

**Appendix A**  
**SEQR Materials**

# NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) Draft Scoping Document

For a Draft Environmental Impact Statement (DEIS)

**Eden Solar - Eden PV, LLC**  
Town of Eden, Erie County, NY

November 26, 2024  
Revised February 18, 2025

**SEQR CLASSIFICATION:** Type 1

**LEAD AGENCY:** Town of Eden Town Board  
Attn: Rich Ventry, Chairman & Town Supervisor  
2795 East Church Street  
Eden, NY 14057

## LIST OF INTERESTED & INVOLVED AGENCIES

- Town of Eden Planning Board (Site Plan Approval—Involved)
- Town of Eden Building Department (Building Permit—Interested)
- Town of Eden Zoning Board of Appeals (Variance – Involved)
- Erie County Department of Environment and Planning (GML 239-M Review—Interested)
- New York State Department Energy Research and Development Authority (Funding—Involved)
- NYS Department of Environmental Conservation (General Stormwater Permit—Interested)
- NYS Department of Agriculture and Markets (Site Plan Review)

## INTRODUCTION

This Scoping Document is drafted for consideration by the Town of Eden Town Board, Lead Agency for the SEQR review of the proposed Eden Solar project. This document is intended to serve as the foundation for the identification of all potentially significant adverse environmental impacts 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, Eden PV, LLC, is proposing to construct a 3,200-kW solar photovoltaic (PV) array system on a 14.30-acre portion of the 98.0-acre parcel located at 2394 West Church Street in the Town of Eden, Erie County, New York, tax parcel ID: 223.00-5-7.112, as depicted on the site plan drawing provided in this application. The Project will consist of a ground-mounted solar system, which will be constructed via driving posts 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 5,902 solar PV modules and 10 inverters, connected by 1 transformer. 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.

## GENERAL SCOPING CONSIDERATIONS

The following is extracted from the SEQRA regulations at 617.8 (Scoping):

- a) The primary goals of scoping are to focus the EIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or not significant. Scoping is required for all EISs (except for supplemental EISs) and may be initiated by the lead agency or the project sponsor.
- b) The project sponsor must submit a draft scope that contains the items identified in paragraphs (e)(1) through (5) of this section to the lead agency. The lead agency must provide a copy of the draft scope to all Involved Agencies and make it available to any individual or interested agency that has expressed an interest in writing to the lead agency.
- c) Involved agencies should provide written comments reflecting their concerns, jurisdiction and needs for environmental analysis sufficient to ensure that the EIS will be adequate to support their SEQR findings. The lead agency must include such informational needs in the final scope provided they are reasonable. The failure of an Involved Agency to participate in the scoping process will not delay completion of the final written scope.
- d) Scoping must include an opportunity for public participation. The lead agency may either provide a period for the public to review and provide written comments on a draft scope or provide for public input through the use of meetings, exchanges of written material, or other means.
- e) The lead agency must provide a final written scope to the project sponsor, all involved agencies and any individual that has expressed an interest in writing to the lead agency within 60 days of its receipt of a draft scope. The final written scope should include:
  - 1) A brief description of the proposed action;
  - 2) The potentially significant adverse impacts identified both in Part 3 of the environmental assessment from and as a result of consultation with the other involved agencies and the public, including an identification of those particular aspect(s) of the environmental setting that may be impacted;
  - 3) The extent and quality of information needed for the preparer to adequately address each impact, including an identification of relevant existing information, and required new information, including the required method for obtaining new information;
  - 4) An initial identification of mitigation measures;
  - 5) The reasonable alternatives to be considered;
  - 6) An identification of the information or data that should be included in an appendix rather than the body of the draft EIS; and
  - 7) A brief description of the prominent issues that were considered in the review of the environmental assessment form or raised during scoping, or both, and determined to be neither relevant nor environmentally significant or that have been adequately addressed in a prior environmental review and the reasons why those issues were not included in the final scope.
- f) All relevant issues should be raised before the issuance of a final written scope. Any agency or person raising issues after that time must provide to the lead agency and project sponsor a written statement that identifies:
  - 1) The nature of the information;
  - 2) The importance and relevance of the information to a potential significant impact;
  - 3) The reason(s) why the information was not identified during scoping and why it should be included at this stage of the review.
- g) The project sponsor must incorporate information submitted consistent with subdivision (f) of this

section into the draft EIS or attach such comments into an appendix of the draft EIS.

- h) If the lead agency fails to provide a final written scope within 60 calendar days of its receipt of a draft scope, the project sponsor may prepare and submit a draft EIS consistent with the submitted draft scope.

## **CONTENTS OF THE DEIS**

The applicant will prepare a site-specific, project-specific Draft Environmental Impact Statement (DEIS) addressing all items identified in this Scoping Document. Below sections 1.0 through 9.0 depict the DEIS Table of Contents.

**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** will list the 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.

**General Format** will follow the SEQRA regulations (6 NYCRR 617.9) 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. Professional 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.

## **1. 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. 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, Environmental Setting 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, noting which are enrolled in the Erie County Agricultural District Program. 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 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 and soil types and ratings.
- 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. Project Purpose and Need**

- 2.2.1. Discuss the purpose or objective of the project sponsor.
- 2.2.2. 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, the Erie County Climate Action Plan, the Buffalo and Erie County Local Food Action Plan, and the Erie-Niagara Framework for Regional Growth.

### **2.3. Approvals, Reviews and Permits**

- 2.3.1. List all Involved and Interested Agencies for DEIS distribution.
- 2.3.2. Identify zoning and describe existing land uses for the project site and adjoining properties.
- 2.3.3. 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.
- 2.3.4. List and describe all required approvals, reviews, and permits required to implement the proposed action together with the status of each application. The DEIS shall contain as appropriate, but not be limited to, description of relevant Federal, State, and Local permits and reviews, such as a decommissioning plan, a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) and the associated MS4 SWPPP Acceptance form, applicability of the Section 401 Water Quality Certification, and Article 24 Freshwater Wetland jurisdictional determination and associated

permit.

### **3. IMPACTS, MITIGATION & ALTERNATIVES**

This section of the DEIS will identify potentially significant adverse impacts identified both in Part 3 of the environmental assessment form and as a result of consultation with the other involved agencies and the public, including an identification of those particular aspect(s) of the environmental setting that may be impacted; (3) the extent and quality of information needed for the preparer to adequately address each impact, including an identification of relevant existing information, and required new information, including the required method(s) for obtaining new information; (4) an initial identification of mitigation measures; and the (5) the reasonable alternatives to be considered;

Sufficient detail shall be provided such that reviewers are able to gain an understanding of current conditions and impacts. 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.

This section shall provide a meaningful presentation of each impact issue identified as described above and listed below. the following subsection headings, each with a descriptive narrative, will allow the reader to focus on individual impact issues:

- Potential Impact
- Existing Conditions
- Mitigation Measures
- Reasonable Alternatives

#### **3.1. Impact on Land**

- 3.1.1. Existing Conditions: It shall be acknowledged the proposed action is within a District that does not allow it, requiring the applicant to apply for a use variance. While solar facilities of this scale and type (primary function to provide electricity to the public utility grid) may be considered a public utility and may be subject to the public utility variance standard, there are potentially other locations within Eden where this use would be permitted and other uses that would normally be permitted on the land without the need for a variance. This would produce a level of inconsistency with community planning goals as well as land use and potentially set a precedence for future projects constituting a significant adverse environmental impact for Eden. These thoughts shall be explored relative to current zoning and district allowances, as well as variance standards applicable to both public utilities and non-public utilities as they apply specifically to the proposed Eden Solar facility.
- 3.1.2. Mitigation Measures Impacts identified by an assessment of community planning goals shall be assessed relative to means by which mitigation can be extended to reduce such impacts. This will include a description of community character and methods by which impacts thereto shall be mitigated.
- 3.1.3. Reasonable Alternatives shall be described that may be deemed appropriate to the Site in

accordance with existing zoning. An objective comparison of substantive adverse impacts shall be offered.

### **3.2. Impact on Surface Water**

- 3.2.1. Existing Conditions It shall be acknowledged, with details provided relative to the wetlands and the project design, that the proposed action involves construction on delineated wetlands. As an aside, it is noted in this DEIS Scoping Document that the SEQRA Positive Declaration incorrectly indicates the presence of impacts which exceed the 0.1-acre threshold for Federal resources (US Army Corps of Engineers) jurisdiction and requirement for mitigation, which is noted as a significant adverse environmental impact. Thus, it is requested the Town reconsider this concern as something to be addressed within the DEIS. But if required, the DEIS will discuss what impacts are proposed, including review of any project impacts to NYS-regulated wetlands resulting from the amended New York Freshwater Wetlands Act, and their mitigation and alternative design options.
- 3.2.2. Mitigation Measures: As needed, wetland functions impacted shall be described with an assessment of how the mitigation intended shall address those impacts.
- 3.2.3. Reasonable Alternatives: As needed, various impact avoidance means through project redesign shall be assessed, as will alternative mitigation strategies, including on-site and off-site approaches.

### **3.3. Impact on Agricultural Resources**

- 3.3.1. Existing Conditions The DEIS shall acknowledge that although not actively farmed at present, the environmental review by the Town did identify areas of moderate to large impacts associated with agricultural resources. Concerns shall be discussed related to the fact the Site does contain prime farm soils within groups 1 through 4 of the NYS Land Classification System and that the proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.
- 3.3.2. Mitigation Measures Means to mitigate impacts to agriculture (future and surrounding) will be discussed.
- 3.3.3. Reasonable Alternatives Agricultural resource impact avoidance measures taken, as well as those deemed unreasonable by the project sponsor, shall be described.

### **3.4. Impact on Aesthetic Resources**

- 3.4.1. Existing Conditions The DEIS shall acknowledge that there is a similar proposed project (Eden II Solar) within two miles of the proposed Site, providing details on that project location, design, and level of visibility. Likewise, a discussion of the fact the fronting street and existing use is private recreation, yet the Site is proposed for solar facility use. Details of existing conditions shall focus on site visibility and views from adjacent properties and streets; diminishment of the public enjoyment, and appreciation of the designated aesthetic resources, and the extent of project appearance contrast from uses within 1 mile of the site.
- 3.4.2. Mitigation Measures Impacts to aesthetic resources, along with intended means by which those impacts shall be mitigated shall be described.
- 3.4.3. Reasonable Alternatives Means of aesthetic resource impact avoidance not currently proposed shall be explored with a description of options both assumed acceptable and unacceptable, with details on the pros and cons of both.

