

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)

Final Scoping Document

For a Draft Environmental Impact Statement (DEIS)

EDEN - ARTMEIER PV
Town of Eden, Erie County, NY

June 25, 2020

SEQR CLASSIFICATION: Type 1

LEAD AGENCY: Town of Eden Planning Board
Attn: William Mahoney, Chairman
2795 East Church Street
Eden, NY 14057

LIST OF INVOLVED AGENCIES

- Town of Eden Planning Board
- Town of Eden Town Board
- Town of Eden Building Department
- Erie County Department of Environment and Planning
- New York State Department Energy Research and Development Authority
- New York State Department of Transportation

INTRODUCTION

This Scoping Document is drafted for consideration by the Town of Eden Planning Board, Lead Agency for the SEQR review of the proposed Eden — Artmeier PV project. This document is intended to serve as the foundation for the identification of all potentially significant adverse environmental impacts that are pertinent to the proposed action. Furthermore, it is intended to identify the extent and quality of information needed to address significant impacts, appropriate mitigation measures, and reasonable alternatives to be considered, and to eliminate consideration of any impacts that may be irrelevant or non-significant.

DESCRIPTION OF THE PROPOSED ACTION

The applicant, Nexamp Solar, LLC, proposes the installation of 5.16 Megawatts (DC) of solar energy (photovoltaic) equipment on approximately 21 acres of land on parcel 209.00-3-6 (84.34 acre) in the Town of Eden, NY. The subject property is located east of New York State Route 75 (Sisson Highway), south of County Route 472 (Eckhardt Road), and north of County Route 174 (North Boston Road). It has frontage on Sisson Highway and Eckhardt Road. The project is defined by the Town of Eden, NY Zoning Law Chapter 172 as a "Utility Scale Solar Energy System." As a community solar project, one of the key benefits and chief purpose of this project is to provide electricity to local farms, businesses, and homes at a guaranteed discount.

GENERAL SCOPING CONSIDERATIONS

The applicant will prepare a site-specific, project-specific Draft Environmental Impact Statement (DEIS) addressing all items identified in this Scoping Document.

The applicant will follow the SEQRA regulations (6 NYCRR 617) for direction on the required content of a DEIS. The DEIS will assemble relevant and material facts and evaluate reasonable alternatives. It will be clearly and concisely written in plain language that can be easily read and understood by the public. Highly technical material will be summarized and, if it must be included in its entirety, it will be referenced in the DEIS and included as an appendix.

The DEIS will be written in the third person. Narrative discussions will be accompanied to the greatest extent possible by illustrative tables or graphics. All graphics will clearly identify the project area. The DEIS will group each issue identified into a specific section describing existing setting, impacts, and mitigation to permit more efficient review. Opinions of the applicant that are unsupported by evidence will be identified as such.

Project drawings will accompany the DEIS as an attachment and reduced copies of pertinent plan sheets will be included in the text of the DEIS where appropriate. The DEIS shall contain, as appropriate and as attachments, plans, reports, and studies meeting prevailing Federal, State and Town criteria with respect to all disciplines of study as well as applicable Town Zoning Law, Comprehensive Plan, and Agricultural and Farmland Protection Plan criteria.

The full DEIS shall be made available to the lead agency in both hard copy and electronic .pdf formats.

CONTENTS OF THE DEIS

Cover Sheet listing title of project, location, identification as a DEIS, Lead Agency, applicant, preparer, and relevant dates (i.e. date of document preparation and spaces for dates of DEIS acceptance, public hearing, final date for acceptance of comments). A list of preparers will include the firm name, contact name, address, and phone number for all consultants who helped prepare the document. The Lead Agency and applicant will be identified with a contact name and a phone number.

Table of Contents including listings of primary DEIS sections and subsections, tables, figures, drawings, and any items that may be submitted under separate cover (and identified as such), with page numbers listed for each.

1.0 EXECUTIVE SUMMARY

The Executive Summary will include a brief description of the proposed action and a listing of all potential environmental impacts and proposed mitigation measures. A summary will be provided of the approvals and permits required, and of the alternatives to the proposed action that are evaluated in the DEIS. The Executive Summary will only include information that is found elsewhere in the main body of the DEIS.

