



# **HIGH RIVER ENERGY CENTER**

**Case No. 17-F-0597**

**1001.4 Exhibit 4**

**Land Use**

## Contents

Exhibit 4: Land Use .....	1
4(a) Existing Land Use .....	2
(1) Land Use Classification Codes .....	2
4(b) Existing Utilities Map .....	7
4(c) Tax Parcel Map .....	8
4(d) Existing and Proposed Zoning Districts .....	8
4(e) Adopted Comprehensive Plans .....	17
4(f) Publicly Known Proposed Land Use .....	20
4(g) Map of Agricultural Districts, Flood Prone Zones, and Designated Recreational and Sensitive Areas .....	20
4(h) Map of Recreational and Other Sensitive Land Uses Potentially Impacted by the Project .....	21
4(i) Qualitative Assessment of Facility Compatibility with Existing, Proposed, and Allowed Land Uses and Local and Regional Land Use Plans .....	25
4(j) Qualitative Assessment of Facility Compatibility with Existing, Potential and Proposed Land Uses of Above-Ground Interconnections and Related Facilities .....	29
4(k) Qualitative Assessment of Facility Compatibility with Existing, Potential, and Proposed Land Uses of Underground Interconnections and Related Facilities .....	30
4(l) Conformance with Coastal Zone Management .....	30
4(m) Aerial Photographs of All Properties .....	30
4(n) Aerial Photograph Overlays .....	31
4(o) Aerial Photograph Information .....	31
4(p) Community Character of the Study Area .....	31
4(q) Photographic Representation of the Project Area .....	35
4(r) Erie Canal National Heritage Area Corridor .....	35
4(s) Mohawk Valley Heritage Corridor .....	35
4(t) NYS Bike Route 5 and Erie Canalway Trail .....	36

4(u)	Project Area Farmland Classification Mapping .....	36
4(v)	Farmland Classification with Limits of Disturbance .....	36
4(w)	Publicly Known Proposed Land Use Map .....	36
4(x)	Agricultural Impacts and Farmland Protection Plan .....	37
4(y)	Description of Avoidance and Minimization of Impacts to Natural Resources and Prime Farmland.....	39
4(z)	Buildable Acres .....	40

## Tables

Table 4-1.	Project Facility Impacts to Agricultural Districts and Prime Farmland .....	3
Table 4-2.	Land Use Classification Codes within the Study Area .....	7
Table 4-3.	Recreational and Other Sensitive Land Uses within the Study Area .....	21
Table 4-4.	Impacts to Land Use Types .....	26

## Figures

- Figure 4-1. Existing Land Uses
- Figure 4-2. Existing Utility Locations
- Figure 4-3. Tax Parcels
- Figure 4-4. Zoning Map
- Figure 4-5. Specially Designated Areas
- Figure 4-6. Agricultural Use within the Study Area
- Figure 4-7. Recreational and Other Sensitive Land Uses
- Figure 4-8. Aerial Photography of the Study Area
- Figure 4-9. Farmland Classifications of the Project Area

## Appendices

- Appendix 4-1 Town of Florida Comprehensive Plan Amendments

## Exhibit 4: Land Use

This Exhibit will track the requirements of proposed Stipulation 4, dated August 26, 2019, and therefore, the requirements of 16 NYCRR § 1001.4.

The Project has been sited to avoid and/or minimize impacts to land uses within the Study Area and Project Area to the maximum extent practicable as detailed in this Exhibit. Of the overall 1,221-acre Project Area assessed, only approximately 39 percent will be used for Project Components within a fenced area of approximately 479 acres to generate 90 MW of renewable energy (see Section 4(a)). Remaining land outside of the Project fenced area will remain under its existing uses, including agricultural production. Additionally, although the Project is sited within mapped Agricultural Districts, the Facility will only occupy 0.27% of all lands designated as Agricultural Districts within Montgomery County and 1.9% of all lands designated as Agricultural Districts within the Town of Florida (see Section 4(a)). Finally, within the Project Area, only 8.2 percent of land to be disturbed by construction and/or operation of the Project is classified as Prime Farmland (see Section 4(v)).

The Project proposes to install fixed, tracker or a combination of both types of racking systems. As the technology is rapidly evolving for solar panel technology, and market conditions at the time procurement decisions need to be made are unknown at this time, the Applicant is proposing in this Application to evaluate both types of racking systems, with the final decision to be made and detailed in the Compliance Filing. The tracking and fixed array racking systems to be utilized would be similar to the Gamechange Solar Genius Tracker™ and the Gamechange Maxspan™ Pile Driven System, respectively, specification sheets of which have been included as Appendix 2-2 and Appendix 2-3. Regardless of the type of array racking system ultimately selected for the Project, the Applicant intends to utilize a solar module similar to the Jinko Solar Eagle 72HM G2 380-400 Watt Mono Perc Diamond Cell. A specification sheet for this module has been included as Appendix 2-1. Only selected elements of the Project would change based upon the combination of array racking system types used, but all changes would be within the component fence line and to the same land uses shown in the Proposed Layout. The location of interior access roads and inverters, depending upon the final locations, could differ from that shown in the Exhibit 11 plans. Land coverage ratios will also be adjusted but they are not expected to be substantial or significant.

Accordingly, the drawings, plan, and maps required by Exhibit 11 depict a combination of both panel types, fixed and tracker. Approximately 50% of the panels are fixed and 50% are trackers. As part of the alternative layout evaluation, Exhibit 9 presents a site plan depicting all fixed panels.

#### **4(a) Existing Land Use**

Figure 4-1 has been prepared using available data from the Montgomery County GIS Department and the classification codes of the New York State Office of Real Property Services (NYSORPS) within the Study Area (2-mile radius from the Project Area boundaries). The “Montgomery County Parcel Data” data set, derived from the Property Class attribute was utilized to produce Figure 4-3. The Study Area includes approximately 19,141 acres of land (inclusive of the 1,221-acre Project Area). Land Use Classification Codes have been applied by the County to each parcel within the County to describe its primary use. These Land Use Classification Code descriptions and application are consistent throughout NYS.

##### ***(1) Land Use Classification Codes***

Land Use Classification Code Categories developed by the New York State Office of Real Property Services (NYSORPS) that occur within the Study Area include agricultural, residential, vacant land, commercial, community services, industrial, public services, and wild, forested, conservation lands, and public parks. Land Use Classification Codes describe the primary use of each parcel and are consistent throughout New York State. Each land use classification that occurs within the Study Area is described below and shown on Figure 4-1.

##### **Agricultural – 100**

The NYSORPS describes agricultural land as property used for the production of crops or livestock. Approximately 7,653 acres within the Study Area are classified as Agricultural Land (Code 100). Approximately 118,064 acres are identified as Agricultural Land (Code 100) in Montgomery County and 5,914 acres in Schenectady County. The New York State Department of Agriculture and Markets (NYSDAM) further classifies lands that are certified as Agricultural Districts pursuant to the New York Agricultural Districts Law (Article 25-AA of the Agriculture and Markets Law). Approximately 175,980 acres of land are mapped as Agricultural Districts within Montgomery County, including 24,823 acres in the Town of Florida. Approximately 19,101 acres of land are mapped as an Agricultural District in Schenectady County.

The Project Area was evaluated to determine impacts to Agricultural Land, including mapped Agricultural Districts, as part of the Project. A total of 1,221 acres of NYSORPS-classified Agricultural Land (Code 100) is mapped within the Project Area, including 1,221 acres of mapped Agricultural Districts in Montgomery County (2018). The Project will have a fenced-in area of 479 acres, including the collection substation and switchyard, proposed within the mapped Agricultural Districts. Although the Project is sited within mapped Agricultural Districts, the Facility will only occupy 479 acres (0.27%) of all lands designated as mapped Agricultural Districts within Montgomery County. Furthermore, the Facility will only occupy 1.9% of all lands designated as mapped Agricultural Districts within the Town of Florida. Table 4-1 below includes the temporary and permanent impacts to soil. Currently the agricultural land can be broken down into hay (alfalfa and non-alfalfa), soy, and corn crops. There are approximately 763 acres of hay (alfalfa and non-alfalfa), approximately 25 acres of soy, and approximately 89 acres of corn, however, farmers often rotate their crops so acreages may differ from year to year and other uses could occur in the future.

**Table 4-1. Project Facility Impacts to Agricultural Districts and Prime Farmland**

County	Agricultural District	Temporary Soil Impact	Soil Impact for Project Service Life	Percentage of Impact on Prime Farmland Within County
Montgomery	District 3	197.01 acres	373.30 acres	0.09%

The construction and operation of solar facilities are typically located within designated Agricultural Districts in NYS. As these facilities have minimal soil impacts on the land being developed, landowners have the opportunity to restore the land to its agricultural potential following decommissioning. Some agricultural land uses will still continue with their current uses including cattle grazing, commercial bee keeping and hay production.

Residential – 200

The NYSORPS describes residential land as property used for human habitation. Living accommodations such as hotels, motels, and apartments are included in the commercial category (400). The NYSORPS classifies approximately 5,305 acres of the Study Area as Residential Land (Code 200), including 3,707 acres in Montgomery County and 1,598 acres in Schenectady County. There are no residential properties within the Project Area.

The residential land within the Study Area consists of a mix of one family residential properties (Code 210) and residential properties also used in agricultural production (Code 241).

#### Vacant Land – 300

The NYSORPS describes vacant land as property that is not in use, is in temporary use, or lacks permanent improvement. Approximately 2,542 acres of the Study Area are classified as Vacant Land (Code 300). Within the Study Area, there is a total of approximately 1,520 acres of Vacant Land in Montgomery County and approximately 1,022 acres of Vacant Land in Schenectady County. There are no properties classified as Vacant Land within the Project Area. Potentially vacant parcels within the Project Area and immediately adjacent were further evaluated from a review of aerial photography and driving surveys. There are six properties immediately adjacent to Project Area boundaries that are classified as Vacant Land. Four of the properties are vacant fields, one property is vacant forested land, and one property is vacant with improvement as there is a 26'x26' machine shed located on this property that is adjacent to a larger residential property occupied by the same owner.

