TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

14 SEPTEMBER 2020

Supervisor Hyde opened the September 14, 2020 Town Board Meeting at 7:03 p.m. with the Pledge of Allegiance followed by a prayer offered by Councilman Embt.

*****Please note that this meeting is being held outside of Executive Order 202.1. The Town of Bethany is not technologically equipped to hold virtual meetings and therefore, must meet in person to conduct essential business. The public is welcome to attend however, facial covering and social distancing regulations must be adhered to.**

Town Officials in Attendance were:

Carl Hyde, Jr., Supervisor
Timothy Embt, Councilman
Diane Fowler, Councilwoman
William Shea, Town Justice
Jeffrey Fluker, Councilman
Daniel Street, Councilman
Debbie Douglas, Town Clerk
Thomas McBride, Town Justice
Barbara Czworka, Highway Superintendent

Attendees to the Meeting were:

Joe Nowakowski
Bill Elsasser
Phil Sortore
Terri McBride
Greg Miller
Don Frank

FINANCES

Supervisor Hyde presented the finances for August 2020.

General Fund	$1,145,922.24
Highway Fund	$ 659,021.45
AP/PR Account	$ 84,588.45
Trust & Agency Account	$ 2,565.20
Highway Checking	$ 2,433.56
Supervisor	$ 443,272.25
Water District #2	$ 51,724.37
Petty Cash	$ 200.00
Total	$ 2,389,727.52

Revenues Received	
Debbie Douglas, Town Clerk	$ 941.77
Highway – Health Insurance Prem.	$ 43.40
Co. of Genesee-mowing	$ 10,132.30
Co. of Genesee – Vol. Revenue Dist.	$ 82,082.00
US Post Office	$ 100.00
Thomas McBride, Justice	$ 1,370.00

Total Revenue	$	94,669.47
Total Interest	$	197.75
Total Revenue	$	94,867.22

Town Clerk Report – Debbie Douglas

- Presented the Minutes of the August 10, 2020 Regular Town Board meeting.

A **MOTION** was made by Councilwoman Fowler, duly seconded by Councilman Fluker, to approve the minutes of the August 10, 2020 Regular Town Board meeting as presented. Motion **PASSED** with All In Favor.

- Presented the Minutes of the August 25, 2020 Special Town Board meeting.

A **MOTION** was made by Councilman Embt, duly seconded by Councilman Street, to approve the minutes of the August 25, 2020 Special Town Board meeting as presented. Motion **PASSED** with All In Favor.

- The Clerk received a letter from NYS DOT stating that they are in receipt of the TE-9 requesting an investigation into the lowering of the speed limit on Bethany Center Road between 10238 and 10342 Bethany Center Road. The Town will be notified of the results upon the completion of the study.
- The 2021 Preliminary Budget has been filed in the Town Clerk's office and is available for review. See Appendix A.
- The Clerk's Monthly Report and Bank Statements for August 2020 were reviewed by the Town Board.

Highway Superintendent Report – Barbara Czworka

- A three employees are back to work.
- All of the material for the Mill Road project has been brought in. The Town of Pavilion helped on September 8th and 9th.
- An August 27th storm left water and trees to be cleaned up.
- 1 ½ trash cans of roadside garbage have been picked up recently along with recycling, futon, box springs, 2 TVs and a box full of dressings. "People have no respect for their town."
- On August 31, Truck 1203 had a blown coolant line which was repaired roadside. It was also taken to Marquart's for an oil pan replacement however, it was still leaking after being returned. The dipstick was leaking and is being repaired.
- Truck 1202 lost the rear drive shaft while hauling stone. Part was replaced in-house.
- The intersection of Francis and Brown Roads has been mowed.
- Roadside mowing has begun.
- "I feel that the Town Supervisor and the Town Board has done enough cutting from the Highway Department. We have done the 50% work force from around March 30 to May 22, 2020 and we had all 3 guys for 3 days May 26 to 28, 2020 to get first round of mowing done. Then on June 1, 2020 the board let my crew go on furlough then switched it to lay-off on July 1, 2020. I had to beg to get my guys back to haul stone for Mill Road project and then with help from Pavilion we had just finished hauling on September 9. So, project was moved to September 16 & 17 and now due to paver being down we are now scheduled for September 21 & 22 for Mill Road project.
    - The thought of taking my part-time employees to $18.00 an hour is not a good choice. Why not leave those that are already on list at $21.81 an hour and those that we hire after January 2021 start at $20.00 an hour. The responsibility of being in the truck, with shifting, running plow and wing, turning on sander when need be is a lot to have control of. And keeping track of vehicles coming near you, and if they are paying attention to their surroundings. And getting up at 3:30 am and then going to your full-time job after that."

- Supervisor Hyde responded to the Highway Superintendent's remarks by stating that she was given a memo two weeks ago with the proposed cuts to the Highway Department and was asked to contact the Town Supervisor to discuss them. He feels that it is "disrespectful and rude" that to this day he has not been contacted to discuss the memo. She stated that she is addressing it now.
- Councilwoman Fowler noted that the employees were laid-off because it was requested by the Union representative through correspondence between the Union's attorney and the Town's attorney. The reason stated was that the employees did not want to be on a three-business day call back for emergencies. The Town is on an austerity budget and cuts have to be made. Some things can be cut and some things cannot because they are mandated. Elected Officials' cannot be cut unless they volunteer. The Town Board has all voluntarily taken a salary cut. The Town Board has reiterated for the last several months that cuts are necessary. There was always the intention of bringing employees back.
- Councilman Fluker stated that no one likes this budget situation but the only way to come through it is with cuts. The union is at fault for the lay-off instead of the employees being furloughed which would have maintained their health insurance. Highway Superintendent stated that the employees didn't want the lay-off or ask for it. She was informed that the employees should take that up with the Union.

Justice Report – Justice Shea & Justice McBride

- Justice Shea noted that court returned to session on September 9, 2020. Things went smoothly.
- Justice McBride noted that court opened as part of Phase 4.1 of New York Forward.
  - There are still many stipulations. There can be no evictions and no scoffs for unpaid fines.
  - DA night will proceed as usual.

Board Committee Reports

Councilman Street

- The Planning Board meeting was cancelled as they had no applications to review.

Councilman Embt

- The ZBA met and approved an area variance for a porch too close to the right-of-way.

Councilman Fluker

- Things are going well at the Fire Department.
- Some of the training classes have opened.
- There was much discussion concerning the state of volunteer fire departments and volunteer retention due to many factors. Partial paid departments and consolidation are being discussed not only across Genesee County but across the state and country.

OLD BUSINESS

Water District #4 – Update

- Pipe should be coming.
- The contractor has a 120-day window to complete the project.

Water District #5 – Update

- The only thing missing from the final application to Rural Development is a letter from the Health Department concerning water quality. They are in the processes of pulling previous water tests and expect the letter to be ready by the end of September.

2021 Budget & Revenue Sharing (Please see earlier minutes regarding this issue for more detailed information which may also be noted as Sales Tax Revenue Sharing.)

- Genesee County has stated that they will distribute a revenue sharing of approximately $330,000 next year. The municipalities of the county have asked for a contract instead of an agreement. The county will not agree to a contract and will not make a definite commitment. This leaves the town in the position of budgeting as if it were to receive no revenue sharing.
- The 2021 Preliminary Budget has a tax rate of $3.996/$1.000 which is up $.25 from last year.
- As of today, the State Comptroller has not released the new sales tax revenue figures.
- There will be a change noted next month in the Highway budget with the addition of a line to pay for any Union legal fees. The State Comptroller has informed the Supervisor that these fees should be charged to the Highway account. The Supervisor would be allowed to reimburse the A Fund (general) for all of the legal fees accumulated over the last ten years by taking funds from the DA Fund (highway). He has no plans to do this at this time due to the current fiscal situation, however, if and when it improves, it will be looked at.
- The Fire Department has submitted their 2021 budget. They have an increase of $1,950.
    - This increases the tax rate for the Fire Protection District from $.82.5 to $.84.2 which is included in the Town Tax Rate of $3.996/$1,000.
    - The increase is due to mandates pertaining to electronic PCR's (Patient Care Report) and the related equipment.
    - There is also talk of charging for training required for fire fighting which had previously been paid for by the state.

Sale of Old Town Hall – Update

- After gathering estimates to take down part of storage barn, electrical work, etc., the sale has been put on hold due to the expense and the current fiscal situation.

RESOLUTION #39-2020 ELIMINATION OF ONE (1) FULL-TIME MOTOR EQUIPMENT OPERATOR (MEO) POSITION

WHEREAS, it has been determined by the Town Supervisor, Chief Financial Officer, of the Town of Bethany, that the Town's Budget and financial status is dire due to the cuts in revenue sharing by Genesee County, and

WHEREAS, the Town Supervisor has recommended that one (1) Full-time Motor Equipment Operator (MEO) position should be eliminated, now

On **MOTION** of Councilman Embt, duly seconded by Councilman Street, be it

RESOLVED that the Bethany Town Board hereby authorizes the elimination of one (1) Motor Equipment Operator position in the Bethany Highway Department.

Motion **PASSED** with the following Roll Call Vote:

Supervisor Hyde - Yes
Councilman Street - Yes
Councilwoman Fowler – Yes
Councilman Fluker - Yes
Councilman Embt – Yes

RESOLUTION #40-2020 AUTHORIZING SUPERVISOR TO SIGN 2021 SNOW & ICE REMOVAL AND MOWING CONTRACT WITH GENESEE COUNTY – Appendix B

WHEREAS, Genesee County has presented a contract for snow removal, ice control and mowing of roadsides, and

WHEREAS, the Supervisor along with the Town Board have weighed the proposed payment from the County against the actual cost and risk to the Town, now, on

MOTION of Councilman Fluker, duly seconded by Councilwoman Fowler, be it

RESOLVED that Supervisor Hyde is hereby authorized to sign the Intermunicipal Agreement with Genesee County for Snow Removal, Ice Control and Roadside Mowing.

