

Town of Eden - Planning Board Minutes

August 7, 2024 7:00 pm

MEMBERS PRESENT:

Brian Reed, Chairman
Frank Meyer, DDS
Katrina Schmitt-Ruof
Joe Eppolito
Andy Tarasek
Dan Buchanan
Jennifer Crowe

EXCUSED: Andy Romanowski
Marc Timblin

OTHERS: Town Council – Vincent Vacco, Susan Wilhelm
Town Engineer – Dave Johnson
Applicant – **Eden Family Dental PLLC – 2763 West Church Street**
Valerie Sarcione, Senior Designer - Nussbaumer & Clarke
Dr. Kirsten Riester
Mr. Patrick Riester

- **Knoll Eden Solar LLC – 9549 Knoll Road**
Mia Morgillo, Solar Developer Associate – GreenSpark Solar
- **Eden PV, LLC – 2394 West Church Street**
Sam Parker-Fann, Permitting Project Manager – RIC Energy LLC
Sheila Ransbottom, Project Engineer - Wendel Companies
- **Eden II PV, LLC – 2027 Eden Evans Center Road**
Sam Parker-Fann, Permitting Project Manager – RIC Energy LLC
Sheila Ransbottom, Project Engineer - Wendel Companies

Mr. Reed called the meeting to order at 7:00pm and asked for comments on the July minutes.

Dr. Meyer made a motion to approve the minutes from the July 11, 2024 meeting. Seconded by Ms. Crowe; Motion approved unanimously.

Eden Family Dental Site Plan Review

Mr. Reed noted that all requested additions & changes to the site plan appear to be complete:

- Updated lighting plan and cut sheets. The photometric plan shows almost zero at all property lines.
- Plantings added to green space areas.
- Noted that siding will match same vinyl color and style as the existing building.
- Any signage changes will be addressed at a later date through the sign permit process.
- Bollards and parking bumpers have been added to the site plan as well as handicap routing.

Mr. Eppolito made a motion to approve the site plan for Eden Family Dental located at 2763 West Church Street with the latest plans and documented changes. Seconded by Ms. Schmitt-Ruof; Motion approved unanimously.

Knoll Eden Solar LLC – 9549 Knoll Road – SEQR Public Hearing

Ms. Schmitt-Ruof made a motion to open the public hearing for SEQRA review for Knoll Eden Solar LLC. Seconded by Mr. Eppolito; Motion approved unanimously.

Any audience member who wishes to speak can now do so. Please keeps comments to three minutes. The following individuals spoke (responses are in italics):

Dana Winter, 9596 Knoll Road

Craig Hornberger said this was going to be a one-acre test site; is that not true? *(Planning Board response) No. The proposed solar array would be approximately 18.25 acres of the 94-acre parcel.*

How far is it set back from the road? *(Planning Board response) It will be 382 feet from the road.*

Where will the transmission lines run? *(Planning Board response) Those will be off of Haag Road. There will be no transmission lines on my property? No.*

Could this lease ever change to become a substation? *(Planning Board response) Any change in use has to come back to the Planning Board. Things cannot just be changed without prior approval.*

My property value is going to go down with this project.

There is an enormous amount of stray voltage from underground transfer lines. One of the best conductors of electricity with stray voltage is water. Stray voltage makes people sick. Our wells are only 20 feet deep and voltage can travel through water.

Any damage this company does, remediation can be done off site. They can damage anything. They'll make remediation elsewhere; not fix this property.

Has anyone talked to the highway department regarding the culvert pipe up there? *(Planning Board response) We will make a note to check with the Highway Department regarding drainage.*

Michael Sheets, 9650 Knoll Road

There is a lot of wildlife that depend on the ravine and Jones Creek on that property for habitat and food sources. Development of this property will result in soil compaction, erosion, loss of habitat and food sources, killing the whole ecology. There will also be ground water contamination from chemicals seeping into ground water. We all live on well water. *(Planning Board response) Those things are part of our SEQR review that we take into consideration. It's an environmental review to assess all impacts. Anything that becomes a major concern we can address with additional considerations and restrictions on the development.*

Is it proposed to be 96 acres but on only 18.25 acres for now? *(GreenSpark response) The project is 18.25 acres. The remainder of the property will remain farmland.*

The life cycle of these projects is 25 years but in reality, technology changes. Who is going to pay for decommissioning? **(Planning Board response)** *Town Code Section 172 calls for a decommissioning plan or cost. It must be insured for 150% of the decommissioning cost, with inflation, that is secured through a surety bond. The money is bonded up front to decommission, which is to restore the land to its' original conditions. We follow NYS Department of Agriculture & Markets on how to restore the land.*