### **3.5. Impact on Open Space and Recreation**

- 3.5.1. Existing Conditions The DEIS shall acknowledge that current use of the land subject to the proposed action, which does not include the full holdings of the landowner, consists of residential and a commercial driving range/mini golf. The conversion of the land to a solar utility will remove a private recreational resource from the Town as well as decrease the amount of private open space, which the Town considers "working lands". Taking into account the remaining landholdings of the property owner to the south, which includes currently actively leased agricultural lands, there exists potential in the future for conversion to solar utility which the Town notes would further impact open space.
- 3.5.2. Mitigation Measures How impacts to open space and recreation shall be mitigated to the extent practical by proposed project siting and design shall be described.
- 3.5.3. Reasonable Alternatives Means of open space and recreation impact avoidance not currently proposed shall be explored with a description of options both assumed acceptable and unacceptable, with details on the pros and cons of both.

### **3.6. Impact on Community Plans**

- 3.6.1. Existing Conditions The DEIS shall acknowledge that the proposed action's land use may be different from current surrounding land use patterns, as well as inconsistent with local land use plans or zoning regulations. A discussion will be provided related to the goals of the following:
- Town Agricultural and Farmland Protection Plan
  - Town Comprehensive Plan;
  - Erie County Agricultural and Farmland Protection Plan — February 20, 2013
  - Town of Eden Comprehensive Plan Update — April 11, 2018
  - Town of Eden Right to Farm Law Code Chapter 106

In addition, the DEIS will discuss the vision, goals, and regulations of local zoning law as related to the site, with reference to the Town of Eden Zoning Chapter 172: Solar Energy Systems — July 12, 2017 and local land use plans or zoning regulations with details concerning what potential other developments the infrastructure may support, including what upgrades are required and associated costs to support additional developments similar in size and scope to this project and how this project could induce secondary development impacts either commercial, residential, or additional solar projects and how it could potentially impact the surrounding areas.

- 3.6.2. Mitigation Measures How impacts to community plans shall be mitigated by the project proposal via project siting and design shall be described. This may include design features to reduce project area and encourage co-location with continued agricultural activities on site; lease revenue for site owner to continue agricultural activities; 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. The DEIS shall discuss how this will be managed and measured and what guaranties will be in place to ensure it occurs as described. Potential additional mitigation measures will also include use of pollinator grass / flower seed mix for project area to expand agricultural pollinator habitat.
- 3.6.3. Reasonable Alternatives Means of avoiding impacts caused by an inconsistency to community plans not currently proposed shall be explored with a description of options both assumed acceptable and unacceptable, with details on the pros and cons of both. This may include such

means as developing a Host Community Agreement with the Town of Eden that helps address issues associated with community plans.

### **3.7. Impact on Community Character**

- 3.7.1. Existing Conditions The DEIS shall acknowledge the proposed use is inconsistent with the existing natural landscape and is not permitted within the current zoning district, thus necessitating a use variance. A discussion will be provided of any public, cultural, and / or recreational facilities on or within 1 mile of the site contributing to community enjoyment and / or quality of life, along with the character of the existing natural landscape and predominant architectural scale and character on or within 1 mile of the site and the inconsistencies of the proposal thereto.
- 3.7.2. Mitigation Measures The DEIS shall discuss variance considerations and how the proposal intends to meet all applicable variance standards. In addition, the DEIS shall describe design features that will serve to mitigate impacts to community character, including existing facilities, structures, or areas of historic importance to this community specifically open farmland, shall be described, including native evergreen screening to match character of nearby tree lines and wooded areas. Measures to ensure the final screening survives and develops into the proposed screen shall be included.
- 3.7.3. Reasonable Alternatives Means of avoiding impacts to community character not currently proposed shall be explored with a description of options both assumed acceptable and unacceptable, with details on the pros and cons of both. This may include alternative project design and other means such as developing a Host Community Agreement with the Town of Eden that helps address issues associated with community character.

## **4. UNAVOIDABLE ADVERSE IMPACTS**

The DEIS shall 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. This may include impacts from traffic / transportation and storage of materials, construction equipment and workers, provision of utilities during construction period, air quality, dust, erosion, odor, noise, visibility, etc. The anticipated duration of the construction phase will be detailed, along with the potential for the permanent loss of farmland and mitigation measures taken.

## **5. ALTERNATIVES**

In addition to alternatives discussed within Section 3 specific to individual impacts, this section of the DEIS will evaluate and compare generic large-scale 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. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

The DEIS will identify 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. 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. 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. 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).



**COUNTY OF ERIE**  
DEPARTMENT OF ENVIRONMENT AND PLANNING  
DIVISION OF PLANNING AND ECONOMIC DEVELOPMENT

DANIEL R. CASTLE, AICP, COMMISSIONER

THOMAS E. BAINES, ESQ., DEPUTY COMMISSIONER

December 19, 2024

Mr. Richard Ventry  
Chairman & Town Supervisor  
2795 East Church Street  
Eden, NY 14057

**Re:** Draft Scoping Document  
**Location:** 2394 West Church Street  
**Review No.:** 647-M617-24  
**Previous:** 587-SP-24; 309-ZR-24; 81-ZR-24

Dear Mr. Ventry,

Pursuant to New York Article 8 of the New York Environmental Conservation Law, the County of Erie (the “County”) has reviewed the above-referenced project (the “Project”) referred to the Department of Environment and Planning (“DEP”) by the Town of Eden (the “Town”) on December 6, 2024.

DEP is familiar with the Project and has been involved throughout the process, including review of a use variance and site plan referrals, pursuant to Section 239-m of General Municipal Law. Enclosed are DEP’s previous responses related to this project, dated December 4, 2024, June 4, 2024, and July 1, 2024.

DEP offers the following comments:

- In general, the DEIS should contemplate the cumulative impact of this and other solar developments in the Town, which represent significant farmland conversion, will have direct adverse impacts on farm operations, agricultural resources, and farmland protection goals established by the Town and County, and should identify mitigation measures and/or alternatives.
- Project Purpose and Need (2.2). The Town and developer should ensure a decommissioning plan is prepared per Town code §172-9D(1).
- Description of Proposed Action (2.1). When listing abutting properties, please ensure to note which are enrolled in the Erie County Agriculture District Program.
- Impacts, Mitigation & Alternatives. (3.0). Please include impacts to all soil types and their soil ratings.
- Impact on Community Plans (3.6.1). Please additionally include how the project is consistent and/or inconsistent with the *Erie County Climate Action Plan*, the *Buffalo and Erie County Local Food Action Plan*, and the *Erie-Niagara Framework for Regional Growth*.

- Impact on Community Character (3.7.2). Regarding the Use Variance, the DEIS should include a determination as to whether sufficient hardship for the variance has been demonstrated and its impacts on community character.

This review pertains to the above-referenced SEQR Draft Scoping Document submitted to the Erie County Department of Environment and Planning. This should not be considered sufficient for any County approvals. The Town of Eden and/or the developer must still obtain any other permits and regulatory approvals applicable to this Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Briana Zuchowski", is centered on the page.

Briana Zuchowski  
Assistant Planner





January 27, 2025

**SENT VIA EMAIL**

Honorable Rich Ventry  
Town of Eden Town Board  
2795 East Church Street  
Eden, New York 14057

Dear Honorable Ventry:

**Draft Scoping Document**  
Eden Solar – Eden PV, LLC  
Town of Eden, Erie County

The New York State Department of Environmental Conservation (NYSDEC) has received and reviewed your December 17, 2024 letter and the enclosed Draft Scoping Document prepared for the above-referenced project. The Draft Scoping Document addresses the environmental concerns relevant to NYSDEC's jurisdiction and we offer the following comments:

**Section 2.2.4 - Approvals, Reviews and Permits**

1. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-20-001, as well as information on how to electronically submit the eNOI form, is available on the NYSDEC's website at [www.dec.ny.gov/chemical/43133.html](http://www.dec.ny.gov/chemical/43133.html). Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the NYSDEC's website at [www.dec.ny.gov/chemical/8468.html](http://www.dec.ny.gov/chemical/8468.html).

The Town of Eden is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principal executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the eNOI to receive NYSDEC approval before construction commences.

2. This project **may** require Section 401 Water Quality Certification (WQC) approval from the NYSDEC. To date, the NYSDEC has not received a permit application or site plans for this project.
3. In 2022, New York's Freshwater Wetlands Act (Environmental Conservation Law Article 24) was amended and several important changes to the program were made. The following is a summary of the legislative amendments and their effective dates:
  - a. January 1, 2025 - The current official NYS Freshwater Wetlands Maps will no longer limit NYSDEC regulatory jurisdiction to wetlands depicted on those maps. Instead, maps will become informational, and any wetlands that meet the applicable definition and criteria will be regulated by the NYSDEC and subject to permitting, regardless of whether they appear on the informational maps. NYSDEC Informational Freshwater Wetland Mapping is now available: <https://data.gis.ny.gov/>.
  - b. January 1, 2025 - Small wetlands of "unusual importance" will be regulated if they meet one of 11 newly-established criteria listed in the new legislation.
  - c. January 1, 2028 - The default size threshold for regulated wetlands will decrease from 12.4 acres to 7.4 acres. Small wetlands of "unusual importance" will continue to be regulated if they meet one of the criteria listed in the new legislation.

More information about these changes may be found on our website:  
<https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program>.

As a result of the statutory changes listed above, an Article 24 Freshwater Wetland permit **may** be required for this project. In order to obtain a parcel jurisdictional determination (JD) from the Albany Bureau of Ecosystem Health, the project sponsor must submit an Online Jurisdictional Determination Form through the following website:  
<https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination>.

### **Section 3.2 - Impact on Surface Water**

The NYSDEC notes that the Draft Scoping Document clarifies that less than 0.1 acre of federally regulated wetlands will be impacted by the proposed project. Based in part on the NYS freshwater wetlands regulatory changes noted above, the NYSDEC recommends that impacts on surface water remain in the Final Scoping Document and ultimately be evaluated in the Environmental Impact Statement (EIS).