Motion **PASSED** with the following Roll Call Vote:

Supervisor Hyde – Yes
Councilman Embt - Yes
Councilwoman Fowler - Yes
Councilman Fluker – Yes
Councilman Street – Yes

RESOLUTION #41-2020 RELATING TO THE PROPOSED LOCAL LAW ENTITLED"SOLAR PANEL ENERGY CONVERSION INSTALLATIONS" – APPENDIX C

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, pursuant to Governor Andrew Cuomo's Executive Orders put into place in consideration of the COVID-19 pandemic and the guidelines during Phase IV of New York Forward, said meeting was held in accordance with social distancing protocol and face coverings were worn by all Board Members and public attendees; and

WHEREAS, the Town Board of the Town of Bethany is considering a proposed local law, entitled "Solar Panel Energy Conversion Installations", to regulate large- and small-scale solar projects within the Town of Bethany; and

WHEREAS, the Town of Bethany recognizes that solar energy is a clean, readily available, and renewable energy source and that development of solar energy systems offers an energy resource that can act to attract and promote green business development, with the proper permitting; and

WHEREAS, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Bethany declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a "hard look" at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Genesee County Agricultural Land Protection Board
2. Genesee County Planning Board
3. Town Board of Bethany
4. Town of Bethany Planning Board
5. Commissioner, Department of Environmental Conservation, Albany
6. Commissioner, Department of Environmental Conservation, Buffalo
7. Town Board of the Town of Alexander
8. Town Board of the Town of Pavilion
9. Town Board of the Town of Stafford
10. Town Board of the Town of Batavia
11. Town Board of the Town of Attica
12. Town Board of the Town of Middlebury
13. Village Board of the Village of Wyoming
14.
15.

and;

WHEREAS, pursuant to §§239-l and 239-m of the General Municipal Law, said local law and all supporting documentation, including Part 1 of the FEAF, shall be submitted to the Genesee County Planning Board for their review and recommendations; and

WHEREAS, the Town Board feels it is in the best interest of the Town of Bethany to hold a public hearing to consider the adoption of said local law.

NOW ON MOTION OF Councilwoman Fowler which has been duly seconded by Councilman Fluker, now therefore, be it

RESOLVED, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Bethany declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a "hard look" at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Genesee County Agricultural Land Protection Board
2. Genesee County Planning Board
3. Town Board of Bethany
4. Town of Bethany Planning Board
5. Commissioner, Department of Environmental Conservation, Albany
6. Commissioner, Department of Environmental Conservation, Buffalo
7. Town Board of the Town of Alexander
8. Town Board of the Town of Pavilion
9. Town Board of the Town of Stafford
10. Town Board of the Town of Batavia
11. Town Board of the Town of Attica
12. Town Board of the Town of Middlebury
13. Village Board of the Village of Wyoming
14.
15.

;and be it further

RESOLVED, that pursuant to §§239-l and 239-m of the General Municipal Law, said local law shall be submitted to the Genesee County Planning Board for their review and recommendations at their next meeting on the 8 day of October, 2020; and be it further

RESOLVED, that Town Board of the Town of Bethany will hold a public hearing on the proposed adoption of the local law entitled "Regulation Solar Energy Systems" on the 14 day of October, 2020 at 7:00 p.m., at which time all interested parties and citizens for or against the proposed local law will be heard; and be it further

RESOLVED, that the Town Board will ensure that proper safety protocols are followed based upon the Phase of reopening that New York State attains and any additional Executive Orders issued by the Governor by said date of public hearing.

Motion **PASSED** with the following Roll Call Vote:

Supervisor Hyde – Yes
Councilman Embt - Yes
Councilwoman Fowler – Yes
Councilman Fluker – Yes
Councilman Street – Yes

NEW BUSINESS

Justice McBride Resignation – Accepting of

- Justice McBride has submitted his resignation effective September 26, 2020.

On **MOTION** made by Supervisor Hyde, duly seconded by Councilman Fluker, that the Town Board accepts Justice McBride's resignation with regret. Motion **PASSED** with All In Favor.

Court Clerk Deborah Shufelt Resignation – Accepting of

- Court Clerk Deborah Shufelt has submitted her resignation effective September 30, 2020.

On **MOTION** made by Councilwoman Fowler, duly seconded by Councilman Fluker, that the Town Board accepts Court Clerk Deborah Shufelt's resignation with regret. Motion **PASSED** with All In Favor.

Authorizing Highway Superintendent to Sign Shared Service Agreement Between NYSDOT and the Town of Bethany – Appendix D

On **MOTION** of Councilman Fluker, duly seconded by Councilman Embt, Highway Superintendent Czworka is hereby authorized to sign the 2-year Shared Service Agreement between the NYSDOT and the Town of Bethany.

Motion **PASSED** with the following Roll Call Vote:

Supervisor Hyde - Yes
Councilman Street - Yes
Councilwoman Fowler – Yes
Councilman Fluker - Yes
Councilman Embt – Yes

Warrant

- The Board approved payment of the bills as follows:

	Prepaid	Total
General Fund	$ 5,510.57	$ 9,596.11
Highway Fund	$ 249.27	$ 7,057.68
Trust & Agency	$ 0.00	$ 0.00
Highway Capital Funds Project	$ 0.00	$ 0.00
Fire Protection Fund	$ 0.00	$ 0.00
Water Fund	$ 0.00	$ 0.00
Justice Fund	$ 0.00	$ 0.00

Adjournment

A **MOTION** was made by Supervisor Hyde, duly seconded by Councilman Street, to adjourn the meeting at 8:02 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: September 17, 2020

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk

APPENDIX A

2021 PRELIMINARY BUDGET

TOWN OF BETHANY
2021 Preliminary Budget Tax Rate Schedule

Fund	APPROPRIATIONS	ESTIMATED REVENUES	APPROP FUND BALANCE	AMT . RAISED BY TAX	Ten. Total Assessed Value	2021 TOWNWIDE Tax rate $$ per Thousand	2020 TOWNWIDE Tax rate $$ per Thousand	PERCENTAGE CHANGE
A- GENERALTOWNWIDE	$405,278	$168,200	$110,000	$127,078	$99,557,351	1.276430	1.050748	21.48%
DA-HIGHWAY TOWNWIDE	$695,657	$308,021	$116,842	$270,794	$99,557,351	2.719980	2.662709	2.15%
TOTALS	1,100,935	$476,221	226,842	397,872		3.996410	3.713457	7.62%
SPECIAL DISTRICTS								
WATER DISTRICT #1	$3,520	$0	$0	$3,520		$352.00 per unit	$337.10 per unit	
WATER DISTRICT #2	$33,121	$0	$0	$33,121		$662.22 per unit	$662.22 per unit	
WATER DISTRICT #3	$6,971	$0	$0	$6,971		$774.56 per unit	$774.56 per unit	
WATER DISTRICT #4	$15,750	$0	$0	$15,750		$335.11 per unit		
BETHANY VOLUNTEER FIRE PROTECTION DISTRICT	$100,650	$0	$0	$100,650	$119,472,057	0.842456	0.825228	
TOTAL LEVY	$ 1,260,947	$476,221	$ 226,842	$ 557,884				
TAX CAP ALLOWABLE				522,271				
AMOUNT OVER CAP				$ 35,613				

ACCOUNT	TITLE	ACTUAL 2019	ACTUAL 2020 (THRU 4/30)	ADOPTED BUDGET 2020
APPROPRIATIONS				
A1010.1	TOWN BOARD - PERSONAL SERVICES	$ 6,805	$ 1,701	$ 6,805
A1010.4	TOWN BOARD - CONTRACTUAL	$ -	$ -	$ 500
A1110.1	JUSTICES - PERSONAL SERVICES	$ 18,684	$ 4,671	$ 18,684
A1110.11	JUSTICES - PERSONAL SERVICES (COURT CLERKS)	$ 5,994	$ 1,499	$ 5,994
A1110.13	JUSTICES - PERSONAL SERVICES (BAILIFF)	$ 1,688	$ 387	$ 2,100
A1110.2	JUSTICES - EQUIPMENT	$ -	$ -	$ 1,050
A1110.21	JUSTICES - EQUIPMENT (GRANT)	$ -	$ -	$ -
A1110.4	JUSTICES - CONTRACTUAL	$ 2,161	$ 578	$ 4,000
A1220.1	SUPERVISOR - PERSONAL SERVICES	$ 9,000	$ 3,153	$ 9,000
A1220.11	DEP. SUPERVISOR - PERSONAL SERVICES	$ 1,000	$ 250	$ 1,000
A1220.12	FINANCIAL CLERK/TYPIST - BOOKKEEPER PS	$ 8,500	$ 2,942	$ 8,500
A1220.13	CLERK TO SUPERVISOR- PERSONAL SERVICES	$ -	$ -	$ -
A1220.2	SUPERVISOR - EQUIPMENT	$ -	$ -	$ 2,500
A1220.4	SUPERVISOR - CONTRACTUAL	$ 3,463	$ 241	$ 9,000
A1220.41	SUPERVISOR - PAYROLL SERVICE	$ 3,076	$ 1,289	$ 3,500
A1220.42	SUPERVISOR - ACCOUNTING CONSULTANT	$ 5,500	$ -	$ 5,500
A1330.1	TAX COLLECTOR - PERSONAL SERVICES	$ 3,372	$ 1,169	$ 3,376
A1330.11	TAX COLLECTOR - PERSONAL SERVICES (DEPUTY)	$ -	$ -	$ 250
A1330.4	TAX COLLECTOR - CONTRACTUAL	$ 554	$ 303	$ 1,000
A1355.1	ASSESSOR - PERSONAL SERVICES	$ 19,231	$ 6,657	$ 19,231
A1355.2	ASSESSOR - EQUIPMENT	$ -	$ -	$ 1,500
A1355.4	ASSESSORS - CONTRACTUAL	$ 1,758	$ 995	$ 1,200
A1355.41	ASSESSOR - COUNTY CHARGES	$ 3,345	$ 3,344	$ 3,345
A1355.42	ASSESSOR - ASSESSMENT REVIEW	$ 224	$ -	$ -
A1380.4	FISCAL AGENT FEES, CONTRACTUAL	$ -	$ -	$ -
A1410.1	TOWN CLERK - PERSONAL SERVICES	$ 28,196	$ 9,803	$ 28,321
A1410.10	TOWN CLERK - PERSONAL SERVICES (POST OFFICE)	$ 625	$ 225	$ -
A1410.11	TOWN CLERK - PERSONAL SERVICES (DEPUTY)	$ 255	$ 33	$ 618
A1410.2	TOWN CLERK - EQUIPMENT	$ -	$ -	$ 300
A1410.4	TOWN CLERK - CONTRACTUAL	$ 2,117	$ 385	$ 1,950
A1420.4	ATTORNEY - CONTRACTUAL	$ 12,280	$ 6,412	$ 8,000
A1450.41	ELECTIONS-COUNTY CHARGES	$ 1,945	$ 2,295	$ 2,295
A1460.4	RECORDS MANAGEMENT - CONTRACTUAL	$ 50	$ -	$ 200
A1610.2	CENTRAL SERVICE ADMIN. EQUIP/FOR SERVER	$ 5,235	$ 980	$ 1,500
A1610.4	CENTRAL SERVICE ADMIN CONTRACTUAL	$ 4,603	$ 74	$ 2,000
A1620.2	BUILDING (TOWN HALL) - EQUIPMENT	$ -	$ -	$ 5,000
A1620.4	BUILDING (TOWN HALL) - CONTRACTUAL	$ 31,712	$ 8,534	$ 30,000
A1621.4	BUILDING (OLD TOWN HALL) - CONTRACTUAL	$ 1,280	$ -	$ 2,000
A1640.2	CENTRAL GARAGE-EQUIPMENT	$ -	$ -	$ -