2.0 DESCRIPTION OF THE PROPOSED ACTION

This chapter of the DEIS will describe the project site and its location within the region, the proposed project, the public need and objectives of the project sponsor, and list required approvals, reviews, and permits.

2.1 Site Location and Description

- 2.1.1 A written and graphic description of the location of the project site in the context of the County of Erie, the Town of Eden, including tax map numbers and list of abutting properties tax map numbers. The site shall be described relative to surrounding land uses, main transportation corridors, streams, water bodies, wetlands and other prominent natural and man-made features on and in the immediate vicinity of the project site.
- 2.1.2 A brief description of the environmental setting of the site, and the natural resources identified thereon and in the adjoining areas. This description shall include current uses of the site.
- 2.1.3 Identification of any easements, rights-of-way, restrictions, special district boundaries or other legal devices affecting the subject properties' development potential.
- 2.1.4 Description of the existing infrastructure serving the project site and/or its immediate environs, including existing site access as well as electrical utility.

2.2 Description of the Proposed Action

- 2.2.1 Written and detailed description of the proposed action, including the proposed use, design, layout, and anticipated construction schedule.
- 2.2.2 Identify zoning and describe existing land uses for the project site and adjoining properties.
- 2.2.3 Discuss compliance with Town of Eden Zoning standards. The DEIS will indicate the extent to which any modifications or waivers of such standards and other criteria, any variances from such regulations, or any zone text changes that would be required to carry out the project as proposed and an evaluation of why such deviation is needed and would be appropriate.

2.3 Project Purpose and Need

- 2.3.1 Discuss the purpose or objective of the project sponsor.
- 2.3.2 Identify the public need for the proposed action, including consideration of consistency with adopted policies and/or plans as set forth within adopted local and regional land use and community development plans, specifically the Town of Eden Comprehensive Plan and Agricultural and Farmland Protection Plan.

2.4 Approvals, Reviews and Permits

- 2.4.1 List and describe all required approvals, reviews, and permits required, by agency, to implement the proposed action together with the status of each application.
- 2.4.2 List all Involved and Interested Agencies for DEIS distribution.

3.0 ENVIRONMENTAL SETTING, IMPACTS, MITIGATION

This section of the DEIS will identify the existing environmental setting, potential impacts of the action, and proposed mitigation measures as appropriate for each of the major issues identified in this Scoping Document. Sufficient detail shall be provided such that reviewers are able to gain an understanding of current conditions and impacts and special effort shall be made to explain technical information in plain language. Supporting tables, maps (per Erie County, New York GIS unless otherwise noted), current project plans, etc. shall be utilized to supplement discussions where appropriate.

Proposed and potential mitigation measures for identified adverse environmental impacts shall indicate which mitigation measures have been incorporated into the plans as well as those which have not, and the reasons therefore. Proposed mitigation measures need to clearly define measurable milestones and provide for long term management and repercussions if not maintained.

The format or organization of this section will include the following subsection headings for each topic or impact issue to provide a meaningful presentation of the environmental issues that allows the reader to focus on individual impact issues:

- Existing Conditions
- Potential Impacts
- Mitigation Measures

3.1 Agricultural Resources

3.1.1 Existing Conditions

3.1.1.1 Soils

- Discuss site soils mapped in accordance with the United States Department of Agriculture (USDA) Web Soil Survey / Soil and Water Conservation District Soil Survey for Erie County, New York and physically examined during previous on-site test pits. Evaluation of site soils will include the following:
 - Identification of soil groups, including productive farmland soil groups 1 through 4 of the New York State Department of Agriculture and Markets (NYSDAM) NYS Land Classification System.
 - Soil characteristics relating to depth to bedrock, depth to water table, drainage characteristics, suitability for farming, and slope.

3.1.1.2 Agricultural Land Access

- Discuss access to agricultural land.

3.1.1.3 Agricultural Designation

- Discuss current agricultural districts, programs and / or other initiatives the property is currently enrolled in.

