specified in § 103-5 in the City Code.

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

SOLAR ENERGY EQUIPMENT— Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM — The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

- A. Tier 1 Solar Energy Systems include the following:
 - a. Rooftop-Mounted Solar Energy Systems
 - b. Building-Mounted Solar Energy Systems
 - c. Building-Integrated Solar Energy Systems
- B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with a total surface area of all solar panels on the lot of up to 4,000 square feet and that generate up to 110 % of the electricity consumed on the site over the previous 12 months.
- C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

SOLAR PANEL — A photovoltaic device capable of collection and converting solar energy into electricity.

STORAGE BATTERY — A device that stores energy and makes it available in an electrical form.

STORMWATER POLLUTION PREVENTION PLAN (SWPP) — A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STRUCTURE — A static construction of building materials, composed of one or more parts, including but not limited to a building, heating-ventilating-air conditioning (HVAC) system, stadium, platform, tower, antenna, shed, display stand, storage bin, sign, fence, reviewing stand and gasoline/fuel pump.

STRUCTURE, ACCESSORY — A structure detached from, on the same lot with and subordinate to a principal structure, used for purposes customarily incidental to those of the principal structure. Accessory structure includes, but is not limited to, portable, removable, or permanent enclosure, shade structure, carport, garage, and storage shed.

STRUCTURE HEIGHT — Structure height means the vertical distance measured from the mean finished grade to the highest point of a roof or otherwise to the top of a structure.

STRUCTURE, PRINCIPAL — A structure where the principal uses of a lot are conducted. Such structure includes any open or enclosed porch, carport, garage, or similar structure attached to such structure.

USE — An activity on a lot.

USE, ACCESSORY — A use which is controlled by the person exercising a principal use, incidental to and customarily associated with the principal use and located on the same lot as the principal use.

USE, PRINCIPAL — A main or primary use of a lot or structure

UTILITY-SCALE SOLAR ENERGY SYSTEM (TIER 3) — Any solar energy system that cumulatively on a lot is designed and intended to supply energy to a utility grid primarily for off-site consumption or sale to the general public and have a capacity to produce less than 25 MW of energy.

YARD, FRONT — An open area bounded by: (1) a front lot line; (2) a front yard setback, and (3) either: (a) two side lot lines, or (b) a side lot line and another front lot line, or (c) two other front lot lines.

YARD, REAR — An open area bounded by: (1) a rear lot line; (2) a rear yard setback related to the rear lot line; and (3) two side yard setbacks.

YARD, SIDE — An open area bounded by: (1) a side lot line; (2) a side yard setback related to the side lot line; (3) a front yard setback; and (4) either: (a) rear lot line, or (b) another side lot line, or (c) another front yard setback.

§ 103-XXX. Applicability.

- A. The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in the City after the effective date of this Local Law, excluding general maintenance and repair.
- B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
- C. Modifications to an existing Solar Energy System that increase the Solar Energy System area by more than 5% of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Local Law.
- D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), the NYS Energy Conservation Code (“Energy Code”), and the City Code.
- E. Any inconsistent provisions of the North Tonawanda City Zoning Law which purport to or may be interpreted to allow solar energy systems in other districts are hereby superseded.

§ 103-XXX. General permitting requirements.

- A. A Building permit shall be required for installation of all Solar Energy Systems.
- B. Issuance of permits and approvals by the Planning Commission shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”).
- C. The placement, construction, and major modification of all solar energy systems within the boundaries of the City of North Tonawanda shall be permitted only as follows:
 - (1) **Rooftop-mounted and building-mounted solar energy systems (Tier 1)** are permitted in all zoning districts as accessory uses in the city through a building permit application process per North Tonawanda City Code, Chapter 25, Building Permits.
 - (2) **Building integrated photovoltaic systems (Tier 1)** are permitted as accessory uses under the normal building permit process for building construction or building renovations.
 - (3) **Ground-Mounted Solar Energy System (Tier 2)** energy systems are permitted as accessory structures by building permit, site plan review, and special use permit. These units are allowed in the following districts only if the lot in which the freestanding or ground-mounted solar energy system is situated on is greater than 2 acres up to 5 acres.¹

¹ The minimum lot size per § 103-6(C)(1) for Single Family Residential (R1-1) in the North Tonawanda City Zoning Law is 8,400 sq. ft. which is Low Density Residential.

a. Neighborhood Business (C-1), General Commercial (C-2), and all industrial districts (M-1, M-2, M-3). See Table A below.

(4) **Utility-Scale Solar Energy Systems (Tier 3)** shall require site plan approval, special use permit before the issuance of a building permit and shall be subject to all provisions of this article where the lot in which the freestanding or ground-mounted solar energy system is situated on lots at least 5 acres or greater.²

a. Single Family Residential (R-1), Neighborhood Business (C-1), General Commercial (C-2), Waterfront District (W-D) and (WD-1) and all industrial districts (M-1, M-2 and M-3). See Table A below.