ACCOUNT	TITLE	ACTUAL 2019	ACTUAL 2020 (THRU 4/30)	ADOPTED BUDGET 2020
A1670.4	CENTRAL PRINTING AND MAILING - CONTRACTUAL	$ 4,047	$ 1,097	$ 6,000
A1680.4	CENTRAL DATA PROCESSING - CONTRACTUAL	$ 1,400	$ 1,400	$ 600
A1910.4	UNALLOCATED INSURANCE -CONTRACTUAL	$ 29,594	$ 30,217	$ 32,000
A1920.4	MUNICIPAL ASSOC DUES -CONTRACTUAL	$ -	$ -	$ 2,000
A1990.4	CONTINGENCY	$ -	$ -	$ 30,000
A3510.1	CONTROL OF DOGS - PERSONAL SERVICES	$ 1,000	$ 346	$ 1,000
A3510.4	CONTROL OF DOGS - CONTRACTUAL	$ 427	$ -	$ 1,200
A3620.1	SAFETY INSPECTION - PERSONAL SERVICES	$ 2,000	$ 692	$ 2,000
A3620.14	SAFETY INSPECTION - PERSONAL SERVICES (CODE INSPECTOR)	$ 1,250	$ -	$ 1,250
A3610.2	SAFETY INSPECTION - EQUIPMENT	$ -	$ -	$ 50
A3610.4	SAFETY INSPECTION - CONTRACTUAL	$ 628	$ 355	$ 4,000
A3650.4	DEMO UNSAFE BUILDING -CONTRACTUAL	$ -	$ -	$ -
A3989.2	MISC. PUBLIC SAFETY-EQUIPMENT	$ -	$ -	$ -
A4020.1	REGISTRAR OF VITAL STATISTICS -PERSONAL SERVICES	$ 412	$ 143	$ 412
A5010.1	SUPER OF HIGHWAYS - PERS SERV	$ 52,000	$ 18,000	$ 52,000
A5010.2	SUPER OF HIGHWAYS - EQUIPMENT	$ -	$ -	$ -
A5010.4	SUPER OF HIGHWAYS - CONTRACTUAL	$ 2,676	$ 489	$ 2,000
A5132.4	GARAGE - CONTRACTUAL	$ 22,689	$ 4,204	$ 23,563
A5182.4	STREET LIGHTING - CONTRACTUAL	$ 3,731	$ 3,278	$ 4,500
A6510.1	VETERAN SERVICES- PERSONAL SERVICES	$ -	$ -	$ 200
A6510.4	VETERAN SERVICES- CONTRACTUAL	$ 117	$ 154	$ 250
A6772.4	PROGRAM FOR AGING - CONTRACTUAL	$ 500	$ 500	$ 500
A7320.42	JOINT YOUTH PROJECT - PAVILION YOUTH	$ 425	$ 425	$ 425
A7320.43	JOINT YOUTH PROJECT - TRI TOWN YOUTH	$ 425	$ 425	$ 425
A7410.4	PAVILION LIBRARY - CONTRACTUAL	$ 500	$ -	$ 500
A7510.1	HISTORIAN - PERSONAL SERVICES	$ -	$ -	$ 100
A7510.4	HISTORIAN - CONTRACTUAL	$ 145	$ -	$ 480
A7550.4	CELEBRATIONS - CONTRACTUAL	$ 35	$ -	$ 400
A8010.1	ZONING ENFORCEMENT OFFICER-PERS SERV	$ 7,859	$ 2,723	$ 7,868
A8010.2	ZONING- EQUIPMENT	$ -	$ -	$ 50
A8010.4	ZONING- CONTRACTUAL	$ 353	$ -	$ 515
A8010.41	ZONING BOARD OF APPEALS - CONTRACTUAL	$ 64	$ -	$ 1,800
A8020.4	PLANNING - CONTRACTUAL	$ 150	$ -	$ 450
A8020.41	PLANNING BOARD -CONTRACTUAL	$ 1,366	$ 996	$ 2,500
A8090.4	ENVIRONMENTAL CONTROL - Black Creek	$ -	$ -	$ 200
A8090.44	ENVIRONMENTAL CONTROL - Tonawanda	$ -	$ -	$ 200
A8160.1	REFUSE & GARBAGE - PERSONAL SERVICES	$ 3,523	$ 1,180	$ 8,000
A8160.2	REFUSE & GARBAGE - EQUIPMENT	$ -	$ -	$ 200
A8160.4	REFUSE & GARBAGE - CONTRACTUAL	$ 13,539	$ 4,990	$ 10,000
A8389.4	OTHER WATER - CONTRACTUAL	$ -	$ 1,043	$ -

ACCOUNT	TITLE	ACTUAL 2019	ACTUAL 2020 (THRU 4/30)	ADOPTED BUDGET 2020
A8810.1	CEMETARY- PERSONAL SERVICES	$ 1,500	$ 1,500	$ 1,500
A8810.4	CEMETARY- CONTRACTUAL	$ 684	$ 171	$ 2,500
A9010.8	STATE RETIREMENT SYSTEM	$ 18,791	$ 4,624	$ 25,000
A9030.8	SOCIAL SECURITY - EMPL BEN	$ 13,112	$ 4,401	$ 15,000
A9040.8	WORKERS COMPENSATION -EMPL BEN	$ 7,144	$ 9,750	$ 9,750
A9040.81	WORKERS COMPENSATION (Fire District) -EMPL BEN	$ 13,488	$ 17,800	$ 17,800
A9050.8	NYS UNEMPLOYMENT INSURANCE - EMPL BEN	$ -	$ 36	$ 2,500
A9055.8	DISABILITY INSURANCE - EMPL BEN	$ 288	$ 99	$ 500
A9060.8	HOSPITAL & MED INS. - EMPL BEN	$ 3,000	$ 750	$ 5,000
A9089.8	OTHER EMP (BACK BENEFITS)	$ -	$ 2,000	$ -
A9730.6	BOND ANTICIPATION NOTES - DEBT PRINCIPAL	$ 10,200	$ 10,200	$ 10,200
A9730.7	BOND ANTICIPATION NOTES - DEBT INTEREST	$ 773	$ 548	$ 547
A9901.9	TRANSFERS TO OTHER FUNDS			$ -
A9950.9	TRANSFERS TO CAPITAL PROJ FUND	$ 40,000		$ -
TOTAL APPROPRIATIONS		$ 442,489	$ 182,456	$ 478,154
REVENUES				
A1090	INTEREST & PENALTIES ON TAXES	$ 2,591	$ 2,512	$ -
A1120	SALES TAX	$ 278,192	$ 129,672	$ 205,000
A1170	FRANCHISE FEES	$ 7,416	$ -	$ 6,000
A1232	TAX COLLECTION FEES	$ 60	$ -	$ 2,000
A1255	CLERK FEES	$ 392	$ 14	$ 1,000
A1289	SALE OF STAMPS	$ 2,350	$ 785	$ 1,200
A1603	REG. OF VITAL STATISTICS	$ 340	$ 20	
A2130	REFUSE & GARGAGE FEES	$ 13,964	$ 2,350	$ 17,000
A2210	REVENUE DISTRIBUTION -GENESEEE COUNTY (NOT GUARANTEED)	$ -	$ -	$ -
A2401	INTEREST & EARNINGS	$ 1,083	$ 525	$ 400
A2440	HALL RENTAL	$ 1,500	$ 150	$ 700
A2544	DOG LICENSE	$ 1,834	$ 442	$ 2,200
A2555	BUILDING & ALTERATION PERMITS	$ 2,995	$ 2,680	$ 5,000
A2610	FINES & FORFEITED BAIL	$ 11,568	$ 2,403	$ 9,000
A2651	SALES OF REFUSE FOR RECYCLING	$ -	$ -	$ -
A2660	SALES OF REAL PROPERTY	$ 18,060	$ -	
A2680	INSURANCE RECOVERIES	$ -	$ -	$ -
A2701	REFUND OF PRIOR YEAR'S EXPENDITURES	$ -	$ -	$ -
A2750	AIM RELATED PAYMENTS	$ 18,128	$ -	$ 18,128
A2770	UNCLASSIFIED INCOME	$ 2,495	$ -	$ 500
A3005	STATE AID -MORTGAGE TAX	$ 19,026	$ -	$ 18,000
A3389	STATE AID -JUSTICE GRANT		$ -	$ -
A5031	INTERFUND TRANSFERS -CAPITAL		$ 139	$ 139

ACCOUNT	TITLE	ACTUAL 2019	ACTUAL 2020 (THRU 4/30)	ADOPTED BUDGET 2020
TOTAL REVENUES		$ 381,994	$ 141,692	$ 286,267
	APPROPRIATED FUND BALANCE			$ 88,000
A1001	AMOUNT TO BE RAISED BY TAXES	$ 98,362	$ 103,887	$ 103,887
	TOTAL REVENUES & APPROPRIATED FUND BALANCE	$ 480,356	$ 245,579	$ 478,154
	TOTAL REV. & APPROP FUND BAL. - APPROPRIATIONS	$ 37,867	$ 63,123	$ -