- Discuss what the past tax bases and tax classifications are for this property and its associated annual contributions to the tax role.
- Describe the current land management system utilized on this property.
- Discuss historical direct or indirect development potential and pressure on farmland.
- Describe the irreversible conversion of agricultural land to non-agricultural uses, more than 2.5 acres in agricultural district #8.

3.1.2 Potential Impacts

3.1.2.1 Soils

- Describe possibility of loss of productive topsoil, disturbance of natural soil strata, and/or soil compaction.

3.1.2.2 Agricultural Land Access

- Describe how the excavation or compaction of the soil profile of agricultural land will not be impacted during construction, during the life of the solar array and during the decommissioning process.
- Describe possibility of limitation of access to / management of agricultural land and / or irreversible conversion of agricultural land to non-agricultural use.

3.1.2.3 Agricultural Designation

- Discuss current agricultural districts, programs and / or other initiatives the property is currently enrolled in and how the removal of this property or portion of the property will affect the programs.
- Discuss what the past tax bases and tax classifications are for this property and its associated annual contributions to the tax role.
- Discuss what impact this change will have to the current land management system utilized.
- Discuss what impacts this will have on development potential and pressure on farmland within the town of Eden. Include an analysis as if the project moves forward and one as if the project does not move forward.
- Discuss the Irreversibly conversion of agricultural land to non-agricultural uses, more than 2.5 acres in agricultural district #8 and its associated impacts to this property and potential to other surrounding properties.
- Discuss how the project will be decommissioned and what impacts will occur due to the commissioning process as well as long term impacts to the site due to the existence of the solar project on the site for the number of years proposed. Identify the number of years proposed and the duration of the decommissioning process.
- Describe what impacts will occur on the site if the project is not decommissioned in the time frame proposed.

- Describe the possibility of extending a working solar array past the time stated and the potential impacts.
- Discuss the potential environmental impacts of solar equipment.

3.1.3 Mitigation Measures

3.1.3.1 Soils

- Discuss design intent for limiting earthwork to the greatest extent possible.
- Discuss soil erosion and sediment control plan to be implemented during construction.
- Discuss other construction and post-construction methods and best management practices in accordance with New York State Department of Agriculture and Markets (NYSDAM) Solar Guidelines to be employed to retain productive topsoil, maintain soil horizons, prevent compaction, and / or provide decompaction of affected areas.
- Discuss how the excavation or compaction of the soil profile of active agricultural ground will not be impacted during construction, during the life of the solar array and during the decommissioning process.

3.1.3.2 Agricultural Land Access

- Discuss design intent to allow agricultural access through shared use of a portion of the access drive as well as agricultural access / management around all sides of the project area.
- Discuss other construction and post-construction methods, best management practices, and decommissioning practices in accordance with New York State Department of Agriculture and Markets (NYSDAM) Solar Guidelines to be employed to ensure that the project area can be returned to future agricultural use.

3.1.3.3 Agricultural Designation

- Discuss current agricultural districts, programs and / or other initiatives the property is currently enrolled in and how the removal of this property or portion of the property will affect the programs and how this will be mitigated.
- Describe how this project as part of mitigation measures will benefit various farming activities and programs.
- Discuss what the past tax basis and tax classifications are for this property and its associated annual contributions to the tax role and how this will be mitigated and improved.
- Describe how the PILOT program will be used as a potential mitigation measure.
 - Specifically describe how the PILOT Programs will impact the county, school district and the town of Eden.
- Discuss what impact this change will have to the current land management system utilized and how this will be mitigated.
- Discuss what impacts this will have on development potential and pressure on farmland within the town of Eden. Provide mitigation measures as if the project moves forward.

- Provide mitigation measures that this project will provide to the town to manage additional pressures on the conservation of farm land to developments possible assisting with the updating codes / regulations to ensure consistency with the latest comprehensive plan.
- Provide mitigation measures to minimize the impacts of the irreversible conversion of agricultural land to non-agricultural uses, more than 2.5 acres in agricultural district #8 and its associated impacts to this property and potential to other surrounding properties.