Table A. Use Districts	(Tier 1)		Ground Mounted (Tier 2)	Utility Scale (Tier 3)
	Roof Mounted	Bldg. Integrated	> 2 to 5 ac.	>5 ac.
R1-1, Single-Family Residence	(P)	(P)	X	(SU/SPR)
R1-2, Single-Family Residence	(P)	(P)	X	X
R-2, General Residence	(P)	(P)	X	X
R-C, Residence–Restricted Business	(P)	(P)	X	X
C-1, Neighborhood Business	(P)	(P)	(SU/SPR)	(SU/SPR)
C-2, General Commercial	(P)	(P)	(SU/SPR)	(SU/SPR)
M-1, Light Manufacturing	(P)	(P)	(SU/SPR)	(SU/SPR)
M-2, General Industrial	(P)	(P)	(SU/SPR)	(SU/SPR)
M-3, Special Industrial	(P)	(P)	(SU/SPR)	(SU/SPR)
WD, Waterfront District	(P)	(P)	X	(SU/SPR)
WD-1, Waterfront District	(P)	(P)	X	(SU/SPR)
Sub area Mixed Use DD	(P)	(P)	X	X
Sub area Mixed Use DD=1	(P)	(P)	X	X
KEY:				
(P) = Permitted as an accessory use with a building permit.				
(SU/SPR) = Permitted use as an accessory structure or principal structure under a special use permit/site plan review.				
X = Prohibited.				

§ 103-XXX. Permitting requirements.

A. Rooftop-mounted and building-mounted solar energy systems (Tier 1) All rooftop-mounted or building-mounted or building integrated (BIPV) solar energy systems shall meet

² Solar Energy Systems producing 25 MW or more are required to seek a permit through a State-level siting process administered by the Office of Renewable Energy Siting (ORES).

all building permit requirements, including the New York State Uniform Fire Prevention and Building Code standards.

a. Interpretation. The provisions of this chapter shall be interpreted as providing minimum requirements for (Tier 1) solar energy systems adopted for the purpose of promoting the health, safety, morals, and general welfare of the community.

- (1) Installation of small-scale solar energy systems and equipment is encouraged on all preexisting structures; however, access to sunlight which is necessary therefor cannot be obtained through the provisions of this chapter. Height limitations for solar collectors shall not exceed three feet above the level of the permitted building height in the underlying zoning district. All solar collectors and their associated support elements shall be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction, to minimize the migration of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels.
- (2) Solar Panels on pitched roofs shall be mounted with a maximum distance of 8 inches between the roof surface and the highest edge of the system.
- (3) Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
- (4) Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 36 inches above the flat surface of the roof, whichever is higher.
- (5) Glare: All Solar Panels shall have anti-reflective coating(s) and proof of such must be provided with the building permit application.
- (6) Fire safety: All Roof mounted systems shall be designed and installed in accordance with the Uniform Fire Prevention and Building Code Standards.
- (7) Installation of building-integrated photovoltaic energy systems under (Tier 1), as defined herein, are exempt from the requirements of this article. BIPV systems are still required to meet applicable building codes and obtain all necessary permits. The Building Inspector/Code Enforcement Officer may request assistance from the Planning Commission to determine whether a solar energy system should be considered a BIPV system.
- (8) Solar collectors must be completely contained within the limits of the building roof. All other equipment and components (not panels) of the solar energy system (not located on or in the building/structure) shall be located within the rear yard only and are subject to setbacks for accessory structures as prescribed in the underlying zoning district.
- (9) All Roof mounted systems shall be designed and installed on designated landmarks or within designated historic districts per Chapter 51C, Historic Preservation, of the city code to avoid visibility from a public street or alley to the greatest extent practicable.

Alterations to any architectural features shall not impact upon the integrity, support, or exterior appearance of the individual property and/or adjacent properties in an historic district.

b. General Provisions

- (1) Allowing or permitting the reflective glare of solar rays of any solar energy system/or array of solar panels, of any nature or kind or description, onto neighboring properties, public roads, or public parks, under any circumstances whatsoever, is strictly prohibited.
- (2) It is the responsibility of any landowner, resident, manager, tenant, or lessee of any premises upon which there is situated a solar energy system or array of solar panels of any nature, kind, or description to keep reflective glare of any description from going onto neighboring properties, public roads, or public park at any time. In that regard, it is the ongoing responsibility of such persons to conduct regular inspections of such systems or array to prevent the direction of reflective glare onto the property of another and, if necessary, to make appropriate adjustments to prevent the same from occurring.
- (3) In the event such persons become aware of, or with the exercise of reasonable care would have become aware of, or has received a complaint, that reflective glare from his solar energy system or array of solar panels is upon the property of another, such person shall undertake action to immediately block the reflective glare. This may be accomplished by adjusting the angles of the system or array, if possible, or by physically blocking the glare by covering the panels or by removing them.
- (4) Upon the failure, refusal, or neglect of such person to immediately block the reflective glare as directed above, City of North Tonawanda workforces, at the direction of the City Building Inspector and/or Code Enforcement Officer, shall cover such system or array of panels, if possible, to block the reflective glare. If not, the system or panels shall be physically de-constructed or removed to the point the reflective glare is blocked.
- (5) In the event the system or panels are removed or de-constructed as set forth in number (4) above, the owner or person responsible for the system or array shall not replace or reconstruct the system or panels until he or she applies to and receives a new Building permit after submitting to the Building Inspector a plan of operation that will ensure no further incidents of reflective glare onto neighboring properties, public road, or public park will occur.
- (6) Further, or additional complaints of such incidents shall be grounds to revoke any permit received from the City of North Tonawanda for the system or array and the system or array shall be fully dismantled and removed from the premises.
- (7) All (Tier 1) photovoltaic solar panels at the end of their life must be recycled pursuant to the County of Niagara, New York's Solar Panel Recycling Regulations. A written

verification (with a copy the stewardship plan, if possible) must be submitted to the City of North Tonawanda showing that they comply with the county solar recycling regulations.

