



2020-184
203

June 1, 2020
VIA EMAIL & MAIL

Nadine Fuda, Director
Planning & Zoning Department
Town of Schodack
265 Schuurman Road
Castleton, New York 12033

Re: Final Review
Reliable Properties Land Fill/Clean Fill
TB No. 2020-02
Town of Schodack Planning Board

Dear Ms. Fuda:

We are in receipt of the following information for the project Reliable Properties Land Fill/Clean Fill application:

- Letter dated May 10, 2020 in response to our review letter of April 6, 2020.
- Short Environmental Assessment Form signed and dated 02/14/2020 with the EAF Mapper Summary Report.
- Reduced scale plans revised to May 4, 2020, sheets 1 through 4 of 4.

This project will require approval of the Town Board for approval of the construction of a land fill/clean fill in accordance with Chapter 137-4 Landfills of the Town Code consisting only of soil, sand, gravel, or rock, with no non-soil constituents (clean fill).

Based upon the above we offer our review comments that should be addressed by the Applicant:

Site Plans

1. Temporary and permanent seeding notes should remove the word "If" and replace this with "shall" as this project will require soil de-compaction to be employed.
2. A detail of the sign, with the proposed wording that is required per 137-6.B has been provided, but the operator's phone number has been omitted and should be noted to be included in the sign wording when constructed.

We find the application complete and recommend the Town Board schedule a public hearing on the application.

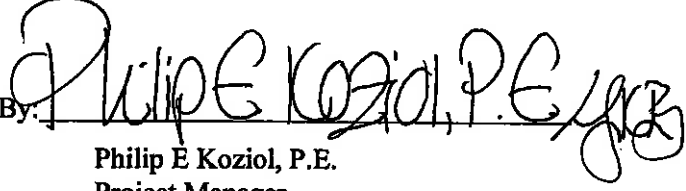
Regarding compliance with the State Environmental Quality Review Act (SEQRA), barring any substantive comments from the public hearing to be held, we recommend the Board make a Negative Declaration for this action. We have reviewed the Short Environmental Assessment Form (SEAF) material submitted and prepared Part 2 and 3 including reasons supporting the Negative Declaration which is enclosed for review and use the Town Board in making their determination under SEQRA.

Nadine Fuda, Director
June 1, 2020
Page 2 of 2

After making a SEQRA determination, and again barring any substantive comments from the public hearing, we recommend the Board approve the application conditioned upon numbers 1 and 2 above being rectified.

Please contact us with any questions on the above or the enclosed.

Very truly yours,
LABERGE GROUP

By: 
Philip E Koziol, P.E.
Project Manager

Encl.

PEK: jkb

C: David B. Harris, Supervisor (w/encl.)
Chris Langlois, Esq. Town Attorney (w/encl. via email only)
Kevin Cioffi, Applicant (via email only)
Steven Hart, P.E., Applicant's Engineer (via email only)

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project: Reliable Properties, LLC Cut and Fill				
Project Location (describe, and attach a location map): US Route 9 - TM # 220, - 2 - 12				
Brief Description of Proposed Action: Applicant wants to import clean fill "soil" material on to his site. After importing is complete the site will be re-established as grass and vegetated areas.				
Name of Applicant or Sponsor: Reliable Properties, LLC - Mr. Kevin Cioffi		Telephone: 518 528 4529 E-Mail: cioffi.kevin@gmail.com		
Address: 950 route 9				
City/PO: Gasseton		State: NY	Zip Code: 12033	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? (If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.)			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Schoharie Town Board - cut and fill approval ARSDOT cut and fill			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 3.5 acres b. Total acreage to be physically disturbed? _____ 0.9 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 3.5 acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (Specify): Interstate Highways <input type="checkbox"/> Parkland				

5. Is the proposed action:		NO	YES	N/A
a.	A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?			NO	YES
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?			NO	YES
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?			NO	YES
If No, describe method for providing potable water: _____ not needed		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?			NO	YES
If No, describe method for providing wastewater treatment: _____ not needed		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?			NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____				

<p>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:</p> <p><input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional</p> <p><input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban</p>		
<p>15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>16. Is the project site located in the 100-year flood plain?</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>17. Will the proposed action create storm water discharge, either from point or non-point sources?</p> <p>If Yes,</p> <p>a. Will storm water discharges flow to adjacent properties?</p> <p>b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?</p> <p>If Yes, briefly describe:</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
<p>18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?</p> <p>If Yes, explain the purpose and size of the impoundment:</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe:</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe:</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>Mr. Kevin Clott</u> Date: <u>2/14/2020</u></p> <p>Signature: <u><i>K. Clott</i></u> Title: <u>owner/applicant</u></p>		

