
IN THE MATTER

Of

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

**RESOLUTION APPROVING
SPECIAL USE PERMIT**

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, on the ____th day of May, 2020, at 6:30 p.m.

The meeting was called to order by Edmond J. Theobald, Supervisor, and the following were present, namely:

Edmond J. Theobald	Supervisor
Sara Bollinger	Councilor
John Deer	Councilor
Elaine Denton	Councilor
Karen Green	Councilor
Katelyn Kriesel	Councilor
Heather Allison Waters	Councilor

Absent:

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

Theobald	_____
Bollinger	_____

Deer _____
Denton _____
Green _____
Kriesel _____
Waters _____

WHEREAS, application has been made by Taft Solar LLC, to lease approximately 37.682 acres of land (the project area is 17 +/- acres) of land from the Gratzer Family Trust (Taft Solar, LLC and Gratzer Family Trust being hereinafter referred to as the “Applicant”) to the Town Board of the Town of Manlius for a Special Permit for property situated at, or about, 6966 Taft Road, Manlius, New York, Tax Map 034-01-20.1 (the “Property”); and

WHEREAS, the application calls for 3.4 MW AC power maximum capacity power generation Photovoltaic Energy System that will consist of 263 solar tables consisting of 221 full tables with 56 panels/table and 42 half tables with 28 panels per table. The tables will be spaced at 24.7’ intervals;

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

- a. The use proposed is low intensity on a large (37.6 acre) agricultural parcel and serves the purpose and intent of the Solar Photovoltaic law (Local Law 2016-8);
- b. The Special Use Permit shall be limited only to the proposed uses; and

- c. The solar array system will be situated a significant distance from any public roads and should be mostly screened from public view by existing tree and shrub growth and shrubs along Taft Road;

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

WHEREAS, The Town Board of the Town of Manlius held a Public Hearing on the 13th day of May, 2020, at which all persons in interest and citizens desiring to be heard had an opportunity to be heard and there were was only one person from the public who expressed concern regarding begin able to see the energy system from his adjacent property; and

WHEREAS, the Board has declared itself the lead agency on this unlisted action under SEQR and has issued a negative declaration under SEQR for the following reasons, which are set forth in more detail in the Long Environmental Assessment Form considered by the Board at its May 13th, 2019 meeting: the intended use of the property fits within the zoning for the property with a special permit; the character of the neighborhood would not be changed since the property being leased is ten (17) +/- acres out of a total of 37 acres and the proposed uses would be far enough from the property line to address any concerns by neighbors; the proposed visual and aesthetic impacts will be negligible based on the information provided by the Applicant, including the retention of existing vegetation as screening and the placement of new vegetation along Taft Road

to screen the Project from the traveling public; the Project furthers the Town's stated policy of developing community solar project to increase the use of renewable energy and reduce dependence on fossil fuels;

WHEREAS, the Onondaga County Planning Board has reviewed the application _____ and _____ has _____ recommended

otherwise there is no inter-county impact from the Special Use permit;

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

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

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

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

NOW, THEREFORE, BE IT

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

1. The use possesses characteristics that will blend desirably with the neighboring properties and the rural character of Restricted Agricultural.
2. The location, size of the use, nature and intensity of the operations involved, size of the site in relation to it, and the location of the site with respect to the

streets giving access to it are such that it will be in harmony with the orderly development of the district and the proposed use is low intensity which will be regulated by the Special Permit.

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

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

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

6. A stormwater pollution and prevention plan is not required because the application does not disturb over 1 acre of land;

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

8. The Application fits within the New York State Energy Plan of encouraging and creating new opportunities for alternative fuels, which the Governor declared a priority for the State in his 2014 “Reforming the Energy Vision”. The goals of the State are: (i) 40% reduction in greenhouse gas emissions from 1990 levels; (ii) 50% electricity will come from renewable energy resources; (iii) 600 trillion Btu increase in statewide energy efficiency.

and be it further

RESOLVED, that the Applicant, which contents serve as the basis of this Resolution and are hereby incorporated into this Resolution, be, and hereby is, granted a

Special Permit pursuant to the provisions of Section 155-27 and 155-27.2 of the Town of Manlius Code for the purposes set forth in the Town of Manlius Special Permit Application, dated February 6th, 2020 and attached hereto and made part of this Resolution, and be it further

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

- a. The Special Permit shall be limited only to the proposed uses;
and
- b. To the greatest extent possible, the Applicant and the land owner, through the lease, shall keep and allow the existing tree and shrub growth around the 17 +/- acre parcel so as to screen the Photovoltaic System from all public roads and places;
- c. The Applicant shall plant trees or shrubs, as offered at the June 14, 2017 Town Board meeting, to screen Taft Road, as determined by the Planning Board during Site Plan review;
- d. The Special Permit shall expire on May 21, 20__.
- e. The Applicant shall strictly develop an Operation and Maintenance Plan, dated _____, to be approved by the Director of the Code Enforcement Office before construction begins;
- f. The Applicant shall provide a removal bond in the amount of \$_____, or an amount determined by the Engineer

for the Town before Site Plan approval is granted by the
Planning Board.

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

SPECIAL USE PERMIT

Pursuant to a Resolution of the Town Board of the Town of Manlius on the Application of TAFT SOLAR, LLC which Resolution was passed at a regular meeting of the Town Board of the Town of Manlius, held on _____, 2020, permission is hereby granted to applicant, effective upon the mutual execution of this Permit, for allow for the construction of a Solar Photovoltaic Energy System at, or around, 6966 Taft Road, Manlius, New York, as set forth in the Application to the Town Board, dated February 6, 2020 and attached hereto and made part of this Permit.

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

1. This Special Permit shall be transferable as set forth in State Law;
2. To the greatest extent possible, the Applicant and the land owner, through the lease, shall keep and allow the existing tree and shrub growth around the 17 +/- acre leased parcel so as to screen the Photovoltaic System from all public roads and places;
3. The Applicant shall plant trees or shrubs, along Taft Road to screen the Project;
4. The Special Permit shall expire on May 31, 20__.
5. The Applicant shall develop and strictly adhere to a Operation and Maintenance Plan, as approved by the Director of the Office of Code Enforcement;

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

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

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

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

By: _____
Name:

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss:

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

Notary Public

I, ALLISON WEBER, Town Clerk of the Town of Manlius, DO HEREBY CERTIFY that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the ____th day of _____, 2020; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Manlius, this ____th day of _____, 2020.

DATED: May ____, 2020
Fayetteville, New York

ALLISON WEBER
Town Clerk of the Town of
Manlius