B. Site plan requirements for a Ground-Mounted Solar Energy system (Tier 2) and Utility-Scale Energy System (Tier 3). The applicant shall be required to apply for a special use permit and a site plan review drawn in sufficient detail as follows:

a. Preliminary site plan review.

- (1) Plans and drawings of the solar energy system installation signed and sealed by a professional engineer registered in New York State showing the proposal layout of the solar energy system along with a description of all components, existing vegetation, any proposed clearing and grading of the lot involved, any stormwater or erosion disturbances, and utility lines, both above and below the ground, on the site and adjacent to the site; and
- (2) Property lot lines and the location and dimensions of all existing structures and uses on site within 500 feet of the proposed solar panels; and
- (3) Any proposed signage, barriers, plantings and/or screening for said project such that the solar panels will not be visible from roadways, driveways, or adjacent lots from a height of observation of at least 6 feet above the ground on said roadways, driveways, or adjacent lots; and
- (4) Any such additional information as may be required by the City's professional engineer or consultant, City of North Tonawanda Planning Commission, City Attorney, Building Inspector, or other City entity.
- (5) At the earliest point possible in the applicant's preliminary project planning applicant must submit a letter of consultation with agencies with jurisdiction New York State Department of Environmental Conservation pursuant to Article 24, Freshwater Wetlands, Title 23 of Article 71 of Environmental Conservation Law (ECL) Article 5 of ECL (and Chapter 44 of the City of North Tonawanda Code); and/or the Regulatory Branch of the US Army Corps of Engineers (USACOE) for federal wetlands pursuant to Section 404 of the Clean Water Act.
 - i Should wetlands be present, at the earliest point possible in the applicant's preliminary project planning, the applicant shall conduct a wetland delineation to determine the boundaries of all federal, state and locally regulated wetlands present on the facility site and within one hundred (100) feet of areas to be disturbed by construction, including the interconnections, access roadways, and utility tie-ins. For adjacent properties without accessibility, wetland delineation surveys shall be based on remote sensing data, interpretation of existing wetland and soils mapping, observations from adjacent accessible properties, and current and historical aerial imagery.

- ii The applicant shall submit to the City Engineer and Planning Commission, with a copy to NYSDEC and/or USACOE a draft wetland delineation report summarizing the wetland characteristics and Cowardin classifications of all federal, state, and locally regulated wetlands, the wetland class consistent with 6 NYCRR Section 664.1 (if applicable), a summary of the field data collected, and an ArcGIS compliant shapefiles or geo-database of the field delineated wetland features.
 - iii The applicant shall consult with the City Engineer and Planning Commission, and as necessary with the NYSDEC and USACOE, to determine the status of the delineated state-regulated and federal regulated-wetlands and the NYSDEC and/or USACOE may conduct a site visit at the request of the Planning Commission to assist in determining which wetlands are state-regulated pursuant to ECL Article 24, or which are federal-regulated pursuant to Section 404 of the Clean Water Act and to advise with respect to potential impacts to jurisdictional wetlands.
 - iv At the request of the Planning Commission, the NYSDEC and/or USACOE shall review the draft wetland delineation and advise the Planning Commission if the proposed facility components could impact regulated wetlands. The Planning Commission, with a copy to the NYSDEC or USACOE, shall provide a final approved jurisdictional determination to the applicant within sixty (60) days of receipt of the applicant's draft wetland delineation report, provided that weather and ground conditions are suitable for making such a determination. In the event that weather or ground conditions prevent the Planning Commission from making a determination within sixty (60) days, the Planning Commission shall provide a jurisdictional determination to the applicant as soon as practicable, following suitable weather and ground conditions.
 - v The applicant shall provide the approved wetland delineation and associated report in the application as required in Part b. Final Site Plan Review.
 - vi All applicants are required to conduct restoration activities in accordance with an approved Wetland Restoration and Mitigation Plan, restore disturbed wetland areas with native vegetation and erosion controls and monitor vegetative cover for a minimum of 5 years.
- b. Final Site Plan Review.** Applicants for a special use permit to place, construct, and make a major modification to a Ground-mounted Solar Energy System (Tier 2) and Utility-Scale Energy System (Tier 3). within the boundaries of the City of North Tonawanda shall submit seven sets of the following information to the Building Inspector, who shall first present it to a professional engineer or consultant for an initial review and then onto the Planning Commission for its review and recommendation. The Planning Commission may make such additional referrals as it deems appropriate. No such application shall be deemed filed

until any required application fee has been paid. Site Plan Review and Special Use Permit applications shall be deemed incomplete if one or more questions have not been answered or if submittal materials are missing. The following information shall be contained in the application:

1. A completed State Environmental Quality Review Act (SEQRA) short form environmental assessment form (EAF), unless a full form is required by the City's professional engineer or consultant or the City of North Tonawanda Planning Commission, with the City of North Tonawanda Planning Commission designated as lead agency for the SEQRA process.
2. Necessary special use permit information:
 - a. Name, address, and telephone number of the property owner. If the property owner is not the applicant, the application shall include the name, address, and telephone number of the applicant and a letter or other written permission signed by the property owner authorizing the applicant to represent the property owner; and
 - b. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit; and
 - c. Documentation of access to the project site(s), including location of all access roads, gates, parking areas, etc.; and
 - d. Documentation of the clearing, grading, stormwater, and erosion control plans; and
 - e. Utility interconnection data and a copy of written notification to the utility of the proposed interconnection; and
 - 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.
3. A site plan drawn in sufficient detail as follows:
 - a. Plans and drawings of the solar energy system installation signed by a professional engineer registered in New York State showing the proposal layout of the entire solar energy system along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved, and utility lines, both above and below the ground, on the site and adjacent to the site; and
 - b. Property lot lines and the location and dimensions of all existing structures and uses on site within 500 feet of the solar panels; and (3) Proposed fencing and/or screening for said project.

4. A landscape plan for all Ground-Mounted Solar Energy Systems (Tier 2) and Utility-Scale Solar Energy Systems (Tier 3) shall be prepared and included with the site plan and special use permit application. The Planning Commission can require that Ground-Mounted Solar Energy Systems (Tier 2) and Utility-Scale Solar Systems (Tier 3) involving complex or sensitive visual and/or aesthetic concerns be approved by a NYS registered landscape architect. Therefore, the applicant should retain a NYS registered landscape architect in the early planning stages of the proposal.
 - a. The screening & landscaping plan shall specify the locations, elevations, height, plant species, grading and/or materials that will comprise the landscape design. The landscape plan should also incorporate existing trees, plants, and shrubs into the landscape design to the extent practical and possible.
 - b. The landscape screening (buffer and barriers) shall be comprised of evergreen/coniferous trees and supplemental lower growth shrubs planted between the evergreen/conifers. The evergreen/coniferous tree plantings must be 6 feet or more in height at the time of planting and planted at recommended spacing for preferred growth and screening coverage. A staggered, zig-zag or similar planting pattern shall be used that will achieve healthy growth and maximum screening. A berm, landscape screen, or other opaque enclosure, or any combination thereof acceptable to the City Planning Commission capable of screening the site may be required along any property line that abuts an existing residence.
 - c. Plantings and landscaping must be undertaken in a way that is appropriate for the type of soil, drainage, and other conditions at the planting site. A site inspection and analysis of soil and drainage factors is required; the USDA, Soil and Water Conservation District and/or a landscape professional should be consulted to assist with the selection and placement of appropriate species.
 - d. Sites shall be planted with perennial native vegetation to the extent practicable by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. No chemical herbicides shall be used to manage vegetation in and around facility components unless such chemical herbicides are used to preserve native pollinator vegetation or vegetation providing visual impact screening. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and native seed mixes. These plantings shall cover the ground area throughout the solar panel fenced in area.
 - e. The use of any pesticides is prohibited in the operation and construction of Ground-Mounted Solar Energy Systems (Tier 2) and Utility-Scale Solar Energy Systems (Tier 3).

- f. Photo-simulations of landscaping and screening of ground-mounted solar energy systems must be included with the site plan and special use permit application. Simulations shall illustrate how the applicant intends to mitigate visual impacts to the greatest extent possible from all adjoining property lines and public roadways. Simulations shall demonstrate how landscaping will be employed to mitigate community character impacts and blend incompatible land uses.
 - g. A visual impact assessment shall be required for Utility-Scaled Solar Energy Systems (Tier 3) situated on lots over 10 acres (which automatically is designated as a SEQR Type 1 Action) or within the City's Land and Water Revitalization Program (LWRP) Area prepared by a NYS registered landscape architect.
 - a. The visual impact analysis must consider existing conditions of various viewpoints and view sheds from abutting properties and abutting public roadways, or other aesthetic sources prescribed by the Planning Commission under the null condition. (Null conditions mean under existing conditions).
 - b. The analysis shall consider comparable viewpoints and view sheds (of those taken from the Null) at the time of completion with proposed plantings and screenings, and secondly, when the landscaping has matured. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, may be required to be submitted by the applicant.
5. A boundary survey stamped and prepared by a New-York-State-licensed professional is to be provided, including the metes and bounds, monumentation, tax map information, property acreage, and easements
6. Clearing, grading, stormwater, and erosion control:
- a. Prior to Planning Commission site plan and special use permit approval, and before the City of North Tonawanda shall issue a building permit, the applicant shall submit an Erosion and Sediment Control Plan and a Stormwater Pollution Prevention Plan (SWPPP) to the City of North Tonawanda's City Engineer for its review and approval pursuant to § 48-10B of the Code of the City of North Tonawanda.; and
 - b. The Plan should avoid, minimize, and mitigate all federal and state wetlands the potential adverse impacts on wetlands and Class I and II streams and the banks and vegetation along those streams and wetlands and minimize erosion or sedimentation.