GreenSpark went under in 2018. They let go of the majority of their staff and were not paying creditors. **(GreenSpark response)** *We are now at 118 people on staff. We have financing now and have learned from past mistakes.*

Neil Goldberg, 9620 Knoll Road

We all want to protect the citizens of Eden. You're our stewards and protectors. Under Town Code Chapter 172, it's recognized that before you issue a Special Use Permit, you must take into account the impact it has on the citizens in the area. Everyone is entitled to rely on you to protect us from this type of situation. I went down to Eden Evans Center Road to look at that solar field. In Evans, you won't be able to see the solar farm from the road. It's obscured and will have no impact in the neighborhood. It's doing a positive good and no one's rights are being trampled on or undermined. If this proposed project passes economic muster and every other requirement, we're still confronted with the fact there is a huge impairment to this neighborhood by this eye sore. We would like the Planning Board to authorize a due diligence on this company. What is their experience with other municipalities? I see the accolades on their website but I also see comments saying they're unethical, buyer beware and they didn't pay their bills so a lien was put on my property by another business. How reliable is this company when they make representations?

Recommendations

1. There are many less intrusive alternative locations that should be looked at. Mr. Hornberger has 94 acres of land. Is it not ironic that he is not going to see the solar farm and the people who get nothing from it have to see it?
2. Failing that, we'd like a line-of-sight plan. This land has a large hill in the middle. If you move this project back to a 500-foot set back, almost all of it will not be visible from the road.
3. Insist on minimizing impact. We implore you to do what the code imposes upon you to insist on maximum mitigation should we proceed so no one sees it from the road.

This town is going to receive a pittance in host agreement so marginal compared to the bad will and divisiveness the failure to protect will do. When do we hear what you're going to do related to insisting on line of site, landscaping planning etc.? **(Planning Board response)** *We're already talking about that as part of our site plan review. We've already begun talking about these considerations. We know these items are well within our rights to request. You will see those requests at the next Planning Board meeting, which is not a public hearing. There will then there will be another public hearing on the results and you can comment and input again. If it's not satisfactory, we can request additional changes or perhaps the project doesn't move forward. We do not have a public hearing every month but the Planning Board generally meets the first Wednesday of each month. These projects will be on the agenda for the next five to six months, if not longer.*

Tony Bevilacqua, 4223 Haag Road

What is the economic benefit to Eden? *(Planning Board response)* The solar company applies for a Special Use Permit, as required by Town Code. The Town Board asks the Planning Board to review the site plan and provide recommendations on the environmental review. The Planning Board goes through that process, taking into account what we hear today, balance that with what is documented in the Code and makes a recommendation to the Town Board for the Special Use Permit. As part of the Special Use Permit process the Town Board then has opportunity to engage in talks for host community agreements; specific benefits for the town whether that be farmland protection, a monetary value or other benefits. There is also a payment in lieu of taxes (PILOT).

Will our taxes be lowered? *(Town Board response)* No. The money will be used to protect more farmland and can also be set aside for recreational purposes, etc.

The major impact is the aqueduct system. Many studies show it's affected. Maybe not for us but for our kids and grandkids. Contamination reduces the aqueduct from the heat coming off the panels. The town and citizens should act as one unit.

Larry Robb, 9788 Clarksburg Road

One thing that always impressed me that Eden has 3- or 5-acres requirement per house; a density rule in our area. When I hear someone is going to cover 18 acres with glass and what that is going to do for run off, I wonder how can you approve or want something like that and at the same time not let people build house after house after house. If Eden is worried about density, I just don't get it. Where this is going to go is a travesty.

Richard Braen, 9892 Clarksburg Road

I am concerned about precedence being set by having this solar field. Once the precedence is set, it can continue. I have 65 acres on Sisson Highway that are prime for this type of project. I'd put it there because its right on a transmission line. Every week or two I get a letter offering to buy my land for higher rates than my neighbors would pay.

Chris Green, 9706 Knoll Road

The issues are closeness of the setback to the road, the environmental issues, and the wildlife issues; they all seem to be legitimate concerns. We believe in the concept of green energy but there seems to be a lot of questions raised here. What is the process where we can involve ourselves to determine whether the developer is willing to listen and possibly change the project so that it's a win/win and not us versus them situation? *(Planning Board response)* Part of our responsibility is to take your comments received tonight, and anything submitted in writing, apply them to the site plan, request changes from GreenSpark and the property owner to see if we can come to some type of agreement. The next opportunity will be public hearing for the site plan review. We take your comments and try to incorporate them into their plan. That will be followed by another public hearing to see from the public if these changes will satisfy concerns. If not, we will take those into account when deciding whether or not to approve the site plan. Then it would go to the Town Board for a public hearing for the Special Use Permit as well as the host community agreement. If you're not satisfied and don't feel that the community is getting enough payback, you can voice your concerns there. There will be multiple public check ins.

