

State Environmental Quality Review (SEQR) Final Environmental Impact Statement for Eden II Solar

2027 Eden Evans Center Road
Town of Eden
Erie County, New York
SBL No. 237.00-1-2.11

Applicant:
Eden II PV, LLC

Designated Representative:
RIC Development, LLC

Lead Agency:
Town Board
Town of Eden
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Final Scope Issued: February 18, 2025
Lead Agency Acceptance of the DEIS: May 28, 2025
Public Hearing on the DEIS Held: June 11, 2025
Written Comment Period on the DEIS Closed: July 9, 2025
FEIS Prepared: August 1, 2025

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1. Introduction

The Applicant, Eden II PV, LLC is proposing to develop a new 4,040-kW stand-alone ground-mounted solar photovoltaic array system on a 23.65-acre portion of the 99.49-acre parcel located at 2027 Eden Evans Center Road in the Town of Eden, Erie County, New York, tax parcel ID: 237.00-1-2.11.

The Project will consist of a ground-mounted solar system, which will be constructed via driving posts into the ground at depths appropriate for frost conditions along the proposed array. To this, single-axis panel racks shall be mounted. The system is proposed to consist of 10,608 solar PV modules and 13 inverters, connected by 2 transformers. The solar facility will operate as an energy generating facility, as prescribed by the requirements of the New York State Independent System Operation. The purpose of this Project is to provide clean energy to the existing electrical grid.

On November 19, 2024, the Town of Eden Town Board (the “Town Board”), as Lead Agency, determined that the proposed Eden II Solar Project (the “Project”, the “Proposed Action”, or the “Proposed Project”) located at 2027 Eden Evans Center Road in the Town of Eden may result in potentially significant adverse environmental impacts and thus issued a Positive Declaration pursuant to the NY State Environmental Quality Review Act (“SEQRA”). The Applicant, Eden II PV, LLC, submitted a Draft Environmental Impact Statement (“DEIS”) through its designated representative, RIC Development, LLC. The DEIS was prepared in accordance with the requirements of 6 New York Codes, Rules, and Regulations (NYCRR) Part 617 of the SEQRA regulations. The subject areas included in the DEIS for the Project are described in Section 3.0 of the Final Scoping Document adopted on February 18, 2025, by the Town Board (See Appendix A).

The DEIS examined the potential adverse environmental impacts of the Project as identified by the Town Board with their Positive Declaration determination on the Project. The potential adverse impacts identified by the Town Board addressed within the DEIS include the following:

- impacts on land,
- impacts on surface waters,
- impacts on aesthetic resources,
- impacts on open space and recreation,
- impacts/consistency with community plans, and
- impacts/consistency with community character.

With any development project there may be unavoidable impacts to the environment and surrounding community, therefore, each impact has been analyzed within the DEIS and proposed mitigations outlined to compensate for their effects. Measures have been proposed to mitigate potential impacts to the maximum extent practicable and include setbacks, vegetative screening, a Decommissioning Plan compliant with NYSDAM standards, Good Neighbor Agreements, a Host Community Agreement with the Town and PILOT Agreement with the County IDA. Possible Project alternatives were also evaluated within the DEIS including a No Action alternative.

The DEIS was circulated for review to solicit comments from involved and interested agencies and the public, pursuant to 6 NYCRR §617.12. The DEIS was accepted as complete on May 28, 2025, and a Notice of Acceptance of DEIS was subsequently posted in the Environmental Notice Bulletin. The Notice and DEIS were also distributed to the Town Clerk’s Office (2795 East Church Street Eden, New York 14057) and posted on the Town’s website, in conformance with SEQRA requirements. During this time, the Eden Town Board, as Lead Agency, developed their list of substantive comments.

After the closure of the public hearing and the expiration of the time period for any comments on July 9, 2020, the Applicant volunteered to complete a first draft of the Final Environmental Impact Statement (“FEIS”) and submit the document to the Town Board for their completion as SEQR Lead Agency (responsible for the production and content of the FEIS).

2. Summary of the Proposed Action

Eden II PV, LLC is proposing to develop and build a community solar distributed generation facility located at 2027 Eden Evans Center Road in the Town of Eden, Erie County, New York, tax parcel ID: 237.00-1-2.11. The Project will have a nameplate capacity of 4,040-kW and is a stand-alone ground-mounted system, mounted on a single-axis tracking steel structure. The proposed solar facility will be located on a 23.65-acre portion of the 99.49-acre parcel and will consist of approximately 10,608 solar PV modules, and 13 Sungrow SG350X inverters that will connect to 2 separate transformers. A new gravel road to the facility will be off Eden Evans Center Road, which will provide access to the proposed utility poles and other equipment on-site.