- c. All ground mounted solar energy systems shall be considered pervious if they maintain sheet flow for water to infiltrate under and around arrays through a pervious surface into the subsoil.
 - d. An erosion and sediment control plan shall include construction, post construction activity and decommissioning for removal of any ground-mounted solar energy system.
- 7. Parking surfaces shall be impervious. Parking space requirements shall be at the discretion of the Planning Commission.
- 8. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.
- 9. Owner or operator shall provide security fencing and warning signs prohibiting unauthorized access.
 - a. A sign not to exceed 8 SQ. FT. shall be displayed on or near the main access point and shall list the facility name, owner, and telephone number; and
 - b. As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations not to exceed four square feet.
- 10. Glare - All Solar Panels shall have anti-reflective coating(s) and proof of such must be provided with the site plan and then the building permit applications. To the extent practical, solar energy systems shall have neutral paint colors, materials, and textures to achieve visual harmony with the surrounding site area.
- 11. Deforestation discouraged. Removal of trees and other existing vegetation shall be limited to the extent necessary for the construction and maintenance of the solar facility. Removal of existing trees larger than six inches in diameter at breast height (DBH) is prohibited to the extent possible. A tree inventory of all trees larger than six inches in diameter must be submitted with any application to the city for a special use permit. Previously cleared or disturbed areas are preferred locations for solar panel arrays. The clearing of additional lands to accommodate a proposed utility-scale solar energy system may be permitted, provided the percentage of newly cleared land on any parcel does not exceed 10% of the existing woodlands on that parcel.
- 12. Prior to operation, all electrical connections must be inspected and approved by an Electrical Engineer or Inspector.
- 13. A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed shall be provided with the site plan/special use permit application. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

14. All transmission lines and wiring associated with a solar energy system shall be buried and include necessary encasements in accordance with the National Electric Code and City requirements. The Planning Commission may recommend waiving this requirement if sufficient engineering data is submitted by the applicant to demonstrate that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead and underground electric utility lines, including substations and junction boxes and other electrical components for the project on the site plan. 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 Building and Fire Code when in use, and when no longer used shall be disposed of in accordance with the laws and regulations of the City and New York State.
15. All transmission lines and electrical wiring shall comply with the utility's requirements for interconnection.
16. Artificial lighting of solar energy systems shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads.
17. A securitized decommissioning, removal, remediation, and restoration plan to ensure the proper removal of Utility-scale Solar Energy Systems (Tier 3). The decommissioning plan is to be submitted as part of the special use permit application to the Building Inspector for approval and must specify that after the utility-scale solar energy system is no longer in use or out of service for a period exceeding 3 months (as determined by the owner/operator or the Building Inspector), it shall be removed by the applicant or any subsequent owner. The decommissioning plan shall identify the anticipated life of the project. The plan shall demonstrate how the removal of all infrastructure and restoration shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution and a cost estimate for decommissioning prepared by a professional engineer or qualified contractor. Cost estimates shall take inflation into consideration and be revised every five years during operation of the system and include any salvage value. Removal of the Utility-Scale Solar Energy System (Tier 3) must be completed in accordance with the approved decommissioning plan and the standards provided as follows:
 - a. All structures and foundations associated with the Utility-Scale Energy Solar Systems (Tier 3) shall be removed.
 - b. All disturbed ground surfaces shall be restored to original conditions, including topsoil, using native plant species and native seeding as necessary; and
 - c. All electrical systems shall be properly disconnected, and all cables and wiring buried shall be removed.

- d. A restoration plan for agricultural areas per New York State Agriculture and Markets (NYSDAM), Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands. Agricultural mitigation is limited to impacts to “active agricultural lands within New York State Agricultural Land Classified Mineral Soil Groups 1 through 4. Active agricultural production is defined as “active three of the last five years.”
 - e. As described in NYS 6 CRRNY, collected photovoltaic modules and installation components may not be stored within Niagara County for a period exceeding one fiscal quarter (three months).
 - f. Decommissioning, removal, remediation, and restoration shall be guaranteed by a Security in accord with 103.xxx. Special use Performance Standards, paragraph L of this law.
18. All (Tier 2 and Tier 3) photovoltaic solar panels at the end of their life must be recycled pursuant to the County of Niagara, New York’s Solar Panel Recycling Regulations. A written verification (with a copy the stewardship plan, if possible) must be submitted to the City of North Tonawanda showing that they comply with the county solar recycling regulations.
19. Any such additional information as may be required by the City's professional engineer or consultant, City of North Tonawanda Planning Commission, City Attorney, City Engineer, Building Inspector, or other City entity.

§ 103-XXX. Special use permit performance standards.

- A. Special use permits issued for a Ground-Mounted Energy System (Tier 2) shall meet the following conditions:
 - (1) Minimum lot area: The minimum lot area shall be 2 acres.
 - (2) Maximum lot area: 5 acres.
 - (3) Setbacks: Any Ground mounted energy system (Tier 2) shall adhere to the following setbacks:
 - a. From any residential (R1-1, R1-2, R2, or RC); business (C-1 or C2); or Waterfront District (WD or WD-1) use district: A minimum 100 feet from all property lot lines bordering these use districts, including required screening.
 - b. From any industrial (M-1, M-2, or M-3) use district: A minimum of 50 feet from all property lines bordering an industrial (M-1, M-2, or M-3) use district.
 - c. From any property lot lines: A minimum of 50 feet from any property lot line, including required screening.