If the regulatory changes result in project impacts to NYS-regulated wetlands, the NYSDEC requests that the Town of Eden Town Board include an evaluation of these impacts in the EIS.

Honorable Rich Ventry  
January 27, 2025  
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Thank you for the opportunity to review this project. If you have any questions regarding this letter, please feel free to contact me at [kristine.carlson@dec.ny.gov](mailto:kristine.carlson@dec.ny.gov) or 716-851-7165.

Sincerely,

A handwritten signature in black ink, appearing to read 'K.M. Carlson', with a long horizontal flourish extending to the right.

Kristine M. Carlson  
Deputy Permit Administrator

KMC/slr

ec: Angela Driscoll, NYSDEC R9 Bureau of Ecosystem Health  
Peter J. Sorgi, Esq., Hopkins Sorgi & McCarthy PLLC

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

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

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

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

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Eden Solar		
Project Location (describe, and attach a general location map): 2394 West Church Street, Eden, NY 14057		
Brief Description of Proposed Action (include purpose or need): The Applicant, Eden PV, LLC, is proposing to construct a 3,200-kW solar photovoltaic (PV) array system on a 14.30-acre portion of the 98.0-acre parcel located at 2394 West Church Street in the Town of Eden, Erie County, New York, tax parcel ID: 223.00-5-7.112, as depicted on the site plan drawing provided in this application. The Project will consist of a ground-mounted solar system, which will be constructed via driving posts 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 5,902 solar PV modules and 10 inverters, connected by 1 transformer. 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.		
Name of Applicant/Sponsor: Eden PV, LLC	Telephone: 716-478-0988	E-Mail: jrappe@ric.energy
Address: c/o RIC Development, LLC 85 Broad Street, 28th Floor		
City/PO: New York	State: NY	Zip Code: 10004
Project Contact (if not same as sponsor; give name and title/role): James Taravella, PE; Project Manager, RIC Development, LLC	Telephone: 716-478-0988	E-Mail: jtaravella@ric.energy
Address: c/o RIC Development, LLC 85 Broad Street, 28th Floor		
City/PO: New York	State: NY	Zip Code: 10004
Property Owner (if not same as sponsor): Five V & L Farms	Telephone: 716-432-2049	E-Mail: N/A
Address: 9655 Knoll Rd		
City/PO: Eden	State: NY	Zip Code: 14057

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Special Use Permit	Spring 2024
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan Approval	Spring 2024
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Use variance	February 2024
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Erie County GML 239-M	Spring 2024
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC SPDES GP-0-20-001; NYSERDA; NYISO	Fall/Winter 2024
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

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

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

**C.2. Adopted land use plans.**

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

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

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

If Yes, identify the plan(s):

NYS Heritage Areas: West Erie Canal Corridor

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

If Yes, identify the plan(s):

Erie County Land Use Plan and Erie County Agricultural Farm Protection Plan.

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
The project is located within the R2 - Rural residential zoning district.

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

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

**C.4. Existing community services.**

a. In what school district is the project site located? Eden Central School District #1

b. What police or other public protection forces serve the project site?  
Town of Eden Police Department

c. Which fire protection and emergency medical services serve the project site?  
Eden Fire Department; Eden Emergency Squad

d. What parks serve the project site?  
N/A

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Ground mounted large-scale solar energy system

b. a. Total acreage of the site of the proposed action? 98.0 acres  
b. Total acreage to be physically disturbed? 14.17 acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 98.0 acres

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

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

e. Will the proposed action be constructed in multiple phases?  Yes  No  
i. If No, anticipated period of construction: 6 months  
ii. If Yes:  
• Total number of phases anticipated \_\_\_\_\_  
• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures 5,902

ii. Dimensions (in feet) of largest proposed structure: 12-14 height; 6-8 width; and 3-5 length

iii. Approximate extent of building space to be heated or cooled: N/A square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

If Yes, describe: \_\_\_\_\_

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

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

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

If Yes:

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

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

If Yes:

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

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

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

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

If Yes:

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

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

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

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

If Yes:

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

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

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

If Yes:

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



• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

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

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

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ 0.01 acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ 98.0 acres (parcel size)  
 ii. Describe types of new point sources. N/A

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
Stormwater runoff will maintain the existing flow patterns to existing ditches and wetlands.  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
To existing wetlands, including those delineated on site (referred to as Wetlands A-D) and the NWI mapped Riverine feature located in the northeastern portion of the Project site (R4SBCx).  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

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

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

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

If Yes:

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

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

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

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

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

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

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

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

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

If Yes:

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

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

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

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

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7 am - 7 pm</li> <li>• Saturday: _____ 7 am - 7 pm</li> <li>• Sunday: _____ None</li> <li>• Holidays: _____ None</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ Sunrise to Sunset</li> <li>• Saturday: _____ Sunrise to Sunset</li> <li>• Sunday: _____ Sunrise to Sunset</li> <li>• Holidays: _____ Sunrise to Sunset</li> </ul>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration:  
 During hours of construction, heavy equipment used for construction activities are expected to produce noise that exceeds ambient noise levels.

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

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

If yes:

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

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

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o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_  
 \_\_\_\_\_

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

If Yes:

i. Product(s) to be stored \_\_\_\_\_

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

iii. Generally, describe the proposed storage facilities: \_\_\_\_\_

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

If Yes:

i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

If Yes:

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

- Construction: \_\_\_\_\_ 300 tons per \_\_\_\_\_ construction season (unit of time)
- Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

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

- Construction: Source separation of materials will facilitate reuse and recycling.  
 \_\_\_\_\_
- Operation: No waste will be generate during operations.  
 \_\_\_\_\_

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

- Construction: A state-permitted solid waste management facility will be used for non-recyclables.  
 \_\_\_\_\_
- Operation: N/A  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

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

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.24	0.25	+0.01
• Forested	26.01	26.01	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.93	0.93	0
• Agricultural (includes active orchards, field, greenhouse etc.)	69.43	55.25	-14.18
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	1.39	1.39	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Solar Facility</u>	0	+14.17	-14.17

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

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

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

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

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

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ >6.5 feet

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

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

Niagara silt loam, till substratum	_____	52.3 %
Appleton silt loam, 0-3% slopes	_____	20.5 %
Farnham channery silt loam, 3-8%	_____	15.1 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ +/-1.5 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: 28.7 % of site  
 Poorly Drained 71.3 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: 100 % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

- Streams: Name 835-7 Classification <sup>C</sup> \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size 1.39 acres
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

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

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

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

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

<p>m. Identify the predominant wildlife species that occupy or use the project site:  Predominant wildlife to the area passing _____ through this site may include: _____  mice, groundhogs, voles, and others. _____</p>	<p>white tailed deer, rabbits, skunks, birds, _____</p>
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  If Yes:  i. Describe the habitat/community (composition, function, and basis for designation): _____  ii. Source(s) of description or evaluation: _____  iii. Extent of community/habitat:  <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul> </p>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  If Yes:  i. Species and listing (endangered or threatened): _____  _____  _____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  If Yes:  i. Species and listing: _____  _____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  If yes, give a brief description of how the proposed action may affect that use: _____  _____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>  If Yes, provide county plus district name/number: <u>ERIEc08</u></p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>  i. If Yes: acreage(s) on project site? <u>17.1 acres of mineral soils within groups 1-4</u>  ii. Source(s) of soil rating(s): <u>USDA Soil Survey</u></p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  If Yes:  i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature  ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____  _____  _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  If Yes:  i. CEA name: _____  ii. Basis for designation: _____  iii. Designating agency and date: _____</p>	

<p>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site      <input type="checkbox"/> Historic Building or District</p> <p style="margin-left: 20px;">ii. Name: _____</p> <p style="margin-left: 20px;">iii. Brief description of attributes on which listing is based: _____</p>
<p>f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe possible resource(s): _____</p> <p style="margin-left: 20px;">ii. Basis for identification: _____</p>
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Identify resource: _____</p> <p style="margin-left: 20px;">ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</p> <p style="margin-left: 20px;">iii. Distance between project and resource: _____ miles.</p>
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Identify the name of the river and its designation: _____</p> <p style="margin-left: 20px;">ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>

**F. Additional Information**

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

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

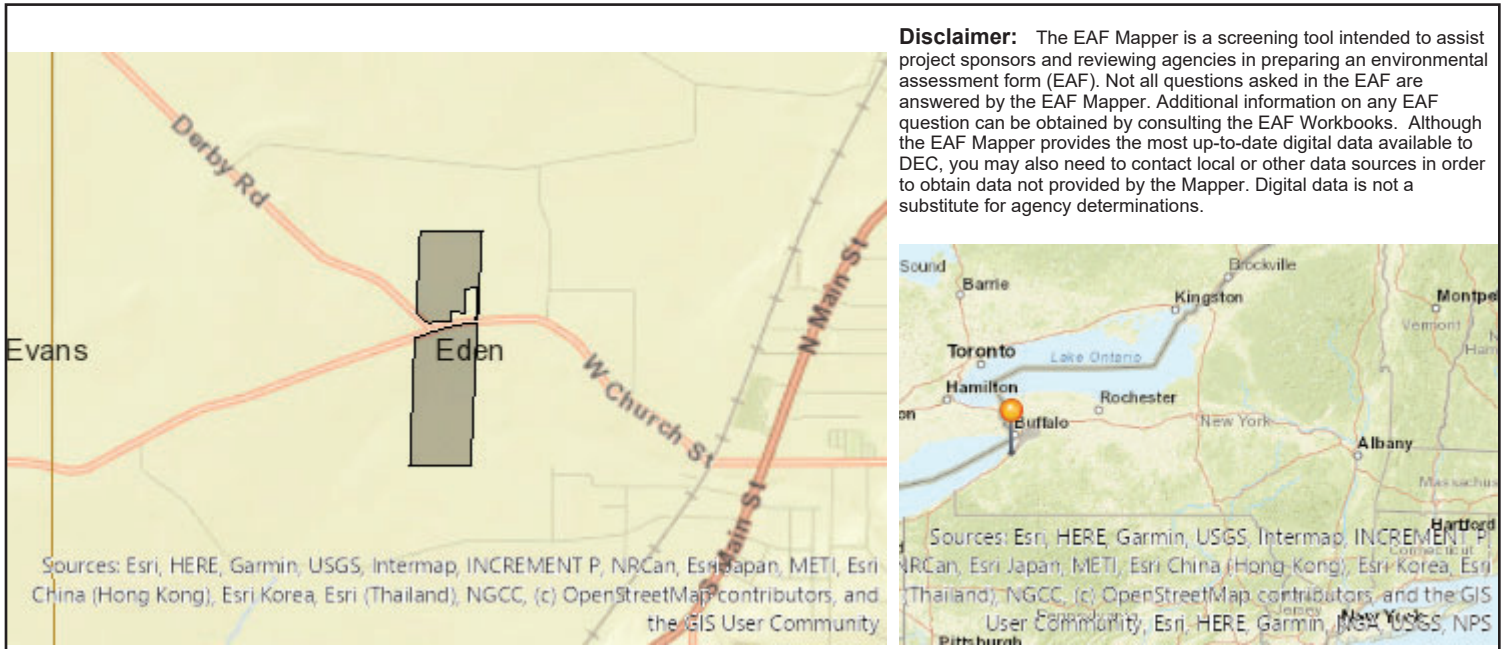
**G. Verification**

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

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature  \_\_\_\_\_ Title \_\_\_\_\_





