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Agenda
Manlius Town Board
August 9, 2017
7:00PM

1. The Pledge of Allegiance
2. Approval of Minutes – July 26, 2017
3. Approval of Abstract #15
4. Special Permit – Solar Array -Tetra Tech - Green Lakes Rd. (Tax Map # 082.-02-15.1)
5. Correspondence/New Business
    a. Highway Superintendent
    b. Planning & Development
    c. Attorney
    d. Town Clerk
    e. Police Chief
    f. Town Board
    g. Supervisor
6. Adjournment

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

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 9th day of August, 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	_____
Loeffler	_____
Marzola	_____
Green	_____

Marnell _____

Giordano _____

Rossetti _____

WHEREAS, application has been made by Tetra Tech, Inc., on behalf of Forefront Power, LLC, to lease approximately 13 +/- acres of land from Chuck Hafner Christmas Farm (Tetra Tech, Forefront Power, LLC and Chuck Hafner Christmas Farm together being hereinafter referred to as the "Applicant") to the Town Board of the Town of Manlius for a Special Permit to construct a 2,000 Kilowatt Photovoltaic Array project (the "Project") at 8507 Green Lakes Road, Manlius, New York (the "Property") for the purpose of permitting a ground mounted solar system; and

WHEREAS, the Applicant included in the Application: (a) a **Site Plan** package consisting of 9 sheets, dated February 3, 2017, prepared by Forefront Power 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 Tetra Tech, dated February 3, 2017 Sheet SV-1; (c) an **Operation and Maintenance Plan and Decommissioning Plan**, prepared by Forefront Power dated July 7, 2017; (d) a **project narrative**, dated February 3, 2017, prepared by Tetra Tech; (d) the **Town Special Use Application** and attachments,; (a-h together hereinafter referred to as the "Application");

WHEREAS, the Planning Board of the Town of Manlius has reviewed the application and on March 13, 2017 and recommended to the Town Board the granting of the requested Special Permit with the following findings:

a. The use proposed is low intensity on a large (146 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. There is a significant berm on Green Lakes Road in front of the Project which will substantially screen it from all public roads and there is substantial old growth trees to the east and north that will provide substantial screening form adjacent properties;

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 24th day of May, 2017, at which all persons in interest and citizens desiring to be heard had an opportunity to be heard, and the main concerns that were raised, included, but not limited to: (i) health concerns; (ii) visual impacts; (iii) effects on bird migration; (iv) property values; (v) crime; (vi) wildlife impacts;

WHEREAS, on May 30, 2017, the Town Engineer provided the Applicant with a summary list of the pertinent concerns that were raised at the public hearing and requested that the Applicant provide information addressing each concern;

WHEREAS, a report was prepared by Tetra Tech, Inc., entitled "Response to Public Comment, Evergreen Solar Site, 8507 Green Lakes Road, Manlius, New York" (the "Report"), and dated July 2017, and that Report was presented to the Town Board at its July 26th meeting, at which Town Board members asked questions and received answers about the Report;

WHEREAS, the Town's Director for Code Enforcement personally visited various areas in and around the Project, including along Buttonvale Road, to obtain a visual observations of the aesthetics of the Project and found that in substantially all of the areas, there was at least partial screening of the Project and in most locations the Project will not be seen;

WHEREAS, to confirm the visual observations of the Director of Code Enforcement and Town Board member's personal observations, the Applicant provided the Town with Visual Simulations of the Project from various public locations and based on those Simulations and the screening plan provided by the Applicant, the Project will largely screened from nearly all areas;

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 May 24, 2017 meeting: (i) the intended use of the property fits within the zoning for the property with a special permit; (ii) the character of the

neighborhood would not be changed since the property being leased is thirteen (13) +/- acres out of a total of 146 acres and the proposed uses would be screened in the front by a berm and on the east and north by an old grown tree wooded area and is far enough from the property line to address any concerns about visual impacts by the neighbors; (iii) the proposed visual and aesthetic impacts will be negligible based on the information provided by the Applicant; (iv) the use of renewable energy will actually have a positive environmental impact because it will reduce the dependence upon fossil fuels and meets the goals of the Town of Manlius and the State of New York to develop more renewable energy opportunities;

WHEREAS, the Onondaga County Planning Board has reviewed the application and has recommended the following: the New York State Department of Transportation, the portion of the driveway located in the State right-of-way must be paved per Department requirements; and the applicant must obtain a highway work permit for work in the State right-of-way. The applicant must contact the New York State Department of Transportation to coordinate requirements for the proposed driveway on Route 290, in order to satisfy commercial driveway standards. The municipality must submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) and/or any drainage reports or studies to New York State Department of Transportation early in the planning process for approval and complete any appropriate mitigation as may be determined by the Department;

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 and the Solar Array law passed by the Town.

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 and the aesthetic impacts will be minimal.

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 partially forms the basis of this Resolution;

8. The Town Board and Town Engineer has reviewed the Report and its attachments and believes it adequately addresses all of the material concerns raised at the May 24, 2017 public hearing;

9. 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 February 3, 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 13 +/- 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 13 +/- Premises for purposes of screening from adjacent neighbors and public right-of-way;

d. The Special Permit shall expire on June 30, 20__.

e. The Applicant shall strictly adhere to the Operation and Maintenance Plan, dated July 7, 2017, and submitted as part of the Application;

f. The Applicant shall provide a removal bond in the amount of $102,241, or an amount determined by the Engineer for the Town before Site Plan approval is granted by the Planning Board.

g. The Applicant shall obtain Site Plan approval from the Manlius Planning Board.

h. The Applicant shall construct and operate the Project in accordance with all of the submittals provided to the Town, including but not limited to the Site Plan Package, the Report and its attachments;

i. The Applicant has submitted a document that appears to be an Interconnect agreement with National Grid. This Interconnect Agreement must be verified by the Applicant and the Town Engineer before a building permit is issued.

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 FOREFRONT POWER, LLC which Resolution was passed at a regular meeting of the Town Board of the Town of Manlius, held on August 9th, 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, 8507 Green Lakes Road, Manlius, New York, as set forth in the Application to the Town Board, dated February 3, 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 13 +/- 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 13 +/- Premises for purposes of screening from adjacent neighbors and public right-of-way;
4. The Special Permit shall expire on June 30, 20__.
5. The Applicant shall strictly adhere to the Operations and Maintenance Plan, dated July 7. 2017, and submitted as part of the Application;

6. The Applicant shall provide a removal bond in the amount of $102,241, or an amount determined by the Engineer for the Town before Site Plan approval is granted by the Planning Board.

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 FOREFRONT POWER, 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 ___th day of August, 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 ____th day of _____, 2017.

DATED: August ___, 2017
Fayetteville, New York

_____

ALLISON WEBER
Town Clerk of the Town of Manlius