- d. From buildings or structures: A minimum of 250 feet from any inhabited building or structure, except for buildings and structures located on the proposed project lot.
 - e. From public roads:
 - i. A minimum of 150 feet from any public road (measured from the road right-of-way or property line); and
 - ii. Where the lot line abuts a public right-of-way, the setbacks specified above shall be measured from such right-of-way line.
 - f. Maximum overall height. The height of a ground mounted energy system (Tier 2) shall not exceed 15 feet when oriented at maximum tilt.
 - g. A height of a ground mounted energy system (Tier 2) shall only be located in a rear yard or side yard if there is a principal structure or dwelling on said lot.
- B. Special use permits issued for a Utility-Scale Solar Energy Systems (Tier 3) shall meet the following conditions:**
- (1) Minimum lot area: The minimum lot area shall be 5 acres.
 - (2) Maximum lot area: None.
 - (3) Setbacks: Any Utility-Scale Solar Energy System (Tier 3) shall adhere to the following setbacks:
 - a. From any residential (R1-1, R1-2, R2, or RC); business (C-1 or C2); or Waterfront District (WD or WD-1) use district: A minimum 100 feet from all property lot lines bordering these use districts, including required screening.
 - b. From any industrial (M-1, M-2 or M-3) use district: A minimum of 50 feet from all property lines bordering an industrial (M-1, M-2 or M-3) use district.
 - c. From any property lot lines: A minimum of 50 feet from any property lot line, including required screening.
 - d. From buildings or structures: A minimum of 250 feet from any inhabited building or structure, except for buildings and structures located on the proposed project lot.
 - e. From public roads:
 - i. A minimum of 150 feet from any public road (measured from the road right-of-way or property line); and
 - ii. Where the lot line abuts a public right-of-way, the setbacks specified above shall be measured from such right-of-way line.
 - f. Maximum overall height. The height of a utility-scale solar energy system shall not exceed 20 feet when oriented at maximum tilt.

g. A Utility-Scale Solar Energy System (Tier 3) shall only be located in a rear yard if there is a principal structure or dwelling on said lot.

- C. All appurtenant or accessory structures to Ground-Mounted Solar Energy Systems (Tier 2) and Utility-Scale Solar Energy Systems (Tier 3) shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements of the underlying zoning district. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be screened from view by vegetation or structures using traditional development forms and materials. Whenever reasonable, structures should be joined or clustered to avoid adverse visual impacts.
- D. All signage shall be in accordance with Chapter 77 of the City Code.
- E. After completion of any Ground-Mounted Solar Energy System (Tier 2) or Utility-Scale Solar Energy System (Tier 3), the applicant shall provide a post-construction certification from a professional engineer licensed in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans.
- F. In addition, to ensure the safety of residents, property and utilities a detailed wind analysis shall be provided by the Engineer of Record for the project or an established wind engineering firm acceptable to the City.

The wind input shall be a sustained surface wind gust of 85 mph for at least 60 seconds applied in the horizontal plane with the solar panel in each of 3 positions- these being at no tilt, full tilt and half tilt. The wind load shall be applied to the panel in its x and y directions and 45 degrees from the x direction for each of the stated tilt positions.

The analysis shall demonstrate that no part or component of the solar panel, its tilting mechanism, or its foundation and attachments shall exceed 80% of the rated yield strength of the material or component under the applied wind loads. The intent of this requirement is to verify product reliability and ensure that no part of the solar panel will come adrift during the stated wind loadings.

- G. All transmission lines and wiring associated with a utility-scale solar energy system shall be buried and include necessary encasements in accordance with the National Electric Code and City requirements. The applicant is required to show the locations of all proposed overhead and underground electric utility lines, including substations and junction boxes and other electrical components for the project on the site plan.
- H. The applicant is required to obtain all necessary regulatory approvals and permits from all federal, state, county, and local agencies having jurisdiction and approval related to the completion of Ground-Mounted Solar Energy Systems (Tier 2) and Utility-scale solar energy systems (Tier 3). Prior to the issuance of a building permit,

the applicant shall document that all applicable federal, state, county, and local permits have been obtained.