How do we find out if the company is willing to make changes; do we have to wait for the next meeting? *Mia from GreenSpark stated that they are willing to discuss ideas such as extended the screening etc.*

Michelle Brenner, 9620 Knoll Road – I am concerned about our well water and contamination.

Unidentified Resident

What is the history of solar fields in Eden? *(Planning Board response) There is one approved project at Eckhardt and Sisson Highway. That is through Nexamp and is currently under construction. There are three proposals in front of the Planning Board this summer. RIC is proposing projects at 2394 West Church Street and 2027 Eden Evans Center Road. Both are currently under SEQR review. GreenSpark is proposing this project at 9549 Knoll Road.*

Steve Bonnis, 8720 East Eden

My property is in between this proposed project and the one on Eckhardt Road. My question is we never really get worst-case scenarios or best-case scenarios for projects that are already in Eden. I'm sure there's companies that go under, and other bad things, and also great things. *(Planning Board response) Any solar project has to have a decommissioning plan. That plan has to be protected through a bond. If the solar company no longer exists, the Town already has the monetary protection to return that site to close to original as possible.*

Can the Planning Board do a case study on how projects went awry and how they recovered? What if there's a problem 5-7 years down the road after completion? *(Building Department Response) The Town decommissioning requirement, established with the Nexamp project, is very strong. Erie County made it a model to be used by other municipalities. We don't require 100% of the cost, its 150%. It's bonded. The money is guaranteed to be there. Additionally, the Town will not allow scrap rates to be factored in. The bond must be for the full 150%. This value is reevaluated every 3-5 years.*

Unidentified Resident

How much money is the Town getting for this? *(Planning Board response) That will be part of the Town Board Special Use Permit process.*

Steve Gross, 4394 Haag Road

I do not support a 500' set back as that would put the solar field right in my back yard.

What is this property zoned as? *(Planning Board response) It's zoned Agricultural Priority. The zoning is not changing. Solar is allowed in that district via the Special Use Permit approval process.*

I am also concerned about EMF and property values.

Dr. Meyer made a motion to close the public hearing but leave it open for written comment for Knoll Eden Solar LLC. Seconded by Mr. Tarasek; Motion approved unanimously.

Eden PV, LLC - 2394 West Church Street

Review of CPL comments and responses. These comments apply to both projects.

- Staging areas added to plans
- SWPPP was already included. It has been reviewed and looks good.
- You list Canadian data solar sheet for the preliminary panel selected. Would you change that panel? *At this stage of design, we don't have all the specific manufacturers we will use. This is the most reasonable option. There is a possibility for change at the time of construction. As we get closer, we'll have more information. Across the board, glare means failure to capture and that it's not a good design. Glare is a failure of the system. All of our visual screening is designed to reduce any potential glare. There may be small metal pieces that may have glare i.e. chrome, screws etc. Can you give us transmissibility numbers? Reflectivity data should match or be better than what is on site plan. Mr. Buchanan noted that the data sheet does say it's covered in anti-glare coating.*
- The response related to RF interference is good. *Everything is monitored remotely. Any variations get flagged and maintenance would come out to investigate.*
- Do you have monitoring at the panels and at the street? Can you tell if there's a differential? *We don't have that information on hand but I can provide it.*
- You provided a sketch of the wetlands crossing/ditch. *We're utilizing the existing structure so we are not impacting that bridge and culvert at all.*
- Visual impact assessment looks good. It's a good example of what we want to see from the viewshed analysis.
- Is there an update on the good neighbor agreements? *Mr. Alessi is signed. Joe Caplan and Edward Murray are still pending. Communication has been delayed.*
- No on-site substation. Transformer is on-site.
- The seeding mix looks good. The Ernst mix is a great mix to use.

Decommissioning Plan

Do we have updates on the cost of decommissioning? We will need that for the public hearing on the site plan. *We do not have the full cost provided. As we get closer to design, we will have that.*

For documenting existing site conditions, we'd like to see a good photo survey, maybe video or drone footage of entire property prior to any construction work? NYSDAM has guidelines about soil testing so there is a baseline. This would be a condition of preconstruction. It would probably be best to do this before winter *It is not standard to do drones but we can inquire. We can do photos.*

Your decommissioning plan says if your facility doesn't produce power for 12 months or the Special Use Permit is revoked, decommissioning will begin. Our Code indicates 180 days. This will need to be changed in your plan.

We would like to see a section added that notes a landowner can keep certain items i.e. driveway, screening or culvert pipe if they'd like. This would be at property owner's written request with Town approval.