ACCOUNT	TITLE	ACTUAL 2019	ACTUAL 2020 (THRU 4/30)	ADOPTED BUDGET 2020
DA5110.1	GENERAL REPAIRS - PERSONAL SERVICES	$ 71,369	$ -	$ 90,000
DA5110.4	GENERAL REPAIRS - CONTRACTUAL	$ 105,047	$ 5,729	$ 130,000
DA5112.2	IMPROVEMENT - CHIPS/PAVE NY	$ 97,671	$ -	$ 96,001
DA5130.2	MACHINERY - EQUIPMENT	$ 12,418	$ 2,278	$ 25,000
DA5130.4	MACHINERY - CONTRACTUAL	$ 49,162	$ 5,657	$ 48,000
DA5130.41	MACHINERY - FISCAL AGENT FEES -CONTRACTUAL	$ 4,042	$ -	$ -
DA5142.1	SNOW REMOVAL - PERSONAL SERVICES	$ 94,325	$ 60,722	$ 101,000
DA5142.11	SNOW REMOVAL - PERSONAL SERVICES (PART-TIME)	$ -	$ -	$ -
DA5142.4	SNOW REMOVAL - CONTRACTUAL	$ 112,196	$ 24,428	$ 126,000
DA9010.8	STATE RETIREMENT SYSTEM	$ 22,966	$ 5,450	$ 29,000
DA9030.8	SOCIAL SECURITY -EMPLOYEE BENEFITS	$ 12,464	$ 5,027	$ 12,300
DA9040.8	WORKERS COMP. -EMPLOYEE BENEFITS	$ 7,143	$ 9,750	$ 9,750
DA9055.8	DISABILITY -EMPLOYEE BENEFITS	$ 325	$ 112	$ 400
DA9060.8	HOSPITAL & MEDICAL INSURANCE -EMPLOYEE BENEFITS	$ 49,115	$ 17,724	$ 62,000
DA9089.8	OTHER EMPLOYEE BENEFITS (BACK BENEFITS)	$ -	$ 4,987	$ 5,000
DA9730.6	BOND ANTICIPATION NOTES - DEBT PRINCIPAL	$ 91,800	$ 91,800	$ 91,800
DA9730.7	BOND ANTICIPATION NOTES - DEBT INTEREST	$ 6,956	$ 4,928	$ 4,929
TOTAL APPROPRIATIONS		$ 736,999	$ 238,592	$ 831,180
REVENUES				
DA1120	SALES TAX	$ 313,705	$ 146,226	$ 300,000
DA2210	REVENUE DISTRIBUTION -GENESEEE COUNTY (NOT GUARANTEED)	$ -	$ -	$ -
DA2300	SNOW REMOVAL SERVICES -OTHER GOVT	$ 118,363	$ -	$ 138,384
DA2301	MOWING SERVICES -OTHER GOVT	$ 9,936	$ -	$ 12,261
DA2401	INTEREST AND EARNINGS	$ 576	$ 135	$ 20
DA2650	SALES OF SCRAP	$ 553	$ -	$ -
DA2665	SALES OF EQUIPMENT	$ -	$ -	$ -
DA2680	INSURANCE RECOVERIES	$ 2,880	$ -	$ -
DA2701	REFUND OF PRIOR YEAR EXPENDITURES	$ 652	$ -	$ -
DA2770	UNCLASSIFIED	$ 851	$ -	$ -
DA3501	STATE AID - CHIPS/PAVE NY	$ 97,671	$ -	$ 96,001
DA5031	INTERFUND TRANSFERS	$ 40,000	$ 1,253	$ 1,253
TOTAL REVENUES		$ 585,187	$ 147,614	$ 547,919
	APPROPRIATED FUND BALANCE			$ 20,000
DA1001	AMOUNT TO BE RAISED BY TAXES	$ 265,238	$ 263,261	$ 263,261
	TOTAL REVENUES & APPROPRIATED FUND BALANCE	$ 850,425	$ 410,875	$ 831,180
	TOTAL REV. & APPROP FUND BAL. - APPROPRIATIONS	$ 113,426	$ 172,283	$ -

ACCOUNT	TITLE	ACTUAL 2019	ACTUAL 2020 (THRU 4/30)	ADOPTED BUDGET 2020	PREM BUDGET 2021
APPROPRIATIONS					
SW1 8310.4	WATER ADMIN- CONTRACT	$ 3,371	$ 3,503	$ 3,520	$ 3,520
TOTAL APPROPRIATIONS		$ 3,371	$ 3,503	$ 3,520	$ 3,520
REVENUES					
TOTAL REVENUES				$ -	$ -
	APPROPRIATED FUND BALANCE			$ 149	$ -
SW1 1001	AMOUNT TO BE RAISED BY TAXES	$ 3,414	$ 3,371	$ 3,371	$ 3,520
	TOTAL REVENUES & APPROPRIATED FUND BALANCE	$ 3,414	$ 3,371	$ 3,520	$ 3,520
	TOTAL REV. & APPROP FUND BAL. - APPROPRIATIONS	$ 43	$ (132)	$ -	$

ACCOUNT	TITLE	ACTUAL 2019	ACTUAL 2020 (THRU 4/30)	ADOPTED BUDGET 2020	PREM BUDGET 2021
EXPENDITURES					
SW2 8389.4	OTHER WATER, CONTRACTUAL	$ -	$ 2,561.00		
SW2 9710.6	SERIAL BONDS - DEBT PRINCIPAL		$ 12,000	$ 12,000	$ 13,000
SW2 9710.7	SERIAL BONDS - DEBT INTEREST	$ 10,303	$ 10,303	$ 20,449	$ 20,121
TOTAL APPROPRIATIONS		$ 10,303	$ 24,864	$ 32,449	$ 33,121
REVENUES					
SW2-2401	INTEREST & EARNINGS	$ 61	$ 30	$ -	$ -
SW2-2770	UNCLASSIFIED REVENUE	$ -	$ 663	$ 663	$ -
TOTAL REVENUES		$ 61	$ 693	$ 663	$ -
	APPROPRIATED FUND BALANCE			$ -	$ -
A1001	AMOUNT TO BE RAISED BY TAXES	$ 30,465	$ 31,786	$ 31,786	$ 33,121
	TOTAL REVENUES & APPROPRIATED FUND BALANCE	$ 30,526	$ 32,479	$ 32,449	$ 33,121
	TOTAL REV. & APPROP FUND BAL. - APPROPRIATIONS	$ 20,223	$ 7,615	$ -	$ -

ACCOUNT	TITLE	ACTUAL 2019	ACTUAL 2020 (THRU 4/30)	ADOPTED BUDGET 2020	PREM BUDGET 2021
APPROPRIATIONS					
SW3 8310.4	WATER ADMIN- CONTRACT	$ 6,932	$ -	$ 6,971	$ 6,971
TOTAL APPROPRIATIONS		$ 6,932		$ 6,971	$ 6,971
REVENUES					
TOTAL REVENUES		$ -	$ -	$ -	$ -
	APPROPRIATED FUND BALANCE	$ -		$ -	$ -
SW3 1001	AMOUNT TO BE RAISED BY TAXES	$ 6,933	$ 6,771	$ 6,971	$ 6,971
	TOTAL REVENUES & APPROPRIATED FUND BALANCE	$ 6,933	$ 6,771	$ 6,971	$ 6,971
	TOTAL REV. & APPROP FUND BAL. - APPROPRIATIONS	$ 1	$ 6,771	$ -	$ -

ACCOUNT	TITLE	ACTUAL 2019	ACTUAL 2020 (THRU 4/30)	ADOPTED BUDGET 2020	PREM BUDGET 2021
EXPENDITURES					
SW4 9710.6	SERIAL BONDS - DEBT PRINCIPAL		$ -	$ -	$ 9,000
SW4 9710.7	SERIAL BONDS - DEBT INTEREST	$ -	$ -	$ -	$ 6,750
TOTAL APPROPRIATIONS		$ -	$ -	$ -	$ 15,750
REVENUES					
SW2-2401	INTEREST & EARNINGS	$ -	$ -	$ -	$ -
TOTAL REVENUES		$ -	$ -	$ -	$ -
	APPROPRIATED FUND BALANCE			$ -	$ -
A1001	AMOUNT TO BE RAISED BY TAXES	$ -	$ -	$ -	$ 15,750
	TOTAL REVENUES & APPROPRIATED FUND BALANCE	$ -	$ -	$ -	$ 15,750
	TOTAL REV. & APPROP FUND BAL. - APPROPRIATIONS	$ -	$ -	$ -	$ -

Fund Balance - End of Year

APPENDIX B
2021 SNOW & ICE REMOVAL
&
MOWING CONTRACT
WITH GENESEE COUNTY

INTERMUNICIPAL AGREEMENT BETWEEN

GENESEE COUNTY

AND

TOWN OF BETHANY

FOR THE PROVISION OF SNOW REMOVAL AND ICE CONTROL SERVICES & ROADSIDE MOWING

Intermunicipal Agreement for Snow Removal and Ice Control Services and Roadside Mowing

THE AGREEMENT, dated _____, by and between the **COUNTY OF GENESEE**, a municipal corporation having its office and place of business in the County Building, 15 Main Street, Batavia, New York, 14020, hereinafter referred to as the **"County,"** and the **TOWN OF BETHANY**, a municipal corporation within the **County of GENESEE**, having its office and place of business at 10510 Bethany Center Road, East Bethany, New York, 14054 hereinafter referred to as the **"Town."**

W I T N E S S E T H

WHEREAS, the County owns, operates, and maintains a highway system in the towns and villages of the County; and

WHEREAS, the County Superintendent of Highways has general charge and supervision of the work of constructing, improving, repairing and maintaining all County roads; and

WHEREAS, County funds may be expended for the control and removal of snow and ice from County roads; and

WHEREAS, County funds may be expended for roadside mowing and removal of noxious weeds along County roads; and

WHEREAS, the County desires to enter into an agreement with the Town for snow removal and for salting and treating County roads for the purpose of removing the danger of ice and snow and the mowing along the sides of County roads; and

WHEREAS, the Town has appropriate snow and ice removal and mowing equipment and sufficient snow and ice control and mowing personnel to contract with the County for snow and ice control services and roadside mowing services; and

WHEREAS, the Town Board has authorized the Agreement by Resolution No. _____, adopted _____ ___, 2020.