B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	835-7
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No

E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	ERIEc08
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No



## **Eden Solar**

**Full Environmental Assessment Form**  
**Part I: Supplemental Information**  
2394 West Church Street, Eden, NY 14057  
Tax Parcel ID: 223.00-5-7.112

**February 2024**

Submitted by:  
Eden PV, LLC  
c/o RIC Development, LLC  
85 Broad St, 28th Floor  
New York, NY 10004

## Eden Solar Project

The following information supplements the Full Environmental Assessment Form (FEAF) Part 1 to assist the Lead Agency's project understanding and completion of the Full EAF Parts 2 and 3.

Eden PV, LLC is proposing to develop a new 3,200-kW stand-alone ground-mounted solar photovoltaic array system on a 13.4-acre portion of the 98.0-acre parcel located at 2394 West Church Street in the Town of Eden, Erie County, New York, tax parcel ID: 223.00-5-7.112.

### FEAF Part I Clarification:

- 1. Impact on Land:** The proposed action will involve construction on, or physical alteration of the land surface within the proposed site. However, no moderate or large impacts are anticipated. Minor disturbance of land will be conducted in order to install the solar array and access the Project site. Any grading required onsite will be minimal and is not anticipated to adversely impact the land. Blasting will not occur. When the Project reaches the end of its useful life and is decommissioned, as ensured by a bond posted by the Applicant with the Town, the land will be restored to its original condition with Project components removed so that it may return to productive land use.
- 2. Impacts on Geological Features:** The proposed Project will not result in the modification or destruction of or inhibit access to any unique or unusual landforms within the site, e.g., cliffs, dunes, minerals, fossils, caves, etc.
- 3. Impacts on Surface Water:** The proposed Project will not significantly affect wetlands or other surface water bodies, e.g., streams, rivers, ponds, or lakes. State protected wetlands are not located within the work area, nor close enough to require any permits or concern. Existing wetland areas delineated onsite within the work area include three small emergent marsh wetlands, totaling about 0.22-acres of the Project site, and one larger wetland area, totaling 3.22-acres, of which the forested portion (2.30-acres) has been excluded from the work area. These delineated wetlands are described and depicted in the attached Wetland Delineation Report. The three smaller wetlands may be impacted by the installation of solar array posts and fence posts, but this disturbance is minimal by virtue of the proposed construction requiring minimal soil and land disturbance.

The Project will not increase stormwater runoff at the site. Existing drainage patterns will be maintained to the maximum extent practicable and minimal impervious surfaces are proposed. As such, no changes to the rate or volume of stormwater runoff are expected from project operations. Nonetheless, appropriate precautionary, post-construction Best Management Practices (BMPs) will be installed and maintained according to the Project-specific, NYSDEC-approved Stormwater Pollution Prevention Plan (SWPPP). BMPs include erosion and sediment control methods, such as vegetative and structural sediment

control measures, construction phasing, disturbance limits, installation of silt screen and a construction entrance, waste management and spill prevention, and routine site inspection and maintenance. It is noted that the NYSDEC issued a guidance memo on Solar Panel Construction, dated April 5, 2018, which states that NYSDEC considers solar panel array areas, such as the proposed Eden Solar Project, equivalent to vegetated open space, including recreational parks, meadows, lawns, and fields, and thus of minimal impact to stormwater considerations. Additional measures and details will be provided in the SWPPP.

4. **Impacts on Groundwater:** The proposed Project will not result in new or additional use of groundwater. The Project will not store any petroleum or other potentially hazardous products on site, nor will it have the potential to introduce contaminants to groundwater or an aquifer. The Project site is not located over, or immediately adjoining, a primary, principal, or sole source aquifer.
5. **Impact on Flooding:** The Project will not result in development on lands that are subject to flooding.
6. **Impact on Air:** The proposed Project will not include a state regulated air emission source or have other emissions beyond the temporary exhaust of construction or maintenance vehicles and the occasional lawn mower.
7. **Impact on Plants and Animals:** The proposed Project will not result in a substantial loss of flora or fauna. The US Fish and Wildlife Service (USFWS) notes that the site is within the vicinity of state and federally endangered Northern Long-Eared Bat. Provided that any tree clearing at this site is conducted during winter months to ensure that bats are not roosting in trees, this concern will be addressed. In addition, forested portions of the parcel have been excluded from the Project area, further ensuring minimal impact to this species. The USFWS Determination Key for Northern Long-eared Bat was also consulted, which provided a conclusion that the Project's actions will not impact populations of Northern Long-eared Bat. Additionally, USFWS notes that Monarch Butterfly populations may be found within the vicinity of the Project site. This species is currently unlisted, but a species of concern, nonetheless. Impacts to this species are expected to be positive, given the intent to plant pollinator-friendly species. Copies of the Official Species List and Northern Long-Eared Bat Determination Key Consistency Letter have been provided attached in this application, as well.

Other, more common, wildlife species that may cross the affected Project site are expected to adapt to the presence of solar facilities with relative ease. There are no plants of concern thought to be present at this site, and pesticides and herbicides will not be

used throughout the life of the Project. To reduce potential impacts from invasive species, construction will require specific controls, such as washing of equipment and the quick establishment of vegetation within disturbed areas, in order to reduce the potential for any invasive species to enter the site. Based on the above, the Project will not result in any significant adverse impacts to plants and animals.

8. **Impacts on Agricultural Resources:** The proposed action may have a small impact on agricultural resources, though it is not expected to have a substantive impact on agriculture in the Town or region. Eden Solar is located within an Agricultural District (ERIEc08), and contains soils within soils groups 1-4, which are considered highly productive soils. The solar facility will occupy approximately 17.1-acres of land containing these soil types. Nonetheless, impacts will be avoided because these and other soils onsite shall be preserved by virtue of the proposed construction requiring minimal soil disturbance. In addition, the NYS Department of Agriculture and Markets (NYSDAM) provides guidance on the construction of solar facilities within agricultural districts, which will be followed throughout all construction of this facility as it ensures minimal impacts.

Following the useful life of the facility, estimated at approximately 30 years, decommissioning shall also ensure a return of the Project site to a condition that can again be farmed, if desired. It is also noted that soil is depleted of nutrients when land is continuously farmed. Fertilizers must be applied on an annual basis to continually grow most crops. A common practice in agriculture is to allow fields to rest in fallow periods that can range from one to five years, which allows the land to recover and store organic matter while retaining moisture and disrupting the lifecycles of pathogens by temporarily removing their hosts. The lifespan of the proposed solar facility is essentially a long fallow period that provides the soils time to rest and replenish important nutrients. As a result, when decommissioned, the area is in a better condition than the current situation for continued farming or another productive use. Thus, the impacts are temporary, especially as compared to other forms of development, and even arguably beneficial to a long-term agricultural industry.

9. **Impact on Aesthetic Resources:** The land use of the proposed Project is not in sharp contrast to current land use patterns between the proposed Project and a scenic or aesthetic resource. The Project site is not visible from any officially designated Federal, State, or local scenic or aesthetic resource or other public vantage points. Vegetative screening is also proposed to ensure that the site is of little or no visual concern.
10. **Impact on Historic and Archaeological Resources:** The proposed Project will not occur within or adjacent to historic or archaeological resources. A search of the NY State Historic Preservation Office's (SHPO's) Cultural Resource Information System (CRIS) concluded

that there are no properties, including archaeological and/or historic resources, listed in or eligible for listing in the New York State and National Registers of Historic Places that will be impacted by this Project.

11. **Impact on Open Space and Recreation:** The proposed action will not result in a loss of recreational opportunities, nor will it result in a reduction of open space resources, as designated in any adopted municipal open space plan.
12. **Impact on Critical Environmental Areas:** The proposed Project site is not located within or adjacent to a critical environmental area (CEA).
13. **Impact on Transportation:** The proposed action will not result in a change to existing transportation systems. The Project will generate very minimal traffic, as operation is fully automated and remotely monitored 24/7 through an electronic system. As such, it does not require onsite supervision or manual operation. After construction, facility visits will be conducted an estimated twice annually for equipment inspections and maintenance, such as grass mowing. Normal windows for mowing are June to July, and July to August. Parking will be restricted to onsite within designated parking areas. The expected timeline for construction is approximately three to four months. During this relatively short period, there will be construction vehicles entering and exiting the site during daylight hours, primarily at the start and end of the workday, at which time the contractor will provide flagmen if deemed appropriate.
14. **Impact on Energy:** The proposed Project will not cause an increase in the use of any form of energy. Impacts on energy as a result of this action are actually in support of the State energy plan and considered positive in nature.
15. **Impact on Noise, Odor, and Light:** The proposed Project will result in only a minor, temporary increase in noise during construction. It will not result in any increase in odors, nor outdoor lighting. The Project will not produce noise that will substantially impact neighboring properties. Operational components of solar facilities that generate sound include inverters and transformers. These sound sources operate only during the day when electricity is produced by the solar panels. Together, the sound at the property line is estimated to approximate that of a typical human conversation, or between 50 and 65 decibels in total. With the setback from nearby houses, the sound will be inaudible to area residences.

