

The Town Board Meeting is being held remotely by Executive Order 202.15 issued on June 2, 2020, by the Governor. The Town of Macedon held the Board meeting on April 24, 2025 (regular meeting), at the Town Complex, 32 Main Street, Macedon NY was called to order by Supervisor Kim V. Leonard at 6:30 pm.

Pledge of Allegiance.

Upon Roll Call, the following members of the Board were

Present:

Councilperson	Bruce Babcock
Councilperson	Dianne Dorfner
Councilperson	David Maul
Supervisor	Kim V. Leonard

Absent

Councilperson	David McEwen
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Also, Present:

Attorney	David Fulvio
Attorney	Anthony Villiani
Chief of Police	Adam Husk
Director of EMS	Paul Harkness
Police Officer	William Murray
Town Clerk	Karrie Bowers
Town Engineer	Scott Allen

RESOLUTION NO. 117 (2024) EXECUTIVE SESSION

RESOLVED the Board entered into executive session at 6:30 to discuss contracts

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

Declared out of executive at 7:00 pm

RESOLUTION NO. 118 (2025) APPROVAL OF MINUTES

RESOLVED the Board approves the April 10, 2025 (regular) meeting minutes

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

RESOLUTION NO. 119 (2025) ASSESSOR REAPPOINTMENT – HOLTZ

RESOLVED the Board reappoints Stephanie Holtz to the position of Assessor effective October 1, 2025 – September 30, 2031.

MOTION BY MAUL, SECONDED BY DORFNER

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

RESOLUTION NO. 120 (2025) PERSONNEL – ASSESSING REVIEW BOARD CLERK

RESOLVED, the Town Board appoints Christine Grosdonia to the vacant position of Assessing Review Board Clerk at a flat rate of \$415. She is responsible for attending the Board of Assessment Review meeting on May 27, 2025, from 4 to 8 p.m. and will prepare the notes from the meeting.

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

RESOLUTION NO. 121 (2025) WAYNE COUNTY WATER SEWER WASTEWATER AGREEMENT – ADDENDUM NO. 2

WHEREAS, the Town of Macedon, Town of Marion, Town of Palmyra, Town of Walworth and Village of Palmyra (collectively, the “Participating Municipalities”) and the Wayne County Water And Sewer Authority (the “Authority”) previously entered into that certain Amended And Restated Wastewater Treatment System Improvements And Services Agreement, dated and effective as of April 1, 2020 (the “2020 IMA”), which provides for the design, financing, construction, operation and maintenance of a regional wastewater collection and treatment system (collectively, the “Project”) by the Authority for the benefit of the Participating Municipalities; and

WHEREAS, the 2020 IMA was modified by Addendum No. 1, dated and effective as of November 4, 2022, to, among other things, approve an increase in the estimated Project Cost to \$110 Million, authorize the Authority to close on a Replacement Funding Package with EFC and proceed with implementation of the Project based on an extended Project schedule (the 2020 IMA as amended by Addendum No. 1, the “IMA”); and

WHEREAS, based on the current Project schedule, closing on the Permanent Project Financing and the need for the Authority to commence debt service payments to EFC in connection with the Permanent Project Financing have been extended with the result that (i) the Authority began collecting Capital Charges earlier than needed and (ii) the amount of Capital Charges that the Authority has collected and is currently holding exceeds the amount that is necessary for the current anticipated debt service schedule with EFC (collectively, “Excess Capital Charges”); and

WHEREAS, the Participating Municipalities have requested, and the Authority has agreed, with the consent of EFC and the approval of the Authority’s bond counsel, to refund to the Participating Municipalities a portion of the Excess Capital Charges collected to date, by entering into Addendum No. 2 to the IMA (a copy of which is attached to these Resolutions), with the intent that each of the Participating Municipalities may use such amounts to establish reserves for the payment of future Capital Charges; otherwise provide for the future payment of the cost of Required Repairs in excess of the applicable Funding Thresholds under their respective sewer system leases with the Authority; or for any other lawful municipal purpose consistent with the character of such funds and the manner in which they were billed and collected by each of the Participating Municipalities.

NOW, THEREFORE, BE IT RESOLVED, the Town Board is hereby authorized and directed to execute and deliver Addendum No. 2 to the IMA, to be effective June 1, 2025.

MOTION BY BABCOCK, SECONDED BY DORFNER

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

RESOLUTION NO. 122 (2025) AMENDED AND REINSTATED SEWER LEASE AGREEMENT

WHEREAS, the Wayne County Water and Sewer Authority (the "Authority"), the Town and the former Village of Macedon (the "Village") previously entered into that certain Lease Agreement, effective as of June 1, 2016, (the "Existing Lease") pursuant to which the Town leased to the Authority the "Town Sewer System," the Village leased to the Authority the "Village Sewer System" and the Town and the Village jointly leased to the Authority the "Shared Sewer Facilities" including the "Garangua Creek Interceptor"(each as more particularly described in the Existing Lease) and the Village's wastewater treatment plant (the "Former Village Treatment Plant"); and

WHEREAS, upon the dissolution of the Village on March 31, 2017, all of the then remaining assets of the Village, including the Village Sewer System and the Village's interest in the Shared Sewer Facilities, vested by operation of law in the Town and continue to be leased to the Authority pursuant to the Existing Lease; and

WHEREAS, pursuant to the Existing Lease, the Authority currently operates and maintains the following wastewater collection and conveyance systems and facilities on behalf of the Town contained within Macedon Consolidated Sewer District No. 1 and the Hamlet of Macedon Sewer District, and any out-of-district users connected thereto (the "Town Sewer System"); and

WHEREAS, the parties intend for wastewater conveyance and treatment services to be provided by the Authority to users within the Town Sewer System upon completion of the pending Regional Project pursuant to that certain Amended And Restated Wastewater Treatment System Improvements And Services Agreement, entered into by and among the Authority, the Town of Macedon, the Town of Marion, the Town of Palmyra, the Village of Palmyra and the Town of Walworth, dated and effective as of April 1, 2020 (the "2020 Treatment Agreement"), as amended by that certain Addendum No. 1, dated and effective as of November 4, 2022 and as further amended by that certain Addendum No. 2, to be entered into by and among the parties thereto; and

WHEREAS, upon completion of the Regional Project, the Authority intends to cease operation of and de-commission the Former Village Treatment Plant and to otherwise continue operation of the Town Sewer System in accordance with the terms, covenants and conditions of a lease between the Town and the Authority; and

WHEREAS, the Town and the Authority desire to enter into an amended and restated lease agreement pursuant to Section 198(12)(b) of the Town Law of the State of New York, as amended, whereby the Authority will lease, maintain, operate, repair, upgrade and replace the sewer facilities of the Town, and will provide sewer service directly to customers therein, under the terms and conditions specified; and now therefore,

BE IT RESOLVED, the Town Board is hereby authorized to execute the "Amended and Restated Lease Agreement" by and between the Authority and the Town; and

BE IT FURTHER RESOLVED, this resolution is adopted subject to a permissive referendum, pursuant to Town Law 198(12)(b), by qualified voters; and it is further

BE IT FURTHER RESOLVED, that the Town Clerk shall advertise this resolution as subject to permissive referendum in the manner prescribed the New York State Law.

Dated: April 24, 2025

Karrie Bowers
Town Clerk
Town of Macedon, New York

MOTION BY BABCOCK, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

RESOLUTION NO. 123 (2025) DASNY GRANT

RESOLVED the Macedon Town Board accepts the DASNY Grant #15597 for the Gravino Bathroom Project in the amount of \$60,000.

MOTION BY BABCOCK, SECONDED BY DORFNER

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

RESOLUTION NO. 124 (2025) SOURCEWELL – LANDSCAPE STRUCTURES

RESOLVED the Macedon Town Board accepts the Proposal Number AAAQ12852 dated 4/10/25 from the Landscape Structures for the following:

\$357,088 – Safety Surfacing under Sourcewell Contract #010521-LSI

\$270,885 – Installation Services under Sourcewell Contract #010521-LSI

\$627,973 - Total Amount of Proposal to be expensed from HA711.210, and

BE IT FURTHER RESOLVED, Sourcewell Contract #010521-LSI complies with the NYS Bidding Requirements (Labor is at Prevailing Wage Rates). This is the final proposal. The 2021 ARPA money will be exhausted, complying with all Federal Regulations that all ARPA money must be spent on or before 12/31/2026.

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

RESOLUTION NO. 125 (2025) PALMYRA COMMUNITY CENTER CONTRACT

RESOLVED the Macedon Town Board authorizes the Town Supervisor to sign the 2025 Contract with the Palmyra Community Center in the amount of \$32,500/year as budgeted in the 2025 Budget for the period of 1/1/2025 – 12/31/2025 to be expensed from A7310.401.

MOTION BY DORFNER, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

7:15 PM PUBLIC HEARING – FIG HOLLOW AG VENUE SPECIAL USE PERMIT

RESOLUTION NO. 126 (2025) READING OF THE LEGAL NOTICE WAIVED

RESOLVED that the reading of the legal notice published in the April 14, 2025, issue of the Times of Wayne County be waived.

MOTION BY DORFNER, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

The public hearing is now open for public comment, A resident spoke regarding the support of this venue and thank the board, the public hearing is closed.

RESOLUTION NO. 128 (2025) THE PUBLIC HEARING IS CLOSED

RESOLVED that the public hearing be closed at 7:17 p.m.

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

RESOLUTION NO. 129 (2025) LOG CABIN FAMILY RESTAURANT – 30-DAY ADVANCE NOTICE

RESOLVED the Macedon Town Board is in receipt of a new liquor license class change application from the Log Cabin Family Restaurant to operate at 2445 West Walworth Rd, Macedon, NY 14502, and

WHEREAS, the Macedon Town Board has no objections, and

NOW THEREFORE BE IT RESOLVED the Town Board waives the 30-day period regarding their liquor license notification and authorizes the Town Clerk to notify the State Liquor Authority.

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

RESOLUTION 130 (2025) THE FAKERS 2025 MACEDON HERITAGE FESTIVAL CONTRACT

RESOLVED the Macedon Town Board authorizes the Town Supervisor to sign the contract with The Fakers in the amount of \$450 to be expensed from A7989.400 to perform at the 2025 Macedon Heritage Festival on August 16, 2025.

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

RESOLUTION NO. 131 (2025) MACEDON CSG, LLC (DIMENSION) SOLAR FEAF PART 2

RESOLVED that the Board accepts the finding set forth in the attached FEAF part 2 and supporting information and adopts the supplemental findings.

MOTION BY BABCOCK, SECONDED BY DORFNER

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

RESOLUTION NO. 132 (2025) MACEDON CSG, LLC (DIMENSION) SOLAR FEAF PART 3

RESOLVED that the Board accepts the finding set forth in the attached FEAF Part 3 and determination of non-significance and authorizes the Supervisor to sign.