#### Commercial - 400

The NYSORPS describes commercial land as property used for the sale of goods and/or services. There are 77 parcels (comprising approximately 301 acres) classified as Commercial Land Use (Code 400) properties located within the Study Area, including the Town of Florida, Town of Amsterdam, and City of Amsterdam in Montgomery County, and the Town of Princetown in Schenectady County. There are no properties classified as Commercial Land Use within the Project Area. The nearest Commercial Land Use parcel is 960 feet from Project Area boundary and classified as a Mobile Home Park (Code 416) and covers approximately 57.4 acres. Commercial Land Use within the Study Area is primarily located within the more developed areas in the City of Amsterdam and three large parcels in the Town of Amsterdam, north of the Mohawk River. Impacts to these areas are not anticipated as the Project avoids these Commercial Land Use designated areas.

#### Community Services – 600

The NYSORPS describes community service land as property used for the well-being of the community. There are 37 Community Service Land Use (Code 600) properties within

the Study Area of the Project. These properties comprise approximately 332 acres of the Study Area. No properties were identified within the Project Area. The closest property to the Project Area, located approximately 0.08 miles from the Project Area is owned by the Florida Volunteer Fire Department and occupies 0.14 acres of land. The next closest properties are the Society for the Prevention of Cruelty to Animals (SPCA) on State Highway 5S, classified as Code 694 (Animal Welfare Shelters), approximately 0.43 miles away. The next closest properties are the Family Bible Church classified as Land Use Code 620 (Religious), off of Thayer Road, approximately 0.48 miles from the Project Area and the Van Vetchen Cemetery, approximately 0.75 miles from the Project Area.

#### Industrial – 700

The NYSORPS describes industrial land as property used for the production and fabrication of durable and nondurable man-made goods. There are 37 Industrial Land Use parcels (comprising approximately 332 acres) within the Study Area. There are no Industrial Land Use parcels within the Project Area, however a few parcels were identified within the Study Area, with two heavy industrial uses located a few hundred feet from the Project Area opposite the New York State Thruway. One Industrial Land Use Parcel is located directly north of the Project Area on the northern side of the New York State Thruway, approximately 250 feet from the Project Area boundary, occupying 294.3 acres. This property contains the Cushing Stone Co Inc and is classified as Land Use Code 720 (Mine/Quarry). To the east of the Cushing Stone Co Inc is Callanan Industries, also classified as Land Use Code 720, located approximately 1,000 feet northeast of the Project Area, occupying 225.6 acres. Both properties are north of the New York State Thruway. Additional Industrial Land Use parcels are located in the City of Amsterdam. Based on this review, there are no impacts to Industrial Land proposed as part of the Project.

#### Public Services – 800

The NYSORPS describes public services land as property used to provide services. There are no Public Services Land (Code 800) parcels located within the Project Area. Properties located within the Study Area include two electric transmission Right-of-Ways (ROW) approximately 30 feet from the closest Project Components. Each of these ROW's contain transmission towers and lines. One ROW is immediately adjacent to the Project Area and the other is only several hundred feet to the northeast. Both parcels are classified as Land Use Code 882 (Electric Transmission Improvement). Adjacent to State Highway 5 S,



approximately 1.3 miles from the Project Area, are parcels classified as Land Use Code 843 (Nonceiling Railroad) owned by New York Central Line Inc, occupying 2.33 acres.

Wild, Forested, or Conservation Lands and Public Parks – 900

The NYSORPS describes Wild, Forested, Conservation Lands, and Public Park as reforested lands, preserves, and private hunting and fishing clubs. There are no Wild, Forested, or Conservation Lands and Public Parks (Code 900) parcels located within the Project Area. Within the Study Area, a parcel south of the railroad and north of State Route 5S, approximately 0.3 miles from the Project Area boundary, is classified as Land Use Code 961 (State Owned Public Parks, Recreation Areas, and Other Multiple Uses). Several properties along the Mohawk River are classified as Land Use Code 932 (State Owned Land Other Than Forest Preserve Covered Under Section 532-b, c, d, e, f, or g of the Real Property Tax Law) and owned by NYS Barge Canal, occupying a total of 34.1 acres. Additionally, several properties north and south of the Mohawk River are classified as Land Use Code 972 (Land Under Water, Either Privately or Governmentally Owned), occupying a total of 274.2 acres.

The National Conservation Easement Database was reviewed. The database indicated that four easement areas are located entirely or partially within the Study Area. The first easement is located on the western boundary of the Study Area, partially outside of the Study Area, east of Fuller Road, approximately 1.7 miles away from the Project Area boundary. This is a Wetlands Reserve Program (WRP) Easement, an 80-acre Environmental System easement held by the U.S. Natural Resources Conservation System and closed to public access. The second easement is entirely within the Study Area, adjacent to the northern edge, west of Cranes Hollow Road, approximately 1.2 miles away from the Project Area boundary. This is the Strawberry Field Preserve Easement, a 120-acre Conservation Purpose easement held by the Mohawk Hudson Land Conservancy with public access. The third easement is located in Schenectady County along the border with Montgomery County, and on the northeastern boundary of the Study Area, south of Swart Hill Road, approximately 2.0 miles away from the Project Area boundary. The majority of the easement is located outside of the Study Area. This is the Schenectady County Preservation Easement, a 117-acre Conservation Purpose easement held by the Mohawk Hudson Land Conservancy and closed to public access. The fourth easement is almost entirely within the Study Area, along the eastern boundary in Schenectady County, west of Wolf Hollow Road, approximately 1.7 miles away from the

Project Area boundary. This easement is Crauer Easement, a Conservation Purpose easement, held by the Mohawk Hudson Land Conservancy and closed to public access. The Project will not impact the conservation easements.

**Table 4-2. Land Use Classification Codes within the Study Area**

<b>Land Use Classification Code</b>	<b>Acreage within Study Area</b>	<b>Percentage of Study Area (%)</b>
Agricultural (100)	7,653.3	40.23
Residential (200)	5,305.4	27.89
Vacant Land (300)	2,542.2	13.36
Commercial (400)	300.74	1.58
Recreation and Entertainment (500)	54.3	0.29
Community Services (600)	331.5	1.74
Industrial (700)	657.1	3.45
Public Services (800)	417.3	2.19
Wild, Forested, Conservation Lands and Public Parks (900)	447.1	2.35
Roads/Non-Parcel Areas	1,317.2	6.92
<p>Note: Land use calculations were derived from parcel boundary data obtained from the Applicant's land agent (CanACRE) in combination with land use classification data from the NYSORPS parcel boundary data. Any discrepancies among the two sources was resolved using data from the Montgomery County Assessment Information website.</p>		

**4(b) Existing Utility Facilities Map**

Figure 4-2 illustrates known existing major electric, gas, and telecommunications facilities within the 2-mile Study Area. These utility facilities include existing overhead or underground lines for gas, electric, telecommunication companies, and communication towers, as applicable.

#### **4(c) Tax Parcel Map**

Information on the current land use, tax parcel number, and owner of record for each property within the Project Area, as well as those adjacent parcels within 2,500 feet is depicted on Figure 4-3. This information is based on data obtained from Montgomery County and field observations of vacant land, where possible. There are no publicly known proposed land uses within the Project Area as discussed in Section 4(f) so they are not included in Figure 4-3.

#### **4(d) Existing and Proposed Zoning Districts**

The Town of Florida encompasses the entire Project Area with zoning regulations and mapping. A scaled map of the existing zoning districts within the Town of Florida is included as Figure 4-4. There are currently no proposed zoning districts in the Town of Florida. A description of the zoning districts in the Town of Florida is presented below, including permitted and prohibited uses within each zone. The Study Area includes the Towns of Florida and Amsterdam, the City of Amsterdam in Montgomery County, and the Towns of Glenville, Rotterdam, Princetown, and Duaneburg in Schenectady County.

##### ***Town of Florida***

The Town of Florida Zoning Ordinance, adopted September 16, 1976, with most recent amendments adopted May 23, 2016 and updated July 17, 2019, established eight zoning districts within the Town including the Residential District (R-1), Mobile Home Residential District (R-M), Agricultural District (A), Commercial-1 District (C-1), Commercial-2 District (C-2), Industrial Business Park District (IBP), Natural Products District (N-P), and Historic District (H). The principal permitted uses of each district are allowed uses and all special permitted uses require both special permit review and site plan review. Uses that are not listed for a zoning district are prohibited from that district. The Project Area is entirely located in the Agricultural District (A). The Study Area consists of the following zoning districts: A, R-M, NP, and IBP. The principal permitted uses for each district are listed below

Principal permitted uses in the R-1 district include one family dwellings; community park or playground; accessory use and building; and home occupation use.

Principal permitted uses in the R-M district include one family dwelling; mobile home; accessory use or building; and community park or playground use.

Principal permitted uses in the A district include farm accessory buildings and uses; picnic grove, fish or game club (private); nursery; one family dwelling; community park or playground; home occupation; mobile home as part of a farm operation; and accessory use and building use.

Principal permitted uses in the C-1 district include bed and breakfast establishment; personal service shop; retail store; museum; custom work shop; radio, television or household appliance sales or service; funeral home; antique shop; animal/veterinary hospital; feed, lumber, seed or fertilizer building; carwash; fire station or municipal building; cabinet, electrical, heating, plumbing or air conditioner shop; mobile home as part of a farm operation; community park or playground; retail bakery; historic building or site; laundry or dry cleaning plant; farm accessory use or building; one family dwelling; accessory use or building; and home occupation use.

Principal permitted uses in the C-2 district include bed and breakfast establishment; personal service shop; retail store; museum; custom work shop; radio, television or household appliance sales or service; funeral home; antique shop; animal/veterinary hospital; feed, lumber seed or fertilizer building; carwash; fire station or municipal building; cabinet, electrical, heating, plumbing or air conditioner shop; community park or playground; historic building or site; home occupation; professional office, studio; bank; hotel; restaurant; and accessory use or building uses.

Principal permitted uses in the IBP district include wholesale storage or warehouse, light assembly plant, manufacturing or assembly of electronic devices or instruments; printing or publishing plant; tool, die, pattern or machine shop; manufacture or processing dairy or other food products; distribution center; research and development center; transportation services, including automobile and truck rentals and public garage; cold storage plant; farm and accessory use or building; customary accessory use or building; and manufacturing or processing of dairy or other food products uses.

Principal permitted use in the N-P district includes earth, sand, gravel or mineral excavation; bituminous concrete mixing plant; ready-mix concrete plant; concrete products manufacture, including blocks, staves, pipe beams and structure, and construction equipment; agricultural lime manufacture; inorganic fertilizer manufacture; accessory use or building; farm and accessory building; and rock quarry operation uses.