During construction, louder noise will be generated by heavy equipment. This noise will be comparable to that of nearby highways. During construction, post installation sounds may exceed at times ambient (background) levels at the property limits for the few weeks



in which posts are to be installed. The construction period is estimated to total about 6 months; however, the duration of excessive noise is expected to occur for only 3-4 months of this period.

There are no predicted glare occurrences from the proposed solar array for nearby residences or roadways. Solar panels are designed to capture sunlight for conversion to usable, electrical energy. Dispersing or reflecting light is counter to that intent. Consequently, the panels are treated with anti-reflective coatings to reduce and nearly eliminate any sunlight reflection. Reflection is estimated at 1 to 2 percent, which is equivalent to that resulting from water or soil. Nonetheless, the Applicant has consulted with the Federal Aviation Administration (FAA) to review glare from the Project to confirm compliance with FAA standards. It is expected that the solar facility will not have adverse effects related to issues such as glare, radar interference, and physical penetration of airspace. Despite this, a landscape screening plan is intended to further shield the facility from view.

16. **Impact on Human Health:** The proposed action will not have any adverse impact on human health. There are no hazardous substances maintained onsite or exposed to the environment. Use of pesticides or herbicides are not proposed. There is also no associated battery storage or the storage of any petroleum or chemicals onsite. Almost all materials onsite are composed of nonflammable and noncombustible recyclable glass, aluminum, and steel. According to the Solar Energy Industries Association (SEIA), fires at solar facilities are extremely rare. Solar panels are tested by Underwriters Laboratories (UL), which subjects them to the rigors of everyday use before they can be certified. Also, solar-specific building codes and the National Electric Code have added additional requirements that make it easy for first responders to turn off a PV system safely and effectively, if needed, to remove the electrical hazard. The safety measures and protocols utilized during construction and operation of the Project will be applied during the decommissioning and restoration process in order to ensure the safety of all personnel and the public.
17. **Consistency with Community Plans:** The Project is consistent with adopted land use plans. Though it requires a use variance, it is permissible by the Town through a Special Use Permit. The Town of Eden's Comprehensive Land Use Plan places important emphasis on balancing rural character and supporting local agriculture. As such, development should be sensitive to this. The proposed solar facility, as discussed above, is not in sharp contrast to current land uses and will leave the site in a better state than it currently is in by allowing for it to rest in a long fallow period that provides the soils time to rest and replenish important nutrients, allowing for continued farming or another productive use when decommissioned.



18. **Consistency with Community Character:** The proposed action is consistent with the existing community character. Solar farms, though not common on the landscape, are not in conflict with a rural setting. In this case, the Project is also sited far from the road and will be screened from view. The Project will not eliminate or replace any existing facilities, structures, or areas of historic or cultural importance to the community. It will not create a demand for additional community services, nor will it displace any affordable or other housing. The Project will not interfere with the enjoyment of any designated public resource.

## **Eden Solar I**

### SEQRA Positive Declaration – Reasons to Support Determination of Significance

As noted on Part 2 of the Environmental Assessment Form (EAF) for the above project, the following resources/elements were noted as “moderate to large impacts” that may occur as a result of the above proposed action:

- Impact on Land (#1)
- Impacts on Surface Water (#3)
- Impact on Aesthetic Resources (#9)
- Impact on Open Space and Recreation (#11)
- Consistency with Community Plans (#17)
- Consistency with Community Character (#18)

In no particular order, the Town Board has concluded the following with respect to these resources/elements:

- The proposed action involves construction on delineated wetlands that may exceed the 0.1-acre threshold for Federal resources (US Army Corps of Engineers), requiring mitigation measures. While this is covered through the Nationwide Permits process (Section 404 of the Clean Water Act), the direct disturbance of and construction on wetlands over the minimum size is a significant adverse environmental impact requiring mitigation. [Impact #1, 3]
- In terms of community consistency and land use impacts, the proposed action is within a District that does not allow it, requiring the applicant to apply for a use variance. While solar facilities of this scale and type (primary function to provide electricity to the public utility grid) may be considered a public utility and may be subject to the public utility variance standard, there are potentially other locations within Eden where this use would be permitted and other uses that would normally be permitted on the land without the need for a variance. This would produce a level of inconsistency with community planning goals as well as land use and potentially set a precedence for future projects constituting a significant adverse environmental impact for Eden. [Impact #1, 9, 17, 18]
- The current use of the land subject to the proposed action, which does not include the full holdings of the landowner, consists of residential and a commercial driving range/mini golf. The conversion of the land to a solar utility will remove a recreational resource from the Town as well as decrease the amount of open space, which the Town considers “working lands” such as this as a contributing factor. Taking into account the remaining landholdings of the property owner to the south, currently actively leased agricultural

lands, there exists potential in the future for conversion to solar utility which would further impact open space in the Town. [Impact #11]

For the above reasons, the Eden Town Board determines that the proposed action has one or more significant adverse environmental impacts that require analysis and mitigation that must be fully explored, documented and subject to public review in accordance with 6 NYCRR Part 617.

RESOLUTION #XX-XXXX

SEQRA DETERMINATION OF SIGNIFICANCE  
FOR EDEN I SOLAR

On motion of XXXX, seconded by XXXX, the following resolution was adopted by the Town Board of the Town of Eden, New York:

**Whereas**, the Town Board of the Town of Eden (“Town Board”) has received an application for the development of a 3.2 MW (AC) solar facility from RIC Development, LLC/Eden PV, LLC (“Applicant”) at 2394 West Church Street, consisting of approximately 5,900 panels; and

**Whereas**, the facility will be leased by the Applicant and sited on approximately 14 acres within the 98 acre parcel, currently consisting of a mix of scrub-shrub vegetation and agricultural fields as well being used as a commercial golf driving range; and

**Whereas**, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Board adopted a resolution on May 22, 2024 declaring its intent to act as Lead Agency for this Type 1 Action and circulated said intent to all Involved Agencies; and

**Whereas**, no Involved Agencies challenged the intent of the Town Board to act as Lead Agency.

**Now Therefore Be It Resolved** that the Town Board hereby designates itself as Lead Agency for the proposed action pursuant to 6 NYCRR Part 617.

**Further Resolved**, that the Board has examined and considered the Full Environmental Assessment Form (EAF) Part 1; caused to be prepared Part 2 and 3 of the EAF to evaluate potential significant adverse environmental impacts associated with the Proposed Action based on a review of the EAF Part 1, the application documentation, and its own independent analysis of the Proposed Action; and

**Further Resolved**, that the Board has compared the potential environmental impacts of the Proposed Action, as set forth in Parts 2 and 3 of the EAF with the criteria for determining significance under 6 NYCRR 617.7(c) including supporting documentation for said determination.

**Finally Resolved**, that based upon the information contained in the EAF and associated documents, the Board, as Lead Agency for the Proposed Action contemplated herein, and after due deliberation, review and analysis of the Proposed Action and the criteria set forth in 6 NYCRR §617.7(c), hereby determines that the Proposed Action may have one or more significant adverse impacts on the environment, resulting in a *Positive Declaration* determination

of significance, and thus, directing the preparation of an Environmental Impact Statement (EIS) in accordance with 6 NYCRR §617.9 with notice published pursuant to 6 NYCRR §617.12.

VOTE

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

DATE: November 13, 2024



**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

<b>Agency Use Only [If applicable]</b>	
Project :	Edan I Solar
Date :	October 23, 2024

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner **considering** the scale and context of the project.

<b>1. Impact on Land</b>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)			
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: <u>Conversion of historical agricultural lands/current recreational lands to solar utility</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>



**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). (See Part 1. E.2.g)  NO  YES  
*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**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). (See Part 1. D.2, E.2.h)  NO  YES  
*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: <u>Construction directly on/within delineated wetlands</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**4. Impact on groundwater**  NO  YES

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. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)  
*If "Yes", answer questions a - h. If "No", move on to Section 5.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**5. Impact on Flooding**  NO  YES

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)  
*If "Yes", answer questions a - g. If "No", move on to Section 6.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>



g. Other impacts: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>
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**6. Impacts on Air**  NO  YES

The proposed action may include a state regulated air emission source. (See Part I. D.2.f., D.2.h, D.2.g)  
If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflouorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**7. Impact on Plants and Animals**  NO  YES

The proposed action may result in a loss of flora or fauna. (See Part I. E.2. m.-q.)  
If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**8. Impact on Agricultural Resources**

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)

NO

YES

*If "Yes", answer questions a - h. If "No", move on to Section 9.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: <u>Not current farmland but on prime farm soils</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>



<b>9. Impact on Aesthetic Resources</b> 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. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Other impacts: <u>Separate solar utility project within 2 miles of Eden I (Eden II - EWest Church Street/existing use is private recreation vs proposed use as solar utility.</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3c, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

**11. Impact on Open Space and Recreation**  NO  YES

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.  
(See Part 1. C.2.c, E.1.c., E.2.q.)  
*If "Yes", answer questions a - e. If "No", go to Section 12.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: <u>Lands currently used as private, recreational driving range, contributing to the Town's general open space.</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

**12. Impact on Critical Environmental Areas**  NO  YES

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)  
*If "Yes", answer questions a - c. If "No", go to Section 13.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>



**13. Impact on Transportation**  NO  YES  
 The proposed action may result in a change to existing transportation systems.  
 (See Part 1. D.2.j)  
*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  NO  YES  
 The proposed action may cause an increase in the use of any form of energy.  
 (See Part 1. D.2.k)  
*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

**15. Impact on Noise, Odor, and Light**  NO  YES  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  
 (See Part 1. D.2.m., n., and o.)  
*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**  NO  YES

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  
*If "Yes", answer questions a - m. If "No", go to Section 17.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			



**17. Consistency with Community Plans**  NO  YES

The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)  
If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: <u>Inconsistent with goals of the Town AFPP and Comprehensive Plan</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

**18. Consistency with Community Character**  NO  YES

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)  
If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Other impacts: <u>Use not permitted within the current zoning district, therefore inconsistent with desired community character</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

**PRINT FULL FORM**

Project: Eden I Solar

Date: October 23, 2024

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached supporting documentation

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1  Unlisted

Identify portions of EAF completed for this Project:  Part 1  Part 2  Part 3



Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Eden Town Board \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Eden I Solar

Name of Lead Agency: Eden Town Board

Name of Responsible Officer in Lead Agency: Rich Ventry

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Rich Ventry

Address: 2795 East Church Street, Eden, NY 14057

Telephone Number: 716-992-3408

E-mail: supervisor@edenny.gov

**For Type I Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**

## AGRICULTURAL DATA STATEMENT

NYS Agricultural and Markets Law requires the submission of an agricultural data statement by an applicant to the municipality for a rezoning, special use permit, site plan approval, use variance, or subdivision of parcel(s) occurring on property within an agricultural district containing a farm operation or on property within 500 feet of an active farm operation located in an agricultural district.

