

**TOWN OF MANLIUS  
PLANNING BOARD MINUTES  
July 24, 2017**

**APPROVED**

The Town of Manlius Planning Board met in the Town Hall at 7:00 PM with Chairman Joseph Lupia presiding and the following Members were present: Fred Gilbert, Ann Kelly, Don Crossett, Mike LeRoy, and Walt Neuhauser. Also present was Code Enforcement Officer Randy Capriotti, Planning Board attorney Timothy Frateschi.

Also, Present: Ellen McGrew, Daniel Bennett, Lucy Gallery, Sal J. Zavaglia, Jr.

The Pledge of Allegiance was recited.

**Minutes**

Member Gilbert made a motion seconded by Member Neuhauser and carried unanimously to approve the minutes of July 10, 2017. Member LeRoy abstained.

**Graystone Construction Management Services – PO Box 122, Skaneateles, NY 13152**

**Public Hearing – Solar Panels – 7100 Collamer Rd. E. Syracuse, NY 13057**

**Tax Map # 037.-02-03.1**

Daniel Bennett, Graystone Management Services, spoke on behalf of the project and the Zavaglia's, the property owners. Mr. Bennett gave a brief overview of the project. He stated that a Special Use Permit was approved by the Town Board for a period of 7 years.

Mr. Bennett stated that there is a maintenance road alongside the property and that it will be plowed in the winter and maintained throughout the year. The existing trees will remain on the property and if they were to ever remove any of the trees, additional shrubs will be planted accordingly.

Mr. Bennett also stated that at the Town Board meeting, they would maintain a 50-foot space around the perimeter of the array and that would be part of the lease area that they would maintain.

Chairman Lupia asked what guarantees do the Zavaglia's have that, when the time comes, the Solar Array will be properly dismantled. Mr. Bennett that there are a couple guarantees: First being a contractual guarantee (through the lease) that the panels will be removed properly and the property will be put back to its original nature. Secondly, the Applicant will have to enter into a decommissioning agreement with the Town that will require a removal bond. Attorney Frateschi said that the details are all in the Special Use Permit.

Attorney Frateschi told the Board that the Town Board issued a Special Permit for a period of 7 years. They also determined that a \$100,000.00 removal bond would be appropriate. Once the renewal is up there will be another determination to see whether or not a \$100,000.00 is enough to continue.

Member Crossett made a motion, seconded by Member LeRoy and carried

unanimously to declare the Planning Board Lead Agency for SEQR.

Attorney Frateschi stated that the Town Board has already done a SEQR review but it is a good practice for the Planning Board to also look at the Site Plan separately to determine if there will be any significant environmental impact from the project. He reviewed the 11 questions in Part 2 of the EAF with the Board and the Board agreed unanimously that the action would have no, or a small impact on the environment because: (i) the panels will be set far back from the road and screened on all sides, mitigating any visual impact; (ii) a decommissioning and a maintenance & operation plan has been reviewed and approved by the Town Board; (iii) the project improves the environment and helps meet NYS energy goals of providing more reusable energy and replacing fossil fuels. The EAF was filled out accordingly and filed with the Clerk.

Member Neuhauser made a motion, seconded by Member Kelly and carried unanimously to issue Negative Declaration under SEQR and to authorize the Chairman to sign the short EAF.

Attorney Frateschi went of the conditions of the Special Use Permit issued by the Town Board. *(Please see below for a copy of the Special Use Permit.)*

Member Gilbert made a motion seconded by Member LeRoy and carried unanimously to open the Public Hearing at 7:29pm.

With there being no comments from the public, Member Kelly made a motion seconded by Member Neuhauser and carried unanimously to close the Public Hearing at 7:30pm.

Member Gilbert made a motion, seconded by Member Crossett and carried unanimously to approve the Preliminary Site Plan; ST-1 Preliminary Site Plan; ST-2 Overall Parcel Map; ST-3 E&SC Plan; ST-4 Disturbance Plan; ST-5 Erosion and Sediment Control Details; Community Solar Garden, Zavaglia, 7100 Collamer Road, East Syracuse, NY 13057; Tax Parcel 037.-02-03.1; as proposed on the application prepared by Timothy C. Buhl, P.E. dated April 5, 2017 with the following conditions as set forth in the Special Use Permit: Letter C, a 50 foot buffer around the structure itself; and a \$100,000.00 bond.