NOW THEREFORE, in consideration of the mutual covenants, agreements, and consideration hereinafter set forth and pursuant to Sections 118-b, 135-a and 142-d of the New York State Highway Law, the parties hereto mutually agree that the Town will provide snow and ice control services and roadside mowing on the County highway system and that the County will reimburse the Town for the provision of these services under a lump sum reimbursement contract.

I. TERM OF THE AGREEMENT:

The term of this Agreement shall be for a period of one (1) year beginning January 1, 2021 and expiring on December 31, 2021.

II. SCOPE OF WORK:

This Agreement shall include all activities by the Town upon County roads and roadsides within the Town that are necessary to control snow and ice and roadside mowing, together with all necessary labor, equipment and materials. The contracted activities which will be routinely performed by all towns are listed below: (will there be any differences for any Towns)

1. Supervision of Town equipment and trucks on County Roads;
2. Supervisory patrolling of Town equipment and trucks on County Roads;
3. Preparedness for snow and ice control, snow fencing and stockpiling;
4. Plowing of snow from the roadways and shoulders, and/or the application of anti-icing or de-icing materials
5. Treatment of slippery spots, including 'black ice', and bridge decks;
6. Routine benching using plow trucks;
7. Pushing back high banks with other heavy equipment;
8. Roadside mowing along roadways, embankments, and ditches

III. SERVICES TO BE PROVIDED:

A. Snow and Ice Control Standards.

The Town shall provide the basic service elements as outlined in this Agreement and as outlined in the latest revision(s) to the New York State Department of Transportation "Highway Maintenance Guidelines Chapter 5 - for Snow and Ice Control", and as the Guidelines may be further updated/revised from time to time throughout the term of this Agreement; with the exception that the following modifications or clarifications to the Guidelines, and as amended, shall be applicable to this Agreement:

1. **Section 5.3200 Snow Control Goals**

Replace the table in subsection 5.3201 and 5.3202 with the following; *The Town shall provide for the middle half width of pavement (wheel tracks) to be bare 4 to 8 hours after the event. If suitable weather conditions allow, the Town shall provide for the full width of the pavement to be bare 12-24 hours after the event.*

2. **Section 5.4405 Guidelines for the use of Salt**

Paragraph F. Spreading speed. Delete the third paragraph and replace with the following;

Depending on the road and traffic conditions, speeds should be in the range of 15 MPH to 30 MPH.

3. **Section 5.4406 Guidelines for the use of Abrasives.**

Replace paragraph E. Spreading speed with the following;

The spreading speed should be in the range of about 15 to 30 MPH, depending on traffic and highway surface conditions.

4. **Section 5.8300 Methodology for Passive Snow Control**

Section 5.8301 General. Add the following: *Snow fence - The installation, maintenance and storage of snow fence is not considered a special activity and the County will not provide additional reimbursement. The decision to install snow fence shall be determined by the Town Highway Superintendent.*

B. Sweeping

At the end of the snow season, the Town shall be responsible to sweep County road sections where abrasive materials have accumulated on the pavement.

C. Operational Plan

In November of each year, the Town may be required to submit an operational plan (electronic submission is acceptable), which outlines the approach to meet the requirements of this Agreement. If there are no changes from the previous year, a simple statement submitted by the highway superintendent via email referencing the previous years' plans and stating "no change" is sufficient. The County and Town may modify the operational plan by mutual consent.

D. Mutual Aid

The County agrees to provide additional equipment and work force to assist the Town in unusual storms or events at no penalty or cost to the Town. The Town and County will maintain records and log books of such mutual aid so that it may be communicated with emergency managers and, if needed, disaster recovery reimbursements.

E. Roadside Mowing

The Town shall provide the basic service elements as outlined in this Agreement and as outlined in the latest revision(s) to the New York State Department of Transportation "Highway Maintenance Guidelines Chapter 3 - for Roadside and Drainage Maintenance", and as the Guidelines may be further updated/revised from time to time throughout the term of this Agreement;

IV. LEVEL OF SERVICE:

A. Snow and Ice Control.

The Genesee County plowing and salting lane mileage inventory for each road in the Town will be provided each year. The County shall update this inventory annually as of December of each year. The County shall provide a copy of this amended inventory to the Town for its review and acceptance. The values contained on the annual inventory will be used for the annual calculation for lump sum payment as outlined in this Agreement. For the purpose of this agreement, turning lanes will be accounted for as lane miles and will be converted to centerline miles at half their distance.

B. Roadside Mowing.

In general, grass height shall be maintained between 6 and 10 inches in all mowed areas and extend from the pavement edge a minimum of ten feet on the first mowing and to the right-of-way edge on the second and any additional mowing. Traffic signs shall be clearly visible at all times and sight distance areas shall be mowed to a sufficient width.

V. PAYMENT:

In consideration of the performance by the Town, the County agrees to pay to the Town amounts calculated as follows:

A. Snow and Ice Control.

The payment for Snow and Ice Control on County Roads shall be lump sum on a per centerline mile basis. The payment shall be recalculated annually using the most current equipment rates as provided by NYSDOT, supervisory rates based upon the average of the Town Highway Superintendent salaries across the County, labor rates based on the Genesee County Highway AFSCME collective bargaining agreement and the annual sodium chloride bid price as awarded by Genesee County. The calculation will assume that each Town is running at least 4 plow trucks to cover their County snow plow mileage. The annual rate will be based on and adjusted annually by the previous 3-year average number of days with at least one inch of snow cover as recorded by the National Weather Service at the Buffalo (BUF) Airport. A sample of the calculation is shown in Exhibit "A". County Highways classified as Touring Routes shall be compensated at 1.5 times the centerline mile rate established annually. For calendar year 2021, the County shall pay to the Town a lump sum payment of $6,515 per centerline mile for 21.79 miles of County Roads for a total annual payment of $141,961.85 to be paid as described in this agreement under Section VI "Method of Payment".

B. Roadside Mowing.

The payment for Roadside Mowing on County Roads shall be lump sum on a per centerline mile basis. For calendar year 2021, the County shall pay to the Town a lump sum payment of $474 per centerline mile for 21.79 miles of County Roads for a total annual payment of $10,328.46 to be paid as described in this agreement under Section VI "Method of Payment".

VI. METHOD OF PAYMENT:

A. Snow and Ice Control.

The Town shall be reimbursed for services provided in two (2) payments. The first payment shall represent 50% of the Snow & Ice Payment. The first payment shall be made in February of each year of this Agreement. The second and final payment will be made in April and represent the remaining 50% of the Snow & Ice Payment.

B. Roadside Mowing.

The Town shall be reimbursed for services provided in one (1) payment. The payment shall be made in September of each year of this Agreement.

VII. NOTICES

All notices and other communications hereunder shall be in writing and shall be delivered personally, or by guaranteed overnight delivery, or by registered or certified mail (return receipt requested), postage prepaid, to the parties at the following addresses (or at such other address for a party as shall be specified by like notice:

To County, at the following address:

Timothy Hens, P.E.
Genesee County Superintendent of Highways
153 Cedar Street
Batavia, NY 14020
Phone: (585) 344-8508

To Town, at the following address:

Barbara Czworka
Town of Bethany Highway Superintendent
10510 Bethany Center Rd
East Bethany, NY 14054
Phone: (585) 343-2908

IN WITNESS WHEREOF, the parties have hereunto executed the Agreement the date set forth above.

COUNTY OF GENESEE

By: _____

Chairperson of the Legislature

TOWN OF BETHANY

By: _____

Supervisor

STATE OF NEW YORK)
COUNTY OF GENESEE) SS:

On this _____ day of _____ , 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

STATE OF NEW YORK)
COUNTY OF GENESEE) SS:

On this _____ day of _____ , 2020, before me, the undersigned, a Notary Public in and for said State, 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

APPENDIX C

FULL EAF PART 1

DRAFT SOLAR AMMENDMENTS TO INCLUDE ACCESSORY USE

DRAFT SOLAR LAW

DRAFT ZONING SCHEDULE

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Updates to the Zoning Law of the Town of Bethany		
Project Location (describe, and attach a general location map): Town of Bethany		
Brief Description of Proposed Action (include purpose or need): The Town Board of the Town of Bethany is considering the following local law entitled, "Solar Panel Energy Conversion Installations" and "Amending the Town of Bethany's Zoning Law Relative to Solar Energy Systems to Include Accesory Use."		
Name of Applicant/Sponsor: Town of Bethany	Telephone: 585-343-1399 E-Mail: tob-supervisor@townofbethany.com	
Address: 10510 Bethany Center Road		
City/PO: East Bethany	State: New York	Zip Code: 14054
Project Contact (if not same as sponsor; give name and title/role): Carl Hyde Jr., Town Supervisor	Telephone: E-Mail:	
Address: 10510 Bethany Center Road		
City/PO: East Bethany	State: New York	Zip Code: 14054
Property Owner (if not same as sponsor): SAME AS ABOVE	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	**If Yes: Identify Agency and Approval(s) Required**	**Application Date (Actual or projected)**
a. City Counsel, Town Board, or Village Board of Trustees ☑Yes☐No	Town Board	
b. City, Town or Village Planning Board or Commission ☑Yes☐No	Town Planning Board	
c. City, Town or Village Zoning Board of Appeals ☑Yes☐No	Town Zoning Board of Appeals	
d. Other local agencies ☐Yes☐No		
e. County agencies ☑Yes☐No	County Planning Board	
f. Regional agencies ☐Yes☐No		
g. State agencies ☐Yes☐No		
h. Federal agencies ☐Yes☐No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes☑No

If Yes, identify the plan(s):

_____

_____

_____

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☐No

If Yes, identify the plan(s):

_____

_____

_____

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

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

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

C.4. Existing community services.

a. In what school district is the project site located? _____

b. What police or other public protection forces serve the project site?

c. Which fire protection and emergency medical services serve the project site?