MOTION BY BABCOCK, SECONDED BY DORFNER

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

RESOLUTION NO. 133 (2025) STATE ENVIRONMENTAL QUALITY REVIEW ACT NOTICE OF DETERMINATION ON NON-SIGNIFICANCE, NEGATIVE DECLARATION MADE PURSUANT TO NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW ARTICLE 8

WHEREAS, Macedon CSG LLC (“Applicant”) proposes to construct an approximately 5.00 MWAC or less ground-mounted, principal use solar energy system (“Solar Array”) on a portion of 2072 Walworth Road (aka 1945 Walworth Road), Tax I.D. 63112-00-621221 (“Property”) in the Town of Macedon (“Town”); and

WHEREAS, the Solar Array consists of +/- 20.3 acres of solar array area and solar energy equipment, including interconnection wiring that will be a combination of pole-mounted (1 to 2 poles), overhead wiring, and pad-mounted electrical equipment, and the Property is approximately 476 total acres; and

WHEREAS, the Property is zoned AR-40 where, under, the Zoning Ordinance of the Town (“Ordinance”) §§ 300-172, 300-187, the Solar Array is permitted on the Property through issuance of a Special Use Permit from the Town Board, subject to Planning Board recommendation, and Site Plan approval from the Planning Board; and

WHEREAS, on August 12, 2024, the Applicant submitted its initial Site Plan and Special Use Permit Application (“Application”) to the Town Board and Planning Board; and

WHEREAS, over the course of Town review of the Solar Array, the Applicant revised its Application on October 28, 2024, January 8, 2025, and March 24, 2025, with supplemental submissions in response to comments by the Town Board, Planning Board, and Town consultants, as well as comments from the public; and

WHEREAS, the documents submitted by the Applicant that constitute its Application, as revised, consists of:

1. The required Town Application forms for Site Plan and Special Use Permit Review, together with various project narratives and comment responses supplementing said forms and responding to relevant Ordinance standards for Solar Array review, including a Special Use Permit Criteria Analysis

2. A Full Environmental Assessment Form (“FEAF”) pursuant to the New York State Environmental Quality Review Act (“SEQRA”), with such FEAF being revised in concert with certain Solar Array design revisions, last revised March 24, 2025

3. Stamped ALTA survey dated October 4, 2023

4. Stamped Civil Site Plans, last revised March 20, 2025, and consisting of the following individual site plan sheets, as revised:

C-001 Title Sheet

C-100 Property Plan

C-101 Overall Site Plan

C-102 Existing Conditions Plan C-

103 Site Grading Plan

C-103A Road Grading Plan

C-104 Site Erosion and Sediment Control Plan

C-104A Road Erosion and Sediment Control Plan C-

105 Landscape Plan

C-106 Landscape Plan Details

- C-501 Erosion and Sediment Control Details C-
- 502 Erosion and Sediment Control Details C-503
- Fence Details
- C-504 Signage Details
- C-505 Soil Restoration Specifications
- 5. Vendor-Shop Drawings of Pad-Mounted Equipment
- 6. Data Sheet for Solar Array equipment, including Solar Module, Inverter, and Racking
- 7. Visual Simulations with Photo-Location map
- 8. Proposed Operations & Maintenance Plan
- 9. Decommissioning Plan with template Surety, revised January 8, 2025
- 10. Wetland Delineation Report
- 11. Stormwater Pollution Prevention Plan;
- 12. Agricultural Data Statement
- 13. Contiguous Forest Impact Analysis
- 14. Adjacent Property Value Impact Report
- 15. Abridged CESIR with NYSEG
- 16. Recorded and Redacted Memorandum of Lease
- 17. United States Army Corps of Engineers Determination of No Jurisdiction
- 18. New York State Department of Agriculture & Markets No Adverse Effect Letter
- 19. New York State Parks, Recreation and Historic Preservation Initial Determination Letter, and
- 20. Comments and representations made by the applicant in appearances before the Macedon Town Board and communications with Macedon Town Staff, and

WHEREAS, on October 10, 2024, the Applicant appeared before the Town Board; and

WHEREAS, the Town Board referred a full statement of the project to the Wayne County Planning Board (“County”) pursuant to General Municipal Law § 239-m; and

WHEREAS, on October 23, 2024, the County reviewed the Solar Array and, pursuant to GML § 239-m, recommended approving the Solar Array; and

WHEREAS, the November 4, 2024, the Applicant appeared before the Planning Board who recommended approval of the Special Use Permit for the Solar Array pursuant to Ordinance 300 § 172; and

WHEREAS, on December 2, 2024, the Applicant again appeared before the Planning Board; and

WHEREAS, on December 12, 2024, the Town Board held a duly noticed Public Hearing and closed the Public Hearing on December 12, 2024; and

WHEREAS, on January 9, 2025, February 27, 2025, and March 27, 2025, the Applicant again appeared before the Town Board; and

WHEREAS, in accordance with the provisions of SEQRA and 6 NYCRR § 617 (SEQRA regulations), the Town Board preliminarily declared its intent to serve as Lead Agency for purposes of SEQRA; and

WHEREAS, the Town Board classified the Solar Array as a Type 1 action and conducted a coordinated SEQRA review of the Solar Array; and

WHEREAS, following service of the notice of SEQRA lead agency coordination, no other Involved or Interested Agencies contested lead agency status and the time period for Involved or Interested Agencies to object has expired, so the Town Board assumed the role of Lead Agency for purposes of a coordinated review; and

WHEREAS, prior to making a determination about the potential environmental significance of the Solar Array, the Town Board has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and

WHEREAS, the Town Board, in consultation with its Town Engineer/Building Inspector and Town Counsel, reviewed all Application materials, included revised site plan materials and supporting technical information, together with all agency comments, public comments, Applicant’s responses to same, the decision of the County, and the Town Board has considered the comments of its consultants and made its own independent analysis of the Solar Array; and

WHEREAS, the Town Board has completed and reviewed Parts 2 and 3 of the FEAF; and

WHEREAS, based upon the information contained in the EAF and Solar Array Application materials, the Town Board, after due deliberation, review, and analysis of the Solar Array and the criteria set forth in 6 NYCRR §617.7(c), determined that the Solar Array will have no significant adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED by the Town Board as Lead Agency that:

1. The Town Board has reasonably concluded the following impacts may be reasonably expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems; and

2. There will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site that cannot be mitigated; and

1. There are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action; and

2. The overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations; and

3. There are no historic resources eligible for listing in the State and National Registers of Historic Places within the zone of visual impact of the project; however, according to the State Office of Parks, Recreation and Historic Preservation (SHPO), the project will have No Adverse Effect on historic or archaeological resources; and

6. There will not be a major change in the use of either the quantity or type of energy resulting from the proposed Action; and

7. there will not be any hazard created to human health; and

8. There will not be a significant change in the use of current active agricultural land; and

9. There will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the Action; and

10. There will not be created a material demand for other Actions that would result in one of the above consequences; and

11. There will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and

12. There are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation referenced above, the proposed Action WILL NOT result in any significant adverse environmental impacts, and

BE IT FURTHER RESOLVED that the Town Board does hereby make a Determination of Non-Significance upon said Action and directs the Town Supervisor to sign and date the Part 3 of the Full Environmental Assessment Form and the Negative Declaration Form.

BE IT FURTHER RESOLVED that a copy of this resolution and the Negative Declaration Form be provided to the Applicant, the Involved and Interested Agencies and the Town Clerk.

BE IT FURTHER RESOLVED that notice is given to the New York State Department of Environmental Conservation's Environmental Notice Bulletin for publishing in accordance with State regulations.

BE IT FINALLY RESOLVED that the Clerk of the Board is to file copies of the environmental record, Parts 1, 2 & 3 of the Full Environmental Assessment Form, and this Determination on Non-Significance Resolution with the Applicant, the Town Clerk and the Project File in the Town Office.

MOTION BY DORFNER, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

The foregoing resolution was declared adopted by 4 of the 5 members of the Town Board.

April 24, 2025

This resolution was filed in the Town Clerk's office on the 5th day of April, 2025

Karrie M. Bowers

Town Clerk Karrie M. Bowers

RESOLUTION NO. 134 (2025) MACEDON CSG, LLC (DIMENSION) SOLAR HOST COMMUNITY AGREEMENT

RESOLVED that the Board approves the attached Host Community Agreement and authorizes the Supervisor to sign.

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

RESOLUTION NO. 135 (2025) MACEDON CSG, LLC (DIMENSION) SOLAR SPECIAL USE PERMIT APPROVAL

Special Use Permit Approval with Conditions for the development and operation of a less than 5MW-ac solar farm and associated electrical appurtenances with overhead interconnection pole wiring on a portion of 2072 Walworth Road (aka 1945 Walworth Road), Tax I.D. 63112- 00-621221 ("Property") in the Town of Macedon. The approximately 476-acre Property is zoned AR-40 Agricultural/Residential District under the Zoning Ordinance of the Town ("Ordinance").

Applicant leases a 28-acre portion of the Property. The Property is also used for other uses such as a sand and gravel mine. Applicant is expressly authorized by the Property owner to submit an omnibus Site Plan and Special Use Permit Application package ("Application").

Applicant proposes an approximately 5.00 MWAC or less ground-mounted, fixed-tilt solar photovoltaic system (FT) that generates electricity for off-site use, sale, and consumption ("Solar Array"). Power generated from the Solar Array is added to the existing grid for local consumption. The Solar Array includes one pervious gravel access road, inverter pads, a fence surrounding the entirety of the equipment area, underground wiring, and overhead utility interconnection to equipment. Access is taken off the east-west diagonal bend in Walworth Road, nearly a mile north of State Highway 31.

The Solar Array will disturb approximately 20.3 acres and encompass approximately 13.5 acres within the fence line. The applicant will not disrupt any area of the Property outside the Solar Array limits of disturbance. In replacing a fallow field and utilizing existing mature vegetation bounding the field, the Solar Array minimizes land disturbance, tree clearance, and visual impact. Applicant also proposes a robust landscaping plan introducing double rows of evergreen along the Solar Array's southern border, as well as landscaping features along the eastern border of the access road. Applicant also commits to providing a host community benefit agreement, a maintenance and operation agreement, a compliance agreement, a decommissioning plan, and a bond.

The original application by the Applicant provided for a six-pole interconnection with New York State Gas & Electric (NYSG&E). However, in response to concerns expressed by the Town Board as part of its SEQRA and Special Use Permit review, on March 24, 2025, the Applicant filed a third supplemental submission changing the 6 above ground pole interconnection to a 2 above ground pole interconnection and pad mounted above ground screened cabinets for the applicant side of the interconnection. A copy of this submission is attached hereto as Exhibit A.

The purpose of this third supplemental submission, as stated by the attorney for the Applicant, in an email dated March 25, 2025 was:

To further explain this third Supplemental Submission, please note that in response to comments made by the Town Board at the February 27, 2025 and March 13, 2025 Town Board meetings, as well as prior correspondence with you, Scott, and Deputy Supervisor Maul regarding the utility pole distribution and interconnection equipment, Applicant has amended its Site Plan and Special Use Permit applications. The revised application materials, as set forth in our third supplemental submission, contain the revised site plan drawings reflecting pad-mounted interconnection equipment. As you may recall, this was called "Option 2" when discussing it with the Town Board. We previously sent an initial version of the pad-mounted drawings on March 10, 2025 (see my attached email), so we could discuss "Option 2"—the pad-mounted equipment—with the Town Board. As the Town Board prefers pad-mounted interconnection equipment, we revised our site plan drawings and FEA to confirm those changes. Please let this email further confirm our formal amendment to the SUP and Site Plan application by way of our third supplemental submission.

At a regularly scheduled and open meeting of the Macedon Town Board on March 27, 2025, the applicant and its attorney represented to the Town Board that the only application before the Board for which a special use permit was requested was for the pad mounted interconnection as shown in Exhibit A attached hereto. Accordingly, the Board deems that application so amended and all references herein are directed to Exhibit A. In applying to the Macedon Planning Board for site plan approval or applying for a building permit for the project herein, Applicant acknowledges that the Board's review of the third supplemental submission is the only application from this applicant for this project currently pending before the Town Board.