Applicant's Name & Address	Owner's Name & Address <i>(if different from applicant)</i>
Eden PV, LLC c/o RIC Development LLC	Five V&L Farms, Inc.
17 State Street, Suite 2320	9655 Knoll Road
New York, NY 10004	Eden, NY 14057

Type of Application	<input type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Special Use Permit <input checked="" type="checkbox"/> Site Plan Approval <input checked="" type="checkbox"/> Use Variance <input type="checkbox"/> Subdivision Approval
---------------------	---

**Project Description:**

The project is a ground-mounted solar energy system installation capable of producing 3.2 MW of power. The project is located on approximately 14.17 acres of undeveloped land on a 35-acre north subplot of a 98-acre parcel located at 2394 West Church Street in the Town of Eden, Erie County.

The project will also include the installation of new electrical equipment and an access road.

**Project Address:** 2394 West Church Street, Eden, NY 14057

**Project Location:** North side of West Church Street, east of Derby Road

*(Example: west side of Main Street or 250 feet south of Second Avenue)*

**Project Size:** 14.17 acres

*(Square footage, acreage, etc.)*

**Current Use of Site:** Field crops (corn and hay)

*(Identify: idle, hay, pasture, crop, brushland, forest, dairy, tilled, orchard, single residence, etc.)*

Project will be located north of West Church Road, that portion of the parcel is currently used as a driving range (not farmed)  
**History of Farming on Site:** \_\_\_\_\_

*(Last year farmed, type of activity, number of acres, by owner or another, etc.)*

The portion of parcel south of West Church Road was last farmed in 2023, field crops (corn and hay), leased to a separate farmer - will not be affected by the project

**Other Site Information:** The site is generally comprised of 2 drainage areas: drainage area 1S flows from north to south until \_\_\_\_\_  
*(Drainage direction and features, e.g. ditches, tiles, streams, gullies, proposed changes, etc.)*

it intersects with an existing on-site drainage ditch, which conveys runoff from west to east across the site, while drainage area 2S flows from south to north to an existing wetland along the northern property line. No changes to drainage are proposed.

Include a tax or other map with project boundaries clearly marked and with nearby farm operations indicated. *(Municipal assessor or County tax office may be able to assist with this requirement.)*

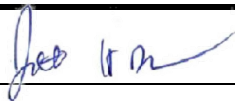
Use the space below to provide the full mailing address of all farm operations within 500 feet of this project, including lands used in agricultural production. If necessary, please continue on a separate sheet. *(Municipal assessor or County tax office may be able to assist with this requirement.)*

Charles Rizzo, 2467 West Church Street, Eden, NY 14057

Joel Karlin, 2345 March Road, Eden, NY 14057

Jason Ersing, 2375 March Road, Eden, NY 14057

Applicant Signature: \_\_\_\_\_

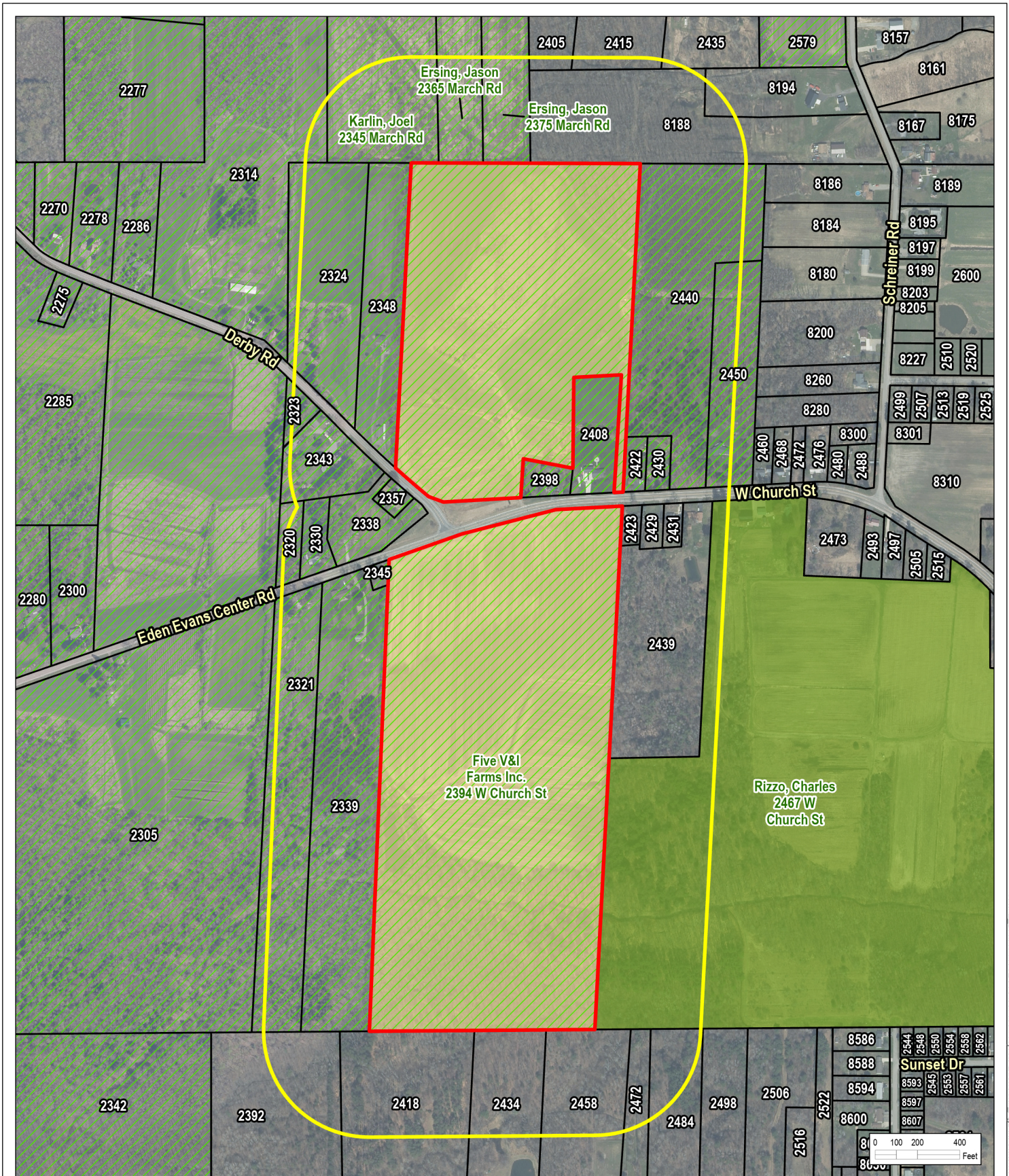


Owner Signature: \_\_\_\_\_

*(If different from applicant)*

THE MUNICIPALITY MUST REFER A COPY OF THIS STATEMENT TO THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING AT 95 FRANKLIN STREET, BUFFALO, NY 14202 OR TO [AGRICULTURE@ERIE.GOV](mailto:AGRICULTURE@ERIE.GOV) AND TO ALL ADDRESSES ON THE FARM OPERATION MAILING LIST





**Eden Solar**  
**Agricultural Data Statement**  
**Exhibit: Farm Operations**

2394 W Church St  
 Eden, NY 14057

**LEGEND**

- Parcels 2023 (Address Labeled)
- Project Parcel
- Buffer (500ft)
- Agriculture District 8

- Farm Operation Parcels**  
*Class code, description*
- 120, Field crops
  - 140, Truck crops - not mucklands



Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. shall assume no liability for 1. Any errors, omissions, or inaccuracies in the information provided regardless of how caused or; 2. Any decision or action taken or not taken by the reader in reliance upon any information or data furnished hereunder. Data Sources: NYS GIS Program Office, Cornell IRIS and NYS Department of Agriculture and Markets, Erie County Office of GIS



**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 East Church Street  
Eden, NY 14057  
May 28, 2025 at 6:00 P.M. – Executive Session  
7:00 P.M. – Regular Meeting**

This meeting was held in-person and virtually through GoToMeeting.com. The meeting link was made available to the public prior to the meeting.

**TOWN BOARD MEMBERS PRESENT:**

RICH VENTRY	-	TOWN SUPERVISOR
SUE WILHELM	-	COUNCILMEMBER
VINCENT VACCO	-	COUNCILMEMBER
GARY SAM	-	COUNCILMEMBER
MICHAEL BYRNES	-	COUNCILMEMBER

**OTHERS PRESENT:**

Emily Hawkins	-	Town Clerk
Marlene Grunder	-	Administrative Assistant
Bridget O’Toole	-	Solar Counsel

The Meeting was called to order at 6:00 P.M.

**Pledge of Allegiance**

**#118-2025: MOTION** was made by Supervisor Ventry to enter executive session; seconded by Councilmember Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**#119-2025: MOTION** was made by Supervisor Ventry to close executive session and open the Regular Meeting; seconded by Councilmember Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**Public Comment on Agenda Items Only:** No comment.

**New and Unfinished Business:**

**1. Presentation on Food Scrap Collection/Composting:**

Tyler Hamilton from Erie County Environmental Compliance Services Division and a representative of WeRadiate presented on the Erie County Plate to Field Organics Management Program which assists municipalities in developing sustainable composting processes, systems, and infrastructure through a customized Organics Management Plan.

Grants are available through NYS and Erie County which assist in getting a municipal pilot programs off the ground and then support to sustain their success.

**2. Annual Unified Court System Audit:**

Annual Unified Court System Audit

WHEREAS, the Unified Court System of the State of New York requires that town justices annually provide their court records and dockets to their respective town auditing board, and that such records be examined and that facet be entered into the minutes of the board’s proceedings.