Principal permitted uses in the H district include one family dwelling; two family dwelling; community park or playground; farm and accessory use or building; fire station, municipal building; historic building or site; and accessory uses or building uses.

The Town of Florida also adopted Local Law No. 1 of 2019, Solar Energy Systems and Equipment of the Town of Florida, New York. According to this law, Large Scale Solar Energy Systems are permitted through the issuance of a special use permit within the C-1, C-2, IBP, and N-P Districts, subject to requirements set forth in Section 45.5.C.1, including site plan approval by the Planning Board. These four zoning districts consist of an area of approximately 2,135 acres or 6.6% of the entire approximately 32,256-acre area of the Town, most of which is already developed with warehouses, commercial and residential developments and a quarry. Roof-mounted solar energy systems are permitted as an accessory use in all districts and ground mounted solar energy systems are permitted as accessory structures in all districts subject to issuance of a special use permit and site plan review. Further discussion regarding this law and the compliance of the High River Energy Center with its substantive requirements is included in Exhibit 31.

### ***Town of Amsterdam***

The Town of Amsterdam Zoning Law, dated December 15, 2010, established eight zoning districts and two overlays including Residence District (R-1 and R-2), Mobile Home Residential District (R-M), Agricultural Dis(A), Business District (B-1), Restricted Business District (R-2), Manufacturing/Mixed Use District (M-1), Planned Unit Development District (PUD), Personal Wireless Service Facilities Overlay District (PWSF), and Historic Overlay District (H). The Project Study Area overlaps with the R-1, R-2, M-1, and PUD Districts. For each zoning district, there shall be only one primary or Principal Use permitted on each lot or parcel.

The R-1 District permitted uses include one family dwelling except mobile home unless farm; church, parish house, convent; community park or playground; public building, library; existing farm, nursery or truck garden; customary home occupation; customary accessory use of building; mobile home as part of farm operation as accessory use only; family or group family day care home as accessory use; outdoor furnace as accessory use; and small-scale solar energy system as accessory use.

The R-2 District permitted uses include the permitted uses for the R-1 District; two-family dwelling; multiple-family dwelling; and townhouses, condominiums.

The M-1 District permitted uses include the permitted uses for the B-1 District. The B-1 District permitted uses include existing dwellings' retail store or shop; personal service shop; laundrette or dry cleaning plant; bank; restaurant; motel, hotel; bowling alley; funeral home; public utility substation or structure; automobile, boat, farm implement, mobile home or trailer sales rental for

off premises use only; fuel, feed, lumber, seed, fertilizer, construction or building materials sales or storage; cabinet, electrical, heating, plumbing or air conditioning shop; gasoline station, public garage; veterinary, animal hospital, kennels; wholesale business; professional office; shopping center; child day care center; and small-scale solar energy system as accessory use. The M-1 District permitted uses in addition to the B-1 permitted uses include toll, die, pattern or machine shop, manufacture or processing of food products, except slaughter house; manufacture of paper products; manufacture or assembly of electrical or electronic devices or instruments; printing or publishing plant; cold-storage plant; public utility station or structure; research and development center; warehouse/distribution center; transportation services, auto/truck rental; self storage units.

The PUD District is not a traditional zoning district. The purpose, as outlined in the Zoning Ordinance, is to “promote most creative and innovative design of mid-to-large scale developments than is permissible under traditional zoning regulation, while promoting conservation of open space and efficient use of land, resources, public services and infrastructure, consistent with the goals and objectives of the Comprehensive Plan.” There are several objectives and general requirements for the PUD District that are outlined in the Zoning Ordinance that includes an application to the Town Board. The Project will not be located in this District and will not need to comply with the specific requirements.

### ***City of Amsterdam***

The City of Amsterdam Town Code, dated September 9, 2017, established eight zoning districts including Low Density Neighborhood District (LDN), Medium Density Neighborhood District (MDN), Medical Residential Neighborhood District (MRN), Commercial Corridor District (CC), Downtown Core District (DC), Employment District (ED), Light Industrial District (LI), and Planned Unit Development District (PUD).

The Project Study Area overlaps with the LDN, MDN, CC, and LI Districts. For each zoning district there are principal permitted uses and accessory uses, which are defined as “other uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.” Additionally, there are special use permits required for some uses and all other uses that are not listed are prohibited.

The LDN District is “intended to provide single-family detached residences and supporting uses” and “should maintain a high degree residential quality and strike a balance of owner-occupied and rental single-family detached dwellings.” The principal permitted uses include single-family

dwelling; community park or playground; and community gardening. Accessory uses include detached garage; shed or other nonhabitable structure requiring a building permit; home office; swimming pool; tennis court; sauna and bathhouse; and child care for under four children.

The MDN District is “generally located in older, more urban areas of the City, have smaller lots and contain a mixture of single family and duplex dwelling units.” The principal permitted uses include principal permitted uses in the LDN district (listed above), and two family dwelling (Only two dwelling units per lot allowed). Accessory uses include those permitted accessory uses in the LDN District.

The CC District is “intended to provide suitable locations for commercial uses, retail, personal services, automobile sales and service establishment businesses that relate to the City’s major vehicular corridors.” Principal permitted uses in this district include professional offices; banks and financial institutions; medical clinics; personal service establishment; second-story residential units; restaurants and taverns; retail sales establishment; shopping center; garden center; schools; automobile service station (minor); automobile sales; boat sales/rental; convenience store; car wash; motels and hotels; theaters and auditoriums; indoor commercial amusement; copy shops, mail services; and print shops; health club; child care; churches, Sunday school, and parish houses; home improvement store; and funeral home. Accessory uses include detached garage; shed; automobile body shop; boat repair facility; parking lot when accessory to principle use; and accessory building and uses customarily incidental to the above use when located on the same lot.

The LI District “provides land for uses associated with manufacturing, warehousing, storage and other intensive uses. Principal permitted uses include automotive service station (major and minor); convenience store; communications facilities; car wash; contractor’s storage yard; light manufacturing; commercial storage and retail warehouse; wholesale establishment; repair services; machine shop; equipment rentals; lumberyard; veterinarian’s office or animal hospital; kennel; bus lot; heliport; nursery; vocational school; governmental buildings; public utilities; community park or playground; and community gardening. Accessory uses include watchmen’s dwelling; and sheds and garages.

The Greenway Corridor Overlay (GW-O) Zone is also contained within the Study Area but outside the Project Area. The purpose of the GW-O is to “protect against erosion by enhancing and protecting riparian buffers, to provide habitat for plants and wildlife within the greenway corridors;

and to preserve, evaluate and protect specific areas for potential passive recreation areas, such as trails, overlooks, parks and nature sanctuaries.

### ***Town of Glenville***

The Town of Glenville, Schenectady County, Town Code, dated April, 2019, established 14 districts including Rural Residential and Agricultural (RA); Suburban Residential (SR); Multi-Family Residential (RM); Professional Residential (PR); Community Business (CB); General Business (GB); Highway Commercial (HC); Research, Development and Technology (RDT); Land Conservation (LC); Public Parks Lands (PPL); Riverfront Recreation/Commercial (RRC); Airport Zoning (AZ); Planned Development (PD); and Town Center Overlay (TCO). The Study Area overlaps with the RA and LC Districts. Additionally, there are special use permits and site plan review are required for some uses and all other uses that are not listed are prohibited.

The RA District is intended to “maintain low-density residential and agricultural development in areas that are considered rural, and to accommodate outdoor recreation facilities and other land uses which are dependent on a rural setting. The uses permitted by right include single-family dwellings; hoe occupations; agricultural activities/farms; roadside produce stands (not exceeding a building footprint of 600 square feet); cemeteries; and commercial logging.

The LC District is intended to “minimize the construction and placement of buildings and structures in areas that are sensitive to development due to the presence of regulated wetlands, flood-prone areas, steep slopes, etc.” The uses permitted by right include public and private parks, preserves and open spaces; bird sanctuaries and wildlife refuges; bike and pedestrian trails; interactive structures associated with the three previous uses; agricultural activities; private docks; and commercial logging. The agricultural activities, private docks, and commercial logging permitted activities are restricted to those allowed by NYS Department of Environmental Conservation permit, or similar activities permitted by state and/or federal agencies and clear cutting is not permitted.

### ***Town of Rotterdam***

The Town of Rotterdam, Schenectady County, Town Code, adopted August 24, 1988, divided the Town into 11 zoning districts including Agricultural (A); Residential Agricultural (RA); One-Family Residential (R-1); Two-Family Residential (R-2); Multiple-Family Residential (R-3); Small One-Family and Townhouse Residential (R-4); Retail Business (B-1); General Business (B-2); Corporate Commerce (C-1); Light Industrial (I-1); and Heavy Industrial (I-2). The Town of



Rotterdam zoning also contains special-purpose districts including Land Conservation Overlay (LC); Planned Residential Development (PRD); Main Street/Neighborhood Center Overlay (MS/NC); Corridor Commercial Overlay (CORR); Commercial Planned Unit Development (C-PUD); Aquifer Overlay (AO); Floodway Overlay (F-1); and Flood Hazard (FH). The Study Area overlaps with the A-1, B-2, R-1, R-3, and I-2 districts. Any use not specifically permitted by the applicable district chapter is prohibited.

The uses permitted as of right in the A-1 District include single family dwellings; churches or similar places of worship, parish houses, convents and community houses; customary agricultural operations, public and private schools; firehouses and Town maintenance and service facilities; public parks, playgrounds and other municipal recreational uses; public libraries and museums; and wind energy facilities subject to the requirements of the Town of Rotterdam Wind Energy Facility Law. The customary agricultural operations include all buildings, structures and uses appurtenant to and used in general farming, agricultural truck farming, gardening, poultry raising, tree nurseries and greenhouses, subject to the following restrictions: No building in which farm animals are kept shall be closer than 150 feet to any adjoining residential building; no storage of manure or odor or dust-producing substances shall be permitted within 150 feet from any adjoining residential building; and no greenhouse heating plant shall be operated within 50 feet of any adjoining residential building.

The uses permitted as of right in the R-1 District includes single-family dwellings; churches or similar places of worship, parish houses, convents and community houses; public and private schools; firehouses; public parks, playgrounds and other municipal recreational uses; and public libraries and museums.