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

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

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

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

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

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

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

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes ☐No
If Yes,
i. Total number of structures _____
ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length
iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes ☐No
If Yes,
i. Purpose of the impoundment: _____
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐Other specify:
_____
iii. If other than water, identify the type of impounded/contained liquids and their source.
_____
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐Yes ☐No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
If Yes:
i. What is the purpose of the excavation or dredging? _____
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
_____
_____
iv. Will there be onsite dewatering or processing of excavated materials? ☐Yes ☐No
If yes, describe. _____
_____
v. What is the total area to be dredged or excavated? _____acres
vi. What is the maximum area to be worked at any one time? _____ acres
vii. What would be the maximum depth of excavation or dredging? _____ feet
viii. Will the excavation require blasting? ☐Yes ☐No
ix. Summarize site reclamation goals and plan: _____
_____
_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes ☐No
If Yes:
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____
_____

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

_____

_____

_____

_____

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

If Yes, describe: _____

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

If Yes:

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

_____

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

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

_____

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

_____

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

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

If, Yes:

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

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

_____

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

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

If Yes:

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

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

_____

_____

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

If Yes:

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

- Do existing sewer lines serve the project? ☐Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

If Yes:

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

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

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

_____

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

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

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

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

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

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

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☐No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

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

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

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

If Yes:

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

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

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

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

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

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

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

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

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

If Yes:

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

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

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

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

i. During Construction:
- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:
- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

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

If yes:

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

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

Describe:

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

If yes:

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

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

Describe:

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

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

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

If Yes:

i. Product(s) to be stored

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

iii. Generally, describe the proposed storage facilities:

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

If Yes:

i. Describe proposed treatment(s):

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

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

If Yes:

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

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

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

- Construction:
- Operation:

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

- Construction:
- Operation:

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

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

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☐No

i. If Yes: explain: _____

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

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes ☐No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☐No

If Yes:

i. Has the facility been formally closed? ☐Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

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

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☐No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☐No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes ☐No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

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

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

E.2. Natural Resources On or Near Project Site

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

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

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

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

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

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

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? ☐Yes ☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

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

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes ☐No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

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

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

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

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

i. Name of aquifer: _____

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

n. Does the project site contain a designated significant natural community? ☐Yes ☐No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐Yes ☐No

If Yes:

i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☐No

If Yes:

i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☐No

If yes, give a brief description of how the proposed action may affect that use: _____

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

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☐No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☐No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☐No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☐No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

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

If Yes:

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

ii. Name: _____

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

_____

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

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Carl Hyde Jr. Date _____

Signature _____ Title Town Supervisor

PRINT FORM

TOWN OF BETHANY
LOCAL LAW NO.____ OF THE YEAR 2020
"AMENDING THE TOWN OF BETHANY ZONING LAW
RELATIVE TO SOLAR ENERGY SYSTMES TO INCLUDE ACCESSORY USE"

SECTION I. TITLE
This Local Law shall be known as "Amending the Town of Bethany's Zoning Law Relative to Solar Energy Systems to Include Accessory Use."

SECTION II. ENACTMENT
The Town Board of the Town of Bethany hereby adopts the following changes to the Town of Bethany Zoning Law as follows:

ARTICLE I

Section 106 Definitions

Add:

Energy Storage Device- A device that reserves energy for later consumption that is charged by a connected solar system. The stored electricity is consumed after sundown, during energy demand peaks, or during a power outage.

Tier I Solar Energy Systems- The intent of Tier I shall be for onsite use of electrical power produced by solar panels for residential and/or business use with minimal additional quantities being transferred to the general electrical grid.

Tier II Solar Energy Systems- The intent of Tier II shall be to generate power for the general electrical grid. Sites with an addition component of Tier I to support a residence and/or business use shall be deemed a Tier II installation.

Tier III Solar Energy Systems- The intent of Tier III shall be to generate power for the general electrical grid at large scale.

ARTICLE III

Section 305 Residential District R

A. Permitted Uses
Add:

B. Permitted Accessory Uses

1. Private Garages
2. Customary residential storage structures
3. Other customary residential structures such as private swimming pools, storage buildings, pet shelters and fireplaces.
4. Customary farm buildings for the storage of products of products or equipment located on the same parcel as the principal use.
5. Off-street parking and signs
6. Stands of non-permanent nature (movable and temporary) may be utilized for the sale of agricultural products grown principally by the operator during the harvest season under the following conditions:
a. The stand shall be set back not less than thirty (30) feet from the edge of the pavement of the highway
b. Sufficient land area shall be provided to accommodate off-street parking for nor less than three (3) vehicles on site,
c. Not more than two (2) signs may be erected for the purpose of advertising such sale. Said signs shall not exceed twelve (12) square feet from the edge of the pavement of the highway.
7. Home Occupations
8. Tier I Solar Energy Systems

DRAFT

C. Uses Requiring Special Use Permit

12. Tier II Solar Energy Systems
13. Tier III Solar Energy Systems

Section 306 Agricultural-Residential District A-R

A. Permitted Uses
Add:

B. Permitted Accessory Uses

1. Private Garages
2. Customary residential storage structures
3. Other customary residential structures such as private swimming pools, storage buildings, pet shelters and fireplaces.
4. Customary farm buildings for the storage of products of products or equipment located on the same parcel as the principal use.
5. Off-street parking and signs
6. Stands of non-permanent nature (movable and temporary) may be utilized for the sale of agricultural products grown principally by the operator during the harvest season under the following conditions:
a. The stand shall be set back not less than thirty (30) feet from the edge of the pavement of the highway
b. Sufficient land area shall be provided to accommodate off-street parking for nor less than three (3) vehicles on site,
c. Not more than two (2) signs may be erected for the purpose of advertising such sale. Said signs shall not exceed twelve (12) square feet from the edge of the pavement of the highway.
7. Animal Waste Management Systems
8. Home Occupations
9. Tier I Solar Energy Systems

C. Uses Requiring Special Use Permit

26. Tier II Solar Energy Systems
27. Tier III Solar Energy Systems

Section 307 Commercial District C

A. Permitted Uses

Add:

B. Permitted Accessory Uses

1. Private garages and storage buildings which are necessary to store any vehicles, equipment or materials on the premises and which are used in conjunction with a permitted business use.
2. Off-street parking, loading and unloading facilities, signs, fences and landscaping subject to the provisions herein.
3. Tier I Solar Energy Systems

C. Uses Requiring A Special Use Permit

12. Tier II Solar Energy Systems
13. Tier III Solar Energy Systems

Section 308 Industrial District I

DRAFT

A. Permitted Uses

Add:

B. Permitted Accessory Uses

1. Private Garages and Carports
2. Customary residential storage structures
3. Off-street parking and signs
4. Community facility buildings and uses serving the residents of the manufactured home park subject to approval of the Town board
5. Tier I Solar Energy Systems

C. Uses Requiring a Special Use Permit

8. Tier II Solar Energy Systems
9. Tier III Solar Energy Systems

SECTION III. SETBACKS

Annexed hereto is an amended list of setbacks pursuant to the Zoning Code of the Town of Bethany.

SECTION III. REPEAL

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION IV. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

DRAFT

Section 614 Solar Panel Energy Conversion Installations

A. Applicability

1. The requirements of this section shall apply to all Solar Panel Energy Conversion Installations proposed, modified, or constructed after the effective date of this local law.

2. Solar Panel Energy Conversion Installations for which a required permit has been properly issued and upon which construction has commenced prior to the effective date of this local law shall not be required to meet the requirements of this local law; provided, however, that:

   a. Any such Solar Panel Energy Conversion Installation which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this local law prior to recommencing production of energy.

   b. No modification or alteration to an existing Solar Panel Energy Conversion Installation shall be allowed without full compliance with this local law.

   c. Repairs to existing Solar Panel Energy Conversion Installation shall not be required to be brought into full compliance with this local law.

B. Definitions

1. Tier I- The intent of Tier I shall be for onsite use of electrical power produced by solar panels for residential and/or business use with minimal additional quantities being transferred to the general electrical grid

2. Tier II- The intent of Tier II shall be to generate power for the general electrical grid. Sites with an addition component of Tier I to support a residence and/or business use shall be deemed a Tier II installation.

3. Tier III- The intent of Tier II shall be to generate power for the general electrical grid at large scale.

4. Energy Storage Device- A device that reserves energy for later consumption that is charged by a connected solar system. The stored electricity is consumed after sundown, during energy demand peaks, or during a power outage.

C. Permits

1. No Solar Panel Energy Conversion Installation shall be constructed, reconstructed, modified, or operated in the Town of Bethany except in compliance with this Zoning Law.

2. No Solar Panel Energy Conversion Installations shall be constructed, reconstructed, modified, or operated in the Town of Bethany unless in conformity with these regulations and after the issuance of a special use permit pursuant to this Zoning Law.

3. Energy Storage Devices shall be prohibited in all areas of the Town of Bethany.

a. Exception

1. Energy Storage Devices shall be permissible in Tier I applications provided they are installed in compliance with the most recent version of the New York State Building Code and most current version of the National Fire Protection Association *(NFPA)* and, National Electric Code *(NEC)* even if not yet adopted by the New York State Building Code.

4. These regulations shall apply to all areas of the Town of Bethany.

5. Exemptions:

a. No special use permit or other approvals shall be required under this Zoning Law for Solar Panel Energy Conversion Installations in a Tier I application.

6. Transfer. No transfer of any Solar Panel Energy Conversion Installation or special use permit, nor sale of the entity owning such facility including the sale of more than thirty percent (30%) of the stock of such entity (not counting sale of shares on a public exchange), shall occur without prior approval of the Town Board, which approval shall be granted upon (1) receipt of proof of the ability of the successor to meet all requirements of this Zoning Law and (2) written acceptance of the transferee of the obligations of the transferor under this Zoning Law and (3) proof of decommissioning bond validity. No transfer shall eliminate the liability of and applicant or of any other party under this Zoning Law.

D. Applications- Applications for Solar Panel Energy Conversion Installations special use permit shall include:

1. Name, Address, telephone number of the applicant. If the applicant will be represented by an agent, the name, address and telephone number of the agent, as well as an original signature of the applicant authorizing the agent to represent the applicant is required.

2. Name, address, telephone number of the property owner, if the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner:

a. Confirming that the property owner is familiar with the proposed application(s); and

b. Authorizing the submission of the application.

3. Only one address per application including tax map section, block, lot number and Town taxing land valuation designation.

4. Evidence that the proposed design does not exceed the maximum acreage coverage and percent lot coverage proposed.

5. A stamped, engineered drawing of the electrical installation in sufficient detail to allow for a determination that the manner of installation conforms to the Electrical and Building code and setbacks of the Zoning Code.

a. Exemption- Tier I installations shall only require a line drawing of electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electrical and Building code.

6. Written evidence that the electric utility service provider that serves the site has been informed of the applicant's intent to install an interconnected electricity generation system, unless the applicant does not plan and so states in the application, to connect to the system to the electrical grid.