NOW, THEREFORE it is RESOLVED that the Town Board of the Town of Eden has received the audited Statement of Cash Receipts and Cash Disbursements for the Town Justices from Drescher & Malecki, LLP, independent auditors.

**#120-2025: MOTION** was made by Councilmember Vacco to approve the Resolution as read; seconded by Councilmember Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**3. Eden Corn Festival Stage Agreement:**

**#121-2025: MOTION** was made by Supervisor Ventry to accept the stage rental agreement between the Town of Eden and the Eden Corn Festival from July 1, 2025 to August 26, 2025 in exchange for a rental fee of \$1.00; seconded by Councilmember Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**4. Local Law 5-2025 Chapter 175-Garbage:**

**TOWN OF EDEN  
LAW 5 OF 2025**

**A local law amending provisions of Chapter 175 of the Town of Eden Code (“Solid Waste”)**

Be it enacted by the Town Board of the Town of Eden as follows:

Chapter 175 of the Town of Eden Code entitled “Solid Waste” is hereby amended as follows:

**1. Section 175-7 “Definitions” is amended as follows:**

“BIN or TOTE” shall be defined as follows:

“An Eden designated ninety-six gallon or sixty-four gallon container purchased from the Town of Eden designated to be used exclusively for the separate storage and handling of municipal solid waste or recycling materials. Additional bins or totes may be purchased from the Town of Eden at prices to be set from time to time by resolution of the Town Board. Stolen, lost or damaged and unusable bins or totes must be replaced by the property owner at their sole cost or expense.”

“BULKIES or BULKY WASTES” shall be defined as follows:

“Furniture, carpeting, bundled Construction and Demolition Debris, white goods (such as refrigerators, stoves, dishwashers, washers, dryers, etc.) other large and/or dense materials that may be disposed of in a sanitary landfill, but not in a construction and demolition debris landfill. Such phrase shall be construed to specifically exclude slugs, septic tank pumpings, regulated hazardous waste, junk automobiles, pathological wastes, and tires.”

**2. Section 175-8 “Solid waste management” is amended as follows:**

Section 175-8 B.(3) is amended to read as follows:

“Each waste-generating unit covered by the Town of Eden garbage district must purchase one bin or tote designated for garbage waste to be used exclusively for storage and handling of municipal solid waste if a bin(s) is not left on the property after sale. Such containers are the property of the property owner and the owner shall be responsible for maintaining their containers. Each waste-generating unit may place a maximum of two bins or totes for municipal solid waste curbside for pickup. No other container may be used for curbside pickup of municipal solid waste in the Town of Eden garbage district.”

Section 175-8 B. (4) is hereby deleted.

Section 175-8 B. (5) shall now become Section 175-8 B. (4)

Section 175-8 B. (6) shall now become Section 175-8 B. (5) and shall read as follows:

“Owners and occupiers of waste-generating units are prohibited from placing their bins or totes curbside more than 24 hours before scheduled pickup, and all bins or totes must be removed from curbside no more than 12 hours after pickup.”

Section 175-8 B. (7) shall now become Section 175-8 B. (6)

Section 175-8 C. “Town garbage district fee exemption” is amended as follows:

Section 175-8 C.(1) is amended to read as follows:

“Any commercial, institutional or industrial operation within the Town of Eden which can provide proof of private subscription with a waste hauler, as required herein, will be exempted from the garbage district fee.”

Section 175-8 C. (2) is amended to read as follows:

“Private subscription must be an annual contract. Proof must be a copy of the contract, submitted to the Board of Assessor’s office, and must be provided annually.”

**3. Section 175-10. “Collection of recyclable materials placed at roadside” is amended as follows:**

Section 175-10 C. (1) is amended to read as follows:

“Each waste-generating unit covered by the Town of Eden Garbage District must purchase one recycling tote from the Town of Eden. Such totes are property of the property owner. Each waste-generating unit may place a maximum of one bin or tote for recyclable materials curbside for pickup.

Section 175-10 C. (3) is hereby deleted.

Section 175-10 C. (4) shall now become C. (3)

**4. Section 175-11 “Waste haulers to be licensed” is deleted in its entirety.**

**5. Section 175-12 “Requirements of Licensed Waste Hauler” is hereby deleted in its entirety.**

**6. Section 175-13 “Approval, Denial, Suspension or Revocation of License” is hereby deleted in its entirety.**

**7. Section 175-14 “Penalties for Offenses” is amended as follows:**

Section 175-14 A is hereby deleted.

Section 175-14 B shall now become Section 175-14 A.

Section 175-14 C shall now become Section 175-14 B.

Section 175-14 D shall now become Section 175-14 C.

This local law shall become effective upon filing with the New York State Secretary of State.

**#122-2025: MOTION** was made by Supervisor Ventry to approve Local Law #5 of 2025 amending provisions of Chapter 175 of the Town of Eden Code (Solid Waste): Seconded by Councilmember Vacco; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**5. DEIS for Eden Solar I and Eden Solar II and Set Public Hearing:**

**TOWN OF EDEN TOWN BOARD RESOLUTION  
ACCEPTING THE TWO DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR THE  
PROPOSED EDEN PV AND EDEN II PV SOLAR PROJECTS  
AND SETTING A PUBLIC HEARING THEREON**

**WHEREAS**, EDEN PV, LLC and EDEN PV II, LLC (together “Eden Solar”) seek to construct two community solar projects to be located at 2394 West Church Street (Eden Solar I) and 2027 Eden Evens Center Road (Eden Solar II) of up-to 7.3 Megawatts of AC power, collectively, in the Town of Eden (the “Projects”); and

**WHEREAS**, Eden Solar made applications for special use permits for Eden Solar I and Eden Solar II on or about January 31, 2024, and provided supplements on or about February 14, 2024, May 14, 2024 and July 25, 2024 (the “Applications”); and

**WHEREAS**, on May 22, 2024, the Town Board adopted resolutions declaring its intent to serve as lead agency and which classified the projects as Type 1 Actions under the New York State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS**, After no objection, the Town Board assumed lead agency status pursuant to 6 NYCRR 617.6(b)(1); and

**WHEREAS**, the Town Board conducted a public hearing on the proposed Projects on November 19, 2024; and

**WHEREAS**, on November 19, 2024, the Town Board made Positive Declarations of Environmental Significance, requiring preparation of a DEIS; and

**WHEREAS**, on or about December 6, 2024 the Applicant filed proposed Environmental Impact Statement Scoping Documents for the Eden Solar I and Eden Solar II Projects; and

**WHEREAS**, the Town Board held a public hearing on the scoping document on February 12, 2025 and resolved to accept a final scope on the same date; and

**WHEREAS**, the Applicants submitted individual Draft Environmental Impact Statements for the Project on April 22, 2025; and

**WHEREAS**, the two submitted DEIS have been deemed adequate for public review

**NOW, THEREFORE**, the Town Board resolves to hold a public hearing on June 11, 2025 at 7:10 PM to provide an opportunity for the public to provide comments on the two submitted DEIA for the proposed Projects in the Town of Eden.

**#123-2025: MOTION** was made by Supervisor Ventry adopting the proposed resolution, setting the public hearing to June 11, 2025 at 7:10 PM and leaving the public comment period open for a period of 30 days until June 28, 2025: Seconded by Councilmember Wilhelm; Ayes: Ventry, Wilhelm, Byrnes, Sam; Opposed: None; Abstain: Vacco; Motion carried.

**6. Resignation of Katherine Marshall – Police Clerk:**

Police Clerk, Katherine Marshall, resigned from her position effective May 19, 2025. The Town Board thanked her for her service.

**7. Deputy Supervisor:**

**#124-2025: MOTION** was made by Supervisor Ventry to appoint Susan Wilhelm as Deputy Supervisor effective June 1, 2025, at an annual stipend of \$1500, prorated; Seconded by Councilmember Vacco; Ayes: Ventry, Sam, Vacco, Byrnes; Opposed: None; Abstain: Wilhelm; Motion carried.

**8. Food Truck Fees:**

The Code Review Committee submitted a recommendation to the Town Board reducing the permit fee for Mobile Food Vending to \$100. The Town Board discussed keeping the fee at \$250 and lowering it to \$150. Councilmember Sam felt the \$100 was fair, Councilmembers Wilhelm and Vacco felt \$150 was fair, Councilmember Byrnes felt that the fee should be kept at \$250, and Supervisor Ventry abstained from the discussion.

The Town Board set the fee to \$150 and would like to review the fee again in October of 2025.

**#125-2025: MOTION** was made by Councilmember Wilhelm to set the permit fee for mobile food vending to \$150; Seconded by Councilmember Sam; Ayes: Wilhelm, Sam, Vacco, Byrnes; Opposed: None; Abstain: Ventry; Motion carried.

**9. Police Reserves:**

**#126-2025: MOTION** was made by Supervisor Ventry to remove Charles Kollatz, Theresa Zittel and Captain Joseph Flynn from the Reserve Police Officer's roster; Seconded by Councilmember Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**#127-2025: MOTION** was made by Supervisor Ventry to appoint Brian Burgstahler as Captain of the Reserve Police at no salary; Seconded by Councilmember Vacco; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**Hearing of Visitors:**

Lamont Beers, Conservation Board: Recycling should further be promoted in town by having a cardboard recycling bin onsite at Town Hall.

Mary Jane Bolo, Conservation Board: In support of recycling bin for cardboard in the town and supports the food scrap composting initiatives.

**#128-2025: MOTION** was made by Supervisor Ventry to close the Meeting of the Eden Town Board; Seconded by Councilmember Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Regular Meeting ended at 8:05 PM.

Respectfully Submitted by:

Emily Hawkins, Town Clerk



**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 East Church Street  
Eden, NY 14057  
June 11, 2025 at 7:00 P.M.**

This meeting was held in-person and virtually through GoToMeeting.com. The meeting link was made available to the public prior to the meeting.

**TOWN BOARD MEMBERS PRESENT:**

RICH VENTRY - TOWN SUPERVISOR  
SUE WILHELM - COUNCILPERSON  
VINCENT VACCO - COUNCILPERSON  
TIM WALKER - COUNCILPERSON

**OTHERS PRESENT:**

Marlene Grunder - Administrative Assistant to the Town Supervisor  
Lisa Winter - Bookkeeper  
Bill Trask - Town Attorney  
Jennifer Johnston - Deputy Town Clerk  
Ron Maggs - Highway Superintendent

Supervisor Ventry called the Regular Board Meeting to order at 7:00 P.M.