The uses permitted as of right in the R-3 District includes multiple-family dwellings; two-family dwellings; churches or similar places of worship, parish houses, convents and community houses; public and private schools; firehouses; public parks, playgrounds and other municipal recreational uses; public libraries and museums; and child and infant day-care centers.

The uses permitted as of right in the B-2 District include all uses permitted as of right in the R-1, R-2, and B-1 Districts. Those permitted uses include the R-1 uses listed above, as well as, two-family dwellings; personal service shops, including but not limited to barbershops, shoeshine shops, beauty parlors, dry-cleaning and laundry-pickup and -delivery shops and card shops; banks, offices, restaurants, cafes, tearooms, grocery and meat stores, flower shops and similar

retail establishments, except businesses primarily engaged in the sale of used goods, merchandise, or machinery; banking confectionary, dressmaking, laundromats, printing, tailoring and upholstering (subject to specific provisions); indoor theaters, assembly halls, game rooms, billiard and pool parlors and bowling alleys; funeral homes; operations involving repair, reconstruction, analysis or inspection of computers, electronic and communication equipment and similar components; automobile parking lots with at least 10 parking spaces for private vehicles and a driveway entrance and exit from such spaces; and antique sales and secondhand stores.

Permitted uses that are specific to the B-2 District include establishments for making, assembling or repairing articles, provided that no machinery or process is used which creates a nuisance or is noxious or offensive to neighboring uses by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration, glare or fire hazard. Additional permitted uses include commercial health and recreation establishments; hospitals; data processing and computer services; care homes; and wholesale business and storage conducted entirely within an enclosed building, and excluding bulk storage tanks, salvage yards, junk yards, and coal storage.

The permitted uses for the I-2 District include all principal permitted and special uses listed in the I-1 District use regulations, except towers. The principal permitted uses in District I-1 include all nonresidential uses permitted as of right in the B-2 District; dry-cleaning, carpet-cleaning and laundry facilities; bottling plants; bus barns and public garages; car washes; contractor shops and equipment storage yards; creameries and milk plants; kennels and veterinary hospitals; laboratories for scientific or industrial research, testing and development; lumberyards and building material sales yards; machine shops; mechanical, optical, photographic, scientific or electronic manufacturing conducted entirely within a completely enclosed building; newspaper and printing establishments; saw and planing mills; trucking terminals, warehousing and distributing, provided that no outdoor storage or materials shall be permitted; woodworking mills; fuel-oil storage tanks; wind energy facilities subject to the requirements of the Town of Rotterdam Wind Energy Facility Law. The special uses subject to review in the I-2 District that are permitted in the I-2 District include asphalt-mixing or concrete-mixing plants; crematoriums; facilities for the filling of portable tanks with liquid propane; motor vehicle repair shops providing either major or minor motor vehicle repairs; motor vehicle sales and rental establishments; brick, glass, pottery tile or terra-cotta manufacturing; poultry killing and dressing; public utility and communication installations; structural steelworks, trucking terminals, warehousing and distributing with outdoor storage of materials; towers (not permitted in the I-2 district); motor vehicle fuel filling stations; convenience stores; disturbance on a wetland or watercourse area of any class or in a wetland

or watercourse buffer area as defined in the Town Code; solar farms and solar power plants in accordance with § 270-153 of the Town Code.

Additional permitted uses include landfill operations subject to the provisions of Article XIX and Article XVIII § 270-162 of the Town of Rotterdam Town Code; and wind energy facilities subject to the requirements of the Town of Rotterdam Wind Energy Facility Law.

### ***Town of Princetown***

The Town of Princetown Zoning Ordinance, dated December 2006, divided the Town into 13 districts including five General Residential Districts (GR-1 through GR-5); two Mobile Home Districts (MH-3 and MH-5); two Multiple Family Districts (MF-1 and MF-2); two Commercial Districts (C-1 and C-2); Industrial District (I); and Planned Residential Development District (PRD). The Study Area overlaps with the GR-5, C-1, MF-2 and MH-5 Districts.

The GR Districts principal permitted uses include one and two family dwellings, except mobile homes and farm operations, subject to the requirements of Article 7 of the Zoning Ordinance. The principal permitted uses in the MH Districts include those in the GR Districts and mobile homes used as a single-family residence. The principal permitted uses in the MF Districts also include those in the GR Districts and multiple family dwellings.

Permitted principal uses in the C-1 District include office buildings; banks; retail establishments which do not sell gasoline; personal service shops including barbers, hairdresser, and flower shops; farm operations, subject to requirements of Article 7 of the Zoning Ordinance; and the uses listed under Article 6.1.B which lists the Accessory Uses permitted in the GR Districts. Those uses include greenhouses and nurseries, not commercially operated; garage, carport and parking areas for use of occupants; outside storage of special purposed vehicles subject to the provisions of Article 7 (of the Zoning Ordinance) and provided that the special purpose vehicle is not occupied or used for living or business purposes; home kennels; swimming pools; farm buildings; and towers.

### ***Town of Duanesburg***

The Town of Duanesburg Zoning Ordinance, dated December 13, 2001, divided the Town into seven districts including Higher Density Residential (R-1); Lake (L-1); Agricultural and Residential (R-2); Hamlet (H); Mobile Home Park District (MP); Commercial (C-1); and Manufacturing and Light Industrial (C-2). The Study Area overlaps with only the R-2 District.

The principal permitted uses in the R-2 District include customary agricultural use, including the keeping of domestic farm animals in buildings and structures not less than 200 feet from any neighboring property line, including commercial stables, breeding farms and riding academies; single-family dwellings; municipal park and playgrounds; fire houses and ambulance buildings; religious institutions; roadside stands; cluster housing; home occupations; family and group family day care homes; and tourist home.

#### **4(e) Adopted Comprehensive Plans**

##### Town of Florida

The Project Area is proposed in the Town of Florida in Montgomery County. The Town adopted the Town of Florida's Comprehensive Plan dated February 1996 and Comprehensive Plan Amendments dated February 2011. The 1996 Comprehensive Plan is available on the Town of Florida website: <https://townofflorida.com/index.php/document-center/town-of-florida-comprehensive-plan> and the 2011 Amendments are included in Appendix 4-1. The first "master plan" for the Town was adopted in 1965 and the 1996 Comprehensive Plan serves to take an inventory and analysis of the Town's environmental and social resources and trends.

There are five goals outlined in the 1996 Comprehensive Plan, each including two to four objectives. The goals include:

- Preserve farming;
- Improve employment opportunities for the residents of the area;
- Preserve the town's rural character and open spaces;
- Cooperate with the town's adjacent municipalities and with Montgomery County; and
- Enhance and encourage preservation of the town's historical character

The Plan also identifies the shortcomings of the current zoning map (at the time the Plan was adopted in 1996) and alternate future development patterns. The Plan provided specific alternatives for the Commercial and Industrial categories and four alternate zoning maps.

The Project will be consistent with this Comprehensive Plan. The primary use of the land that will be covered with solar panels is categorized as agriculture by Montgomery County. During field visits to the Project Area, some of the land was not being used as active agriculture and was left to hay/pasture land. The active agricultural land that will be converted to solar panels will be able

to be reclaimed as agricultural land after decommissioning. Importantly, the supplemental income provided by the Project to the participating landowners will help them continue farming operations on the land the farmers excluded from the Project. Additionally, the Project Facilities are set back from property lines so as to not disturb surrounding agricultural activities on adjacent parcels. The Project will also be consistent with the Town's goal to improve employment opportunities for area residents. The Project will have significant positive socioeconomic impacts in the Town, in Montgomery County, and beyond through employment opportunities, specifically by generating temporary development and construction employment with up to 175 jobs (at peak), two to three jobs during the 30 year operation of the Facility as well as contractor jobs for maintenance activities such as vegetation management and snow removal. Furthermore, the planned Host Community and Education and Workforce Development proposals are being designed to encourage further employment opportunities for area residents.

Electric generation by a solar energy center is a passive use that generates little to no noise, no air emissions or water discharges, does not generate traffic, can be visually screened from adjacent residential land uses and does not result in an incremental cost increase to municipal infrastructure and services. As such, the use is compatible with preserving the Town's rural and historical character. The payments provided to the participating landowners should help them maintain their current ownership of the land, rather than selling it off for other purposes that could be inconsistent with the rural character of the Town of Florida. These payments will help stabilize revenues for local participating farms (as crop and dairy prices often fluctuate from year to year) and revenues paid to landowners are typically reinvested in the community, helping to create jobs and improve the local economy. This diversified income helps support the agricultural community base in the area and is consistent with the Comprehensive Plan goal of preserving farming.

Lastly, the Applicant has consulted with Montgomery County regarding the Project and its development, as documented in the PIP meeting log (Appendix 2-4). The Project is entirely within the Town of Florida boundaries, however, the adjacent municipalities have received notice of the Project and Open Houses and where to find more information, as needed. The number one objective for the fourth goal is to "institute land use policies, where practical, that also promote regional economic development and environmental goals." As stated above, the Project will create temporary development and construction employment for the Town of Florida and will also create a source of clean energy that is beneficial to the environment.

Additionally, the Town of Florida has a desire to increase development and therefore expects an increase in energy consumption (Town of Florida Comprehensive Plan, page 63 and 78). The Plan states that there would likely be an increase in oil and/or electricity use due to heating, air conditioning and production demands. Solar energy is not specifically identified as a source to offset the need for increased energy, however, the High River Energy Center would be consistent in meeting this need and would be a viable clean energy source.

The Amendment to the Comprehensive Plan (the Amendment), adopted in February 2011, includes updates to Chapter 1 “Introduction and Purpose,” updates to Chapter 6 “Socioeconomic Resources,” and the creation of Chapter 8 “Future Zoning Ordinance Issues.” The issues in Chapter 8 are discussed in detail in the Amendment and are meant to set the foundation for future updates to the Zoning Ordinance, including:

1. Well Head Protection
2. Wind Towers
3. Mobile Storage Units
4. Proximity of Fencing to Property Lines
5. Commercial Signage
6. Outdoor Wood Boilers
7. Future Commercial/Industrial Development in the Town

The first five issues are addressed in the Zoning Ordinance, with most recent amendments adopted July 17, 2019, with which the Project will either comply with substantive requirements therein, or are not applicable. According to the Amendment regarding issue 6, the NYSDEC plans to phase out Outdoor Wood Boilers by 2020 and stack height requirements are included in the Zoning Ordinance. Issue seven’s goal is to continue industrial growth outside of the designated IBP District. The Amendment describes the ideal area to be along the Route 30 corridor and south of I-90 to create a “hamlet.” The Project would not interfere with this goal as it is located outside of the Route 30 corridor.