Under Ordinance § 300-187, the Solar Array is permitted on the Property through issuance of a Special Use Permit from the Town Board and Site Plan approval from the Planning Board. After conferring with the Town in advance of submitting this Application, Applicant has designed the Solar Array to be compliant with all bulk and area requirements of the Ordinance. Enclosed with this Application are the following Exhibits:

1. Site Plan/Planning Board Application Form
2. Special Use Permit Application Form
3. Wayne County Planning Board Referral Form
4. Preliminary Site Plan Set • G-001 Title Sheet
 - C-100 Property Plan
 - C-101 Overall Site Plan
 - C-102 Existing Conditions Plan
 - C-103 Site Grading Plan
 - C-103A Road Grading Plan
 - C-104 Site Erosion and Sediment Control Plan
 - C-104A Road Erosion and Sediment Control Plan
 - C-105 Landscape Plan
 - C-106 Landscape Plan Details
 - C-501 Erosion and Sediment Control Details
 - C-502 Erosion and Sediment Control Details
 - C-503 Fence Details
 - C-504 Signage Details
 - C-505 Soil Restoration Specifications

5. Solar Module Data Sheet
6. Inverter Specification Sheet
7. Solar Racking Specification Sheet
8. Proposed Operations and Maintenance Plan
9. Preliminary Decommissioning Plan and Cost Estimate
10. Visual Simulations with Photo-location Map
11. Special Use Permit Criteria Analysis
12. Full Environmental Assessment Form
13. Proposed List of Involved and Interested Agencies
14. Wetland and Waterway Delineation Report
15. Stormwater Pollution Prevention Plan (SWPPP)
16. Agricultural Data Statement
17. Abridged CESIR with NYSEG
18. Recorded Memorandum of Lease
19. United States Army Corps of Engineers Determination of No Jurisdiction

ACTION

WHEREAS, the Town Board of Town of Macedon (hereinafter referred to as Board) has received an application for Special Use Permit for the development of a community solar project as detailed above ("Action") and as referenced on the subdivision and site plans titled Macedon CSG LLC Solar Project (the Property) located at 1945 Walworth Road Macedon, New York 14489, prepared by C&S Companies, 499 Col. Eileen Collins Blvd, Syracuse, NY 13212, dated May 7, 2024, last revised March 20, 2025; and

WHEREAS, the Board held a public hearing upon the proposed Action application; and

WHEREAS, the Board has carefully considered the information and comments received upon the proposed Action application, as well as the Town Code and applicable law; and

WHEREAS, the Board as the established Lead Agency has completed its environmental review under SEQRA and has made a determination of non-significance upon the Action, dated December 12, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Board finds that the applicant, Macedon CSG LLC, 3050 Peachtree Road, Suite 351, Atlanta, GA 30305, LLC, which entity has contracted with the owners to utilize part of their aforesaid property for the construction, on-going operations and maintenance, and decommissioning of fixed ground-mounted photovoltaic (PV) panels as well as associated access roads, electric utility upgrades, power inverters, and

perimeter fencing for the solar farms to be located as shown on the Site Plan prepared by C&S Companies, 499 Col. Eileen Collins Blvd, Syracuse, NY 13212, dated May 7, 2024, last revised March 20, 2025; to be operated by the Applicant, and included in term Applicant are their current owner or successor owners until such owners cede all control over all actions operating any solar farm subject to this permit, and shall be granted a special use permit subject to the following, and

BE IT FURTHER RESOLVED that the Board does hereby make the following findings of fact upon the requested Action, using the regulations from the Town Code, Chapter 300-187 (Solar as Principal Use) to organize and coordinate the Board's findings with the associated statutory guidance.

A. Authority

This solar energy chapter is adopted pursuant to Article 16 and Article 4 §64 of the Town Law of the State of New York, which authorize the Town of Macedon to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and, in accordance with the Town Law of New York State, "to make provision, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor."

FINDING: The Board finds that this section of the Town Code does apply to the proposed Action. The Town Board finds that provisions made to accommodate solar energy systems apply to the proposed Action.

B. Statement of Purpose

This solar energy chapter is adopted to advance and protect the public health, safety, and welfare of the Town of Macedon by creating regulations for the installation and use of solar- energy-generating systems and equipment, with the following objectives.

- (1) To take advantage of a safe, abundant, renewable, and nonpolluting energy resource;
- (2) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- (3) To increase employment and business development in the Town of Macedon, to the extent reasonably practical, by furthering the installation of solar energy systems;
- (4) To mitigate the impacts of solar energy systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources;
- (5) To create synergy between solar and other stated goals of the community pursuant to its Comprehensive Plan;
- (6) To decrease the use of fossil fuels, thereby reducing the carbon footprint of the Town of Macedon;
- (7) To invest in a locally generated source of energy and to increase local economic value, rather than importing nonlocal fossil fuels;
- (8) To align the laws and regulations of the community with several policies of the State of New York, particularly those that encourage distributed energy systems;
- (9) To become more competitive for state and federal grants and tax benefits;
- (10) To make the community more resilient during storm events;
- (11) To aid in the energy independence of the community as well as the country;
- (12) To diversify energy resources to decrease dependence on the grid;
- (13) To improve public health;
- (14) To encourage a sense of pride in the community;
- (15) To encourage investment in public infrastructure supportive of solar, such as generation facilities, grid-scale transmission infrastructure, and energy storage sites;

FINDING: The Town Board finds that, based upon its review of the documents and drawings on file with the Town for the Action, the proposed Ground-Mounted Photovoltaic (PV) Solar Systems being proposed in this Action meets the above stated Purposes of the Town's Solar Law to permit such solar systems as proposed by the Applicants to provide new and additional electricity

services that efficiently meet present needs and anticipated future needs of Town residents while protecting the health, safety and welfare of adjacent and surrounding land uses and properties.

The Board finds that the Action complements the New York State's Renewable Energy Plan Goals and Objectives by generating solar energy and contributing to a cleaner, greener energy future for all state residents. The Board further finds that the Action complements the Goal I-4, 09 Infrastructure Goals, to ensure future capacity, as contained in the Town of Macedon Comprehensive Plan, by providing new and additional electricity services that efficiently meet present needs and anticipated future needs of Town residents.

Furthermore, the Board finds that the said action has been supported by established agreements with New York State Electric & Gas Corporation to accept the energy to be generated by the action throughout the proposed thirty (30) year lifespan. The Board, in making this finding signifies its support for New York State in meeting its renewable energy goals established in the above referenced Energy Plan.

The Board further finds that the proposed solar farms contribute to the goals and objectives contained in the adopted New York State Renewable Energy Plan by providing cleaner and greener energy for all residents. The Board further finds that the extensive environmental record that has been created for this Action has demonstrated the lack of significant environmental harm and identified measures to be taken for the construction, on- going maintenance and decommissioning of the Action that protect the health, safety and welfare of adjacent and surrounding land uses and properties which are incorporated in this process as warranted.

C. Applicability.

Section 300-187 of the Town Code requires that each application for a site development permit, special use permit and temporary use permit shall be accompanied with a site plan. The materials to be submitted with each application shall clearly show the conditions on the site at the time of the application, the features of the site which are to be incorporated into the proposed use or building and the appearance and function of the proposed use or building. The application shall include the following information and plans for both "before" and "after" conditions:

A. The location, design, dimensions, use and height of each proposed building and yard area

B. Property boundaries as shown on an accurate map drawn to scale, including the precise location of the center line of the road, dimensions, North arrow, date.

C. A general location map showing the location of the property in relation to adjacent parcels and total holdings of the applicant.

D. The location and arrangement of vehicular accessways and the location, size and capacity of all areas to be used for off-street parking.

E. Information to describe topography and natural grades.

F. Provisions for water supply, sewage disposal and storm drainage.

G. The location of fire hydrants.

H. The location and design of outdoor lighting facilities.

I. The location and design of construction materials of all proposed signs.

J. The location and capacity of all areas to be used for loading and unloading and the distance to the nearest intersection.

K. The location and dimensions of sidewalks, walkways and other areas established for pedestrian use.

L. The design and treatment of open areas, buffer areas and screening devices maintained, including dimensions of all areas devoted to lawns, trees and other landscaping devices.

M. The location of fire and other emergency zones.

N. A stormwater pollution prevention plan consistent with the requirements of Chapter 255, Stormwater Management and Erosion and Sediment Control, and § 300-45 of this chapter shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in § 300-45. The approved site plan shall be consistent with the provisions of Chapter 255 and § 300-45.

O. Other elements integral to the proposed development as considered necessary by the Zoning Officer, Planning Board or Town Board, including a property survey, any and all requirements to comply with the State Environmental Quality Review regulations (SEQR), other community impacts and the identification of any state or county permits required for the execution of the project.

§ 300-18 Fees.

Each application for a permit provided for by this chapter shall be accompanied by a fee, payable in cash or other form of security approved by the Town Attorney. Fees shall be established annually by resolution of the Town Board.

(1) Section 300-187 provides that this chapter shall apply to all solar energy systems operated as a principal use permitted, installed, or modified in the Town of Macedon after the effective date of this chapter.

FINDING: The Board finds that the proposed Action is subject to the provisions contained in Chapter 300-187 of the Town Code in that the proposed solar farms are to be installed and operated after the effective date of those Town regulations. Therefore, the Board concludes that it has the authority to issue a Special Use Permit with conditions contained herein for the above described Action.

(2) Section 300-187(A) provides that Principal use systems shall adhere to the height and setback requirements of the underlying zoning district.

FINDING: The Board finds that the application conforms to this requirement.

(3)) Section 300-187(B) provides that principal use systems shall be located on lots with a minimum lot size of 10 acres.

FINDING: The Board finds that the application conforms to this requirement.

(3) Section 300-187(C) provides that all principal use systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The height and type of fencing shall be determined by the special-use permit process.

FINDING: The Board finds that the application conforms to this requirement.

(4) Section 300-187(D) provides that on-site electrical interconnection lines and distribution lines shall be placed underground, unless otherwise required by the utility.

FINDING: The Board finds that the application conforms to this requirement.

(5) Section 300-187(E) provides that the removal of existing vegetation is limited to the extent necessary for the construction and maintenance of the solar installation.

FINDING: The Board finds that the application conforms to this requirement.

(6) Section 300-187(F) provides that no principal use system shall be installed within 1,000 feet of a state road.

FINDING: The Board finds that the application conforms to this requirement.

(7) Section 300-187(G) provides that no principal use system shall be installed on a property adjacent to a property containing a dwelling unit unless the principal use system is more than 1,000 feet from the neighboring dwelling unit and set back at least 200 feet from the property line.

FINDING: The Board finds that the application conforms to this requirement.

(8) Section 300-187(H) provides that principal use system special-use permits shall not be approved unless the applicant provides the following:

- (1) Verification of utility notification. Foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.
- (2) Name, address, and contact information of the applicant, property owner(s), and agent submitting the proposed project.
- (3) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- (4) Site plan. Site plan approval is required.
- (5) Blueprints signed by a professional engineer or registered architect of the solar installation showing the layout of the system.
- (6) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and invertors that are to be installed.
- (7) Property operation and maintenance plan. A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, etc.
- (8) Decommissioning plan.
 - (a) To ensure the proper removal of principal use systems, a decommissioning plan shall be required. The plan shall include the removal of all infrastructures and the remediation of soil and vegetation back to its original state prior to construction, unless otherwise permitted. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer or contractor. Cost estimations shall take into account inflation.
 - (b) To protect the Town from the expense of removing the principal use system should the system be abandoned before being properly decommissioned in accordance with the decommissioning plan, the permittee shall be required to provide a form of surety, through escrow, bond, or the equivalency thereof, in the amount and manner deemed appropriate by the Town Board prior to issuance of a building permit.