PRINT FORM

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NOAA, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NOAA, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

- Part 1 / Question 7 [Critical Environmental Area] No
- Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] No
- Part 1 / Question 12b [Archeological Sites] Yes
- Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
- Part 1 / Question 15 [Threatened or Endangered Animal] No
- Part 1 / Question 16 [100 Year Flood Plain] Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
- Part 1 / Question 20 [Remediation Site] No

Project: Reliable Properties LLC 950 US 9

Date: May 27, 2020

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Reliable Properties LLC

Date: May 27, 2020

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See attached Negative Declaration and Reasons Supporting SEQRA Negative Declaration.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Schodack Town Board

Name of Lead Agency

David B. Harris

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Town Supervisor

Title of Responsible Officer



Signature of Preparer (if different from Responsible Officer)

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION**

**NOTICE OF SHORT ENVIRONMENTAL ASSESSMENT FORM PART 3
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS AND
DETERMINATION OF NON-SIGNIFICANCE**

This notice is issued pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereunder and set forth at Title 6, Part 617 of the New York Code of Rules and Regulations (collectively, the State Environmental Quality Review Act, or "SEQRA"). The Town of Schodack Town Board (the "Town Board"), acting as Lead Agency has determined that the proposed action described below will not have any significant adverse environmental impacts, that a Negative Declaration of Environmental Significance should be issued, and that a Draft Environmental Impact Statement need not be prepared.

Reasons supporting this determination are fully explained below.

Project Name: **Reliable Properties LLC Landfill/Clean Fill**

SEQRA Status: **Type I: NO Unlisted: YES**

Conditioned Negative Declaration: NO

Location: **950 US Route 9, Castleton, NY 12033 (Tax ID 220.-2-12)**

Description of Action:

Reliable Properties LLC (hereinafter collectively the "Applicant" or "Project Sponsor") seeks to import clean fill "soil" material onto the site. As such a Town Board approval is sought under Chapter 137 of the Town code.

Reasons Supporting This Determination: See the attached Environmental Assessment Form (EAF) Part 3, Reasons Supporting SEQRA Negative Declaration, which details the Town Board's analysis, reasoning, and conclusions in making its determination of environmental significance. The Town Board has carefully considered the criteria for determining significance as set forth in SEQRA regulations at 6 NYCRR § 617.7, and has thoroughly evaluated the Project's potential environmental impacts as identified in Short EAF Parts 2 and 3.

Lead Agency:

Town of Schodack Town Board
265 Schuurman Road
Castleton, NY 12033

For Further Information:

Contact Person: **Nadine Fuda, Director of Planning & Zoning for the Town of Schodack**
Address: **265 Schuurman Road, Castleton, NY 12033**
Telephone: **(518) 477-7938**

SHORT ENVIRONMENTAL ASSESSMENT FORM PART 3
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS
AND DETERMINATION OF SIGNIFICANCE
REASONS SUPPORTING SEQRA NEGATIVE DECLARATION

Reliable Properties LLC Landfill/Clean Fill

Introduction

The Town Board, acting as SEQRA Lead Agency, undertook an environmental review of the Project, an Unlisted action, consisting of clean fill "soil" material onto the site.

The project is located along US Route 9 north of Interstate 90. The project is located on a parcel that is +/- 3.52 acres.

Discussion of Potential Environmental Impacts

The Town Board has carefully considered all potential environmental impacts associated with the Project. Below is a discussion of those potential impacts, set forth in the order in which they appear in the New York State Department of Environmental Conservation's ("NYSDEC") SEQRA SEAF Part 2.

The Project is a SEQRA Unlisted action. The materials submitted in support of the Project Sponsor's applications were generated, at least in part, by licensed engineers and/or qualified consultants. The conclusions and suggested impact avoidance measures proffered by these professionals were based on established engineering principles, industry standards, NYSDEC and technical data, which have been verified by the Town Board's own professional engineering consultants. The Town's Planning staff and the Town Board members, also carefully and reviewed the application and the SEAF.

The Town Board and its consulting engineer have assessed each of the potential SEQRA-related impacts, identified its magnitude and determined the potential impact's importance.