The Project will be located within the Town of Eden’s “R2”, Neighborhood Residential, Zoning District and is within the Erie County Agricultural District 8 (ERIEc08). The site is currently utilized for agricultural purposes, although the landowner has stated that soil productivity is in decline. The parcel contains a mix of gently sloping open agricultural fields, forested edges, and various wetlands and water features. Rythus Creek runs through the southern portion of the Project parcel. The proposed solar facility will be sited on the southern portion of the parcel, designed to minimize impacts to these environmental features. Existing access to the site is through the landowner’s residential paved driveway off Eden Evans Center Road, and transitions to a dirt road within the active agricultural areas.

The Project will require a Utility Use Variance from the Town of Eden Zoning Board of Appeals. Additionally, a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001) will be required from NYSDEC. The USACE issued a Preliminary Jurisdictional Determination for the Project, in which the agency assumed jurisdiction over all wetlands and waterbodies. Due to unavoidable, minor impacts with the siting of the proposed solar facility, a USACE Section 404 Nationwide Permit and a NYSDEC Section 401 Water Quality Certification will be required for the Project and are currently in progress. An Article 24 Freshwater Wetland Permit may be required pending the NYSDEC jurisdictional determination.

3. Description of Revisions to the DEIS

Based on comments received during the public review period of the DEIS (see Town Board Comment Letter, Appendix B of this FEIS), several sections of the DEIS and supporting documents have been revised to address agency concerns and clarify project details. For a complete listing of the Town Board’s comments and corresponding responses, see Section 4 of this FEIS.

3.1 Revisions to the DEIS Report

Section 3.7.3, page 36 of the DEIS previously read:

“To further reduce impacts to Community Character, the Applicant has entered into a Host Community Agreement (HCA), PILOT Agreement, and Good Neighbor Agreement with the Town. The HCA and PILOT agreements provide monetary benefits to the Town for the duration of the Project’s life. The executed Good Neighbor Agreement can be found in Appendix B.”

In response to the Town Board's comments clarifying that the Town has not yet entered into a PILOT or HCA agreement, this language has been revised to read:

"To further reduce impacts to Community Character, the Applicant will enter into a Host Community Agreement (HCA) and PILOT Agreement with the Town. These agreements will provide monetary benefits to the Town for the duration of the Project's life. The Applicant has also entered into Good Neighbor Agreements with adjoining landowners and executed agreements can be found in Appendix B."

Redacted Good Neighbor Agreements have been provided in Appendix C of this FEIS.

Section 7.1, page 39 of the DEIS previously read:

"The Project will generate approximately 20 temporary job opportunities that will potentially be filled by residents in the town and throughout Erie County and the Western New York region."

It was subsequently noted that the number of temporary jobs cited was inaccurate. Based on data from the Solar Energy Industries Association (SEIA) and Interstate Renewable Energy Council (IREC), community solar projects are estimated to generate approximately 20 jobs/MW. For the proposed 3.2 MW AC solar facility, this translates to approximately 64 temporary jobs opportunities. The language has been revised as follows:

"The Project will generate approximately 64 temporary job opportunities that will potentially be filled by residents in the town and throughout Erie County and the Western New York region."

3.2 Revisions to Project Site Plans

Drawing C201 of the Project Site Plans has been updated to include typical notes consistent with NYSDAM Guidelines for Solar Energy Projects Construction Mitigation. These notes address key construction practices such as topsoil handling and preservation, installation of buried utilities, and requirements for environmental monitoring. In response to the Town Board's comments, drawing C301 of the Project Site Plans has been updated to include a note specifying excavated topsoil must remain on-site. These updates were made to ensure compliance with NYSDAM recommendations and to protect the long-term viability of agricultural resources on-site. To address potential visual impacts, the fencing detail on drawing C502 of the Project Site Plans has been updated to specify that fencing shall be green in color. Revised Project Site Plans and corresponding Project SWPPP reflecting these updates are provided in Appendix C of this FEIS.

3.3 Revisions to Operations and Maintenance Plan

In response to comments received from the Town Board, the Operations and Maintenance (O&M) Plan has been revised to include specific requirements for landscaping and vegetation management. These updates ensure that ground cover and landscape plantings will be maintained in good condition for the duration of the Project's operational life. The revised plan includes provisions for periodic inspections, routine mowing, invasive species control, and ongoing upkeep of landscape buffers to maintain effective visual screening.