FINDING: The Board finds that the application either presently conforms to this requirement or will be supplemented to conform to these requirements which shall be a condition of this permit.

(9) Section 300-187(I) provides that the maximum lot coverage for a principal use system shall be 30% of the total lot area. The lot coverage of the principal use system shall be as measured at the exterior perimeter fence for the array.

FINDING: The Board finds that the application conforms to this requirement.

(10) Section 300-187(J) provides that excessive landscape buffering, including, but not limited to, earthen berms, fencing, and tree and shrub plantings, shall be provided which substantially shields the principal use system from any significant viewsheds, including adjacent residents, scenic vistas, and main roadways, to the satisfaction of the Town Planning Board. Significant viewsheds shall be determined by the Town Planning Board after reviewing the initial sketch plans for the project. The Planning Board shall require visual simulations of the developed project during its review to determine compliance with this requirement.

FINDING: The Board finds that the application either presently conforms to this requirement or will be supplemented to conform to these requirements which shall be a condition of this permit.

(11) Section 300-187(K) provides that access shall be provided to the fenced compound area by a driveway with a minimum width of 24 feet, designed to an HS-25 load rating capable of holding Fire Department apparatus. The surface of the driveway shall be maintained free of potholes, standing water and other obstructions.

FINDING: The Board finds that the application either presently conforms to this requirement or will be supplemented to conform to these requirements which shall be a condition of this permit.

(12) Section 300-187(L) provides that third-party compliance inspections shall be required as follows, with all costs payable by the applicant and/or project owner. All third-party inspections required below shall be certified to the Town of Macedon, indicating the project complies with all applicable Town, state and federal codes, rules and regulations. Where deficiencies are identified by the third-party inspector, they shall be detailed in the report.

- (1) Site plans and building permit plans. Third-party review of submittal documents for site plan and building permit review shall be required at the time of initial reviews.
- (2) Construction. Third-party inspections of the installation of the system during construction shall be required by an inspector satisfactory to the Town Engineer.
- (3) Annual. Annual operation and maintenance inspections of the array by a third party acceptable to the Town Engineer shall be required.
- (4) Any deficiencies or deviations from the approved plans or applicable regulations shall be cured by the applicant and/or project owner as directed by the Town Engineer, the cost to be borne by the applicant and/or project owner.

(13) All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the New York State Uniform Fire Prevention and Building Code ("Building Code"), the New York State Energy Conservation Code ("Energy Code"), and the Code of the Town of Macedon.

FINDING: The Board finds that the application either presently conforms to this requirement or will be supplemented to conform to these requirements all of which shall be conditions of this permit

(14) Section 190-17 of the Town Code provides that all site plans shall require Planning Board approval.

FINDING: The Board finds that the application either presently conforms to this requirement or will be supplemented to conform to these requirements which shall be a condition of this permit

(15) Section 300-52 of the Town Code provides that all subdivision, site development plans and land use changes require public hearing by the Planning Board.

FINDING: The Board finds that the above section applies to the instant application and that the instant application either presently conforms to this requirement or will be supplemented to conform to these requirements which shall be a condition of this permit.

300-14 of the Town Code provides that upon written direction of the Town Board, the Zoning Officer is hereby empowered to issue a special use permit as provided for by this chapter.

A. Uses permitted by special permit shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in Article XXI in addition to all other requirements of this chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

B. A special use permit shall authorize only one particular special use. The special use permit shall expire if the use shall cease for more than one year for any reason.

C. No person shall be issued a special use permit for a property where there is an existing violation of this chapter.

D. Before any special use permit shall be issued, the Town Board shall make written findings certifying compliance with the specific rules governing individual special permit uses and that satisfactory provisions and arrangements have been made concerning the following, where applicable:

(1) Ingress and egress to property and proposed structures thereon, with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

(2) Off-street parking and loading areas where required, with particular attention to the items in Subsection D(1) above, and the noise, glare or odor effects of the special permit use on adjoining properties and properties generally in the district and the economic impact of the proposed special permit use.

(3) Refuse and service areas, with particular reference to the items in Subsection D(1) and (2) above.

(4) Utilities as appropriate, with reference to locations, availability and compatibility.

(5) Screening and buffering, with reference to type, dimensions and character.

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.

(7) Required yards and other open space.

(8) General compatibility with adjacent properties and other property in the zone district.

E. All applications for special use permits shall be made in quadruplicate to the Zoning Officer on forms provided by him.

F. The Zoning Officer, after determining that an application is in proper form, shall transmit copies of the application and all supporting documents to the Town Planning Board and Town Engineer for review and recommendation. The Town Planning Board and the Town Engineer shall review the application and submit a written report to the Town Board within 45 days following the receipt of the proposal.

G. The Zoning Officer shall transmit a copy of the complete application and supporting documents to the County Planning Board for review when required under § 239-m of the General Municipal Law. Neighboring municipalities shall also be notified in accordance with General Municipal Law § 239-nn.

H. The application shall include a site development plan of the special permit use and subject parcel division to scale, which includes all of the data specified in § 300-17 of this chapter.

I. If the Town Board determines that a public hearing would serve no community benefit, it shall render a decision on the proposal within 45 days of the receipt of written reports from the Town Planning Board and Town Engineer. If the application was transmitted to the County Planning Board under Article 12-B, § 239-m of the General Municipal Law, the Town Board cannot act within the first 30 days following the referral of the application to the County Planning Board unless said Board provides a written reply to the Town within the thirty-day period. The time period to make a determination may be extended by mutual agreement of the applicant and the Town Board.

J. If the Town Board determines that the public benefit would be served by a public hearing, said hearing shall be conducted within 45 days following the receipt of a written report from the Planning Board. Within 30 days from the date of such public hearing, the Town Board shall, by resolution, either approve or disapprove the application so heard. The thirty-day period available to make a determination may be extended by mutual agreement of the applicant and the Town Board.

K. In approving an application, the Town Board may impose any modifications or conditions it deems necessary to conform with the goals and objectives of the Town's Master Plan and its principles of land use and development and to protect the health, safety or general welfare of the public.

L. If an application is approved by the Town Board, the Zoning Officer shall be furnished with a copy of the approving resolution of the Town Board and he shall issue the permit applied for in accordance with the conditions imposed by the Board.

M. If any application is disapproved by the Town Board, the reasons for such denial shall be set forth in the Board resolution and a copy of such resolution shall be transmitted to the Zoning Officer. The Zoning Officer shall deny the application accordingly by providing the applicant with a copy of the Board's reasons for disapproval.

N. The Zoning Officer shall inspect the premises of a use authorized and approved with a special use permit not less than one time each calendar year. The inspection shall determine that the use is being operated consistent with the terms and conditions established by the Town Board in approving the permit. If the Zoning Officer shall determine that the conditions are not in compliance with the permit, the Zoning Officer shall nullify the special use permit and set forth the procedures and requirements for reestablishing the use. The use may not be operated until a new application is submitted and approved.

O. The Town Board may waive any requirements for the approval, approval with modifications or conditions or disapproval of any special use permit in the event any such requirements are found not to be required in the interest of the public health, safety or general welfare or are inappropriate to the particular special use permit.

FINDING: The Board finds this provision applicable to the Action and compliance therewith is a condition of this Special Use Permit.

§ 300-16 Certificates of compliance.

A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance shall have been issued therefor by the Zoning Officer stating that the proposed use of the building or land conforms to the requirements of this chapter.

B. Failure to obtain a certificate of compliance shall be a violation of this chapter and punishable as provided by Article XXIV.

C. Within seven days after the completion of the change in use of a building or parcel of land, the applicant shall so notify the Zoning Officer, by registered mail, stating that such action has been completed. Within 15 days of the receipt of this letter, the Zoning Officer shall conduct a final inspection of the premises to determine whether the new use complies with the requirements of this chapter. If the Zoning Officer determines that said building or use complies with the provisions herein, he shall issue a certificate of compliance. If it is determined that the provisions specified herein are not fully complied with, the Zoning Officer shall specify the violations and the terms and conditions for remedying these violations. A certificate of compliance shall not be issued until such violations are corrected.

D. No nonconforming building or use shall be maintained, renewed, changed or extended without a certificate of compliance having first been issued by the Zoning Officer. The certificate of compliance shall state specifically wherein the nonconforming use differs from the provisions of this chapter.

FINDING: The Board finds this provision applicable to the Action and compliance therewith is a condition of this Special Use Permit.

§ 300-17 Application details.

Each application for a site development permit, special use permit and temporary use permit shall be accompanied with a site plan. The materials to be submitted with each application shall clearly show the conditions on the site at the time of the application, the features of the site which are to be incorporated into the proposed use or building and the appearance and function of the proposed use or building. The application shall include the following information and plans for both "before" and "after" conditions:

A. The location, design, dimensions, use and height of each proposed building and yard area.

B. Property boundaries as shown on an accurate map drawn to scale, including the precise location of the center line of the road, dimensions, North arrow, date.

C. A general location map showing the location of the property in relation to adjacent parcels and total holdings of the applicant.

D. The location and arrangement of vehicular accessways and the location, size and capacity of all areas to be used for off-street parking.

E. Information to describe topography and natural grades.

F. Provisions for water supply, sewage disposal and storm drainage.

G. The location of fire hydrants.

H. The location and design of outdoor lighting facilities.

I. The location and design of construction materials of all proposed signs.

J. The location and capacity of all areas to be used for loading and unloading and the distance to the nearest intersection.

K. The location and dimensions of sidewalks, walkways and other areas established for pedestrian use.

L. The design and treatment of open areas, buffer areas and screening devices maintained, including dimensions of all areas devoted to lawns, trees and other landscaping devices.

M. The location of fire and other emergency zones.

N. A stormwater pollution prevention plan consistent with the requirements of Chapter 255, Stormwater Management and Erosion and Sediment Control, and § 300-45 of this chapter shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in § 300-45. The approved site plan shall be consistent with the provisions of Chapter 255 and § 300-45.

O. Other elements integral to the proposed development as considered necessary by the Zoning Officer, Planning Board or Town Board, including a property survey, any and all requirements to comply with the State Environmental Quality Review regulations (SEQR), other community impacts and the identification of any state or county permits required for the execution of the project.

FINDING: The Board finds this provision applicable to the Action and compliance therewith is a condition of this Special Use Permit.

§ 300-18Fees.

Each application for a permit provided for by this chapter shall be accompanied by a fee, payable in cash or other form of security approved by the Town Attorney. Fees shall be established annually by resolution of the Town Board.
FINDING: The Board finds this provision applicable to the Action, that the Applicant has established an escrow with the Town and compliance therewith is a condition of this Special Use Permit.

§ 300-26Applicability of regulations.

No building shall hereafter be erected and no existing building shall be moved, structurally altered, rebuilt, added to or enlarged, nor shall any land be used for any purpose other than those included among the uses listed as permitted uses in each zone district of this chapter and meeting the requirements set forth herein. Open space contiguous to any building shall not be encroached upon or reduced in any manner, except in conformity to the area and bulk requirements, off- street parking requirements, and all other regulations required by this chapter for the zone district in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building or use shall be deemed to be in violation of this chapter, and the certificate of occupancy or certificate of compliance, as appropriate, shall become null and void.