Section 2.5 Department of AG and Markets refers to their construction mitigation plan document. We would like that document named. There is concern someone reading this in the future will have nothing to reference. *We can include or attach this. It's a dated document that is current now. As that changes we can update.*

Dr. Meyer asked to confirm that the decommissioning is 150% plus interest? There is an escalator of two percent annually. This amount is reevaluated every 3-5 years.

We will need to see steps and estimated timeline for decommissioning. *We will put that together and provide to the Board.*

Operations and Maintenance Plan

Preventative Maintenance Module washing indicates twice per year. How long does that process take? Will there be a noise concern? *We do not have that information on hand. It would be similar to a garden sprayer. A pressure washer would damage panels. There also would be no chemicals or solvents.*

These won't be random but will be scheduled? *Operations and maintenance is a min/max. We don't want people out there all the time. We want to do what is most efficient. It works out to be twice per year unless something outside the normal happens i.e. pollen bloom.*

Screening will be a key tool to provide a visual barrier. We do want things replaced if screening dies out. Please call this out specifically.

The Town Building Department would like be provided with an annual report tracking maintenance, inspections and replacements. *We will take this request back to the team.*

The Decommissioning Plan and the Operations & Maintenance Plans are key to protect screening, to return to same, if not better, soil conditions. We need to make sure that is important with both projects. They will be reviewed even further during site plan review.

The Planning Board discussed a SEQR recommendation for determining significance for the Town Board, but did not formally vote on the recommendation at this time.

Eden II PV, LLC – 2027 Eden Evans Center Road

The comments and concerns are the same for Eden II PV LLC as previously discussed for Eden PV, LLC.

The Town of Evans will likely have comments on the site plan for this project.

The Planning Board discussed a SEQR recommendation for determining significance for the Town Board, but did not formally vote on the recommendation at this time. The Town Board should take the Town of Evans input into consideration regarding the site plan/SEQR. Comments are pending.

Given the number of solar applications recently and thinking about the density of solar sites and how to balance projects with overall picture in the town of farmland. Mr. Reed read into the minutes the below recommendation to present to the Town Board:

RECOMMENDATION OF THE EDEN PLANNING BOARD

The Eden Planning Board has received several Solar Site applications in the past year. Part of the challenge is balancing site-specific soil profiles and reduction of farmland with the overall available inventory of agricultural parcels within the Town. To help the Planning Board and other Town boards adequately consider the Towns goals related to farmland preservation while evaluating Solar facility applications we suggest the following be developed:

1. Create an inventory of agricultural parcels categorized considering the following:
 - a. Acres of Prime Farmland
 - b. Acres of Prime if drained Farmland
 - c. Acres of Farmland of Statewide Importance
 - d. Total acres of zoned agricultural
 - e. Total acres of active farms
2. Research and create a solar farm density goal. The idea with this recommendation is to not inundate any areas with high concentrations of solar sites.

Dr. Meyer motioned to adjourn the Planning Board meeting, seconded by Ms. Schmitt-Ruoff; Motion approved unanimously.

Respectfully submitted,
Shelly Grieble, Secretary

Eden Solar – 2394 W. Church St.

Full Environmental Assessment Form

Part 3 – Evaluation of the Magnitude and Importance of Projects Impacts and Determination of Significance

Overview:

The Planning Board carefully reviewed this project, comparing it to all the listed “Criteria” for determination of significance set forth in SEQR Regulations (6NYCRR 617.7). Based upon the foregoing, the Town of Eden Planning Board determined that the proposed project will not adversely affect the natural resources of the State and/or health, safety and welfare of the public and is consistent with social and economic considerations. The result of this review is that a Notice of Determination of Non-Significance (Negative Declaration) is hereby recommended to the Town Board for consideration for the proposed Eden Solar – 2394 West Church St.

Details:

After careful and thorough review of the submitted Part 1 Full Environmental Assessment Form and Part 2 Identification of Potential Project Impacts, the Eden Planning Board has determined the proposed Type 1 Action contains no moderate or large impact.

The Town of Eden Planning Board has reviewed the plans and information submitted by the applicant including a Long Environmental Assessment Form (EAF) – Part 1, 2 and 3 and found them to be in compliance with the applicable standards; and the Town of Eden Planning Board has found no item of significant impact to the Town of Eden. The following items were considered and recommended to Eden Solar which alleviated concerns to impact on the Town of Eden agricultural resources.

The Planning Board is providing the following as additional information from our decision-making process. We utilized the ***SEQR Regulations Section 617.7 -Determining Significance*** to help guide our review.