Lastly, the Town Board has reviewed the criteria for determining significance contained in 6 NYCRR Part 617. This evaluation, which is based in the same information supporting its conclusions regarding Part 2 of the SEAF, confirms the Town Board's conclusion that a Negative Declaration of Significance should be issued for the Project.

Discussion of 6 NYCRR Part 617 Criteria For Determining Significance

The Town of Schodack Town Board has evaluated the Project using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). NYSDEC's SEQR Handbook provides "that not every conceivable impact needs to be considered; speculative impacts may be ignored."

As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

The proposed Project will not have a substantial adverse change in existing air quality as the project is temporary in nature and appropriate erosion and dust control measures will be employed during placement of the clean fill. After placement, the area will be seeded to allow grass to grow.

The proposed Project has been designed to have no effect on ground or surface water quality or quantity and is being designed in accordance with applicable guidelines such as NYS DEC Standards & Spec for Erosion & Sediment Control.

As noted above, the proposed Project will not have an appreciable effect on traffic. The site is adjacent to a major route and traffic to the site will be temporary only while construction and filling operations are under way. After construction the site will remain dormant with no appreciable changes in noise generation.

There will not be a substantial increase in solid waste generation. No solid waste will be generated.

There will not be a substantial increase in potential for erosion, flooding, leaching or drainage problems as the site has been designed in accordance with current stormwater design practices. During construction, erosion and sediment control measures will be employed to capture sediment until the site is stabilized to prevent soil material from migrating offsite.

- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

There is no removal or destruction of large quantities of vegetation or fauna. The Project will not have substantial interference with the movement of any resident or migratory fish or wildlife species; there will be no impacts on a significant habitat area; there will be no substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; nor other significant adverse impacts to natural resources.

- (iii) the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;

The Project is not part of a critical environmental area.

- (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

The project does not create a material conflict with the community's current plans or goals as officially approved or adopted.

- (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

The Project does not impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character as determined by NYSHPO.

- (vi) a major change in the use of either the quantity or type of energy;

The Project will not create a major change in the use of either the quantity or type of energy. The project does not use any energy after construction.

- (vii) the creation of a hazard to human health;

The Project will not create a hazard to human health.

- (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

The Project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

- (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

The Project will not encourage or attract a large number of people.

- (x) the creation of a material demand for other actions that would result in one of the above consequences;

The Project will not create a material demand for other actions that would result in one of the above consequences.

- (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

The Project will not create changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

- (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The Project does not involve two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

Conclusion

The Town Board, acting as Lead Agency under SEQRA, has thoroughly evaluated all aspects of the Project and carefully reviewed all relevant materials. For the reasons set forth above, the Town Board has determined that the Project will not have any significant adverse impacts on the environment. As a result, this Negative Declaration will be filed.

PAYMENT IN LIEU OF TAXES AGREEMENT
FOR SOLAR ENERGY SYSTEMS

between

RENSSELAER COUNTY

and

TOWN OF SCHODACK

and

SCHODACK CENTRAL SCHOOL DISTRICT

and

TJA-NY-PAUL RD CASTLETON, LLC

Dated as of _____, 2020

RELATING TO THE PREMISES LOCATED AT 13 Paul Road
IN THE TOWN OF
SCHODACK, RENSSELAER COUNTY, NEW YORK.

PAYMENT IN LIEU OF TAXES AGREEMENT
FOR SOLAR ENERGY SYSTEMS PURSUANT TO REAL PROPERTY TAX LAW § 487

THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES FOR REAL PROPERTY (this "Agreement"), effective as of the date on the cover page, above (the "Effective Date"), by and between TJA-NY-Paul Rd Castleton, LLC, a Delaware limited liability company licensed to do business in the State of New York, with a principal place of business located at _____ ("Owner"), the SCHODACK CENTRAL SCHOOL DISTRICT, a New York education corporation with a principal place of business located at 1477 South Schodack Road, Castleton, New York 12154 (the "School District"), the COUNTY OF RENSSELAER, New York, a New York municipal corporation with a principal place of business at 1600 7th Ave, Troy, New York 12180 (the "County"), and the TOWN OF SCHODACK-, a municipal corporation with a principal place of business at 265 Schuurman Road, Castleton, New York 12033 (the "Town").