FINDING: The Board finds these sections apply to the application except as noted below.

§ 300-27 Preservation of natural features.

A. No structure shall be built within 50 feet of the bed of a watercourse carrying water on an average of six months of the year, except for:

- (1) Public bridges, public waterworks and other municipal or public utility facilities.
- (2) Such private bridges, fords, drainage conduits, embankments and similar structures as are necessary to permit access to a lot or portion thereof or as are incidental to a lawful use of a lot, provided that such structure will not have a material adverse effect on the stream, nor alter the flow of water therein, nor substantially increase the likelihood of flood or overflow in the area.

B. No movement of earth or filling of any material shall be permitted in any district without a site development permit issued by the Zoning Officer subject to the provisions of this chapter.

C. No person shall strip, excavate or otherwise remove topsoil for use other than on the premises from which taken, except in connection with the approved construction or alteration of a building or swimming pool on such premises or lawful excavation operations pursuant to § 300-175 of this chapter.

D. Whenever natural features such as trees, brooks, drainage channels and views interfere with the proposed use of property, the retention of the maximum amount of such features consistent with the intended use of the property shall be encouraged.

E. No movement of earth or erosion shall be permitted at any time in any district, which adversely affects conditions on any other property.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-28 Number of principal buildings per lot; use of yard and open space.

Except as specifically provided herein, no lot shall have erected upon it more than one principal building. No yard or other open space provided around any building for the purpose of complying with the provisions of this chapter shall be considered to provide a yard or open space for any other building.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit. This provision shall not apply to the above ground pad mounted utility interconnection cabinets as defined in the submitted plans.

§ 300-30 Accessory buildings.

A. Accessory buildings attached to a principal building shall comply with the yard requirements of this chapter for the principal building.

B. Detached accessory buildings on corner lots may be located in a side yard subject to the side setback requirements of Schedule I.[1] Such accessory buildings shall be no closer to the right-of-way line than the required front setback line.

C. The Zoning Officer may require detached accessory buildings to be fenced and/or buffered from adjacent properties consistent with approved site development plans, in order to protect the value of adjacent properties.

FINDING: This provision shall not apply to the above ground pad mounted utility interconnection cabinets as defined in the submitted plans.

§ 300-32Visibility at intersections.

At the intersection of two or more streets, no hedge, fence or wall (other than a single post or tree) which is higher than three feet above the ground surface, nor any obstruction to vision, including agricultural crops, shall be permitted in the triangular area formed by the intersecting street lines and a line joining each 50 feet distant from said intersection measured along the edge of the pavement.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-33Access to public street required.

Every principal building shall have access to a public street improved to meet Town requirements. Access may be either direct or by private road or drive approved by the Town. Said road or driveway shall have a right-of-way width of not less than 30 feet and a pavement width of not less than 15 feet improved with a durable all weather surface, subject to approval by the Town Board. All structures shall be so located on lots so as to provide safe and convenient access for servicing, fire protection and required off-street parking.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-34Buildings fronting on streets proposed for widening.

Where a building lot has frontage on a street which is proposed for right-of-way widening, the required front yard setback area shall be measured from such proposed right-of-way line.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-35Display of goods and vending machines in required yard areas.

No business establishment shall place or display goods for purposes of sale or permit any coin- operated vending machine of any type to be placed in any location which would infringe upon the required yard areas specified in this chapter.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-36Storage of odor-producing substances.

No manure, odor or dust-producing substances shall be permitted to be stored within 125 feet of any lot line.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-37Corner lot front yard requirements.

For the purpose of regulating the location of buildings on corner lots, all portions of a corner lot which front on a public street shall be subject to the front yard requirements of the zone district in which said corner lot is located.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-38Storage of recreational vehicles and trailers.

No front yard shall be used for the open storage of boats, vehicles, travel trailers or any other equipment. Such vehicles may be stored on the side of the building but no closer than 10 feet from the rear or side lot line.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-39New lots including former lots with existing buildings.

When a new lot is formed so as to include within its boundaries any part of a former lot on which there is an existing building or use, the subdivision must be carried out in such a manner as will not infringe upon any of the provisions of this chapter, either with respect to any existing structures or use and any proposed structures or use or setbacks.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-40Publicly owned property.

Nothing in this chapter shall restrict the construction, use or maintenance of public buildings, structures or facilities, parks or other publicly owned properties or the installation and maintenance of such public utilities as may be required to service any district. All facilities shall be subject to the yard requirements of this chapter and to site plan review.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-41Fences.

Fences erected in the Town shall adhere to the following standards:

- A. No fence in a front yard of a residential district shall be erected, altered or reconstructed to a height exceeding four feet above ground level.
- B. Fences in any rear or side yard of a residential district may be erected, altered or reconstructed to a height of up to 6 1/2 feet above ground level.
- C. Fencing used to enclose a tennis court may be permitted up to 10 feet in height, provided that such fencing is not less than 25 feet from either the side or rear property line.
- D. These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth.
- E. Fences in the Office, Research and Manufacturing and Commercial Districts may be up to eight feet in height, except that they shall not exceed four feet in height in any front yard.
- F. Fences for kennels and for the purpose of enclosing farmland, horses and cattle shall not exceed eight feet in height.
- G. No fence shall be erected to encroach on any property line or upon a public right-of-way.
- H. The most finished or decorative side of any fence placed, erected or constructed on a lot shall face out from such lot toward the adjoining properties.
- I. No fence shall be erected in a special flood hazard area, except for farm fences, provided that it can be demonstrated that such fence would not restrict the flow of floodwaters nor have any impact on any buildings.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-42On-site sewage disposal systems.

If the use of any lot or building involves the disposal of sewage or wastewater and public sewers are not available, an adequate sanitary disposal system for the same shall be installed in accordance with regulations and standards promulgated by the New York State Department of Health and/or New York State Department of Environmental Conservation and at all times shall be maintained on such lot or in lawful connection therewith. The minimum lot area otherwise required shall be increased where necessary to the extent required to provide such disposal system. Certification of approval for the installation of on-site sewage disposal systems shall be obtained from the Town Engineer prior to site plan approval.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-43 Commercial storage of waste.

Except for customary farm operations, no lot shall be used for the commercial storage or disposal of solid or liquid waste without the prior approval of the Town Board. Duly approved individual sewage disposal systems shall be excepted from this provision. Town Board approval shall be given only upon a finding that the proposed use shall not have a detrimental effect upon surrounding properties and evidence of any required permits necessary from the New York State Departments of Health and/or Environmental Conservation. The Town Board may require the submission of any documents necessary to make the foregoing finding. Consistent with the provisions of § 300-42 above, this provision shall not prohibit the storage of animal waste upon any farm.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-44Discharges from individual sewage disposal systems.

Discharges from individual sewage disposal systems shall be in accordance with approved plans and the procedures and standards of the New York State Departments of Health and Environmental Conservation.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-45Stormwater control.

A. Definitions. The terms used in this section and Chapter 255 or in documents prepared or reviewed under this section and Chapter 255 shall have the meaning as set forth in § 300-8.

B. Stormwater pollution prevention plans.

(1) Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this section and Chapter 255.

(2) Contents of stormwater pollution prevention plans.

(a) All SWPPPs shall provide the following background information and erosion and sediment controls:

[1] Background information about the scope of the project, including location, type and size of project;

[2] Site map/construction drawings for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface waters; wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and locations of the stormwater discharges;

[3] Description of the soils present at the site;

[4] Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the "New York Standards and Specifications for Erosion and Sediment Control" (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP;

[5] Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;

[6] Description of construction and waste materials expected to be stored on site, with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill-prevention and response;

[7] Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land clearing and grubbing to project close-out;

[8] A site map/construction drawings specifying the locations, sizes and lengths of each erosion and sediment control practice;

[9] Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;

[10] Temporary practices that will be converted to permanent control measures;

[11] Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;

[12] Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;

[13] Names of the receiving waters;

[14] Delineation of SWPPP implementation responsibilities for each part of the site;

[15] Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and

[16] Any existing data that describes the stormwater runoff at the site.

(b) Land development activities, as defined in § 300-8, meeting Condition A, B or C below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection B(2)(c) below as applicable:

[1] Condition A: Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

[2] Condition B: Stormwater runoff from land development activities disturbing five or more acres.

[3] Condition C: Stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.

(c) SWPPP requirements for Conditions A, B and C:

[1] All information in Subsection B(2)(a) of this section;

[2] Description of each post-construction stormwater management practice;

[3] Site map/construction drawings showing the specific locations and sizes of each post-construction stormwater management practice;

[4] Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;

[5] Comparison of post-development stormwater runoff conditions with pre-development conditions;

[6] Dimensions, material specifications and installation details for each post-construction stormwater management practice;

[7] Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;

[8] Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;

[9] Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Subsection D of this section;

[10] For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this section and Chapter 255.

(3) Other environmental permits. The applicant shall ensure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

(4) Contractor certification.

(a) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that

it is unlawful for any person to cause or contribute to a violation of water quality standards."

(b) The certification must include the name and title of the person providing the signature; address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

(c) The certification statements shall become part of the SWPPP for the land development activity.

(5) A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

C. Performance and design criteria for stormwater management and erosion and sediment control. All land development activities shall be subject to the following performance and design criteria:

(1) Technical standards. For the purpose of this section and Chapter 255, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this section and Chapter 255:

(a) The "New York State Stormwater Management Design Manual" (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").

(b) "New York Standards and Specifications for Erosion and Sediment Control" (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").

(2) Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Subsection C(1), and the SWPPP shall be prepared by a licensed professional.

(3) Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

D. Maintenance, inspection and repair of stormwater facilities.

(1) Maintenance and inspection during construction.

(a) The applicant or developer of the land development activity or his or her representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this section and Chapter 255. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

(b) For land development activities as defined in § 300-8 and meeting Condition A, B or C in Subsection B(2)(b), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. Inspection reports shall be maintained in a site logbook.

(c) The applicant or developer or his or her representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

(2) Maintenance easements. Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Macedon to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this section and Chapter 255. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of Macedon.

(3) Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this section and Chapter 255 shall ensure they are operated and maintained to achieve the goals of this section and Chapter 255. Proper operation and maintenance also includes, as a minimum, the following:

(a) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this section and Chapter 255.

(b) Written procedures for operation and maintenance and training new maintenance personnel.

(c) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Subsection C(3).

(4) Maintenance agreements. The Town of Macedon shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B entitled "Sample Stormwater Control Facility Maintenance Agreement." [1] The Town of Macedon, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this section and Chapter 255 and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

FINDING: The Board finds this provision applicable to the project. Applicant has submitted a SWPPP in compliance with this section, and any further compliance with this section is a condition of this permit.

§ 300-46 Structures where utility service has been discontinued.

Any structure which has been vacant or which has had utility service disconnected for 12 consecutive months shall not be used for any purpose without obtaining a new certificate of compliance.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-47 Structures destroyed by fire.

A. Any structure determined by the Fire Department to be completely destroyed by fire shall require a new building permit before any reconstruction is started. A new certificate of occupancy shall also be required.

B. Any structure partially destroyed by fire shall be rebuilt in accordance with this chapter and the following additional provisions:

(1) No permit shall be required to restore/replace any portion of a structure to its same condition prior to its being damaged.

(2) Any change in a structure damaged by fire, including, but not limited to, size of building, bearing walls, entranceways and building materials, shall require a new building permit, and said reconstruction shall meet or exceed the Uniform Code requirements and the provisions of this chapter.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-48 Freestanding antennas and satellite dishes.