3.1.3.4 Provide Mitigation Measures During Decommissioning

- Identify the number of years proposed for the solar array system to be in place and when the decommissioning phase would start. Identify the duration of the decommissioning process and the length of time to convert the site back to productive farmland.
- What mitigation measures will be used to offset the long-term impacts to the site due to the existence of the solar project on the site for the number of years proposed.
- Provide mitigation measures that provide assurances that the site will be returned to farmland after the number of years proposed.
- Provide mitigation measures that would be implemented if the project is not decommissioned in the time frame proposed.
- Provide mitigation measures to ensure there isn't a possibility of extending a working solar array past the time stated.
- Describe how the potential environmental impacts of solar equipment will be mitigated.
- Describe how the local residents and farmers will be assured low cost power for the future and how this will be used to mitigate other impacts.
- Describe what support will be provided and how your involvement in the towns Farming Education Program will help mitigate the impacts of the project.
- Provide mitigation measures that would protect other farmland.
- Discuss other options.

3.2 Aesthetic Resources

3.2.1 Existing Conditions

3.2.1.1 Visibility/View

- Discuss site visibility and views from adjacent properties, Sisson Highway, Eckhardt Road, and North Boston Road. Identify frequent viewers and the circumstances under which they view the site.

3.2.1.2 Similar Uses

- Discuss any uses similar in appearance within 1 mile of the site.

- Discuss the diminishment of the public enjoyment and appreciation of the designated aesthetic resources.

3.2.2 Potential Impacts

3.2.2.1 Visibility/View

- Describe possibility of project visibility and / or of obstruction, elimination, or significant screening of scenic views from adjacent properties, Sisson Highway, Eckhardt Road, and North Boston Road. Consider seasonal variability.

3.2.2.2 Similar Uses

- Describe possibility and extent of project appearance contrast from uses within 1 mile of the site.
- Describe the diminishment of the public enjoyment and appreciation of the designated aesthetic resources.

3.2.3 Mitigation Measures

3.2.3.1 Visibility/View

- Discuss design intent for evergreen screening, removal of battery energy storage systems, and remote pad-mounted interconnection equipment to limit project visibility from adjacent residents and travelers along Sisson Highway and Eckhardt Road.

3.2.3.2 Similar Uses

- Discuss design intent for evergreen screening, removal of battery energy storage systems, and remote pad-mounted interconnection equipment to minimize project appearance contrast from uses within 1 mile of the site.
- Describe mitigation measures that will minimize the impacts associated with the diminishment of the public enjoyment and appreciation of the designated aesthetic resources.
- Provide mitigation measures that preserve other view sheds.
- Discuss other options.

3.3 **Community Plans**

3.3.1 Existing Conditions

3.3.1.1 Plans

- Discuss the vision, goals, recommendations, and land use concept maps of local land use plans as related to the site, including:
 - Town of Eden Agricultural and Farmland Protection Plan — August 12, 2009
 - Erie County Agricultural and Farmland Protection Plan — February 20, 2013
 - Town of Eden Comprehensive Plan Update — April 11, 2018
 - Erie-Niagara Framework for Regional Growth

- Town of Eden Right to Farm Law Code Chapter 106

3.3.1.2 Zoning

- Discuss the vision, goals, and regulations of local zoning law as related to the site:
 - Town of Eden Zoning Chapter 172: Solar Energy Systems — July 12, 2017
 - Local land use plans or zoning regulations.
- Describe the existing infrastructure of the local utility that this site will tie into to transmit the power generated and its proximity to the site. Describe the capacity of the existing utility as it is today.

3.3.2 Potential Impacts

3.3.2.1 Plans

- Describe possibility and extent of project land use contrast from surrounding agricultural and rural open space land use area per the above identified land use plans.
- Describe possibility and extent of project inconsistency with and / or prevention of attaining vision and goals of the above identified land use plans and all other plans identified above to preserve agriculture and rural open spaces.