Member Gilbert asked if the Town Board had a specified target date for the array to be installed. Attorney Frateschi said no but the Special Use Permit would expire if Mr. Bennett didn't have the interconnect agreement within 24 months of the Special Use Permit being issued.

Member Gilbert amended his motion, seconded by Member Neuhauser and carried unanimously to approve the Site Plan with the above conditions and for a 24-month period.

### **Other Business**

Attorney Frateschi discussed the possibility of a project coming before the Board regarding Three Falls Woods.

Ellen McGrew spoke about the possibility of the project and the history of the parcel.

With there being no further business, Member Gilbert made a motion, seconded by Member Neuhauser and carried unanimously to adjourn the Regular Meeting at 7:51pm.

Respectfully submitted,  
Lisa Beeman, Clerk

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**IN THE MATTER**

**Of**

**The Application of for a Special Use Permit  
Pursuant to Chapter 155, Section 155-27 and  
155-27.2 of the Town of Manlius Code**

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**RESOLUTION APPROVING  
SPECIAL USE PERMIT**

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, on the 28<sup>th</sup> day of June, 2017, at 7:00 p.m. The meeting was called to order by Edmond J. Theobald, Supervisor, and the following were present, namely:

|                     |            |
|---------------------|------------|
| Edmond J. Theobald  | Supervisor |
| Vincent Giordano    | Councilor  |
| Karen Green         | Councilor  |
| John R. Loeffler    | Councilor  |
| Nicholas J. Marzola | Councilor  |
| David Marnell, Sr.  | Councilor  |
| Richard Rossetti    | Councilor  |

The following resolution was moved, seconded and adopted with the following vote:

|          |     |
|----------|-----|
| Theobald | Aye |
| Loeffler | Aye |
| Marzola  | Aye |
| Green    | Aye |

|          |     |
|----------|-----|
| Marnell  | Aye |
| Giordano | Aye |
| Rossetti | Aye |

**WHEREAS**, application has been made by GCMS, Inc., on behalf of YSG Community Solar LLC, to lease approximately 10 +/- acres of land from Salvatore Zavaglia (GCMS, Inc., YSG Community Solar LLL and Salvatore together being hereinafter referred to as the "Applicant") to the Town Board of the Town of Manlius for a Special Permit situated at, or about, 7100 Collamer Road, E. Syracuse, New York (the "Property") for the purpose of permitting a ground mounted solar system; and

**WHEREAS**, the application calls for a 1.98 MW AC power maximum capacity power generation Photovoltaic Energy System that will consist of 12 ft. wide rows for approximately 3.3 acres with 18 feet of green space between the rows on a leased 10 +/- acres of vacant land that is a part of 160 acres of land owned by Salvatore Zavaglia;

**WHEREAS**, the Applicant included in the Application: (a) a **Site Plan** package consisting of five sheets, date May 21, 2017, prepared by Timothy C. Buhl, P.C., including (i) ST-1 (Preliminary Site Plan); (ii) ST-2 (Overall Parcel Map); (iii) ST-3 (E&SC Plan); (iv) ST-4 (Disturbance Plan); ST-5 (Erosion and Sediment Control Plan); (b) a **Site View Plan** prepared by Daniel Bennett, GCMS Inc, dated 4-5-17 Sheet SV-1; (c) an **Operation and Maintenance Plan and Decommissioning Plan**, prepared by YSG Community Solar LLC, Daniel Bennett and Timothy C. Buhl, P.E., dated April 13, 2017; (d) a **project narrative**,

entitled 7100 Collamer Road Ground Mount Solar System – Community Solar Garden, dated 4-12-17; (d) the **Town Special Use Application** and attachments (a-d together hereinafter referred to as the “Application”);

**WHEREAS**, the Planning Board of the Town of Manlius has reviewed the application and on May 8, 2017 and recommended to the Town Board the granting of the requested Special Permit with the following conditions:

- a. The use proposed is low intensity on a large (160 acre) agricultural parcel and serves the purpose and intent of the Solar Photovoltaic law (Local Law 2016-8);
- b. The Special Use Permit shall be limited only to the proposed uses; and
- c. The solar array system will be situated a significant distance from any public roads and should be mostly screened from public view by existing tree and shrub growth;

**WHEREAS**, the Town Board of the Town of Manlius, by Local Law 2016-8, permitted the construction of Solar Photovoltaic System in the RA Zoning District as a public policy of the Town of Manlius as set forth in the 155-27.2 (A) (the Intent and Purpose Section of Local Law 2016-8); and