No more than one freestanding antenna and no more than one TV satellite reception dish shall be permitted on any lot in any district.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-49 Garages required for new construction.

Every single- or two-family dwelling unit (including duplexes) built after the adoption of this chapter shall be constructed on a lot with a garage, either attached or detached to the principal building, large enough to house not less than one automobile per dwelling unit.

FINDING: The Board finds this provision is not applicable to the project as submitted.

§ 300-50 Outdoor storage of junk and/or junk vehicles.

Except as specifically provided in § 300-191, no lot shall have upon it the outdoor storage of junk, more than one junk vehicle or the used parts of any vehicle.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

§ 300-51 Location of utilities underground. All utilities shall be located underground

FINDING: The Board finds this provision applicable to utility lines serving the project and compliance with this section is a condition of this permit. The original plans sought approval of an interconnection with New York State Electric and Gas consisting of 6 above ground poles. As part of its SEQRA and Special Use permit review, the Board stated a preference that the applicant owned components of the interconnection be placed in above ground pad mounted cabinets. As is set forth above, the Applicant submitted its third supplemental submission annexed hereto in Exhibit A to comply with this stated preference. As these cabinets, while above ground, are not designed to bring utility services to the project such as gas, electricity, water or sewer service, but are part of the approved electricity production infrastructure, the Board finds that the above ground cabinets, as designed and used in this project, are compatible with this provision.

§ 300-52 Public hearing required; deadline for start of construction.

A. All subdivision, site development plans and land use changes require public hearing by the Planning Board.

B. Any approval granted under this chapter shall be null and void if authorized activity is not commenced within six months of issuance.

FINDING: The Board finds this provision applicable to the project and compliance with this section is a condition of this permit.

BE IT FURTHER RESOLVED, then, that the Town Board does hereby approve a special use permit for the requested Action, to host a community ground-mounted solar farm thereon as proposed in this Action, subject to the previous and following conditions that shall apply to and govern each such lot individually and the solar farm associated therewith:

1. Each Special Use Permit approved under this Action for the Action is valid only upon all the conditions set forth herein if, and as long as, all such conditions are met by Applicants and System Operators on their associated lots as determined by the Town, and so long as their solar farms continue to exist on their lot and comply with all conditions of approval for each respective lot, as may be amended with Town approval, and with these Special Use Permit conditions.
2. Each Special Use Permit applies to and is valid only for an individual lot shown in the Application and to the respective proposed solar farms as permitted on the site plans and subject to the conditions of the Special Use Permit. This Special Use Permit approval shall expire for any lot for which a solar farm has been determined to be abandoned after notice and a hearing if requested, or a lot on which a solar farm has undergone decommissioning in accordance with the Town Code, Special Use Permit, or Decommissioning Plan.
3. No Special Use Permit for the Action shall take effect unless and until (1) an approved Decommissioning Plan is agreed to and executed by each Applicant, System Operator and the Town of Macedon Town Board for such Action and filed with the Town Clerk; (2) the required Decommissioning surety for such Action under this Special Use Permit authorization and the Decommissioning Plan and Agreement is in effect with evidence of such surety's existence and validity on file with the Town Clerk; (3) a site plan has been approved by the Town of Macedon Planning Board and signed by the Planning Board Chairperson for the proposed solar farm for each such lot.
4. The Special Use Permit for the Action shall remain valid for so long as the lots are used to produce solar energy in conformance with the terms and conditions of the Town Code, this Special Use Permit, subdivision, and site plan approvals for such lots.
5. As a condition of this Special Use Permit approval, Applicants and System Operators shall construct, operate, and decommission the proposed solar farms, and restore the respective lots to their present agricultural condition, in accordance with all the *Guidelines for Agricultural Mitigation for Solar Energy Projects (Guidelines)* promulgated by the New York State Department of Agriculture and Markets (revision dated October 18, 2019) to supplement the conditions of the Special Use Permit specified herein by the Town Board, which specified provisions have priority over the referenced and incorporated *Guidelines* in the event of a conflict. The referenced *Guidelines* shall constitute supplemental directives of the Town Board and provide a minimum standard of conduct for the subject matter addressed for the duration of the solar farms' existence, in conjunction with the other conditions established by the Town Board and the Town Code. Should the State revise the referenced *Guidelines* over the terms of the solar farms, such new and updated guidelines shall control under this paragraph, to the extent matters remain executory; provided, however, that any State revisions to the *Guidelines* that reduce or diminish the standards established in the State's October 18, 2019 version of the *Guidelines* need not be accepted as applicable to these solar farms in the Town's discretion. In the event the State revises its *Guidelines*, the Town may, either on its own initiative or at the request of Applicants or System Operators, evaluate such revisions and provide Applicants and System Operators with written notice of any revised conditions in the *Guidelines* now applicable to their solar farms, and such Town-approved conditions contained in the revised *Guidelines* shall thereafter control these solar farms as revised incorporated *Guidelines* under this paragraph.
6. As a condition of this Special Use Permit approval, a site plan for the proposed solar farm must be approved by the Town of Macedon Planning Board before a Special Use Permit can be effective for such solar farm and prior to construction beginning. The Special Use Permit comes into effect only upon the Applicants and System Operators obtaining site plan approval from the Planning Board for construction of the Action and the Town Code Enforcement Officer's issuance of a Certificate of Compliance with site plan approval for each such lot involved. Moreover, as a condition of this Special Use Permit approval, for the entire duration of its construction and operational existence each solar farm shall remain in full compliance with the applicable site plan approved by the Planning Board and these Special Use Permit conditions, and shall be maintained in a safe and fully operable state.
7. As a condition of this Special Use Permit approval, to ensure that each solar farm is properly monitored and maintains a safe operation for the area people, land, soils and environment involved over its term that will enable full restoration of the lot to its agricultural production potential at the same prime soils classifications and condition presently existing (a fundamental principle and condition on which this Special Use Permit approval is being granted), the following soil sampling condition is imposed for the entire duration of operation of the Action conditionally permitted by this Resolution and Special Use Permit approval.
 - A. Prior to issuance of a Building Permit, and before a Certificate of Compliance is issued by the Code Enforcement Officer, Applicants or System Operator for its lot shall engage an independent and competent entity to take soil samples consistent with Cornell University's soil testing guidelines for measuring contaminant levels in a particular area regarding collection, labeling and packaging of representative soils beneath and around solar panels and solar system equipment according to soil sampling locations specified on the final site plan approved for its lot. Such soil sampling shall consist of two individual samples per acre of installed solar panel arrays of the same kind and model, to be taken from the ground at a 1-2" depth along the lower drip edge of representative solar arrays across the lot, with an additional three separate individual samples to be taken on the lot at a 1-2" ground depth along the main course of water flow leaving that lot. Such soil samples shall be collected, labeled, packaged and transferred with a chain of custody to an independent laboratory certified by the NY State Department of Health Environmental Laboratory Approval Program for soil analysis, which lab may or may not be the same entity collecting the soil samples. Such soil samples shall be analyzed to establish a starting benchmark for future evaluation of the soil conditions on such lot. Such analysis shall consist of objective evaluations of the soil samples as to the following characteristics and levels:
 - soil pH; (ii) percent organic material; (iii) cation exchange capacity; (iv) Phosphorus/Phosphate; (v) Potassium/Potash; (vi) Nitrogen; (vii) Arsenic; (viii) Barium; (ix) Cadmium; (x) Chromium; (xi) Lead; (xii) Mercury; (xiii) Selenium; (xiv) Silver; (xv) Zinc; and
 - (xvi) additional potentially harmful chemicals or metals identified as materials used in the manufacture of solar panels or equipment used or stored by the solar farm on its lot during the previous five year period not already designated for analysis in the foregoing list of monitored items ("monitored items").
 Such benchmark analysis with detailed reporting of each such monitored item and the chain of custody shall be provided by Applicants or System Operators to the Code Enforcement Officer prior to issuance of a building permit, and when received, and included with every five-year report required by Condition No. 25. Every five years after issuance of the initial Certificate of Compliance by the Code Enforcement Officer, in conjunction with the three-year report required under Condition No. 25, and not more than four months before such five-year report, Applicants or System Operators shall engage an independent and competent entity to take soil samples on each solar farm lot as to location and depth as set forth by the Town Engineer on the approved final site plan for such lot (and to include additional samples as adjusted for changed solar panels as may occur during the term under this section and consistently sampled in the same location thereafter) for comparison in such report with the starting benchmark findings of the monitored items for analysis of the soils underlying the solar farm lots. In the event the System Operator changes the kind or model of solar panel or equipment installed or stored from that originally installed during the term of its solar farm, such changes shall be reported to the Town during that reporting period and additional soil samples (at least two and up to two per acre of such changed solar panel arrays) shall be taken across the lot from the ground along the lower drip edge of representative solar arrays containing the changed solar panels at a 1-2" depth, and such initial soil sampling at the new locations necessitated by the change in solar panels shall be identified as new benchmark locations for comparison with future soil sampling results at those locations.
 - B. All soil samples shall be collected, labeled, packaged, transferred and analyzed with the same process as the initial benchmark sampling, though the entities involved in the work may differ if competent and the laboratory conducting the soils analysis is similarly certified. All reporting of soil sampling results to the Town shall be organized so that the Town may readily identify the benchmarks for each soil sampling location reported, and follow the subsequent soil sampling results at each such location at all interim five-year intervals up to the present.
 - C. Because Applicants have represented in their submissions to the Town Board that the proposed Action will employ safe practices for the land, soils and environment and that no significant leaching or contaminants will occur from construction or operation of their solar farms in this Action, there should be no significant change to the land or soils at the location of the Action as a result of, and during the term of, the solar farms, and a Special Use Permit is being granted in reliance on that information and expectation. In the event a reported monitored item deviates more than fifteen percent (15%) from its corresponding starting benchmark during a solar farm term under this Special Use Permit authorization, such significant change shall constitute an early indication that the solar farm equipment or operation appears to be adversely affecting the land and soils on the lot affected by such report contrary to representations made by Applicants to the Town Board to obtain the Special Use Permit authorizing use of such lot for safe solar farming. Upon the Town's receipt of a report of a monitored item deviating more than 15% from its benchmark, the Town Board is authorized to conduct an investigation into the circumstances of the deviation to determine whether the continued grant of the conditional Special Use Permit

applicable to the lot and solar farm reporting the 15% deviation for a monitored item is warranted in light of the new information about potential harm not previously known. The Town Board may require the Applicants or System Operator to explain the basis for the significant deviation of the monitored item(s) and establish at a public hearing that continued operation of the solar farm with its current equipment is still safe for area persons, land, soils and environment and that existing facts and circumstances continue to warrant the grant of the Special Use Permit. If after notice and a hearing the Town Board finds on substantial evidence that the solar farm equipment or operation on a lot has a significant deviation of a monitored item(s) and is causing harm to area persons, land, soils or environment, or finds that the Applicants or System Operator have failed to establish that continuing their solar farm operation is safe for area persons, land, soils or environment despite the significant deviation of the monitored item(s), then the Town Board is authorized to rescind the conditional Special Use Permit associated with such lot since such continued use of the lot for System Operator's solar farm operation is now or may be creating a hazard that is harmful to area persons and/or adversely affecting the lot, soils condition and environment of the area contrary to representations and information of safety on which the Special Use Permit was conditionally granted. The expenses of such investigation and proceedings thereon shall be borne by the Applicant.