The entire DEIS is included for reference in Appendix D of this FEIS. The DEIS report can also be accessed through the Town website: <https://edenny.gov>.

2. Response to Comments

3.4 Overview of the Comment Process

This section addresses the substantive comments on the DEIS that were received during the DEIS public comment period. A public hearing on the DEIS was held on June 11, 2025, and subsequently closed on July 9, 2025. Written comments were received from the Town of Eden on July 9, 2025, and are provided in Appendix B of this FEIS. No additional comments were received from the public. The Town Board's comments are addressed in Section 4.2 below.

3.5 Responses to Comments on the DEIS

Comment 1:

Green fencing is requested to address possible visual impacts.

Response to Comment 1:

The fencing detail on drawing C501 of the Site Plans has been revised to require green fencing.

Comment 2:

Please submit an updated Landscape plan to address possible visual impacts.

Response to Comment 2:

A Landscape Plan, prepared by a Licensed Landscape Architect, has been included within the Site Plans (see Appendix C of the FEIS). Additionally, a Visual Impact Assessment (VIA) has been prepared for this project (see Appendix B of the DEIS). Eden II PV, LLC is happy to work with the Town to refine the landscaping plan further.

Comment 3:

All landscaping must be maintained for the life of the project.

Response to Comment 3:

A revised Operations and Maintenance Plan has been prepared and included with this submission that requires landscaping maintenance for the life of the project (see Appendix C of the FEIS).

Comment 4:

In order to mitigate any impacts to agricultural soils and the site's future use for agricultural purposes, any topsoil removed during construction must be kept onsite either for use elsewhere as part of the grading plan or for use during decommissioning.

Response to Comment 4:

Notes referencing the NYSDAM Guidelines for Solar Energy Projects have been added to drawing C201 of the Site Plans (see Appendix C of the FEIS). Additionally, a note has been added to drawing C301 of the Site Plans requiring excavated topsoil to remain on-site in accordance with NYSDAM recommendations.

Comment 5:

Please describe the use of agrivoltaics that will be used in addition to planting of a pollinator friendly seed mix.

Response to Comment 5:

At this time, additional agrivoltaics systems beyond the planned planting of a pollinator-friendly seed mix are not currently included in our project scope. However, we remain open and receptive to the Town's input regarding the potential incorporation of agrivoltaics practices or other related enhancements.

Comment 6:

The Town has not yet entered into a PILOT or Host Community Agreement with the Applicant, please revise the language on DEIS page 36 according.

Response to Comment 6:

The references to a PILOT and HCA have been revised.

Comment 7

Please confirm that Good Neighbor Agreements have been obtained and, if not, what efforts have been made to secure said agreements.

Response to Comment 7:

A Good Neighbor Agreement has been executed with the owner of parcel SBL 222.00-1-4.1. The owner of SBL 237.00-4-16 has not responded to mailed or telephone outreach efforts. A certified letter will be sent as an additional outreach effort.

Comment 8

Please provide an update on the February 18, 2025 wetlands determination request to DEC.

Response to Comment 8:

Eden II PV, LLC received a positive Parcel Jurisdictional Determination (JD) from NYSDEC on June 5, 2025. This indicates that NYSDEC jurisdictional wetlands are present on the project parcel. A Project JD request was then submitted to NYSDEC on June 10, 2025. NYSDEC will review the wetland delineation and site plan to determine the extent of their wetland jurisdiction and whether a permit is required for the proposed project. NYSDEC has 90 days to review the Project JD and provide a response. The 90-day window will conclude on September 9, 2025.

3. Appendices

Appendix A – SEQR Materials

- Scoping Document
- Erie County Scoping Document Comments
- NYSDEC Scoping Document Comments
- FEAF – Parts 1, 2, 3 and Supplement
- Ag Data Statement
- Town Board Meeting Minutes (dated 5/28/2025)
- Town Board Meeting Minutes (dated 6/11/2025)

Appendix B – Written Comments on the DEIS

- Town Board Comment Letter (dated 7/9/2025)

Appendix C – Revised Supporting Documentation

- Good Neighbor Agreements
- Project Site Plans
- Project SWPPP
- Operations and Maintenance Plan

Appendix D – DEIS

- DEIS (dated 4/11/2025)
- Appendices