The School District, Town and County are herein collectively referred to as the "Taxing Jurisdictions." Owner and the Taxing Jurisdictions are collectively referred to in this Agreement as the "Parties" and are individually referred to as a "Party."

RECITALS

WHEREAS, Owner has submitted a Notice of Intent to each of the Taxing Jurisdictions that it plans to build and operate a "Solar Energy System" and an "Electric Energy Storage System", as both are defined in New York Real Property Tax Law ("RPTL") Section 487 (1)(b) (collectively referred to herein as the "Project"), with an expected nameplate capacity ("Capacity") of approximately 7,207.20 Megawatts DC on a parcel of land located within the Town of Schodack (Village of Castleton-On-Hudson), Rensselaer County at 13 Paul Road and identified as Map ID #209-8-1 as described in Exhibit A (herein the "Property"); and

Formatted: Not Highlight

WHEREAS, the Taxing Jurisdictions have not opted out of RPTL Section 487 ("RPTL 487"); and

WHEREAS, pursuant to RPTL 487 (9)(a), the Taxing Jurisdictions have indicated their intent to require a Payment in Lieu of Taxes Agreement with the Owner, under which the Owner (or any successor owner of the Project) will be required to make annual payments to each of the Taxing Jurisdictions for each year during the term of this Agreement; and

WHEREAS, the Owner has submitted or will submit to the assessor of the Town (the "Assessor") an RP-487 Application for Tax Exemption of Solar or Wind, or Certain Other Energy Systems ("Form RP-487"), demonstrating the eligibility of the Project for a real property tax exemption pursuant to RPTL 487(4); and

WHEREAS, the Parties intend that, during the term of this Agreement, any increase in value of the Property due to the Project will be exempt from real property taxation in accordance with and to the extent authorized by RPTL 487 (the "Exemption").

NOW THEREFORE, for and in consideration of the mutual covenants hereinafter contained, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1.0 Representations of the Parties.

1.1 The Owner hereby represents, warrants, and covenants that, as of the date of this Agreement:

A. The Owner is duly organized, and a validly existing Delaware limited liability company duly authorized to do business in the State of New York, has requisite authority to conduct its business as presently conducted or proposed to be conducted under this Agreement, and has full legal right, power, and authority to execute, deliver, and perform all applicable terms and provisions of this Agreement.

B. All necessary action has been taken to authorize the Owner's execution, delivery, and performance of this Agreement and this Agreement constitutes the Owner's legal, valid, and binding obligation enforceable against it in accordance with its terms.

C. None of the execution or delivery of this Agreement, the performance of the obligations in connection with the transactions contemplated hereby, or the fulfillment of the terms and conditions hereof will (i) conflict with or violate any provision of the Owner's Certificate of Incorporation or Formation, bylaws or other organizational documents or of any restriction or any agreement or instrument to which the Owner is a party and by which it is bound; (ii) conflict with, violate, or result in a breach of any applicable law, rule, regulation, or order of any court or other taxing jurisdictions or authority of government or ordinance of the State or any political subdivision thereof; or (iii) conflict with, violate, or result in a breach of or constitute a default under or result in the imposition or creation of any mortgage, pledge, lien, security interest, or other encumbrance under this Agreement or under any term or condition of any mortgage, indenture, or any other agreement or instrument to which it is a party or by which it or any of the Owner's properties or assets are bound. There is no action, suit, or proceeding, at law or in equity, or official investigation before or by any government authority pending or, to its knowledge, threatened against the Owner, wherein an anticipated decision, ruling, or finding would result in a material adverse effect on the Owner's ability to perform its obligations under this Agreement or on the validity or enforceability of this Agreement.

D. The Project meets the guidelines set forth by the New York State Energy Research and Development Authority and all other applicable provisions of law necessary for the Project to be entitled to Exemption, and Owner has submitted all required documentation and received all necessary approvals related thereto, except to the extent such documentation or approvals are not needed or required as of the Effective Date.

1.2 The Taxing Jurisdictions hereby represent, warrant, and covenant that, as of the date of this Agreement:

A. The Taxing Jurisdictions are each duly organized, validly existing, and in good standing under the laws of the State of New York and has full legal right, power, and authority to execute, deliver, and perform all applicable terms and provisions of this Agreement.

B. All necessary action has been taken to authorize each of the Taxing Jurisdiction's execution, delivery, and performance of this Agreement, and this Agreement constitutes each of the Taxing Jurisdiction's legal, valid, and binding obligation enforceable against it in accordance with its terms.