- I. Special use permits for a Ground-Mounted Solar Energy System (Tier 2) and Utility-Scale Solar Energy System (Tier 3) granted under this article shall be issued only following a public hearing held as required by the North Tonawanda City Zoning Law.
- J. Artificial lighting of Ground-Mounted Solar Energy Systems (Tier 2) and Utility-Scale Solar Energy Systems (Tier 3) shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads.
- K. All Solar Energy Systems shall comply with Chapter 61A Noise Control of the City Code and shall be strictly enforced. The table "Receiving Land Use Categories" in Chapter 61A shall govern all Solar Energy Systems lot perimeters.
- L. Escrow for annual inspections. If deemed necessary by the Planning Commission, the applicant for Ground-Mounted Solar Energy Systems (Tier 2) and Utility-Scale Solar Energy Systems (Tier 3) shall be required to bear the cost of on-site inspection by any independent consulting engineers or electrical inspectors engaged by a department, board, or commission. Payment for the services of any professional consultant, licensed electrical inspector and/or any licensed professional engineer retained by the Planning Commission or department is to be made from funds deposited by the applicant with the City in an escrow account for such purpose. The cost of the consultant's services provided under this section shall not exceed the reasonable cost of such services and the estimate(s) provided by the consultant in advance of providing such services.
- M. Security. The deposit, execution, or filing with the City Clerk of cash, bond, or other form of security reasonably acceptable to the City Attorney and/or Engineer and approved by the City Planning Commission, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal, remediation, and restorations of the site subsequent to removal. The amount of the bond or security shall be 150 % of the cost of removal of the Utility-Scale Solar Energy System (Tier 3), remediation, and restoration of the property with an escalator of 2 % annually for the life of the Solar Energy System. The decommissioning amount shall not be reduced by the amount of the estimated salvage value of the Solar Energy System. The bond shall be renewed every five (5) years or, as necessary, to reflect adjustments in the projected costs of decommissioning.
 - a. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the City, which shall be entitled to maintain an action thereon. The

cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.

- b. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in this law and the Security posted will be forfeited. In the event that ownership of the property and/or solar energy equipment is transferred for any reason, the security also must transfer simultaneously, or it will be considered in default and the security will be forfeited. In the event that the property and/or solar energy equipment is owned by multiple persons, corporations, or LLCs then the security posted must be joint and several with each of the persons, corporations or LLCs named in the security being potentially liable for the entire security should other party(s) default on their obligation through bankruptcy or any other action.

§ 103-XXX. Maintenance, procedures, and fees.

- A. **Operation and Maintenance Plan.** The Utility-Scale Solar Energy Systems (Tier 3) owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan, which may include ensuring that emergency personnel have immediate, 24-hour access to the facility. All means of shutting down the solar photovoltaic installation shall be clearly marked on the plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation, whether operational or not.

The Operation and Maintenance Plan shall periodically be jointly reviewed and updated as necessary by the operator of the installation and the City Fire and Police Departments at a frequency to be determined by the City Fire Department(s). Safety personnel may request at any time that the operator provide onsite training in accessing and shutting down the operation of the installation.

The operator shall identify in the plan a qualified contact person who will provide assistance to local officials during an emergency. The operator shall update the contact information whenever there is a change in the contact person.

- B. **Time limit on completion.** After the granting of a special use permit of a utility-scale solar energy system with concurrent site plan approval or site plan approval of a freestanding or ground-mounted solar energy system by the Planning Commission, the building permit shall be obtained within six months and the project shall be completed within 12 months. A six-month extension to obtain a building permit or the completion time can be issued by the Planning Commission upon application by the applicant. If not constructed, the special use permit and/or site plan approval shall automatically lapse within 12 months after the date of approval by the City of North Tonawanda Planning Commission (unless an extension is granted).

- C. Inspections. Upon reasonable notice, the City of North Tonawanda Building Inspector or his or her designee may enter a lot on which a solar energy system has been approved for the purpose of compliance with any requirements or conditions. Twenty-four hours' advance notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. Furthermore, a Utility-Scale Solar Energy System (Tier 3) shall be inspected annually by a New York State-licensed professional engineer that has been approved by the City or at any other time, upon a determination by the City's Building Inspector that damage may have occurred, and a copy of the inspection report shall be submitted to the City Building Inspector. Any fee or expense associated with this inspection shall be borne entirely by the permit holder. (See § 103-XXX. Special use permit performance standards., L. Escrow for annual inspections).
- D. If the use of an approved solar energy system is discontinued, the owner or operator shall notify the Building Inspector within 30 days of such discontinuance. If a solar energy system is to be retained and reused, the owner or operator shall further inform the Building Inspector of this in writing at such time and obtain any necessary approvals within one year, otherwise it shall be automatically deemed abandoned (and removed per this section).
- E. General complaint process. During construction, the City Building Inspector can issue a stop order at any time for any violations of a special use permit or building permit. After construction is complete, the permit holder of a utility-scale solar energy system shall establish a contact person, including name and phone number, for receipt of any complaint concerning any permit requirements.
- F. Continued operation. A solar energy system shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. "Operational condition" includes meeting all approval requirements and conditions. Further, the Building Inspector shall also have the right to request documentation from the owner for a solar energy system regarding the system's usage at any time.
- G. The applicant shall retain a qualified landscape architect, arborist, or ecologist to inspect the screen plantings for two years following the installation to identify any plant material that did not survive, appears impaired, and/or otherwise needs to be replaced. The applicant shall remove and replace plantings that fail in materials, workmanship or growth with two years following the completion of installing the plantings.
- H. Removal. All solar energy systems shall be dismantled and removed immediately from a lot when the special use permit or approval has been revoked by the City of North Tonawanda Planning Commission or the solar energy system has been deemed inoperative or abandoned by the Building Inspector for a period of more than 365 days at the cost of the owner. If the owner does not dismantle and remove said solar energy system as required, the City Council may, after a hearing at which the owner shall be given an opportunity to be heard and present evidence, dismantle and remove said facility and place

the cost of removal as a tax lien on said parcel. The security posted in accordance with §103.XXX—M. Security, shall be forfeited, in this case, prior to a tax lien being placed.