1. **Impact on Land** – The proposed action may involve construction on, or physical alteration of, the land surface of the proposed site

PB Response – Yes

PB Detailed Review – After review, it was determined that sub-questions a – g all produced a *No or Small Impact*. No other impacts were identified.

2. **Impact on Geological Features** – The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves).

PB Response – No

PB Detailed Review – The project does not affect the unique or unusual land forms

3. **Impacts on Surface Water** – The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes)

PB Response – Yes

PB Detailed Review – After review, it was determined that sub-questions a – k all produced a *No or Small Impact*. No other impacts were identified

4. **Impact on groundwater** – The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

PB Response – No

PB Detailed Review – The project does not create or use ground water, nor produce contaminants to ground water

5. **Impact on Flooding** – The proposed action may result in development on lands subject to flooding.

PB Response – No

PB Detailed Review – As indicated in the short form and long form; as well as the output from the EAF mapper, the proposed project site is not subject to flooding.

6. **Impact on Air** – The proposed action may include a state regulated air emission source.

PB Response – No

PB Detailed Review – The project does not include regulated air emission sources.

7. **Impact on Plants and Animals** – The proposed action may result in a loss of flora and fauna.

PB Response – Yes

PB Detailed Review – After review, it was determined that sub-questions a – i all produced a *No or Small Impact*. No other impacts were identified. Most of the questions centered on threatened or endangered species and the like.

- Question g pertained to the nesting/breeding and foraging areas of the species occupying the project site;
 - The project site is located in an open field and less than 1 acre of soil is being disturbed.
 - Vegetative screening and animal friendly fencing is recommended to minimize impact on wildlife.
 - This generated a small impact in the determination of the Planning Board.

8. **Impact on Agricultural Resources** – The proposed action may impact agricultural resources

PB Response – Yes

PB Detailed Review – After review it was determined that question a, b and g had Moderate to Large impacts.

- Impacts are expected to be mitigated through proper selection, installation, and continued maintenance of ground vegetation that supports pollinators and/or grazing operations as they are proposed and approved through the subsequent Siter Plan Review and Special Use Permit processes.
- Impacts are also mitigated through the decommissioning plan which will restore the agricultural land to pre-solar facility conditions. The decommissioning plan should include thorough documentation of existing conditions, monitoring, and testing to restore site conditions and adherence to NYSDAM Solar Construction Guidelines – specifically and not limited to the following items during decommissioning.
 - Particularity identifying and preserving the Prime and Prime if drained soil characteristics
 - Removal of excess concrete
 - Soil compaction
 - Topsoil thickness
 - Excessive rock

- The Planning Board is recommending to the Town Board the development of a Host Community Agreement similar in nature to the Nexamp Solar Project (2020). This will also constitute mitigation factors to assist in the protection of future agricultural resources.

9. **Impact on Aesthetic Resources** – The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

PB Response – Yes

PB Detailed Review – The sub-questions all deal with Federal, state or local scenic or aesthetic resources. These were determined to be locally recognized landmarks or places of interest. The proposed site does not qualify in our eyes as such. With respect to the local resident concern. The project as described incorporates “good neighbor” agreements, indicating immediate neighbor acceptance of the project. Also included is vegetative screening which will minimize visual impacts from West Church St. and Derby Road.

10. **Impact on Historic and Archeological Resources** – The proposed action may occur in or adjacent to a historic or archeological resource.

PB Response – No

PB Detailed Review – The action does not consist of any historic or archeological resources. This is supported by the output of the EAF Mapper Summary Report.

11. **Impact on Open Space and Recreation** – The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. occur in or adjacent to a historic or archeological resource.

PB Response – No

PB Detailed Review – The action does result in a loss of recreational opportunities or reduction in open space.

12. **Impact on Critical Environmental Resources** – The proposed action may be located within or adjacent to a critical environmental area (CEA).

PB Response – No

PB Detailed Review – The action does not consist of any Critical Environmental areas. This is supported by the output of the EAF Mapper Summary Report.

13. **Impact on Transportation**– The proposed action may result in a change to existing transportation systems.

PB Response – No

PB Detailed Review – The proposed action does not result in changes to existing transportation systems.

14. **Impact on Energy** – The proposed action may cause an increase in the use of any form of energy.

PB Response – No

PB Detailed Review – After review, it was determined that sub-questions b – d all produced a *No or Small Impact*.

- Question a pertained to the action requiring a new, or an upgrade to an existing substation. This is a requirement to add the electricity generated by this site to the existing electrical. This is viewed as a potential benefit to the town and customers being supplied by the upgraded substation. Additionally, all costs associated with the substation upgrade are the responsibility of Eden PV, LLC. While we considered the answer “Yes” the overall impact is *No or Small*.