7. A visual analysis of the Solar Panel Energy Conversion Installation as installed, which may include computerized photographic simulations, demonstrating the visual impacts from nearby locations including but not limited to the adjacent road(s) or properties. The visual analysis shall also indicate the color treatment of the screening materials intended to lessen the installation's visual impact.

E. Development Standards- All Solar Panel Energy Conversion Installations shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Zoning Law that are not in conflict with the requirements contained in this section.

1. Tier I- Onsite use of the power produced by solar panels:

a. R District- Installations up to 1,500 SF of panel(s). Panels can only be located on a structure, the structure primary purpose cannot be solely of said structure to support solar panels. Panels may not exceed height limits as defined by the New York State Building code at time of installation or may not exceed 5 feet over existing structure height, whichever is less. No ground mounted panels shall be permitted in the R District.

b. AR District- Installations up to 1,500 SF of panels. Panels may be ground mounted or structure mounted. Ground mounted panels shall be limited to 15 feet above existing adjacent grade. Structure mounted panels may not exceed height limits as defined by the New York State Building code at time of installation or may not exceed 5 feet over existing structure height, whichever is less. Structure mounted panels shall not encroach into setbacks greater than structure. Ground mounted panel setbacks shall be two times that of structure setbacks.

c. C District- same as AR District

d. I District- Same as AR District

2. Tier II- Solar Power Production for the Grid up to 30 acres

a. R District- Prohibited

b. AR District- Installations up to the maximum lot area coverage as provided in other sections of the zoning code for this district. Panels may be ground mounted or structure mounted. Ground mounted panels may only be 15 feet above existing adjacent grade. Structure mounted panels may not exceed height limits as defined by the New York State Building code at time of installation or may not exceed 5 feet over existing structure height, whichever is less. Structure mounted panels shall not encroach into setbacks

greater than structure. Ground mounted panel installations setbacks shall be two times that of structure setbacks in the specific District zoning classification.

1. Panel installations shall be prohibited in classifications "prime site"*(construction lot)* , "A tillable" farmland, "woods" and "wetlands" as identified in Town of Bethany tax records as dated May 1, 2020.

2. Panel installations shall be restricted to 50% of lot coverage area in classifications "undeveloped" *(construction lot)*, "B tillable" farmland as identified in Town of Bethany tax records as dated May 1, 2020.

3. Panel installations shall be allowed in classifications "C tillable" farmland, "pasture" and "waste" lands as identified in Town of Bethany tax records as dated May 1, 2020.

4. Lots shall not be divided for the purpose of panel installations. Lots separated shall be prohibited from Tier II panel installations for 7 years from date of last separation.

5. Panel installation shall be provided with buffers restricting views from adjacent Town roads.

6. Panel installations shall be provided with buffers restricting views from adjacent properties. Views shall be taken from first story elevations.

c. C District- same as AR District

d. I District- Same as AR District

3. Tier III- Utility Scale Solar Panel Installations

a. R District- Prohibited

b. AR District- We will allow up to the maximum lot area coverage as provided in other sections of the zoning code for this district. Panels may be ground mounted or structure mounted. Ground mounted panels may only be 15 feet above existing adjacent grade. Structure mounted panels may not exceed height limits as defined by the New York State Building code at time of installation or may not exceed 5 feet over existing structure height, whichever is less. Structure mounted panels shall not encroach into setbacks greater than structure. Ground mounted panel installations setbacks shall be two times that of structure setbacks in the specific District zoning classification

1. Panel installations shall be prohibited in classifications "prime site"*(construction lot)* , "A tillable" farmland, "woods" and "wetlands" as identified in Town of Bethany tax records as dated May 1, 2020.

2. Panel installations shall be restricted to 50% of lot coverage area in classifications "undeveloped" *(construction lot)*, "B tillable" farmland as identified in Town of Bethany tax records as dated May 1, 2020.

3. Panel installations shall be allowed in classifications "C tillable" farmland, "pasture" and "waste" lands as identified in Town of Bethany tax records as dated May 1, 2020.

4. Lots shall not be divided for the purpose of panel installations. Lots separated shall be prohibited from tier II panel installations for 7 years from date of separation.

5. Panel installation shall be provided with buffers restricting view from adjacent Town roads.

6. Panel installations shall be provided with buffers restricting view from adjacent properties. View shall be taken from first story elevations.

c. C District- same as AR District

d. I District- Same as AR District

F. Abandonment of Use- A Solar Panel Energy Conversion Installation which is not used for twelve (12) successive months shall be deemed abandoned and shall be repaired or dismantled and removed from the property within twelve (12) additional months at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any special use permit shall constitute grounds for the revocation of the permit by the Town of Bethany Town Board.

1. In the event the applicant fails to dismantle the Solar Panel Energy Conversion Installation, remove and restore the property to the condition prior to the installation and the Town commences legal action to enforce the above paragraph, the applicant shall reimburse the Town for its reasonable attorney's fees and court costs and engineering costs and construction/ demolition costs.

2. If all reasonable attorney's fees and court costs are not paid by the applicant, the same may be added to the tax bill for property special assessment jurisdiction.

G. Maintenance and/ or Performance Bond

1. Prior to the approval of any application, the Town Board, at its sole discretion, may require the applicant and/or owner to post and file with the Town Clerk a maintenance and/or performance bond or other form of security acceptable to the Town Attorney, in an amount sufficient to cover the installation, maintenance and/or construction of said Solar Panel Energy Conversion Installation during the lifetime and provide for its removal and restoration of the site to the pre-solar installation condition.

2. The amount required shall be determined in the sole discretion of the Town Board, in consultation with the Town's Engineer, based on the unique characteristics of the Solar Panel Energy Conversion Installation and the site location.

3. In furtherance of the forgoing, the applicant and/or owner shall cooperate with the Town Board in supplying all necessary construction and maintenance data to the Town Board prior to approval of any application to accomplish the foregoing.

H. All Solar Panel Energy Conversion Installations shall be maintained in good condition and in accordance with all requirements of this section.

I. Variance- The Zoning Board of Appeals, in accordance with its normal procedures, may grant variances for Solar Panel Energy Conversion Installations, but in no event shall the Zoning Board of Appeals grant variance allowing a larger Solar Panel Energy Conversion Installation than permitted by this section.

1. If a court competent jurisdiction (1) orders the Zoning Board of Appeals to consider a use variance for any Solar Panel Energy Conversion Installation, and such use variance is granted, (2) the prohibition on any Solar Panel Energy Conversion Installation, other than a Tier I Solar Panel Energy Conversion Installation, is invalidated, no such Solar Panel Energy Conversion Installation shall be allowed, except upon issuance of a special use permit issued by the Town Board after a public hearing, which permit shall require a Decommissioning Plan and Removal and Restoration Bond, Host Agreement and shall comply with the setbacks listed in the applicable Tier designation of this section.

J. Fees

1. Non-refundable application fees shall be as follows:

   a. Tier I application fee of fifty ($50) dollars.

   b. Tier II application fee of three hundred fifty ($350) dollars plus one ($1) dollar per one thousand ($1,000) dollars construction and installation cost.

   c. Tier III application fee of three hundred fifty ($350) dollars plus one ($1) dollar per one thousand ($1,000) dollars construction and installation cost.

   d. The Fees established in this section may be changed by Town Board resolution, adopted after a duly-noticed public hearing.

2. All legal and engineering expenses incurred by the Town for its out-of-pocket expenses in reviewing and processing and application, shall be paid for by the applicant, The Town may, in its discretion, require an escrow account to be set up to ensure payment of these costs. Anticipated costs shall be determined in a good faith effort by the Town Board, Town Engineer and Town Building Department.

K. Enforcement: Penalties and Remedies for Violations

1. The Town Board shall appoint such Town staff or outside consultants as it sees fit to enforce this section.

2. Any person owning, controlling or managing any building, structure or land who shall undertake a Solar Panel Energy Conversion Installation in violation of this section or in noncompliance with the terms and conditions of any permit issued pursuant to this section or any order of the enforcement officer, and any person who shall assist in so doing, shall be guilty of an offense and subject to a fine of not more than four hundred dollars ($400) or imprisonment for a period of not more than six (6) months, or subject to both such fine and imprisonment. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amount of four hundred ($400) dollars for each violation and each week said violation continues shall be deemed a separate violation.

3. In case of any violation or threatened violation of any of the provisions of this local law. Including the terms and conditions imposed by any permit issued pursuant to this local law, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful installation, structural alteration, reconstruction, moving and/or use, and to restrain, correct or abate such violation, to prevent legal action.

4. The penalties established by this section may be changed by the Town Board by resolution adopted after a duly-noticed public hearing.

ZONING SCHEDULE A

DISTRICT	*Permitted Uses* *Permitted- Special Use Permit Only SITE PLAN ☒ OR ☐	MINIMUM LOT SIZE AREA S.F./ACRE	MINIMUM LOT WIDTH FEET	MINIMUM LOT DEPTH FEET	MINIMUM SETBACK REQUIREMENTS						MAXIMUM BUILDING HEIGHT PRINCIPAL BLDG. FEET	MAXIMUM BUIDLING COVERAGE ON LOT PERCENTAGE
					PRINCIPAL BUILDING SIDE				ACCESSORY BUILDING			
					FRONT	REAR	ONE	BOTH	REAR	SIDE		
RESIDENTIAL (R)	*One (1) & Two (2) Family Dwellings*☐	30,000	150	150	200	200	25	50			35	35
R	*Churches & Other Places of Worship*☐											
R	*Schools, public parks, playgrounds, libraries, municipal buildings and water systems and similar public uses*☐											
R	*Home Occupations*☐											
R	*Farms and all usual agricultural operations (NOT STABLING OF FARM ANIMALS)* ☐											
R	*Tier II Solar Energy Systems☐											
R	*Tier III Solar Energy Systems											
R	*Multi-family Dwellings☐											
R	*Temporary Mobile Homes☐											
R	*Professional Offices☐											
R	*Community Center☐											
R	*Nursing Home☐											
R	*Commercial greenhouse☐											