D. Furthermore, in the event a solar farm is to be decommissioned by its System Operator, and such decommissioning is to commence more than a year after the most recent three-year report under Condition No. 25, Applicants and/or System Operator shall conduct a final soil sampling of the site before removal of any solar arrays as if a five-year soil sampling report under Condition No. 25 was then required, and shall report the results of such testing to the Town before the decommissioning process is concluded and before any reduction in amount of the surety, discharge of the surety, or return of unused surety funds to the Applicants and/or System Operators, can occur in order to finally assess restoration and cleanup requirements for the solar operation and lot.

8. As a condition of this Special Use Permit approval, Applicants or System Operators shall install the approved landscaping for the proposed Action prior to the Code Enforcement Officer's issuance of a Certificate of Compliance with site plan. Applicants or System Operators shall maintain such approved landscaping for the duration of the solar farm operation as detailed within the Operation and Maintenance Plan. If any landscaping is to be replaced, it is to be of the approved height and species as identified on the approved site plans. Any deviation from this will require an approval from the Town of Macedon.

9. As a condition of this Special Use Permit approval, Applicants have designated one (1) access road to the Action and to the extent practical in nonagricultural portions of the site, and is not wider than twenty-four (24) feet across along its length. As a condition of this Special Use Permit approval, such access road shall be maintained in such width and location for the duration of the solar farm operation.

10. As a condition of this Special Use Permit approval, fencing permitted or required as part of site plan approval for each proposed solar farm shall not exceed eight feet in height.

11. As a condition of this Special Use Permit approval, solar farm system equipment may not exceed the height of allowable structures in accordance with the provisions of the underlying zoning district and § 300-187 et seq. Height of the panels is to be measured from the surface of the ground upon which the system equipment is located. Excluded from this condition are weather station equipment up to fifteen feet in height, even if used in conjunction with or for the benefit of the solar farm, as well as above-ground electrical wires, poles or equipment attached to poles needed for interconnection to above-ground utility distribution equipment maintained by the local electric utility providing interconnection of its network to the solar farm.

12. As a condition of this Special Use Permit approval, each solar farm shall adhere to the minimum lot size requirements for the zoning district in which the system is located.

13. As a condition of this Special Use Permit approval, each solar farm shall adhere to the maximum lot coverage requirement for principal uses within the zoning district in which it is located.

14. As a condition of this Special Use Permit approval, each solar farm shall adhere to the sign requirements for the zoning district in which it is located.

15. As a condition of this Special Use Permit approval, any state or federally regulated wetland boundaries as identified on the site plans and within the Wetland Delineation Report are to be delineated in the field and no disturbance is permitted within these boundaries unless authorized by Army Corps of Engineers or NYSDEC and the associated approval letter forwarded to the Town of Macedon.

16. As a condition of this Special Use Permit approval, no permits shall be issued until the NYSDEC Acknowledgement (SWPPP NOI) letter has been received by the Town of Macedon.

17. As a condition of this Special Use Permit approval, prior to starting construction and issuance of a building permit, the Applicant must provide a two-year irrevocable financial security bond (or other form of surety acceptable to the Town of Macedon Town Board at its discretion) to be renewed by the applicant annually and proof provided to the Town of Macedon Town Clerk, from a New York State surety, for the removal of the solar energy systems, with the Town of Macedon as the designated assignee/beneficiary, in an amount to be approved by the Town Engineer and Town Attorney based on their review of the Decommissioning Cost Estimate submitted.

18. As a condition of this Special Use Permit approval, each year after the Solar Projects have been constructed, and no later than sixty (60) days prior to the anniversary date of the issuance of the building permit for such systems, the then owner/permit holder for the systems shall provide the Town of Macedon Code Enforcement Officer & Town Clerk with written confirmation that the required financial security bond (or other form of surety) is still operable and valid and that such surety has been properly increased to account for inflation or any other anticipated increase in costs of removal as provided for above.

19. As a condition of this Special Use Permit approval, prior to starting construction and issuance of a building permit, the Applicants irrevocable financial security bond (or other form of surety acceptable to the Town of Macedon Town Board at its discretion) for the removal of the Solar Energy System in the approved amount is to be accepted by the Town Board and filed with the Town Clerks Office.

20. As a condition of this Special Use Permit approval, the Decommissioning bond or decommissioning surety shall provide for an annual increase in an amount of 2%, as per the Town Code, of the surety to compensate for the cost of inflation or any other anticipated increase in costs of removal.

21. As a condition of this Special Use Permit approval, after completion of construction and prior to being operational, the Applicant shall provide to the Town of Macedon a post- construction certificate from a Professional Engineer registered in New York State that the project complies with all applicable codes and industry practices and has been constructed and will operate according to the approved design plans.

22. As a condition of this Special Use Permit approval, all consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits or 30 days after billing by the Town, whichever occurs first.

23. The Special Use Permit is conditioned on the approved site plans and any substantial changes to the site plans or special use permit shall require reissuance of the Special Use Permit if so determined by the Building Inspector at his or her discretion.

24. As a condition of this Special Use Permit approval, Applicants and/or System Operators shall direct the surety source to provide the Town with all the same notices regarding the surety for its benefit that the surety source provides to Applicants and/or System Operators, and at the same time.

25. As a condition of this Special Use Permit approval, the Action shall be deemed abandoned if, following site plan approval, initial construction of the solar system has commenced and is not completed within eighteen (18) months of issuance of the first building permit for the project. In such case, the provisions for abandonment under the Special Use Permit, Decommissioning Plan and Town Code shall take effect.

26. As a condition of this Special Use Permit approval, the Applicant shall agree to an operations and maintenance plan in form acceptable to the Board and every three (3) years from the date of issuance of the Certificate of Compliance by the Town Code Enforcement Officer with the final site plan for each solar farm, and up to the final reclamation of the land, there shall be provided to the Town Code Enforcement Officer by the System Operator for each solar farm a written report on the status and condition of their solar farm over the past three year term. Such report shall provide adequate information on the current status of the solar farm's operations, condition and safety. Such report shall include at least the following information: status of the surety; the solar farm's rated capacity for generating electricity and the solar electricity generated during the past term, broken down annually, and with references to all restrictions on the production of solar energy imposed by identified factors beyond the control of the System Operator; the identification and status of all System Operator contracts with NYSEG and other utilities relating to the production and distribution of solar energy; current condition and operation of the solar system equipment; any indications of, or experiences with, fire in the past period at the solar farm, copies of notices received by Applicants or System Operators by reason of the solar farm from other local, county, state or federal agencies; identification of the manufacturer and model of all solar panels installed and stored at the solar farm during the period sufficient for the Town to be able to determine all materials involved in the production of each solar panel, and the number of each such models on site at the solar farm and their location; results of soil sampling required under Condition No. 7 of this Special Use Permit Resolution conducted within the previous four months; number and dates of replacements of solar panels and/or supports or significant equipment and reason therefore; required plantings replaced or needing replacement and the plan for such replacement if incomplete; indications of significant erosion or deterioration of equipment or components at the site; changes to the land use associated with the solar farm lot, such as agricultural production (kind, level and location) and grazing livestock (kind and number); and changes in ownership, operations, management or significant contractual relationships involving the solar farm occurring during the period; plus such additional information as may be reasonably requested by the Town Code Enforcement Officer in order to discharge his or her duties under the Town Code, Special Use Permit conditions and the Decommissioning Plan. The Town Code Enforcement Officer shall review such written report for compliance with applicable requirements, and is entitled to request and obtain from the System Operator or Applicants clarifying information or additional information needed to discharge his or her duties regarding the solar farms conditionally permitted under this authorization. Failure to provide this periodic report when required, or the provision of an inadequate report in the Town's reasonable determination, shall provide a sufficient basis itself for a Town finding of abandonment of the noncompliant solar farm and authorize the Town to revoke the Special Use Permit after notice and hearing if requested and initiate appropriate abandonment provisions of the Decommissioning Plan, the Special Use Permit and Town Code. In addition, failure to submit an adequate report as required herein shall be considered a violation subject to the penalties in Article XII of Chapter 300 of the Town Code and may constitute evidence of abandonment.

27. As a condition of this Special Use Permit approval, should the required surety lapse or become inadequate for any reason, and sufficient surety not re-established to the Town's satisfaction within the time period designated by the Town after written notice of such re-establishment requirement of sufficient surety provided to Applicants and the System Operator for such solar farm, then the Special Use Permit may be revoked for such solar farm lot after notice and hearing if requested in addition to the town proceeding to enforce its rights under the compliance agreement. Furthermore, failure to provide a form of surety acceptable to the Town within the Town's designated time period shall constitute abandonment of the solar farm and enable the Town to take action under appropriate abandonment provisions of the Decommissioning Plan, the Special Use Permit and Town Code.

28. As a condition of this Special Use Permit approval, any damaged or malfunctioning solar panel(s) or arrays or other equipment shall be removed from the property within thirty (30) days of discovery by, or written notice of such condition provided to, the System Operator of the solar farm. Such solar panels, arrays or equipment may be replaced without requiring an amended site plan application or Special Use Permit, but records of such changes shall be kept by the System Operator and made available to the Code Enforcement Officer upon request, and reported to the Town.

29. As a condition of this Special Use Permit approval, each solar farm shall continue to generate and transmit electricity at a rate of more than 20% of its rated capacity over a continuous period of one year. A failure to conform to those standards for a period of over one (1) year may be found to constitute evidence of abandonment, unless such reduced energy generation was limited by NYSEG, New York State, or any other energy regulatory body that is beyond the control of the solar farm, or necessary for the operations of the solar farm, and the burden of establishing such reduction by factors beyond the solar farms control to avoid a finding of abandonment shall be on the Applicants or System Operator. In addition, such energy generation curtailment must be noted in each report provided to the Town.

30. As a condition of this Special Use Permit approval, any diseased, damaged or failing plantings required for the solar farm discovered by the Applicants, System Operator or Code Enforcement Officer shall be replaced, in kind, within two months of discovery if found during the planting season between May 1 and November 1 of such year, otherwise not later than May 31st of the following year.

31. As a condition of this Special Use Permit approval, and for its duration, Applicants and/or System Operators remain responsible to promptly reimburse the Town for the periodic costs associated with the services provided by the Town's Retained Experts for tasks involved with assisting the Town supervise their large-scale ground-mounted solar farm, including (i) the review associated with determining expected decommissioning costs every three years as part of the three-year evaluation of the sufficiency of the surety; (ii) evaluating soil sampling results of monitored items provided with five year reports or final reports by System Operators; (iii) review of plans and permits associated with decommissioning or abandonment of a solar farm; (iv) assisting the Town with review and approval of the project Notice of Termination once construction of a solar farm is completed; and (v) other tasks requested by the Town to address issues raised by construction, operation, monitoring and/or decommissioning of the solar farm, such as site inspections or attendance at Town meetings and expenses incurred by the Town in enforcing the conditions of this special use permit.

32. As a condition of this Special Use Permit approval, any termination or abandonment of the Distributed Generation Interconnection Agreement regarding electricity provision and payment from the solar farms between Applicants and/or System Operators and NYSEG shall be found to constitute abandonment of the solar farm and authorize the Town Board to revoke the Special Use Permit after notice and hearing if requested.