**WHEREAS**, The Town Board of the Town of Manlius held a Public Hearing on the 14<sup>th</sup> day of June, 2017, at which all persons in interest and citizens desiring to be heard had an opportunity to be heard and there were was only one person from the public who expressed concern regarding begin able to see the energy system from his adjacent property; and

**WHEREAS**, the Board has declared itself the lead agency on this unlisted action under SEQR and has issued a negative declaration under SEQR for the following reasons, which are set forth in more detail in the Short Environmental Assessment Form considered by the Board at its June 14<sup>th</sup>, 2017 meeting: the intended use of the property fits within the zoning for the property with a special permit; the character of the neighborhood would not be changed since the property being leased is ten (10) +/- acres out of a total of 160 acres and the proposed uses would be far enough from the property line to address any concerns by neighbors; the proposed visual and aesthetic impacts will be negligible based on the information provided by the Applicant;

**WHEREAS**, the Onondaga County Planning Board has reviewed the application and has recommended only one modification that deals with the coordination of the driveway to the property with the NYS Department of Transportation – otherwise there is no inter-county impact from the Special Use permit;

**WHEREAS**, the proposed special use is allowed under Town Code Section 155-27.2 with a special permit because it constitutes a Photovoltaic System; and

**WHEREAS**, in the opinion of the members of the Town Board, the granting of said Special Permit requested by applicant will not adversely affect the health, safety, morals, and/or the general welfare of the public; and

**WHEREAS**, the Town Board may impose additional standards upon the Special Permit to preserve the general character of the neighborhood in which the proposed special use is to be placed; and

**WHEREAS**, all other requirements of Law have been complied with;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Manlius finds as follows:

1. The use possesses characteristics that will blend desirably with the neighboring properties and the rural character of Restricted Agricultural.

2. The location, size of the use, nature and intensity of the operations involved, size of the site in relation to it, and the location of the site with respect to the streets giving access to it are such that it will be in harmony with the orderly development of the district and the proposed use is low intensity which will be regulated by the Special Permit.

3. The use does not conflict with any master plan or part thereof.

4. The conditions set forth in the Special Permit are imposed so that the proposal will not significantly impair the safety of the general public.

5. The conditions set forth in the Special Permit are imposed so that the proposal will not significantly increase the possibility of nuisance or noise from the site.

6. A stormwater pollution and prevention plan is required because the application does disturb over 1 acre of land;

7. The Town Board accepts and agrees with findings and recommendation of the Manlius Planning Board, and such acceptance and agreement forms the basis of this Resolution;

8. The Application fits within the New York State Energy Plan of encouraging and creating new opportunities for alternative fuels, which the Governor declared a priority for the State in his 2014 "Reforming the Energy Vision". The goals of

the State are: (i) 40% reduction in greenhouse gas emissions from 1990 levels; (ii) 50% electricity will come from renewable energy resources; (iii) 600 trillion Btu increase in statewide energy efficiency.

and be it further

**RESOLVED**, that the Applicant, which contents serve as the basis of this Resolution and are hereby incorporated into this Resolution, be, and hereby is, granted a Special Permit pursuant to the provisions of Section 155-27 and 155-27.2 of the Town of Manlius Code for the purposes set forth in the Town of Manlius Special Permit Application, dated April 12<sup>th</sup>, 2017 and attached hereto and made part of this Resolution, and be it further

**RESOLVED**, that the following conditions shall be applied to the Special Permit:

- a. The Special Permit shall be limited only to the proposed uses;  
and
- b. To the greatest extent possible, the Applicant and the land owner, through the lease, shall keep and allow the existing tree and shrub growth around the 10 +/- acre leased parcel so as to screen the Photovoltaic System from all public roads and places;
- c. The Planning Board, through the Site Plan review process, may require expanding the 10 +/- Premises for purposes of screening from adjacent neighbors and public right-of-way;

- d. The Applicant shall plant trees or shrubs, as offered at the June 14, 2017 Town Board meeting, to screen the adjacent property, as determined by the Planning Board during Site Plan review;
- e. The Special Permit shall expire on June 30, 2024 and unless there are outstanding violation of the special permit or town of Manlius zoning this special permit shall be subject to paragraph g below.
- f. The Applicant shall strictly adhere to the Operation and Maintenance Plan, dated April 13, 2017, and submitted as part of the Application;
- g. The Applicant shall provide a removal bond in the amount of \$100,000, or an amount determined by the Engineer for the Town before Site Plan approval is granted by the Planning Board. Upon the expiration of the term of the special permit, the Town Board will evaluate the amount of security necessary before any extension is granted.
- h. The interconnect agreement will be provided to the Town of Manlius within 24 months of the issuance of this special use permit. If such agreement is not provided to the Town of Manlius, this special use permit will expire.