#### Montgomery County

The Montgomery County Draft Comprehensive Plan is not available for review at this time as determined through phone and email coordination with the County Business Development Center.

#### **4(f) Publicly Known Proposed Land Uses**

Figure 4-1 identifies all publicly known existing land uses within the Study Area. Upon coordination with the Town of Florida, the only proposed land uses in the vicinity of the Project include residential building permit applications and the possible construction of a distribution center on Route 5S on existing farmland. There are four proposed projects, announced to the public in 2019, that are pending local approval within Montgomery County but outside of the Study Area. These include the Marcy to Scotland Electric Transmission Upgrade Project, Mohawk Solar, LLC, Valley View Hospitality Inc, and a distribution center in the Florida Business Park Extension. The Marcy to Scotland Electric Transmission Upgrade Project will improve electric transmission facilities within existing utility corridors. It will pass through a southern portion of the Town of Florida. The Mohawk Solar, LLC is a 90 MW solar electric generating facility in the Towns of Canajoharie and Minden. Valley View Hospitality, Inc. is a proposed 67-room motel in the City of Amsterdam. The proposed distribution center is located within the Town of Florida, on Route 5S, west of the Mead Road intersection, west of the Study Area boundary. There are no specific proposed land use plans publicly available for Schenectady County.

#### **4(g) Map of Agricultural Districts, Flood Prone Zones, and Designated Recreational and Sensitive Areas**

Areas of special designation such as agricultural districts, flood prone zones, critical environmental areas, and recreational/sensitive areas are depicted on Figure 4-5 and current agricultural use is depicted on Figure 4-6. Figure 4-5 was prepared using the NYSDAM Agricultural Districts Mapping for Montgomery County (2019) and Schenectady County (2019), as well as data from the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps. Figure 4-6 was prepared using data from the USDA National Agricultural Statistics Service (2018). There are no designated inland waterways, coastal areas, State Environmental Quality Review Act (SEQRA) designated critical environmental areas, or groundwater management zones within the Study Area. The City of Amsterdam has an approved local waterfront revitalization plan (LWRP) that is within the 2-mile Study Area and is included in the mapping. The Project Area is located in Montgomery County Agricultural District 3 and the 11 parcels, that comprise the Project Area, are currently enrolled. Agricultural District 3 in Montgomery County was created in 1994, consolidating multiple pre-existing Agricultural Districts in the County. The first review year was 2003 and continues every eight years thereafter. In coordination with the Montgomery County Business Development Center, TRC obtained the enrollment date and

current status of the Project Area parcels dating back to the available data from 2003. Of the 11 parcels, 10 parcels were reviewed and accepted in 2003. The final Project Area parcel was reviewed and accepted in 2011. All of the Project Area parcels are undergoing review and approval for 2019 and the next review year will be 2027. Additional discussion of agricultural land is included in Exhibit 22.

**4(h) Map of Recreational and Other Sensitive Land Uses Potentially Impacted by the Project**

Figure 4-7 includes recreation and other land uses reviewed within the Study Area that might be affected by the sight, sound, or odor of the construction or operation of the Project, or the on-site interconnection and related facilities. Table 4-3 identifies the sources used to populate Figure 4-7, as well as whether or not those land use types were identified within the Study Area.

**Table 4-3. Recreational and Other Sensitive Land Uses within the Study Area**

Land Use	Sources Reviewed	Within Study Area?
Wild, Scenic and Recreational River Corridors	NYSDEC List of Wild, Scenic and Recreational Rivers (Accessed 2019) National Wild and Scenic Rivers Mapping (Accessed 2019)	No
Open Space	NYS Department of State, Office of Planning & Development GIS Database (Accessed 2019) NYSDEC GIS Database (Accessed 2019) Montgomery County Office of Community Development Services GIS Services (Accessed 2019)	No



**Table 4-3. Recreational and Other Sensitive Land Uses within the Study Area**

Land Use	Sources Reviewed	Within Study Area?
Known Archaeological, Geologic, Historic, or Scenic Area	NYS Historic Preservation Office (SHPO) Cultural Resources Information System (CRIS) (Accessed 2019) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2019) USDA NRCS Web Soil Survey (Accessed 2019) Erie Canal National Heritage Corridor (Accessed 2019)	Yes
Parks	Available Mapping for the Town of Florida (Accessed 2019) Montgomery County Office of Community Development Services GIS Services (Accessed 2019) NYS Office of Parks, Recreation and Historic Preservation (OPRHP; Accessed 2019) NYSDEC State Lands Mapping (Accessed 2019) National Park Service Mapping (Accessed 2019)	No
Designated Wilderness, or Forest Preserve Lands	NYSDEC GIS Database (Accessed 2019) National Wilderness Preservation System (Accessed 2019)	No
Conservation Easement Lands	NYSDEC GIS Database (Accessed 2019) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2019) National Conservation Easement Database (Accessed 2019)	Yes

**Table 4-3. Recreational and Other Sensitive Land Uses within the Study Area**

Land Use	Sources Reviewed	Within Study Area?
Designated Scenic Byways	NYSDEC GIS Database (Accessed 2019) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2019) NYS Department of Transportation List of Scenic Byways	Yes
Nature Preserves	NYSDEC GIS Database (Accessed 2019)	No
Designated Trails	NYS OPRHP (Accessed 2019) NYSDEC GIS Database (Accessed 2019)	Yes
Public-Access Fishing Areas	NYSDEC GIS Database (Accessed 2019) NYSDEC State Lands Mapping (Accessed 2019)	Yes

Potential impacts to each of the sensitive land uses within the Study Area have been evaluated and avoided to the maximum extent practicable. Scaled maps that show these designated areas, recreational, and other sensitive land uses are evaluated in detail in Exhibit 24 and the Visual Impact Assessment (VIA). The VIA assesses potential impacts of the Project Facilities within 2 miles of the boundaries of the Project Facilities (the Study Area), and also within a 5-mile Visual Study Area (VSA). Local, state, and federal sensitive visual resource areas were investigated per 16 NYCRR §1001.24. An inventory of publicly available and accessible visual resources was explored through the acquisition of GIS data, review of town, county, and agency reports, topographic data, and site visits. Visual resources within 5 miles of the Project are listed in Table 24-1 of Exhibit 24.

There are no landmark landscapes, wild, scenic, or recreational rivers, or forest preserve lands found within 5 miles of the Project. There are four federal conservation easements held by the NRCS including one easement within the Town of Amsterdam, one within the Town of Florida, one within the Town of Glenville, and one within the Town of Rotterdam. A segment of one scenic byway, Route 5, the Revolutionary Trail, was identified within the 5-mile VSA. No other state-

designated scenic districts, scenic roads, or scenic areas of statewide significance were found within 5 miles of the Project Area. There are no state parks managed by the Office of Parks, Recreation, and Historic Preservation (OPRHP) within 5 miles of the Project. One state forest, Featherstonhaugh State Forest was found within 5 miles of the Project Area. There are several public parks and recreation areas within 5 miles of the Project Area including the Veteran's Memorial Park (3.0 miles west of the Project), Lock 9 State Canal Park within the Town of Glenville (4 miles east of the Project), the Moccasin Kill County Sanctuary (4.5 miles southeast of the Project), the Sanders Town Preserve (4.9 miles east of the Project), and Featherstonhaugh State Forest (4.9 miles south of the Project), as well as 15 local city parks in the City of Amsterdam, and one in Rotterdam. There are two designated trails, the Chuctanunda Creek Trail in the City of Amsterdam and the trails in the Strawberry Fields Nature Preserve. There are various unnamed snowmobile trails and three state bikeways within the 5-mile VSA. There are no NYSDEC Public Fishing Rights easements within 5 miles of the Project Area. Visibility is not relatively extensive nor expected at most of the listed Table 24-3 visual receptors. For more information regarding VIAs performed in relation to these resources, see Exhibit 24.

Exhibit 20 includes details of known archaeological and historic resources in the Study Area, as well as the results of the studies performed to evaluate the location and extent of known resources within the Study Area. The Phase 1 archaeological survey of the Project Area identified seven (7) prehistoric sites and five historic sites within one mile of the Project Area. These resources will not be impacted by the Project. According to CRIS, there are several National or State Registers of Historic Places within 5 miles including 30 listed and 57 eligible historic sites. Please refer to Table 24-1 of Exhibit 24.

TRC completed a Historic Architecture Reconnaissance Survey for the Project, consistent with Section 106 of NHPA and OPRHP *Guidelines*. Survey information collected from OPRHP's online CRIS database included twenty architectural resources within the APE: three NRHP listed, two previously determined eligible, one previously determined not eligible, and 14 with undetermined eligibility status. TRC conducted the architectural survey between August 22 and 25, 2019 and identified a total of 100 architectural properties aged 50 years or older in the APE. Of those 100, three are NRHP-listed, 13 are recommended eligible for NRHP listing, and 84 are recommended not eligible for NRHP listing due to loss of integrity or lack of historical significance. TRC identified two potential historic districts during the survey that are recommended eligible for NRHP listing. Based on resource location proximal to Project Components, TRC recommends that the Project does not have the potential to directly or indirectly affect any historic architectural properties.

TRC's analysis of the undertaking in relation to historic properties concludes that construction activities will not directly or indirectly affect the character-defining features that contribute to the significance of any NRHP listed, eligible, or recommended eligible qualifying characteristics of any historic property architectural resources in the architectural APE. Please refer to Exhibit 20 and Appendix 20-2 for additional discussion of cultural and historic resources.

The Study Area overlaps with 3 school districts and includes one school in the Amsterdam Central School District within the City of Amsterdam boundaries. The Project will not have any impacts as the school is within the City of Amsterdam and 1.9 miles away from Project Area boundaries and construction. Additional community and municipal uses in the Study Area include primarily churches and cemeteries. There are no expected impacts to these areas aside from potential minimal and temporary traffic from construction.

The Project Facilities will have no impact on recreation resources and other sensitive land uses as identified in Table 24-1 of Exhibit 24 and shown on Figure 4-5 and 4-7. Also, the Applicant does not expect any impacts on major communications and utility uses as discussed in Exhibit 26 and shown on Figure 4-2.