**Pledge of Allegiance**

**#129-2025: MOTION** was made by Supervisor Ventry to open the Regular Board Meeting at 7:00 pm and enter into a Public Hearing for the purpose of considering a Proposed Local Law to create a new Chapter 180 entitled, “Town Parks”, to the Town of Eden code; seconded by Councilmember Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**Public Hearing:**

Supervisor Ventry mentioned that the purpose of the new chapter 180 is to tweak allowances in our parks concerning ATVs, horses, dirt bikes, etc. No public comment.

**#130-2025: MOTION** was made by Supervisor Ventry to close the Public Hearing and enter back into the Regular Board Meeting; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**Approval of Minutes:**

**#131-2025: MOTION** was made by Councilperson Vacco to approve the Town Board minutes of May 14th, 2025 and May 28th, 2025 as presented; seconded by Councilmember Walker; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**Budget Transfers:**

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
A2690	A7110.4	Restitution for repair to Swartz Field shelter damage	\$626.00
Other Comp for Loss	Parks & Grounds		
D878.2	D5130.2	Dump Body for 2024 Silverado (Truck #20)	\$13,600.00
Restricted Highway Equipment	Machinery Equipment	per permissive referendum	
** Use of Assigned Non Rec Funds (A915.6) for Town Hall Roof Project A9950.9 - \$9,481.90			

**#132-2025: MOTION** was made by Supervisor Ventry to accept the Budget Transfers as presented; seconded by Councilmember Vacco; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**Audit of Bills:**

FUND DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General	320-391	65,675.69
Fire	119-142	19,216.29
Recreation	40-61	7,906.53
Water	8-8	18.00
Street Lights	13-17	4,352.29
Refuse	12-14	67,780.45
Highway	128-154	54,951.97
Drainage District	NA	
Capital	1-1	9,481.90

**#133-2025: MOTION** was made by Councilperson Walker to approve the Audit of Bills as listed; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**Department Reports:**

Department reports for the month of June 2025 were submitted by Rick Kirst, East Eden Fire Chief; Malcolm VanKoughnett, Eden Fire Chief; Dave Rice, Building Inspector; Susan Johnson, Assessor; Nicholas Blaszczyk, Edén Police Chief and Dog Control Officer; and Emily Hawkins, Town Clerk. All Department Reports are available to the public and on file in the Town Clerk’s office.

**Committee Reports:**

**Association of Erie County Governments:** Supervisor Ventry reported that they are meeting at the end of June.

**Alternative Energy Committee:** Supervisor Ventry shared that they are working on a new law and are tweaking things. They are about half way finished.

**East Eden Fire Department:** John Pineau resigned as 2<sup>nd</sup> Lieutenant. James Carney was elected by membership to serve the remainder of John’s term as 2<sup>nd</sup> Lieutenant. Supervisor Ventry thanked both gentlemen for their time and service.

**Eden Fire Department No. 1:** Informational. Remove Dean and Christina Nelipowicz from the active roster. Dean has served as an Officer for many years and most recently served as 1<sup>st</sup> Assistant Chief.

**Library Board:** Councilperson Wilhelm mentioned that the book sale was a success and that the flowers outside are looking wonderful. She thanked the Eden Community Foundation for the grant and thanked the Library Trustees for watering. There will be a Freddy Frog Foam Party on the 7<sup>th</sup> and hot dogs will be provided by the Friends of the Eden Library.

**NEST:** Councilperson Wilhelm reported that North Collins currently has a paint return event going on. The committee is working on a paint recycling event for Eden and they are discussing man power and locations.

**Off Road Drainage Committee:** Ron Maggs reported that they are working on little blockages that need to be addressed.

**Planning Board:** Councilperson Wilhelm reported that they are working on approving a Farm Activity Center that will have live animals, vegetable growing, a small store, and bigger activities three or four times a year. Wilhelm mentioned that this will be a nice event for families.

**#134-2025: MOTION** was made by Supervisor Ventry to enter into a Public Hearing at 7:10 pm for public comment on two submitted Draft Environmental Impact Statements for the proposed Eden PV and Eden II PV Solar Projects; seconded by Councilmember Walker; Ayes: All; Opposed: None; Abstain: Vacco; Motion carried.

**Public Hearing:**

- All documents are on file and available for review in the Town Clerk’s Office.
- Karen from the Engineering Firm Wendell, gave a brief review of the impact statements and made herself available for questions.
- Ron Maggs, Highway Superintendent, asked which solar project Karen was referring to and she answered that both Eden PV and Eden II PV Solar Projects are represented by Wendell Engineering.

**#135-2025: MOTION** was made by Supervisor Ventry to leave the Public Hearing open for written comment until July 9, 2025 on Draft Environmental Impact Statements for proposed Eden PV and Eden II PV Solar Projects; seconded by Councilmember Wilhelm; Ayes: All; Opposed: None; Abstain: Vacco; Motion carried.

**#136-2025: MOTION** was made by Supervisor Ventry to enter into a Public Hearing at 7:15 pm to consider the application of Smokey's Saloon, 8557 N. Main St., Eden, NY, for an Amusement and Entertainment License for live outdoor music events; seconded by Councilmember Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**Public Hearing:**

- Ron Maggs, Highway Superintendent, asked what information we had regarding the proposal. Supervisor Ventry asked Patricia, owner of Smokey's Saloon, to come to the front to explain the proposal and answer questions.
- Patricia, owner of Smokey's Saloon, explained that they would like to have live bands outside once or twice a month and will follow noise ordinances and town code. Patricia mentioned that there will be no difficulty with egress.
- Betty Ann Neifer mentioned that her property is adjacent to Smokey's Saloon and that they like to enjoy their yard and sit outside and have their windows open at night. Betty Ann says that the music from Smokey's gets louder and louder and makes the evenings uncomfortable.
- Ron Maggs mentioned that there are several locations for live music on the property, and with a few rules, everyone can be happy.
- Councilmember Wilhelm stated that she is going to go to the property and check out the different locations for live music.

**#137-2025: MOTION** was made by Supervisor Ventry to leave the Public Hearing to consider the application of Smokey's Saloon, 8557 N. Main St., Eden, NY, for an Amusement and Entertainment License for live outdoor music events; seconded by Councilmember Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**Petitions:** No petitions.

**Public Comment on Agenda Items Only:** No comment.

**New and Unfinished Business:**

**1. Resignation of Sue Johnson as Town Assessor**

Informational. Sue Johnson is resigning as Eden Town Assessor as of July 11, 2025. Supervisor Ventry, the Town Board, and Attorney Bill Trask thanked Sue for her service and commitment.

**2. Resolution Authorizing Supervisor Richard S. Ventry to Expend Funds from the Highway Equipment Reserve of the Town of Eden Subject to Permissive Referendum for the Additional Cost of the New Mainline Plow Truck.**

The Town Board of the Town of Eden, duly convened in a regular session does hereby resolve pursuant to the provisions of Section 6-C of the General Municipal Law of the State of New York that the Town Supervisor of the Town of Eden be and is hereby authorized and directed to appropriate a sum not to exceed \$30,000 from the Restricted Highway Equipment Reserve Account D878.2 of the Town of Eden for the additional cost of the new Mainline Plow Truck subject to permissive referendum.

**#138-2025: MOTION** was made by Supervisor Ventry authorizing funds to be expended from the Highway Equipment Reserve subject to Permissive Referendum for the new Mainline Plow Truck; seconded by Councilmember Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**3. Off-Road Drainage Project 2025-2: Miscellaneous Townwide Mowing and Clearing**

**#139-2025: MOTION** was made by Supervisor Ventry to approve the Off-Road Drainage Project 2025-02: Townwide Mowing and Clearing at a cost not to exceed \$6,000.00; seconded by Councilmember Walker; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**4. Policy on the Release of Employee Related Information Under FOIL (Freedom of Information Law)**

**Purpose:**

Pursuant to Article 6 of the Freedom of Information Law (FOIL), Chapter 302 of the Laws of 2024, all agencies must develop a policy to notify public employees if their disciplinary records are being released in response to a FOIL request. This policy shall ensure the proper notification requirements, contents of the notification, delivery of the notification and define the records to be released.

**Definitions:**

1) FOIL – Freedom of Information Law (also referred to as Public Officers Law, Article 6, Sections 84-90)

2) Record – any information kept, held, filed, produced or reproduced by, with or for an agency of the state legislature, in any physical form whatsoever including, but not

limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.

**Notification Requirement:**

The Town of Eden will provide notice to current and former public employees if their employment records are subject to a FOIL request. Notification shall occur after the records are released, in line with the legislative intent to ensure minimal notice.

**Content of the Notification:**

The notification will include a statement informing the employee that their employment records have been released. While there is no requirement to provide a copy of the FOIL request or the released records, the Town will provide any records released to the employee.

**Delivery of Notification:**

The notice should be delivered in writing, either via regular mail or email, depending on the availability of the employee's contact information. In the event that a former employee is unable to be contacted, all reasonable efforts will be made and these attempts documented. Such notification efforts shall be the responsibility of the Town Clerk.

**Disciplinary Records:**

The Town will use the definition of "disciplinary records" under Public Officers Law (POL) §86(6) for law enforcement, applying it to non-law enforcement employees. Counseling memos may also be classified as disciplinary records if they relate to employment discipline.

**#140-2025: MOTION** was made by Supervisor Ventry to adopt the FOIL Policy related to the release of employee related information; seconded by Councilperson Walker; Ayes: All; Opposed: None; Abstain: None; Motion carried.

**Supervisor's Report:**

- Supervisor Ventry is busy working on playgrounds and had a meeting with Ron Maggs, Highway Superintendent.
- The Highway team is going to help with the Schwartz Field project.
- There will be a Community Build event in September for Schwartz Field and they are waiting for the State to sign off on the project.

**Hearing of Visitors:** None.

**#141-2025: MOTION** was made by Supervisor Ventry to close the Regular Board Meeting at 8:30 pm and enter Executive Session for a contractual discussion; seconded by Councilmember Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried. Executive Session ended at 9:15 pm.

Respectfully submitted by,

Jennifer Johnston, Deputy Town Clerk