15. **Impact on Noise, Odor, and Light** – The proposed action may result in an increase in noise, odors, or outdoor lighting. loss of flora and fauna.

PB Response – No

PB Detailed Review – After review, it was determined that sub-questions a – e all produced a *No or Small Impact*. Any noise is during the construction period which will occur Monday – Friday 7am -7pm and Saturday 7am – 7pm. Town Noise Ordinance, Chapter 146 Noise, will be followed and enforced as needed.

- Question a pertained to sound levels above thresholds established by local regulation
 - Chapter 146 – Noise addresses the noise limits in a residential area for normal operation and construction activities. It is expected these will be followed
 - Neighboring residents and local enforcement of the Noise code will address the issue.

16. **Impact on Human Health** – The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.

PB Response – No

PB Detailed Review – The action does not consist of any sources of contaminants.

17. **Consistency with Community Plans** – The proposed action is not consistent with adopted land use plans

PB Response – Yes

PB Detailed Review – The Planning Board felt the question described specific land use plans of which we considered the towns Master Plan. After review, it was determined that sub-questions a & d had a Moderate to Large impact, while all other questions produced a *No or Small Impact*.

- Question a – The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use patterns.
- Question d – The proposed action is inconsistent with any County plans, or other regional land use plans.
 - The proposed area includes Prime, Prime if drained and Farmland of Statewide Importance. Eden Code 172-8 L (1) states no more than 25% of prime or statewide importance on the parcel may be used for solar.
 - This project utilizes the following:
 - Prime, Prime if drained and soils of Statewide importance – 88.5 acres

- Prime – 28.2
 - Prime if Drained – 41.2
 - Farmland State Importance – 19.1
- Limits of Disturbance – 14.13 acres
 - Prime – 1.94
 - Prime if Drained – 0
 - Farmland State Importance – 12.19
- Percentage
 - All prime | Statewide Importance – 16%
- These impacts are mitigated through the decommissioning plan which will restore the agricultural land to pre-solar facility conditions. The decommissioning plan should include thorough documentation of existing conditions, monitoring and testing or restored site conditions and adherence to NYSDAM Solar Construction Guidelines – specifically and not limited to the following items during decommissioning.
 - Particularity identifying and preserving the Prime and Prime if drained soil characteristics
 - Removal of excess concrete
 - Soil compaction
 - Topsoil thickness
 - Excessive rock
- The Planning Board is recommending to the Town Board the development of a Host Community Agreement similar in nature to the Nexamp Solar Project (2020). This will also constitute mitigation factors to assist in the protection of future agricultural resources.

18. **Consistency with Community Character** – The proposed action is inconsistent with the existing community character.

PB Response – Yes

PB Detailed Review –After review, it was determined that sub-questions a – e all produced a *No or Small Impact*. Sub-question f yielded a *Moderate or Large impact*.

- Sub-question f deals with inconsistency with the character of the existing natural landscape. The planning board considered the action’s impact on the neighboring properties as well as the restoration of the agricultural resource to pre-solar conditions.
 - These impacts are mitigated through the decommissioning plan which will restore the agricultural land to pre-solar facility conditions. The decommissioning plan should include thorough documentation of existing conditions, monitoring and testing or restored site conditions and adherence to NYSDAM Solar Construction Guidelines – specifically and not limited to the following items during decommissioning.
 - Particularity identifying and preserving the Prime and Prime if drained soil characteristics
 - Removal of excess concrete
 - Soil compaction
 - Topsoil thickness

- The project as described incorporates “good neighbor” agreements, indicating immediate neighbor acceptance of the project. Also included is vegetative screening which will minimize visual impacts from West Church St. and Derby Road.
- The Planning Board is recommending to the Town Board the development of a Host Community Agreement similar in nature to the Nexamp Solar Project (2020). This will also constitute mitigation factors to assist in the protection of future agricultural resources.

Eden Solar II – 2027 Eden Evans Center Rd.

Full Environmental Assessment Form

Part 3 – Evaluation of the Magnitude and Importance of Projects Impacts and Determination of Significance

Overview:

The Planning Board carefully reviewed this project, comparing it to all the listed “Criteria” for determination of significance set forth in SEQR Regulations (6NYCRR 617.7). Based upon the foregoing, the Town of Eden Planning Board determined that the proposed project will not adversely affect the natural resources of the State and/or health, safety and welfare of the public and is consistent with social and economic considerations. The result of this review is that a Notice of Determination of Non-Significance (Negative Declaration) is hereby recommended to the Town Board for the proposed Eden Solar II – 2027 Eden Evans Center Rd.

The Town Board should take the Town of Evans input into consideration regarding SEQR and Site Plan. Evans comments are pending.