#### **4(i) Qualitative Assessment of Project Compatibility with Existing, Proposed, and Allowed Land Uses and Local and Regional Land Use Plans**

A qualitative assessment was completed for the Project to determine the level of compatibility with existing, proposed, and allowed land uses. The qualitative assessment evaluates short- and long-term effects of Project-generated noise, odor, traffic, and visual impacts on the use and enjoyment of areas within one mile of Project facilities. This assessment includes evaluation of the compatibility of the Project's above-ground structures including commercial-scale solar arrays, access roads, inverters, and fencing, as well as any above-ground and below-ground underground interconnections, with surrounding land uses. The Project Area totals 1,221 acres and the area inside all fences for the Project totals 479 acres. Within the 479, Project Components will physically occupy approximately 412.23 acres. The assessment specifically addresses impacts to nearby land uses that may be of particular concern to the community, including agricultural land, residential areas, schools, civic facilities, recreational facilities, and commercial areas.

As described above, the Town of Florida adopted the Town of Florida Zoning Ordinance (with most recent amendments on May 23, 2016 and July 17, 2019) and the Town of Florida

Comprehensive Plan in February 1996, with amendments in February 2011. Existing land uses have been described in the sections above according to the Town of Florida’s local regulations and Comprehensive Plan in addition to the NYSORPS land use classification codes. Project Facilities are proposed to be located on agricultural land according to Montgomery County.

<b>Table 4-4. Impacts to Land Use Types</b>				
<b>Land Use Type</b>	<b>Components Facility Area (acres)</b>	<b>Access Roads (acres)</b>	<b>Collection Lines (miles)</b>	<b>Substation (acres)</b>
Agricultural	411.33	13.52	6.53	1.23
Roads	0.90	0.13	1.33	N/A
Total	412.23	13.65	7.86	1.23

As shown in Table 4-4 above, all of the Project Components are located on land classified as Agricultural Land, with the exception of road crossings for the collection line. As noted in section 4(a) above, Agricultural Land is described as “property used for the production of crops or livestock.” All proposed solar arrays, the collection substation, and POI switchyard facilities are located on Agricultural Land. Other Project Components on Agricultural Land include 99.1 percent of the access roads, and 83.1 percent of collection lines. Collection lines sited within Agricultural Land will be located underground.

The NYSORPS’ description of Agricultural Land includes both active and inactive agricultural land. Active and inactive agricultural land were treated the same in this evaluation, as future land uses could include agricultural practices. A total of 479 acres of Agricultural Land is occupied by the proposed Facility Components. The placement of solar arrays on Agricultural Land is expected as it is one of the primary land use types in the region, however, as described below, the Project is compatible with continued and future agricultural use of these properties.

Although the solar arrays will occupy a portion of active farmland, this impact on active farmland will be insignificant when considering farmland at both the town and county levels. The total fenced-in area of Project Components to be located on agricultural land (479-acres) represents only 6.3 percent of all land identified as agriculture land by the NYSORPS within the two-mile Study Area (7,653 acres). This includes 0.4-percent of all land identified as agriculture land by NYSORPS within Montgomery County (118,064 acres).

No offsite staging and/or storage is proposed as part of the Project, further reducing the potential impact to active farmland. This allows for existing land uses, on lands adjacent to the Project parcels, including those that are used for agriculture, to continue with limited interruption. Through the use of both fixed and tracking solar arrays where best suited due to existing topography, the Applicant is able to limit the ground cover required to achieve its objective of a 90 MW generating capacity. Additionally, solar farms typically result in a minimal amount of ground disturbance for the installation of racking and mounting posts thereby preserving the ability to utilize the land for agricultural purposes in the future following decommissioning. In support of its Clean Energy Standard, the New York State Public Service Commission (NYPSC) noted that even if 100% of the utility-scale solar projects installed in New York contributing to the then 50% renewables mandate were sited on New York agricultural lands, only about 0.16% of such lands would be converted to utility-scale solar (NYPSC, Appendix G at 20, 2016).

Additionally, significant payments will be provided to landowners during development and over the useful life of the Project. These payments will be provided to help stabilize revenues for local participating farms (as crop and dairy prices often fluctuate year to year) and revenues paid to landowners are typically invested back into the community and benefit the local economy. This diversified income helps to support the agricultural community base in the area.

In August 2019, over 50 residents in the Town of Florida and neighboring communities, that are not participating landowners for the Project, signed a letter to the Secretary in support of the Project and the benefits that it brings to the community. The landowners included local farmers, landowners, homeowners, business owners, and taxpayers who live and work in the vicinity of the Project. Specifically, the letter emphasized the compatibility of solar with continued agricultural operations, as well as agricultural use of land post-decommissioning, and as compared to other types of potential development. Additionally, the landowners and residents who support the Project through signature on this letter agree that this reliable income stream through leases with the Applicant can help supplement farming operations for participating landowners. The residents also state that the Project, “represents low-impact, high-value development that will stimulate positive economic growth activity for the Town,” and is a “safe, quiet, and clean energy generation using no water and making no air emissions.”

A total of 13.65 acres of access roads are proposed on land designated as Agricultural Land by NYSORPS. Access roads will be used to access the Project during construction and operation

phases. Access roads will be gravel and have an infiltration trench located adjacent to them to allow for the infiltration of stormwater runoff.

The Project is not proposed on Residential Land, however, the Applicant worked carefully to design and site the Project to maximize the efficiency of the solar array and ensure they are located the optimal distance from participating and adjacent landowners so they do not pose any adverse effects. Table 31-1, in Exhibit 31, includes the Town's setback requirements and the Applicant's proposed setbacks.

The compatibility of Project Facilities with existing land uses was evaluated based on the NYSORPS and through review of the Town of Florida Zoning Ordinance (2016), the Town of Florida Comprehensive Plan and Amendments (1996 and 2011, respectively), the Town of Florida Local Law No. 1 of 2019 (2019). All of the solar arrays are located on land classified as Agricultural Land. Collection circuits and access roads, that are not within public rights-of-way, are also located on Agricultural Land.

As indicated above, additional land uses within 1 mile of the Project Area were considered as part of the qualitative assessment including residential areas, schools, civic facilities, recreational facilities, and commercial areas. As part of the assessment, it was determined that almost the entirety of the Project Area, and most of the Study Area are located within the Amsterdam City School District. The remainder of the Project Area and a portion of the Study Area is located in the Schalmont Central School District. The Scotia-Glenville Central School District also covers the northeast portion of the Study Area. There are no recreational facilities or civic facilities located within 1 mile of Project Components, therefore, no impacts will occur as a result of the Project. There are two commercial areas within 1 mile of the Project Area. The first is a mobile home park located east of the Project Area, both north and south of NYS I-90. The second area is group of restaurants located north of the Project Area in the Town of Amsterdam.

Although there are no planned proposed land uses within the Project Area, the Applicant has reviewed the Comprehensive Plan and Amendments for the Town of Florida and the Montgomery County Agricultural and Farmland Protection Plan. The compatibility with the Farmland Protection Plan is discussed in greater detail in Section 4(x), below. The Project is also in line with the Comprehensive Plan as discussed in Section 4(e), above. The region contains a viable source for solar energy that helps to benefit local economic centers and towns that may have fluctuating revenue from farming operations. The Town of Florida has goals to improve the economic

development of the Town and the High River Energy Center could aid in achieving this goal by providing a source of financial payments and clean energy during the useful life of the Project.

The Town of Florida enacted Local Law No. 1 of 2019 (Solar Energy Systems and Equipment of the Town of Florida, New York) which contains specific zoning and requirements for solar energy facilities and is described in detail in Exhibit 31.

No unusual odors will be generated by the Project Facilities. The construction phase of the Project will generate temporary noise-related impacts mostly in relation to heavy equipment and machinery in the Project Area. Heavy machinery must be used during access road construction, material and component delivery, installation of electrical interconnect components, racking and mounting post construction, and site restoration. Construction noise will be typical of any large commercial construction project. The impacts from construction noise will be mitigated by operating only during daylight hours. Detailed analyses of the noise impacts of the Project can be found in Exhibit 19.

Assessments of stormwater prevention and protection measures and potential glare are provided in Exhibit 23 and Exhibit 24, respectively.

#### **4(j) Qualitative Assessment of Project Compatibility with Existing, Potential and Proposed Land Uses of Above-Ground Interconnections and Related Facilities**

The collection lines will be placed underground for the entirety of their length and installed primarily via direct trenching with some portions to be proposed via horizontal direction drill (HDD) in order to avoid wetland resources and roadways. The only aboveground interconnection line proposed consists of a short span, approximately 506 feet (154 meters), from the proposed switchyard to the existing transmission line. Where the installation of the collection lines will be via HDD, the only impacts will be temporary and located at the entry and exit pits of the HDD equipment. Once built, the Project will not have any adverse impacts to existing or proposed land uses. The proposed collection substation and switchyard, as well as the aboveground interconnection line, will be located within land classified as Agricultural Land. All proposed collection lines will be installed underground.



#### **4(k) Qualitative Assessment of Project Compatibility with Existing, Potential, and Proposed Land Uses of Underground Interconnections and Related Facilities**

Collection lines from the inverters to the collection substation will be placed underground within the Project Area. Approximately 6.53 miles of collection lines are sited within land designated as Agricultural Land and 1.34 miles overlapping roadways. The collection circuit will be underground and will only require temporary impacts to land uses as part of installation.

#### **4(l) Conformance with Coastal Zone Management**

This section is not applicable as the Project is not located within a designated coastal area or in direct proximity of a designated inland waterway. Therefore, conformance with the Coastal Zone Management Act is not required.

Although not applicable to the Project, the City of Amsterdam Local Waterfront Revitalization Program (LWRP) will be described herein as required by the proposed Stipulation. The LWRP was approved in 1993 and is described as a “detailed realistic effort to promote and protect waterfront resources.” According to the LWRP, it “represents a balance between economic development and environmental protection that permits the beneficial use of waterfront resources, while preventing the loss of valuable resources and public access opportunities to the waterfront.” The Waterfront Revitalization Area Boundary is located almost entirely in the City of Amsterdam with a small portion in the Town of Amsterdam. A few of the issues that the LWRP addressed included plans for redevelopment of the vacant and under-utilized industrial structures, capitalizing on recreational boating opportunities, and developing improved public access and recreational opportunities along State-owned Erie Canal right-of-way lands. The High River Energy Center will not be located within the boundary of the LWRP and will be located south of the Mohawk River, NYS Thruway 90, and State Highway 5S. Due to its location and proposed screening, the High River Energy Center will not impede the goals and mission of the LWRP.