**RESOLVED**, that the Special Use Permit shall be issued by the Town Clerk upon the agreement in writing by the applicant to the conditions imposed by Special Permit, which is attached.

### **SPECIAL USE PERMIT**

Pursuant to a Resolution of the Town Board of the Town of Manlius on the Application of YSG COMMUNITY SOLAR, LLC which Resolution was passed at a regular meeting of the Town Board of the Town of Manlius, held on June 28, 2017, permission is hereby granted to applicant, effective upon the mutual execution of this Permit, for allow for the construction of a Solar Photovoltaic Energy System at, or around, 7100 Collamer Road, Manlius, New York, as set forth in the Application to the Town Board, dated April 12, 2017 and attached hereto and made part of this Permit.

This Permit will continue in full force until terminated by the Town Board for breach of after one or more of the conditions pursuant to which it is granted, and the implementation thereof will be in accordance with the following conditions:

1. This Special Permit shall be transferable as set forth in State Law;
2. To the greatest extent possible, the Applicant and the land owner, through the lease, shall keep and allow the existing tree and shrub growth around the 10 +/- acre leased parcel so as to screen the Photovoltaic System from all public roads and places;
3. The Planning Board, through the Site Plan review process, may require expanding the 10 +/- Premises for purposes of screening from adjacent neighbors and public right-of-way;
4. The Applicant shall plant trees or shrubs, as offered at the June 14, 2017 Town Board meeting, to screen the adjacent property, as determined by the Planning Board during Site Plan review;

5. The Special Permit shall expire on June 30, 2024 and unless there are outstanding violation of the special permit or town of Manlius zoning this special permit shall be subject to condition 7 below.
6. The Applicant shall strictly adhere to the Operation and Maintenance Plan, dated April 13, 2017, and submitted as part of the Application;
7. The Applicant shall provide a removal bond in the amount of \$100,000, or an amount determined by the Engineer for the Town before Site Plan approval is granted by the Planning Board. Upon the expiration of the term of the special permit, the Town Board will evaluate the amount of security necessary before any extension is granted.
8. The interconnect agreement will be provided to the Town of Manlius within 24 months of the issuance of this special use permit. If such agreement is not provided to the Town of Manlius, this special use permit will expire.

The applicant, by the acceptance of this Special Permit, agrees to all of the above terms and conditions, and in the event that she shall fail for any reason to perform any of the said terms and conditions on her part to be performed, this Special Permit shall be automatically revoked.

  
Allison Weber, Town Clerk  
Town of Manlius  
Onondaga County, New York

The undersigned, on behalf of YSG COMMUNITY SOLAR, LLC does hereby accept the foregoing Special Permit and agrees to perform all of the terms and conditions thereof.

By: \_\_\_\_\_  
Name: \_\_\_\_\_

STATE OF NEW YORK )  
COUNTY OF ONONDAGA ) ss:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individuals(s) acted, executed the instrument.

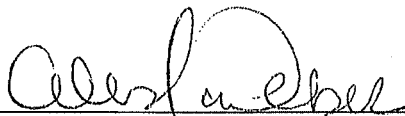
\_\_\_\_\_  
Notary Public

**I, ALLISON WEBER**, Town Clerk of the Town of Manlius, **DO**  
**HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town  
Board of the Town of Manlius at a regular meeting of the Board duly called and held on  
the 28<sup>th</sup> day of June, 2017; that said Resolution was entered in the minutes of said  
meeting; that I have compared the foregoing copy with the original thereof now on file in  
my office; and that the same is a true and correct transcript of said Resolution and of the  
whole thereof.

**I HEREBY CERTIFY** that all members of said Board had due notice of  
said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the  
seal of the Town of Manlius, this 28<sup>th</sup> day of June, 2017.

DATED: June 28<sup>th</sup>, 2017  
Fayetteville, New York

  
\_\_\_\_\_  
**ALLISON WEBER**  
Town Clerk of the Town of  
Manlius