Details:

After careful and thorough review of the submitted Part 1 Full Environmental Assessment Form and Part 2 Identification of Potential Project Impacts, the Eden Planning Board has determined the proposed Type 1 Action contains no moderate or large impact.

The Town of Eden Planning Board has reviewed the plans and information submitted by the applicant including a Long Environmental Assessment Form (EAF) – Part 1, 2 and 3 and found them to be in compliance with the applicable standards; and the Town of Eden Planning Board has found no item of significant impact to the Town of Eden. The following items were considered and recommended to Eden Solar which alleviated concerns to impact on the Town of Eden agricultural resources.

The Planning Board is providing the following as additional information from our decision-making process. We utilized the ***SEQR Regulations Section 617.7 -Determining Significance*** to help guide our review.

19. **Impact on Land** – The proposed action may involve construction on, or physical alteration of, the land surface of the proposed site

PB Response – Yes

PB Detailed Review – After review, it was determined that sub-questions a – g all produced a *No or Small Impact*. No other impacts were identified.

20. **Impact on Geological Features** – The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves).

PB Response – No

PB Detailed Review – The project does not affect the unique or unusual land forms

21. **Impacts on Surface Water** – The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes)

PB Response – Yes

PB Detailed Review – After review, it was determined that sub-questions a – k all produced a *No or Small Impact*. No other impacts were identified

22. **Impact on groundwater** – The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

PB Response – No

PB Detailed Review – The project does not create or use ground water, nor produce contaminants to ground water

23. **Impact on Flooding** – The proposed action may result in development on lands subject to flooding.

PB Response – No

PB Detailed Review – As indicated in the short form and long form; as well as the output from the EAF mapper, the proposed project site is not subject to flooding.

24. **Impact on Air** – The proposed action may include a state regulated air emission source.

PB Response – No

PB Detailed Review – The project does not include regulated air emission sources.

25. **Impact on Plants and Animals** – The proposed action may result in a loss of flora and fauna.

PB Response – Yes

PB Detailed Review – After review, it was determined that sub-questions a – i all produced a *No or Small Impact*. No other impacts were identified. Most of the questions centered on threatened or endangered species and the like.

- Question g pertained to the nesting/breeding and foraging areas of the species occupying the project site;
 - The project site is located in an open field and less than 1 acre of soil is being disturbed.
 - Vegetative screening and animal friendly fencing is recommended to minimize impact on wildlife.
 - This generated a small impact in the determination of the Planning Board.

26. **Impact on Agricultural Resources** – The proposed action may impact agricultural resources

PB Response – Yes

PB Detailed Review – After review it was determined that question a, b and g had Moderate to Large impacts.

- Impacts are expected to be mitigated through proper selection, installation, and continued maintenance of ground vegetation that supports pollinators and/or grazing operations as they are proposed and approved through the subsequent Siter Plan Review and Special Use Permit processes.
- Impacts are also mitigated through the decommissioning plan which will restore the agricultural land to pre-solar facility conditions. The decommissioning plan should include thorough documentation of existing conditions, monitoring, and testing to restore site conditions and adherence to NYSDAM Solar Construction Guidelines – specifically and not limited to the following items during decommissioning.
 - Particularity identifying and preserving the Prime and Prime if drained soil characteristics
 - Removal of excess concrete

- Soil compaction
- Topsoil thickness
- Excessive rock

- The Planning Board is recommending to the Town Board the development of a Host Community Agreement similar in nature to the Nexamp Solar Project (2020). This will also constitute mitigation factors to assist in the protection of future agricultural resources.

27. **Impact on Aesthetic Resources** – The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

PB Response – Yes

PB Detailed Review – The sub-questions all deal with Federal, state or local scenic or aesthetic resources. These were determined to be locally recognized landmarks or places of interest. The proposed site does not qualify in our eyes as such. With respect to the local resident concern. The project as described incorporates “good neighbor” agreements, indicating immediate neighbor acceptance of the project. Also included is vegetative screening which will minimize visual impacts from Eden Evans Center Road.

28. **Impact on Historic and Archeological Resources** – The proposed action may occur in or adjacent to a historic or archeological resource.

PB Response – No

PB Detailed Review – The action does not consist of any historic or archeological resources. This is supported by the output of the EAF Mapper Summary Report.

29. **Impact on Open Space and Recreation** – The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. occur in or adjacent to a historic or archeological resource.

PB Response – No

PB Detailed Review – The action does result in a loss of recreational opportunities or reduction in open space.

30. **Impact on Critical Environmental Resources** – The proposed action may be located within or adjacent to a critical environmental area (CEA).

PB Response – No

PB Detailed Review – The action does not consist of any Critical Environmental areas. This is supported by the output of the EAF Mapper Summary Report.