#### **4(m) Aerial Photographs of All Properties**

Figure 4-8 represents aerial photographs of properties within the 2-mile Study area. The Applicant is not aware of any material changes in land use that have occurred since the aerial photographs were taken.

#### **4(n) Aerial Photograph Overlays**

Figure 4-8 represents aerial photography overlaid with proposed Project facilities, and access roads in order to show the relationship with existing structures and vegetation cover types. Appendix 11-4 also overlays the proposed Project facilities, access roads, and limits of clearing at a larger scale with additional detail.

#### **4(o) Aerial Photograph Information**

Aerial photographs reflect current Project Area conditions and indicate photographer and date photographed.

#### **4(p) Community Character of the Study Area**

The Project is located in Central New York in a rural area in Montgomery County as shown on the figures included in this Exhibit. The Applicant worked with the Town of Florida, landowners, and stakeholders to identify specific characteristics of the community that are of particular importance in the region. Land within the Town of Florida is primarily used for agriculture and consists of agricultural fields, residences, farm buildings, farm ponds, outbuildings, secondary roads, small paved roads, and unimproved farm roads. While the Study Area occupies more than 19,000 acres, the amount of topical land used for the Project Components is minimal (479 acres) in comparison, thus the Project will have little impact on existing land uses in the Study Area. The primary interference will be during construction, which is temporary. Thereafter, current recreational, cultural, and other concurrent uses, such as farming, can resume as usual. Through a review of zoning ordinances, the Town of Florida Comprehensive Plan, the Montgomery County Farmland and Agricultural Protection Plan, Erie Canalway National Heritage Area Corridor, and the Mohawk Valley Heritage Corridor, the community character of the area was assessed.

Community character includes features and interactions of the natural, social, and built environment, and how those features are used and appreciated in the community. The Applicant has taken these three aspects into account and consulted with local municipalities, landowners, and stakeholders to identify specific characteristics of the community that are of particular importance to the region.

The natural environment includes agricultural land, forested land, conservation lands, public parks, and water resources in the area. Approximately 30.1 acres of forested land will be cleared

within the LOD which is approximately 2.47% of the total 1,221-acre Project Area. This represents a small portion of the total forested land within the Study Area. Furthermore, approximately 18 acres of vegetative screening will be planted, reducing the net impact to forested land. The proposed vegetative screening contains native trees and shrubs. See Appendix 11-1, Landscaping Plan. Project components were sited away from forested land to the maximum extent practicable to prevent wildlife habitat loss. As previously stated, approximately 479 acres of Agricultural Land will be utilized for the Project. This land will be used during the economic life of the Project. Thereafter, the land will be restored to substantially its existing condition, and will be available to be reclaimed for agricultural use after the Project is decommissioned, limiting the impacts to this land type. There are no public parks or conservation lands within the Project Area. There are four conservation easement areas within the Study Area. The Project will not impact these areas as the only impact outside of the Project Area will be from limited, temporary, construction traffic. The water resources in the area include the nearby Mohawk River, Terwilliger Creek, and on-site delineated wetlands and streams. The Mohawk River and Terwilliger Creek are located outside of the Project Area and will not be impacted by Project construction. The delineated wetlands and streams have been avoided to the maximum extent practicable when siting Project Components. The natural environment can also include the Erie Canalway National Heritage Area Corridor which is located within the Study Area. This resource enhances community character by protecting the Erie Canal waterway within Montgomery County, and across the State. The Project is located on the other side of the NYS Thruway I-90, a rock quarry, and some forested land from the Erie Canal National Heritage Area and will not cause any impacts.

The Mohawk River can also be considered part of the social environment. The City of Amsterdam LWRP was approved in 1993 to protect the Mohawk River and promote the use of the surrounding area for public access and recreation. This greatly contributes to the community character of the region as a primarily rural area located along a body of water. The High River Energy Center will not impact the Mohawk River as part of the social or natural environment as it does not impede the use of the River for recreational uses. The social environment also includes the Mohawk Valley Heritage Corridor which is located within the Study Area. The Heritage Corridors located across the state highlight the natural, historic, and cultural resources and programs. The Project is sited away from developed areas nearby and cultural resources were considered and protected. The social environment can also include those developed areas that encompass restaurants, shops, meeting places, churches, and centers for community gatherings. There are multiple

churches located within the Study Area, many of which are closer to the more developed city centers in Amsterdam. The Project will not impact any of these social aspects as all Project Components will be installed within the Project Area boundaries. Some temporary and minimal traffic may result from construction traffic through the Town of Florida.

Lastly, the built environment includes some of the social building described above, industrial and commercial areas, public utilities, public service land, and residential buildings. The closest industrial and commercial areas within the Study Area are located 0.04 and 0.18 miles away, respectively. The Project will not impact those areas aside from the temporary and minimal construction traffic. There is currently one solar project within the Town of Florida, a 2.8 MW facility located on Miriaville Road, approximately 2.5 miles from the Project Area. There are 34 residential parcels located adjacent to the Project Area and the Project has been sited over 100 feet away from the nearest non-participating residence (and in most cases several hundred feet away from other non-participating residences) to limit any impact. The primary potential impact considered for residential land is Project visibility, which is discussed below.

All three of these features, natural, social, and built environments, contribute to the rural community character of the area. The Applicant intends to protect this character through the careful design and siting of the High River Energy Center.

Per 16 NYCRR § 1000.24(b)(1), the NYSORPS classifications are further divided into Landscape Similarity Zones (LSZs) to categorize the visual character and quality of the landscape. As described in Exhibit 24, LSZs are areas of similar landscape/aesthetic character based on patterns of landform, vegetation, water resources, land use, and user activity. The LSZs serve to provide a more in-depth evaluation of viewer circumstances and visual experiences. The LSZs were developed using land cover classifications datasets from the 2016 United States Geological Survey (USGS) National Land Cover Dataset (NLCD) to provide distinct and usable landscape categories. These NLCD land cover groupings were then refined based on aerial photo interpretation and general field review of the 5-mile VSA. This effort resulted in the definition of four final LSZs within the full 5-mile VSA, and include Agricultural/Open field, Forested, Developed, and Mohawk River Corridor. These LSZs are described further below.

- Zone 1 – Agricultural/Open Field – Agricultural and open field consists of cultivated crops, hay, or pasture, or general open land. Views from this zone are typically from larger open

areas along roadsides. Frequently there are hedgerows or small tree groups that provide intermittent screening.

- Zone 2 – Forested – Views from inside the Forest Zone are highly limited since it is assumed that tree canopy precludes outward views unless there are intermittent gaps in trees. Forested areas may include roadway segments where there are permanent residents.
- Zone 3 – Developed – The City of Amsterdam falls under this category. However generally in the VSA residential housing consists of single-family dwellings or a larger farm complex. The Developed Zone in towns outside of the city also includes the local roadways where rural residential development is intermittently established along the existing road network as well as accounting for roadway travelers. Often adjacent buildings in this zone are visual impediments for views as well as roadside vegetation. However, there may be open road corridors with less screening that could afford longer distant views.
- Zone 4 – Mohawk River Corridor – This is a major water feature that runs east-west through the VSA. This Zone is constrained to the Mohawk River and shoreline areas.

Additional information regarding the LSZs and potential visual impacts of the Project are included in Exhibit 24 (Visual Impacts) and Appendix 24-1 (Visual Impact Assessment).

The Applicant has strived to balance the goals of the State and the Project with the goals of the community, as outlined in the Town of Florida Comprehensive Plan, the Montgomery County Agricultural and Farmland Protection Plan, and discussed with local landowners. Exhibit 9 (Alternatives) discusses the reasonable alternative Project layouts that were evaluated as part of this balancing effort. Exhibit 10 details the State laws and programs that set aggressive clean energy targets to combat climate change by reducing greenhouse gas emissions. from the State's energy sector.

Avoidance, minimization, and mitigation measures that were utilized in Project siting are directly related to the community character of the area. The selected technology and the use of both fixed and tracking panels, based on topographic conditions of the site, and market conditions at the time of procurement, will result in an efficient layout ,minimizing the area of land, to the maximum extent practicable, that is required in order to achieve 90 MW of energy production.. The collection lines have been placed underground to decrease aboveground impacts along the public roads. A Landscape Plan, included as Appendix 11-1, depicts the vegetative screening that will surround

the Project Components to reduce visibility and help maintain the visible greenery in the landscape that makes up the rural character.

The studies and evaluations that have been prepared as part of this Application are described in further detail in the specific exhibits and associated appendices. Specific exhibits to reference include Exhibit 24 (Visual Impacts), Exhibit 19 (Noise Impacts), Cultural Resources (Exhibit 20) and Exhibit 22 (Terrestrial Ecology and Wetlands). Each exhibit provides additional information related to how the studies and evaluations were performed and provide details that pertain to the community character of the Study Area, as well as how unavoidable impacts will be mitigated.

#### **4(q) Photographic Representation of the Project Area**

Photographic representations of the Project Area and Study Area are included in Appendix 24-1 (Visual Impact Assessment) to depict existing characteristics of the Project and surrounding setting.

#### **4(r) Erie Canal National Heritage Area Corridor**

The Erie Canal National Heritage Area Corridor connects more than 500 miles of waterway stretching from Buffalo to Whitehall. The Erie Canalway National Heritage Corridor Map indicates the Study Area for the Project resides within the Corridor, but the Project Area is outside of the Corridor. The Corridor is visually buffered by the New York State Thruway 90, a local rock quarry, and forest cover that follows the Mohawk River, therefore, the Project will have no impact.