3.3.2.2 Zoning

- Describe possibility and extent of project use contrast from site zoning district per the above identified zoning law. Indicate if use variance is needed.
- Describe possibility and extent of project inconsistency with zoning area regulations, including MS4 Overlay District for regulated municipal separate storm sewer system. Indicate if area variance is needed.
- Describe any inconsistencies between the county growth plan, local land use, comprehensive plan, town of Eden farm protection, and County farm protection plans identified above.
- Describe any inconsistencies between the current zoning regulations and the county growth plan, local land use, comprehensive plan, town of Eden farm protection, and County farm protection plans identified above.
- Describe how this project fits with or differs from the zoning regulations, county growth plan, local land use, comprehensive plan, town of Eden farm protection, and County farm protection plans identified above. List all impacts per plan and regulation.
- Discuss how the proposed land use components are different from or in sharp contrast to current surrounding land use patterns.
- Discuss how the existing public infrastructure and utilities will support this development.

°Include information on locations of the existing infrastructure, its capacity and associated network and its proximity to this site.

°Discuss what potential other developments the infrastructure will support.

◦ Describe what upgrades are required and associated costs to support additional developments similar in size and scope to this project.

- Discuss how this project could induce secondary development impacts either commercial, residential, or additional solar projects and how it could potentially impact the surrounding areas.

3.3.3 Mitigation Measures

3.3.3.1 Plans

- Discuss design modifications to reduce project area and encourage co-location with continued agricultural activities on site.
- Discuss lease revenue for site owner to make continued agricultural activities on site viable.
- Discuss PILOT tax revenue for Town, County, and school district as well as guaranteed discount on electricity bills for subscribing local farms, businesses, and homes, to allow some financial relief and possible reallocation of funds to pursue local goals. Discuss how this will be managed, measured and what guaranties will be in place to ensure it occurs as described.
- Discuss potential additional mitigation measures:
 - Utilize pollinator grass / flower seed mix for project area to expand agricultural pollinator habitat. Be sure to provide milestones and mitigation measures to ensure this practice is continued for the duration of the solar array's existence
 - Utilize project area for sheep grazing to reduce maintenance while introducing co-location with a new agricultural activity on site. Be sure to provide milestones and mitigation measures to ensure this practice is continued for the duration of the solar arrays existence.
 - Contribute to Town of Eden Agricultural Land Protection Fund for enhancing and/ or protecting existing agricultural lands.

3.3.3.2 Zoning

- Discuss design modifications for compliance with zoning use and area regulations, apply for and obtain a use variance if needed.
- Discuss design modifications for compliance with the MS4 Overlay District for regulated municipal separate storm sewer system. Obtain area variance if needed.
- Discuss how this project will mitigate all impacts / inconsistencies it will create, with respect to each plan and the zoning regulations listed above.

◦Based on the mitigation measures put in place, discuss any zoning regulations, county growth plan, local land use, comprehensive plan, town of Eden farm protection, and County farm protection plans (identified above) that will not be mitigated.

- Describe how the project will mitigate the proposed land use components that are different from or in sharp contrast to current surrounding land use patterns.
- Provide mitigation of any existing deficient public utilities to support this project.

- Provide, as part of the mitigation, an overview of the remaining utilities and identify what capacity will remain after this project and its mitigations measures are put into service.
- Identify the capacity of existing infrastructure to support this project.
- Identify the capacity of existing infrastructure to support additional projects of similar size and scope, as well as projects larger and smaller in size and scope.
- Describe the mitigation measures that will be put in place to minimize secondary development impacts either commercial, residential or additional solar fields, due to the development of this site.
 - A possible mitigation measure would be to assist with creating consistent documents between the town's comprehensive plan and the towns code regulations.
- Discuss other options.

3.4 Community Character

3.4.1 Existing Conditions

3.4.1.1 Facilities/Services

- Discuss any public, cultural, and / or recreational facilities on or within 1 mile of the site contributing to community enjoyment and / or quality of life.
- Discuss the schools, police, and fire departments serving the site and community.

3.4.1.2 Landscape/Architecture

- Discuss the character of the existing natural landscape on or within 1 mile of the site.
- Discuss the predominant architectural scale and character of structures on or within 1 mile of the site.
- Discuss the replacement or elimination of existing facilities, structures, or areas of historic importance to this community, specifically open farm land.
- Discuss how this development will Interfere with the use or enjoyment of officially recognized or designated public resources, specifically open farm land.
- Discuss how the development is inconsistent with the character of the existing natural landscape.