31. **Impact on Transportation**– The proposed action may result in a change to existing transportation systems.

PB Response – No

PB Detailed Review – The proposed action does not result in changes to existing transportation systems.

32. **Impact on Energy** – The proposed action may cause an increase in the use of any form of energy.

PB Response – No

PB Detailed Review – After review, it was determined that sub-questions b – d all produced a *No or Small Impact*.

- Question a pertained to the action requiring a new, or an upgrade to an existing substation. This is a requirement to add the electricity generated by this site to the existing electrical. This is viewed as a potential benefit to the town and customers being supplied by the upgraded substation. Additionally, all costs associated with the substation upgrade are the responsibility of Eden PV II, LLC. While we considered the answer “Yes” the overall impact is *No or Small*.

33. **Impact on Noise, Odor, and Light** – The proposed action may result in an increase in noise, odors, or outdoor lighting. loss of flora and fauna.

PB Response – No

PB Detailed Review – After review, it was determined that sub-questions a – e all produced a *No or Small Impact*. Any noise is during the construction period which will occur Monday – Friday 7am -7pm and Saturday 7am – 7pm. Town Noise Ordinance, Chapter 146 Noise, will be followed and enforced as needed.

- Question a pertained to sound levels above thresholds established by local regulation
 - Chapter 146 – Noise addresses the noise limits in a residential area for normal operation and construction activities. It is expected these will be followed
 - Neighboring residents and local enforcement of the Noise code will address the issue.

34. **Impact on Human Health** – The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.

PB Response – No

PB Detailed Review – The action does not consist of any sources of contaminants.

35. **Consistency with Community Plans** – The proposed action is not consistent with adopted land use plans

PB Response – Yes

PB Detailed Review – The Planning Board felt the question described specific land use plans of which we considered the towns Master Plan. After review, it was determined that sub-questions a & d had a Moderate to Large impact, while all other questions produced a *No or Small Impact*.

- Question a – The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use patterns.
- Question d – The proposed action is inconsistent with any County plans, or other regional land use plans.
 - The proposed area includes Prime, Prime if drained and Farmland of Statewide Importance. Eden Code 172-8 L (1) states no more than 25% of prime or statewide importance on the parcel may be used for solar.
 - This project utilizes the following:

- Prime, Prime if drained and soils of Statewide importance - 98.4 acres
 - Prime – 21.7
 - Prime if Drained – 55.3
 - Farmland State Importance – 21.4
- Limits of Disturbance - 22.64 acres
 - Prime – 4.54
 - Prime if Drained – 0.6
 - Farmland State Importance – 17.50
- Percentage
 - Combined All prime| Statewide Importance – 23%
- These impacts are mitigated through the decommissioning plan which will restore the agricultural land to pre-solar facility conditions. The decommissioning plan should include thorough documentation of existing conditions, monitoring and testing or restored site conditions and adherence to NYSDAM Solar Construction Guidelines – specifically and not limited to the following items during decommissioning.
 - Particularity identifying and preserving the Prime and Prime if drained soil characteristics
 - Removal of excess concrete
 - Soil compaction
 - Topsoil thickness
 - Excessive rock
- The Planning Board is recommending to the Town Board the development of a Host Community Agreement similar in nature to the Nexamp Solar Project (2020). This will also constitute mitigation factors to assist in the protection of future agricultural resources.

36. **Consistency with Community Character** – The proposed action is inconsistent with the existing community character.

PB Response – Yes

PB Detailed Review –After review, it was determined that sub-questions a – e all produced a *No or Small Impact*. Sub-question f yielded a *Moderate or Large impact*.

- Question f deals with inconsistency with the character of the existing natural landscape. The planning board considered the action’s impact on the neighboring properties as well as the restoration of the agricultural resource to pre-solar conditions.
 - These impacts are mitigated through the decommissioning plan which will restore the agricultural land to pre-solar facility conditions. The decommissioning plan should include thorough documentation of existing conditions, monitoring and testing or restored site conditions and adherence to NYSDAM Solar Construction Guidelines – specifically and not limited to the following items during decommissioning.
 - Particularity identifying and preserving the Prime and Prime if drained soil characteristics
 - Removal of excess concrete
 - Soil compaction
 - Topsoil thickness

- The project as described incorporates “good neighbor” agreements, indicating immediate neighbor acceptance of the project. Also included is vegetative screening which will minimize visual impacts from Eden Evans Center Road.
- The Planning Board is recommending to the Town Board the development of a Host Community Agreement similar in nature to the Nexamp Solar Project (2020). This will also constitute mitigation factors to assist in the protection of future agricultural resources.