33. As a condition of this Special Use Permit approval, Applicants and/or System Operators shall provide the Town with an annual report regarding their solar farm operations beginning a year following the Certificate of Compliance with the final site plan issued by the Code Enforcement Officer. Such annual report shall be in writing and show the rated capacity of the solar system and the amount of electricity that was generated by the system and transmitted to NYSEG and the electric grid over the most recent twelve-month period, along with references to all restrictions on the production of solar energy imposed by identified factors beyond the control of the System Operator. The annual report shall identify changes to solar panels used and the reasons therefore, and provide the number, location and kind (by manufacturer and model) of replacement solar panels. The annual report shall identify plantings needing replacement and the plan for their replacement. The annual report shall also identify any change of ownership or operator of the solar farm and/or the ownership of the lot upon which the solar farm is located, and shall identify any change in the party responsible for decommissioning and removal of the solar farm. Furthermore, every five years to coincide with the filing of evidence of financial surety and requisite soil sampling, the annual report shall be subsumed within the five-year report provided for in Condition No. 25. Failure to submit an adequate report as required herein shall be considered a violation subject to the penalties in Article XII of Chapter 300 of the Town Code and may be considered evidence of abandonment.

34. As a condition of this Special Use Permit approval, significant physical changes made to the lot or significant equipment modifications made to the solar farm that differ from the final site plan without prior Town approval is unauthorized and shall authorize the Town to revoke the Special Use Permit after notice and hearing if requested; provided, however, that significant equipment modifications shall not include replacement of damaged, nonfunctioning or underperforming solar panels, arrays or other equipment if notice thereof is included in the annual report for that period. Any physical changes proposed to the solar farm after final site plan approval, or changes to equipment, other than ordinary maintenance or replacement of damaged, nonfunctioning, or underperforming solar panels, equipment, components or structures, shall require submission of an application for an amended Special Use Permit and shall also be subject to an amended final site plan.

35. As a condition of this Special Use Permit approval, a solar farm which has been abandoned or found abandoned by the Town shall be decommissioned and removed from the lot on which it is located. Applicants and System Operators shall be held responsible to physically remove all components of the solar farm within one year of abandonment. Removal of the solar farm system and equipment shall be in accordance with a Decommissioning Plan approved by the Town Board and as required by the Town Code and the Special Use Permit.

36. As a condition of this Special Use Permit approval, the Decommissioning Plan shall be implemented by Applicant, System Operators and/or the Town of Macedon when the solar farm on a lot in this Action ceases operation at the end of its useful life, or is abandoned in whole or part earlier, and associated physical structures are to be removed as decommissioning and restoration of the property.

37. As a condition of this Special Use Permit approval, upon conclusion of a solar farm operation, or upon the revocation or termination of the Special Use Permit for such solar farm, all aboveground solar array equipment and structures are to be removed from such lot reasonably and promptly by Applicants and/or System Operators as provided herein, and all lot areas usable for agricultural production prior to the solar farm construction and operation are to be restored by Applicants and/or System Operators to benchmark soil conditions, subject to minor deviations as are acceptable by the landowners, the Planning Board, the Wayne County Soil and Water Conservation District and the State Department of Agriculture and Markets.

38. As a condition of this Special Use Permit approval, decommissioning of a solar farm consists of physical removal of all above-ground and below-ground equipment, solar panels, support structures and foundations, including but not limited to all solar arrays, inverters, transformers, machines, buildings, security barriers, fences, electric transmission lines and components, roadways and other physical improvements to the site, except that buried electrical lines and conduit may be left in the ground as provided by the Town Code and *Guidelines*, and such removal may be limited to some extent if specified in these conditions. For example, upon petition to the Planning Board, the Board may permit Applicants and System Operators to leave certain underground or above-ground improvements in place such as some or all of the planted landscape buffer, provided the owner can show that such improvements are part of a reasonable plan to use the improvements or redevelop the site, are not detrimental to such redevelopment or restoration and do not adversely affect community character or the environment.

39. As a condition of this Special Use Permit approval, decommissioning of a solar farm also consists of final soil sampling as provided in Condition No. 7, and restoration of the ground surface and soil of the associated lot to the benchmark soil conditions, subject to minor deviations as are acceptable by the landowners, the Planning Board, the Wayne County Soil and Water Conservation District and the State Department of Agriculture and Markets.

40. As a condition of this Special Use Permit approval, decommissioning of a solar farm also consists of stabilization and revegetation of the associated lot with native seed mixes and/or plant species (excluding invasive species) preferred by the property owners to minimize erosion.

41. As a condition of this Special Use Permit approval, decommissioning of a solar farm also consists of disposal of all solid and hazardous waste and contaminants from the lot in accordance with local, state and federal waste disposal regulations.

42. As a condition of this Special Use Permit approval, if Applicants and/or System Operator fail to decommission and remove an abandoned solar farm in accordance with the requirements of this Special Use Permit, Decommissioning Plan and the Town Code, the Town is authorized to enter upon the lot associated with such abandoned solar farm with all necessary or advantageous equipment and labor to carry out the decommissioning itself and remove the solar farm components and waste and restore the property to roughly its agricultural condition prior to the construction and operation of the abandoned solar farm. In such case, the Town may not be held responsible for damage to any equipment or land, nor has any obligation to protect, preserve or salvage any equipment or assets on the lot belonging to Applicants and/or System Operator. The failure of Applicants and/or System Operator to timely decommission a solar farm themselves as required shall be deemed a forfeiture of their ownership interests and rights in the solar farm equipment and materials on site, entitling the Town to scrap or dispose of all such equipment and materials as the Town deems fit or convenient; provided, however, that taking such limited and temporary control of the lot and its contents to decommission the solar farm shall not impose any duties or responsibilities upon the Town due to its presence on the property or its control of solar farm components and waste to complete decommissioning as implied agent for Applicants and/or System Operator; and Applicants and/or System Operator remain responsible to indemnify the Town for all its expenses incurred in having to carry out the decommissioning and restoration work that was the responsibility of Applicants and System Operator.

43. As a condition of this Special Use Permit approval, upon request by the Code Enforcement Officer and within 48 hours thereof the System Operator shall provide a person authorized to accompany the Code Enforcement Officer and/or Town staff, Town Engineer or Town consultant or contractor to enter the solar farm consistent with law in order to conduct official duties, monitor the solar farm site for continuing compliance with the final site plan, Special Use Permit and Town Code, and/or conduct operations under such authorities or Decommissioning Plan or Agreement, or take emergency or urgent actions to remediate problems existing or beginning at the solar farm or on its lot.

44. In the event any condition specified herein is violated or not met as required, in addition to any other actions the Board or Town may be authorized to take in such circumstances, the Board is authorized to revoke the Special Use Permit granted hereunder after notice of the proposed action to Applicants and System Operator and a hearing if requested. If the Special Use Permit is revoked for noncompliance with a condition, the Town may require cessation of the solar farm operation for noncompliance with law, and in the absence of a new special use permit grant under the law and Town Code then existing, further find the unpermitted solar farm abandoned, and invoke associated requirements and rights, along with other actions that may be warranted, consistent with the Town Code, Special Use Permit and Decommissioning Plan and Agreement. This provision may be superseded by an independent compliance agreement between the Town and System operators which agreement must be in writing and specifically reference this provision.

45. As a condition of this Special Use Permit approval, no signage or graphic content shall be displayed on the solar energy systems except the manufacturer's name, equipment, specification information, safety information, and twenty-four-hour emergency contact information. Said information shall be depicted within an area no more than eight square feet. As required by the 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.

46. As a condition of this Special Use Permit approval, if the permittee of the solar energy system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor permittee assumes in writing all of the obligations of the special use permit, site plan approval, decommissioning plan, and the Host Community Agreement will not be less than previously offered (attached hereto). A new permittee of the solar energy system shall notify the Code Enforcement Officer of such change in ownership or operator no less than 30 days prior to the ownership change.

47. Battery Storage and associated site improvements are NOT approved for Macedon CSG LLC.

48. Prior to issuance of any permit the owner and/or operator of the solar energy systems are required to enter into a Host Community Agreement (HCA) and a PILOT (unless the PILOT only is waived by the Town) with the Town of Macedon Town Board for payment by the owners, developers or landowners to the Town of Macedon of an agreed upon monetary amount or provision of a specified public improvement or improvements that shall act to offset the potential impacts that may be associated with a large-scale solar energy system.

49. Prior to issuance of any permit or construction beginning, the owner and/or operator of the solar energy systems is required to enter into a Compliance Agreement with the Town of Macedon Town Board in a form acceptable to the Town of Macedon Town Board.

50. Prior to issuance of permits or construction beginning, the owner and/or operator of the solar energy systems shall enter into an Agreement/Plan for Decommissioning of the Project, in a form acceptable to the Town Board of the Town of Macedon.

51. All conditions as required by the Planning Board as part of Site Plan approval are required to be addressed prior to the issuance of permits.

52. If the Applicant violates any of the conditions of its Special Use Permit, Site Plan approval or violates any other local, state or federal laws, rules or regulations, such violation 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.

53. All contact information for the applicants, developers, and land owners are to be provided to the Town of Macedon CEO prior to issuance of a permit.

54. A preconstruction meeting with the Town of Macedon, once all conditions of Special Use Permit, Subdivision, and Site Plan approvals have been met, is required to be held prior to issuance of any permit and prior to construction beginning. All conditions contained herein must be complied with for the life of the project. Failure to comply with any or all of the conditions outlined in this resolution or as part of any agreements with the Town of Macedon shall result in the revocation of the Special Use Permits and all approvals shall be rendered null and void.

55. Prior to the Planning Board beginning the review process for the site plan applications, the applicant is required to provide the Town of Macedon an escrow, in amount and form to be approved by the Town Attorney and accepted by the Town of Macedon Town Board, to cover the costs of any outside consultants and/or legal fees associated with assisting the Planning Board with the review process.

56. Prior to any building certificate being issued, the applicant is to provide a general liability policy with no hazardous waste exclusions written by an Insurance Company with a Best rating of A or better registered to do business in the State of New York through the New York Department of Financial Services with the Town of Macedon named as an additional insured, on a primary and non contributory basis with a per occurrence limit of at least \$5,000,000.

57. Applicant must conserve the approximately 3.29 acres of tree screening as is shown on the Contiguous Forest Impact Analysis prepared by C&S Engineers dated January 2, 2025 and shall provide to the Town legal authority from the owner of the parcel to comply with the Analysis.

BE IT FURTHER RESOLVED that the Clerk of the Board is hereby directed to provide by U.S. Mailing, a certified copy of this resolution to the Involved and Interested Agencies and to the Town Clerk.

BE IT FINALLY RESOLVED that the Clerk of the Board is to provide copies of this resolution to the Applicant and the engineers and attorneys of the Applicant.

MOTION BY DORFNER, SECONDED BY MAUL
ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

I, *Karrie Bowers*, Town, do hereby attest to the accuracy of the above Resolution being acted upon and recorded in the minutes of the Macedon Town Board for the April 24, 2025, meeting.

Karrie Bowers

Karrie Bowers, Macedon Town Clerk

<u>ABSTRACT NO. 7 (2025)</u>	
2025 #560-616	\$82,891.65
2025 TA #20-22	\$ <u>300.00</u>
TOTAL AMOUNT	\$83,191.65

RESOLUTION 136 (2025) PAYMENT OF CLAIMS
RESOLVED that the bills be paid as audited
MOTION BY DORFNER, SECONDED BY BABCOCK
ROLL CALL VOTE: BABCOCK AYE, DORFNER AYE, MAUL AYE, MCEWEN ABSENT, LEONARD AYE, MOTION CARRIED

MOTION BY BABCOCK, SECONDED BY MAUL, THE MEETING BEING ADJOURNED AT 8:45 PM

Karrie Bowers

Town Clerk, RMO