ZONING SCHEDULE A

DISTRICT	*Permitted Uses* *Permitted- Special Use Permit Only SITE PLAN ☒ OR ☐	MINIMUM LOT SIZE AREA S.F./ACRE	MINIMUM LOT WIDTH FEET	MINIMUM LOT DEPTH FEET	MINIMUM SETBACK REQUIREMENTS						MAXIMUM BUILDING HEIGHT PRINCIPAL BLDG. FEET	MAXIMUM BUIDLING COVERAGE ON LOT PERCENTAGE
					PRINCIPAL BUILDING SIDE				ACCESSORY BUILDING			
					FRONT	REAR	ONE	BOTH	REAR	SIDE		
R	*Child Day Care Center☐											
R	*Adult Day Care Center☐											
R	*Bed & Breakfast☐											
R	*Small WECS☐										150	
AGRICULTURAL-RESIDENTAL (A-R)	*Farms and all usual agricultural operations*☐											
A-R	*One (1) & Two (2) Family Dwellings*☐	80,000	200	200	75	35	25	50			35	25
A-R	*Schools, public parks, playgrounds, libraries, municipal buildings and water systems and similar public uses*☐											
A-R	*Home Occupations*☐											
A-R	*Single Mobile Homes*☐											
A-R	*Small WECS*☐										150	
A-R	*Animal Waste Storage Facility*☐											
A-R	*Stabling of Farm Animals*☐	100										
A-R	*Farm*☐											
A-R	*Tier II Solar Energy Systems☐											
A-R	*Tier III Solar Energy Systems☐											

ZONING SCHEDULE A

DISTRICT	*Permitted Uses* *Permitted- Special Use Permit Only SITE PLAN ☒ OR ☐	MINIMUM LOT SIZE AREA S.F./ACRE	MINIMUM LOT WIDTH FEET	MINIMUM LOT DEPTH FEET	MINIMUM SETBACK REQUIREMENTS						MAXIMUM BUILDING HEIGHT PRINCIPAL BLDG. FEET	MAXIMUM BUIDLING COVERAGE ON LOT PERCENTAGE
					PRINCIPAL BUILDING SIDE				ACCESSORY BUILDING			
					FRONT	REAR	ONE	BOTH	REAR	SIDE		
A-R	*Multi-family Dwellings☐											
A-R	*Small WECS☐										150	
A-R	*Animal Waste Storage Facility☐											
A-R	*Stabling of Farm Animals☐	100										
A-R	*Farm☐											
A-R	*Multi-family Dwellings☐											
A-R	*Small WECS☐										150	
A-R	*Outdoor Recreation Facility☐											
A-R	*Indoor Recreation Facility☐											
A-R	*Club☐											
A-R	*Airport Landing Strip☐											
A-R	*Dog Kennel☐											
A-R	*Motor Vehicle Repair Shop☐											
A-R	*Community Center☐											
A-R	*Animal Hospital☐											
A-R	*Mobile Home Park☐	5 Acres			60						25	
A-R	*Junkyard☐											
A-R	*Nursing Home☐											

ZONING SCHEDULE A

DISTRICT	*Permitted Uses* *Permitted- Special Use Permit Only SITE PLAN ☒ OR ☐	MINIMUM LOT SIZE AREA S.F./ACRE	MINIMUM LOT WIDTH FEET	MINIMUM LOT DEPTH FEET	MINIMUM SETBACK REQUIREMENTS						MAXIMUM BUILDING HEIGHT PRINCIPAL BLDG. FEET	MAXIMUM BUIDLING COVERAGE ON LOT PERCENTAGE
					PRINCIPAL BUILDING SIDE				ACCESSORY BUILDING			
					FRONT	REAR	ONE	BOTH	REAR	SIDE		
A-R	*Public Utility☐											
A-R	*Recreational Vehicle Park☐	2,500	30	30				25				
A-R	*Professional Offices☐											
A-R	*Child Day Care Center☐											
A-R	*Self-Service Storage Facility☐											
A-R	*Pond☐	100	100									
A-R	*Commercial Communication Tower☐											
A-R	*Adult Day Care☐											
A-R	*Bed & Breakfast☐											
A-R	*Animal Shelter☐											
A-R	*Agricultural Based Business☐											
COMMERCIAL (C)	*Retail Uses & Services*☐											
C	*Restaurant*☐											
C	*Motel*☐											
C	*Commercial Greenhouse*☐											
C	*Professional Offices*☐											
C	*Signs*☐											
C	*Tier II Solar Energy Systems☐											
C	*Tier III Solar Energy Systems☐											
C	*Drive-in Business											

ZONING SCHEDULE A

DISTRICT	*Permitted Uses* *Permitted- Special Use Permit Only SITE PLAN ☒ OR ☐	MINIMUM LOT SIZE AREA S.F./ACRE	MINIMUM LOT WIDTH FEET	MINIMUM LOT DEPTH FEET	MINIMUM SETBACK REQUIREMENTS						MAXIMUM BUILDING HEIGHT PRINCIPAL BLDG. FEET	MAXIMUM BUIDLING COVERAGE ON LOT PERCENTAGE
					PRINCIPAL BUILDING SIDE				ACCESSORY BUILDING			
					FRONT	REAR	ONE	BOTH	REAR	SIDE		
C	*Motor Vehicle Repair Shop☐											
C	*Gasoline Station☐											
C	*Gasoline Station-Market☐											
C	*Indoor Recreation Facility☐											
C	*Light Industry Limited to Assembly Operations & Warehousing☐											
C	*Motor Vehicle Sales☐											
C	*Recreational Vehicle & Mobile Home Sales & Service☐											
C	*Child Day Care Center☐											
C	*Adult Business☐											
C	*Commercial Communication Tower☐											
C	*Small WECS☐										150	
INDUSTRIAL (I)	*Manufacturing Industries*☐											
I	*Warehouse or Wholesale Use*☐											
I	*Public Utility*☐											
I	*Machinery and Transportation Equipment, Sales, Service and Repair*☐											

ZONING SCHEDULE A

DISTRICT	*Permitted Uses* *Permitted- Special Use Permit Only SITE PLAN ☒ OR ☐	MINIMUM LOT SIZE AREA S.F./ACRE	MINIMUM LOT WIDTH FEET	MINIMUM LOT DEPTH FEET	MINIMUM SETBACK REQUIREMENTS						MAXIMUM BUILDING HEIGHT PRINCIPAL BLDG. FEET	MAXIMUM BUIDLING COVERAGE ON LOT PERCENTAGE
					PRINCIPAL BUILDING SIDE				ACCESSORY BUILDING			
					FRONT	REAR	ONE	BOTH	REAR	SIDE		
I	*Freight and/or trucking terminal*☐											
I	*Contractor's Yard*☐											
I	*Motor Vehicle Repair Shop*☐											
I	*Signs*☐											
I	*Junkyards☐											
I	*Adult Business☐											
I	*Municipal Solid Waste Processing Facility☐											
I	*Commercial Communication Tower☐											
I	*Indoor Recreation Facility☐											
I	*Outdoor Recreation Facility☐											
I	*Small WECS☐										150	
I	*Tier II Solar Energy Systems☐											
I	*Tier III Solar Energy Systems☐											

ZONING SCHEDULE A

NOTES:

Temporary Mobile Homes- Article IV Section 401(B)

Mobile Home Park- Article IV Section 402

Recreational Vehicle Park- Article V Section 502

Home Occupations- Article VI Section 601(A3)

Multiple Family Dwelling- Article VI Section 601 (A2)

Motel- Article VI Section 601(B)

Professional Offices- Article VI Section 601(D)

Restaurants- Article VI Section 601(D)

Warehouse or Wholesale Use- Article VI Section 601(G)

Gasoline Station, Gasoline Station/Market, Motor Vehicle Repair Shop, Drive-in Business- Article VI Section 605

Signs- Article VI Section 607

Animal Waste Storage Facilities- Article VI Section 608

Junkyard- Article VI Section 609

Adult Businesses- Article VI Section 610

Municipal Solid Waste Processing Facility- Article VI Section 611

Commercial Communication Towers- Article VI Section 612

Small Wind Energy Conversion System ("Small WECS") - Article VI Section 613

APPENDIX D

SHARED SERVICES AGREEMENT
BETWEEN
NYSDOT
&
TOWN OF BETHANY

SHARED SERVICES AGREEMENT
Between
NYSDOT and Town of Bethany

THIS AGREEMENT, dated September 14, 2020, is between the People of the State of New York, hereinafter referred to as "State" or "NYSDOT" and the Town of Bethany, hereinafter referred to as "Municipality." Pursuant to Section 99-r of the General Municipal Law, the State and the Municipality wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties' resources. Shared Services shall mean any service provided by one party (Provider) to another party (Recipient). The State and the Municipality agree to share services as follows:

1. Description and Cost of Services, Materials or Equipment to be shared: Provide details of the services, materials or equipment to be shared in the attached standard Schedule A. The total amount of the agreement shall not exceed twenty-five thousand dollars ($25,000.00). If applicable, indicate that the return exchange will be determined at a later date.

2. The Provider's employees shall remain under full supervision and control of the Provider. The parties shall remain fully responsible for their own employees for all matters, including but not limited to, salary, insurance, benefits and Workers Compensation.

3. If the borrowed machinery or equipment is damaged or otherwise needs repair arising out of or in connection with the Recipient's use, the Recipient shall be responsible for such repairs.

4. The Municipality agrees to defend and indemnify the State for any and all claims arising out of the Municipality's acts or omissions under this Agreement. The term of this Agreement shall be for two (2) ☒ or four (4) ☐ years from 09/14/2020 to 09/14/2022. The parties will endeavor to provide no less than thirty (30) days' notice of its intent to extend the Agreement. Either party may revoke this Agreement by providing sixty (60) days written notice of such revocation. Upon revocation, any outstanding obligations of the parties must be satisfied within thirty (30) days of the date of such revocation.

NYSDOT – Region __
By:_____Date:_____
Resident Engineer – _____ County

MUNICIPALITY
By: _____Date:_____
Barbara Czworka, Highway Superintendant

NYSDOT – Region __
By:_____ Date:_____
Regional Director of Operations

SCHEDULE A

NYSDOT

Description of services, materials, or equipment (Check All that apply) to be shared:

Estimated Cost/Value of Service Equipment Materials (Check All that apply):

Total NYSDOT Cost/Value: _____

MUNICIPALITY

Description of services, materials, or equipment (Check All that apply) to be shared:

Estimated Cost/Value of Service Equipment Materials (Check All that apply):

Total MUNICIPALITY Cost/Value: _____