3.4.2 Potential Impacts

3.4.2.1 Facilities/Services

- Describe possibility of interference with New York State Snowmobiling Association Hamburg Snowmobile Club Trail C4H.
- Describe possibility of creating additional demand on fire departments.

3.4.2.2 Landscape/Architecture

- Describe possibility and extent of change to the character of the existing natural landscape on or within 1 mile of the site.
- Describe possibility and extent of change to the predominant architectural scale and character on or within 1 mile of the site.

- Describe the impact of eliminating existing facilities, structures, or areas of historic importance to this community specifically open farm land.
- Describe the impact to the use or enjoyment of officially recognized or designated public resources as it relates to open farm land.
- Discuss the inconsistencies with the character of the existing natural landscape.

3.4.3 Mitigation Measures

3.4.3.1 Facilities/Services

- Discuss design intent to allow snowmobile access around all sides of the project area.
- Discuss nature of use as low-occupancy and low-fire load as well as applicant intent to work with fire departments for site familiarization.

3.4.3.2 Landscape/Architecture

- Discuss design intent for native evergreen screening to match character of nearby tree lines and wooded areas. Include measures to ensure the final screening survives and develops into the proposed screen.
- Discuss design intent for removal of battery energy storage systems and remote pad-mounted interconnection equipment to limit noticeable differences in architectural scale and character to nearby structures.
- Describe the mitigation measures that will be used to reduce the impact to existing facilities, structures, or areas of historic importance to this community specifically open farm land.
- Describe the mitigation measures that will be used to reduce the impact with the use or enjoyment of officially recognized or designated public resources as it relates to open farm land.
- Describe the mitigation measures and how they will be implemented, and how they will be used to address the inconsistencies with the character of the existing natural landscape.
- Discuss other options.

4.0 UNAVOIDABLE ADVERSE IMPACTS

Identify all adverse environmental effects, whether short term construction impacts or long-term impacts to the site and community, as identified in Section 3.0, that can be expected to occur regardless of the mitigation measures considered.

- 4.1 Describe potential construction impacts including traffic / transportation and storage of materials, construction equipment and workers, provision of utilities during construction period, air quality, dust, erosion, odor, noise, visibility, etc. Discuss the anticipated duration of the construction phase.
- 4.2 Discuss the potential for the permanent loss of farmland and mitigation measures taken.

5.0 ALTERNATIVES

This section of the DEIS will evaluate and compare alternatives to the proposed action. The evaluation and comparison will include potential benefits and impacts as well as consideration of the proposed action project purpose and need. The following alternatives will be studied:

- 5.1 The "No Action" Alternative as required under 6 NYCRR 617.9.b.5.
- 5.2 Site Location Alternative (within the existing site boundary).
- 5.3 Alternative site locations (outside the existing site boundary).
- 5.4 Smaller Project Scale Alternative.

6.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Identification of those natural, agricultural lands and man-made resources consumed, converted or otherwise made unavailable for future use as a consequence of the proposed action.

7.0 GROWTH INDUCING ASPECTS

Potential growth-inducing aspects, including short/long term, primary and secondary/indirect impacts, generated by the project will be described and mitigation measures discussed. Discussion will include evaluation of population / development density, use of existing infrastructure, capacity of existing infrastructure and the need for new / improved infrastructure, and precedent for increased development pressure on farmland.

8.0 EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

A description of the effect of the proposed action on the short- and long-term use and conservation of energy resources will be provided including ways to reduce inefficient or unnecessary consumption during construction and long-term operation. Demonstration that the facility will satisfy electric generating capacity needs or other electric systems needs in a manner reasonably consistent with the most recent State energy plan will be included.

9.0 APPENDICES

The appendices will include all underlying documents relied upon in preparing the DEIS, as well as the adopted Scoping Document and other relevant SEQR documents, and relevant correspondence meeting the requirements of 6 NYCRR 617.8 (e).