I. Determination of abandonment or inoperability. A determination of the abandonment or inoperability of a solar energy system shall be made by the City Building Inspector, who shall provide the owner with written notice by personal service or certified mail. Any appeal by the owner of the Building Inspector's determination of abandonment or inoperability shall be filed with the City of North Tonawanda Zoning Board of Appeals within 30 days of the Building Inspector causing personal service or mailing certified mail his written determination, and the Board shall hold a hearing on same. The security posted per §103.XXX—M., will be subject to forfeiture as a default. The filing of an appeal does not stay the following time frame unless the Zoning Board of Appeals or a court of competent jurisdiction grants a stay or reverses said determination. At the earlier of the 366 days from the date of determination of abandonment or inoperability without reactivation or upon completion of dismantling and removal, any approvals for the solar energy system shall automatically expire.

J. Application and annual fees.

(1) Ground-Mounted Solar Energy Systems (Tier 2) and Utility-Scale Solar Energy System (Tier 3). An applicant shall pay an initial application fee in the amount as set by the City Council, upon filing its Special Use Permit and Site Plan application to cover the cost of processing and reviewing the application.

a. If approved, the owner shall pay an annual fee in the amount as set by the City Council, to cover the cost of processing and reviewing the annual inspection report and for administration, inspections, and enforcement. (see § 103-XXX. Special use permit performance standards, (11))

(2) Site plan application for a freestanding and ground-mounted solar energy systems. An applicant shall pay the standard site plan review fee as determined from time to time by the City Council, by resolution.

(3) Payment in Lieu-of-Taxes (PILOT). Upon filing for site plan review and a Special Use Permit, Ground-Mounted Solar Energy Systems (Tier 2) and Utility-Scale Energy Systems (Tier 3) shall negotiate PILOT agreements (annual payments due under an agreement with the City of North Tonawanda pursuant to NYS Real Property Tax Law § 487(9)) and under the City of North Tonawanda Solar Energy Systems PILOT Local Law. The annual payment shall not exceed the amount which would otherwise be payable but for the exemption under NYS Real Property Tax Law § 487. (Note: Solar Energy Systems under 1 MW AC are exempt from PILOT agreements).

H. The Planning Commission may:

(1) For Ground-Mounted Solar Energy Systems (Tier 2) and Utility-Scale Solar Energy Systems (Tier 3), grant a special use permit, deny a special use permit, or grant a special

use permit with written stated conditions. The Planning Commission in making this decision shall make findings in accordance with § 103-18(4) of the city of North Tonawanda Zoning Law. Denial of a special use permit shall be by written decision based upon substantial evidence considered by the Commission. Upon issuance of a special use permit, the applicant shall obtain a building permit for the utility-scale solar energy system.

- I. Any changes or alterations post-construction to a utility-scale, freestanding or ground-mounted solar energy system shall be done only by amendment to the special use permit and/or site plan (if required) subject to all requirements of this Code.
- J. Special use permits for Ground-Mounted Solar Energy Systems (Tier 2) and Utility-Scale Solar Energy Systems (Tier 3) shall be assignable or transferrable so long as they are in full compliance with this article and all the conditions, and the Building Inspector is notified in writing at least 15 days prior thereto.
- K. In addition to the requirements of this article, the special use permit application shall be subject to any other site plan approval requirements set forth in the North Tonawanda City Zoning Law.

§ 103-XXX. Safety

- A. A Ground-Mounted Solar Energy Systems (Tier 2) and Utility-Scale Solar Energy Systems (Tier 3) owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan, which may include ensuring that emergency personnel have immediate, 24-hour access to the facility. All means of shutting down the solar photovoltaic installation shall be clearly marked on the plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation, whether operational or not.
- B. The operator shall identify a qualified contact person who will provide assistance to local officials during an emergency. The operator shall update the contact information whenever there is a change in the contact person.
- C. Storm Preparedness—All Ground-Mounted Solar Energy Systems (Tier 2) and Utility-Scaled Solar Energy Systems (Tier 3) shall include racking, foundations, and module connection systems designed to withstand sustained hurricane-force winds or damage from wind-blown debris. Storm preparedness and response considerations shall be included in the Operation and Maintenance Plan.
- D. If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the City of North Tonawanda and any applicable federal, state, or county laws or regulations.

§ 103-XXX. Revocation.

If the applicant violates any of the conditions of its special use permit or site plan approval or violates any other local, state, or federal laws, rules, or regulations, this shall be grounds for revocation of the special use permit or site plan approval. Revocation may occur after the applicant is notified in writing of the violations and the City of North Tonawanda Planning Commission holds a hearing on same.

§ 103-XXX. Interpretation; conflict with other law.

In their interpretation and application, the provisions of this article shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare. It is not intended to interfere with, abrogate, or annul other rules, regulations, or laws, provided that whenever the requirements of this article are at a variance with the requirements of any other lawfully adopted regulations, rules or laws, the most restrictive, or those which impose the highest standards, shall govern.

§ 103-XXX. Severability.

If any section, subsection, phrase, sentence, or other portion of this article is for any reason held invalid, void, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.