#### **4(s) Mohawk Valley Heritage Corridor**

The Mohawk Valley Heritage Corridor is a scenic area 70 miles wide, stretching 130 miles from the Hudson River to Oneida Lake. The Corridor includes the counties of Oneida, Herkimer, Fulton, Montgomery, Schoharie, Schenectady, Saratoga, and Albany. The NYS Heritage Corridor map for the Mohawk Valley indicates the entirety of Montgomery County, inclusive of the Study Area, is located within the Corridor. The Project has been sited away from the population centers in the Study Area within the Mohawk Valley Heritage Corridor in order to minimize impacts. As explained in more detail in Exhibit 24, vegetative screening is proposed to minimize visibility to the maximum extent practicable. The land area of this corridor extends from Oneida Lake in Central New York to Albany, New York and covers 203 municipalities, likely tens of thousands of acres, of which the Project will occupy just 479 acres in one municipality.

#### **4(t) NYS Bike Route 5 and Erie Canalway Trail**

The New York State Bike Route 5 and Erie Canalway Trails are recreational attributes to the Mohawk Valley and Erie Canal Heritage Area Corridors stretching from Buffalo to Albany. TRC conducted a desktop analysis to determine the proximity of the trails to the Project Area. It was determined that the closest point of the Project Area is 0.3 miles from the NYS Bike Route 5 and Erie Canalway Trail and is outside of the Project Area. The Project has been sited away from the population centers in the Study Area and will not adversely affect the aesthetic views from the trail due to the proposed vegetative screening. Additionally, the trail is located in close proximity to the northern side of the New York State Thruway 90, which currently obstructs aesthetic views from the trail. As explained in Exhibit 24, there is no expected visibility of the Project from the trail or bike route.

#### **4(u) Project Area Farmland Classification Mapping**

A scaled map of the existing farmland classifications (e.g., All Areas of Prime Farmland, Prime Farmland if Drained, etc.) within the Project Area is included as Figure 4-9. A discussion of how the Project will avoid, minimize, or mitigate impacts to agricultural soils and the effects the Project has on use of the land for future farming operations is included in section 4(y), below.

#### **4(v) Farmland Classification within Limits of Disturbance**

Within the Project Area, the Limits of Disturbance include approximately 8.2 percent of land classified as Prime Farmland, 61.0 percent as Prime Farmland if Drained, 22.5 percent as Farmland of Statewide Importance, and 8.2 percent as Not Prime Farmland.

#### **4(w) Publicly Known Proposed Land Use Map**

As stated in section 4(f) above, there are four publicly known, proposed land uses within Montgomery County, but outside the Study Area. The High River Energy Center will use agricultural land only during the useful economic life of the Project and it will be returned to a state that can be farmed after decommissioning. More information on decommissioning is included in Section 4(x) below and in Exhibit 29. The Mohawk Solar, LLC solar energy project is proposed to cover over 400 acres of agricultural land with solar panels, and temporarily impacts over 150 acres of agricultural land during collection line installation. The solar panel acreage will be able to be reclaimed as agricultural land after decommissioning and there is a proposed 74.8 acres of permanent impact from built facilities. The Valley View Hospitality hotel does not have specific

acreage available, but it is located in a more developed region that will not have an impact on agricultural land. The Marcy to Scotland Electric Transmission Upgrade Project will overlap with agricultural land within an existing utility corridor near the southern boundary of the Town of Florida. It is an overhead line that will be reviewed under Article VII of the Public Service law, and as such, will be required to minimize impacts to agricultural land. The newly proposed distribution center in the Town of Florida will occupy a 140-acre parcel outside of the Study Area. The total acreage that will be affected by the proposed projects cannot be accurately quantified based on available information but represents a minimal amount of agricultural land in comparison to the approximately 118,064 acres identified as Agricultural Land (Code 100) in Montgomery County by NYSORPS.

The Montgomery County Farmland Protection Plan includes a comparison of the number of farms from 2002 to 2012 for the entire county. The number of individual farms has increased, and the average size of individual farms and the acreage of land used for farming has decreased (Montgomery County Agriculture and Farmland Protection Board and Plan Advisory Committee, 2018). The decrease in acreage used for farming is similar to neighboring counties. Within the Study Area, Schenectady County is in the process of drafting a Farmland Protection Plan. Outside of the Study Area, nearby Saratoga County and Albany County each adopted an Agricultural and Farmland Protection Plan in 1997 and 2004, respectively. The Albany County plan includes data from 1982 to 1997. This county saw a decrease in total acreage farmed during that time period. There was a decrease in the number of farms from 1982 to 1992 and then the number of farms remained relatively stable from 1992 to 1997 (Albany County Department of Economic Development, Conservation, and Planning, 2004). Schoharie County also adopted an Agricultural and Farmland Protection Plan in 2017. Similar trends in the number of farms and acreage used for farming was recorded in Schoharie County from 2002 to 2012 as was seen in Montgomery County (Schoharie County Board of Supervisors, 2017). Both the number of individual farms and the acreage of land being used for farming decreased from 2002 to 2012, the latter being consistent with Montgomery County data.

#### **4(x) Agricultural Impacts and Farmland Protection Plan**

The Agricultural and Farmland Protection Plan (the Plan) adopted by Montgomery County in February 2018 was developed to build on the 1999 Plan and promote farming and agriculture within the county. The document summarizes updated information about present state of agriculture in Montgomery County as well as actions that can be taken to address current issues.



It can be used to provide guidance for the farming community to assist in decisions that may affect farming and agriculture. Montgomery County has a history that highlights agriculture with the Mohawk River serving as a major source of water for the surrounding agricultural community.

The Project will not impact Montgomery County's ability to uphold the four goals identified in the Agriculture and Farmland Protection Plan (Montgomery County Agriculture and Farmland Protection Board and Plan Advisory Committee, 2018):

1. Promote Economically Viable Agriculture;
2. Encourage Farmland Protection;
3. Increase Agricultural Economic Development; and
4. Expand Agricultural Awareness.

Solar projects such as the High River Energy Center contribute to environmental sustainability of farms through harnessing solar energy within the Study Area and providing clean energy to surrounding communities. Concurrently, the Project will contribute to climate change mitigation by providing utilities clean energy for distribution and consequently reducing the need for other fossil fuel technology operation to meet energy demands. Although the solar panels will cover 355 acres of agricultural land, only 0.30 acres of ground disturbance will occur on these lands. Ground disturbance for the Project will be limited to the installation of posts for the racking systems and footings for equipment in the collection substation and POI switchyard and construction of access roads. The useful economic life of the Project is estimated to be 30 years and as detailed in the Decommissioning Plan, the Applicant will return lands within the Project Area to substantially their original condition through reseeding and careful mobilization of equipment. As such, agricultural land sited within the Project Area will be able to return to its primary purpose (before Project construction) following decommissioning of the Project.

The Applicant has worked with participating landowners to site Project Components so that the farmers can still use the remainder of their land for agricultural purposes of their choosing. The High River Energy Center will not impede on adjacent agricultural land uses, including plantings, cattle grazing, bee keeping or maintaining the use of the land for agricultural means. Participating landowners also receive lease payments that are added income that may offset the cost to own the land. If landowners are unable to financially support owning their land, they may be forced to sell it or break it up into smaller parcels. After it is sold it could potentially be developed for another permitted use such as including family dwellings, agricultural accessory buildings, or mobile

homes as part of a farm operation. With a special permit the land could be further developed into uses that include:

- Commercial Recreation
- Bed and Breakfast Establishment
- Golf Course or Country Club
- Nursing, Convalescent or Home for the Aged
- Personal Wireless Service Facility
- Public Utility Facility
- Farm Products Plan
- Radio, TV Transmitter or Receiving Tower w/ building
- Radio, TV Transmitter or Receiving Tower w/o building
- Boarding or Rooming House
- Church
- Parish House or Convent
- Animal/Veterinary hospital
- Public or Parochial School or College
- Two Family Dwelling
- Adult Oriented Business

All of the developments listed here and included in the zoning ordinance would not allow the land to be returned to farming after their intended use or may not have a useful life expectancy. The Project allows the agricultural land to be used for solar energy production, help keep larger parcels contiguous through lease payments, promotes continued agricultural use on parcels excluded by the participating landowner, and protect the viable agricultural land for future use at the end of the Project's useful life. The other permitted uses do not provide this protection.

#### **4(y) Description of Avoidance and Minimization of Impacts to Natural Resources and Prime Farmland**

Approximately 566 acres of agricultural disturbance is anticipated to occur within the Project's proposed limits of disturbance. This includes temporary and permanent disturbance and also includes areas outside of the fence line. The temporary disturbance will be caused by grading and laydown areas. Of the 566 acres of disturbance, 46.6 acres will occur on land classified as Prime Farmland which is only 1.1-percent of all Prime Farmland within the Town of Florida. The

Applicant has made significant efforts to site Project Components to minimize impacts to the maximum extent practicable for existing and future use of agricultural lands within the Project Area. The Applicant will also comply with the NYSDAM Guidelines for Agricultural Mitigation for Solar Energy Projects, revised in April of 2018, to the maximum extent practicable for requirements specific to restoration, monitoring, and decommissioning. As stated in the NYSDAM guidelines, an Environmental Monitor will coordinate with the NYSDAM, Division of Land and Water Resources to develop an inspection schedule and solution if any such goal included in the guidelines cannot be met, consistent with any applicable Article 10 Certificate Conditions.

The solar panels for the Project will be selected primarily for efficiency and effectiveness to harness the maximum amount of solar power at any given time (with consideration to limiting factors including shading, cloud cover, etc.), which concurrently minimizes the amount of land required for generation. The solar technology was selected to avoid concrete foundations and will instead be installed via driven posts. Additionally, monocrystalline solar tracking and fixed panel systems were selected for the Project as they are one of the most the efficient models available for large scale solar generation facilities in the renewable energy market. While the solar panel arrays are primarily sited on agricultural lands within the Project Area, the proposed solar panels will be mounted on racking systems supported by driven posts and result in minimal ground disturbance since no excavation will be required for their installation. Newly proposed access routes were sited in areas that are not actively used by the farmers to the maximum extent practicable. Additionally, the Applicant will make improvements to and maintain the conditions of existing access intended for use during the operational lifetime of the Project. Topsoil will be stripped, stockpiled, and returned to reduce impacts during decommissioning of the Project. Additional discussion on agricultural restoration techniques is included in Exhibit 29(b)(3). The Applicant will also consult with the agricultural landowners to identify areas of concern and methods to further minimize impacts to these lands.

#### **4(z) Buildable Acres**

The Project Area for the High River Energy Center is 1,221 acres. Approximately 355.16 acres of the proposed buildable acres will be covered by solar panels and the fenced-in area of the Project will be 479 acres.

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