C. [Intentionally omitted].

D. [Intentionally omitted].

2.0 Tax Exemption: Payment in Lieu of Real Property Taxes.

2.1 Tax-Exempt Status of the Project Facility. It is the intent of the Parties that, pursuant to RPTL 487, a Form RP-487 has or will be filed by the Owner with the Assessor establishing that the Project is eligible for the Exemption.

2.2 Term. Provided the Project is determined by the Assessor to be exempt from real property taxation in accordance with and to the extent authorized by RPTL 487, Owner agrees to make annual payments to the Taxing Jurisdictions in lieu of real property taxes attributable to the Project for a period of fifteen (15) consecutive fiscal tax years in amounts and at the times set forth in Sections 2.3 and 4.0 (the "Annual Payments"). The Parties agree that Annual Payments may not exceed the amounts that would otherwise be payable by Owner in respect to the Project but for the Exemption. Such fifteen (15) year term shall commence on the first Taxable Status Date following the date when the Project is recognized as exempt from taxation on the assessment roll of the Town, pursuant to RPTL 487 (the "Commencement Date"), and shall end on the fifteenth Fiscal Year thereafter (the "Term"). For the purposes of this Agreement, (a) "Taxable Status Date" shall mean March 1st of each Fiscal Year, and (b) "Fiscal Year" shall mean each successive twelve (12) month period commencing on January 1 and ending on December 31.

2.3 Payments. The first Annual Payment shall be in the amount of Five Thousand Dollars (\$5,000.00) per Megawatt AC of Capacity, and thereafter, Annual Payments will escalate by two percent (2%) per year. Based on the Capacity of five (5) Megawatts AC, Annual Payments to be made by Owner during the Term of this Agreement shall be as listed in Exhibit B, attached hereto and made a part hereof. All Annual Payments by the Owner hereunder shall be paid in lawful money of the United States of America. Each Annual Payment will be paid to the Taxing Jurisdictions in accordance with Sections 4.0 and 2.4 of this Agreement.

2.4 Payment and Billing. The Annual Payment amount and payment date will be noted on an annual bill issued by Rensselaer County to the Owner, provided that any failure by Rensselaer County to issue such a bill shall not relieve Owner of its obligation to make timely payments under this Section. The County shall, upon receipt of each Annual Payment from the Owner, pay to the School District and the Town their proportionate share of the Annual Payment in accordance with Exhibit B.

2.5 Depreciation and Changes in Tax Rate. Owner agrees that the Annual Payments to be made under this Agreement will not be reduced on account of a depreciation factor or reduction in the Taxing Jurisdictions' tax rate, and the Taxing Jurisdictions agree that the Annual Payments- will not be increased on account of an inflation factor or increase in the Taxing

Jurisdictions' tax rate, all of which factors have been considered in arriving at the Annual Payment amounts reflected in this Agreement.

2.6 Special Districts and Underlying Property. Owner agrees that the Annual Payment shall not include i) any property taxes due and payable to any special district and/or any property taxes due against the underlying land on which the Project is sited. Owner agrees that such special district and underlying land taxes shall be made in addition to the Annual Payment.

3.0 Change in Capacity.

3.1 Change in Capacity at Mechanical Completion: Adjustments to Payments. If on the date that the Project is mechanically complete and Owner has commenced production of electricity (the "Completion Date"), the Capacity of the Project is increased as a result of the replacement or upgrade of existing Project equipment or property, or the addition of new Project equipment or property, or any other reason whatsoever, the Annual Payments set forth in Exhibit B will be increased on a pro rata basis, as mutually agreed upon by the Parties in their respective reasonable discretion.

3.2 Change in Capacity After Mechanical Completion: Adjustments to Payments. If, after the Completion Date, the Capacity of the Project is increased as a result of the replacement or upgrade of existing Project equipment or property, or the addition of new Project equipment or property, or any other reason whatsoever, the Annual Payments set forth in Exhibit B shall be increased on a pro rata basis for the remaining years of the Term, as mutually agreed upon by the Parties in their respective reasonable discretion.

4.0 Payment to the County. Annual Payments to the County shall be made payable to the Rensselaer County Chief Fiscal Officer and mailed to the County of Rensselaer, c/o 1600 7th Ave, Troy, New York 12180, and are due no later than January 31st of each Fiscal Year (the "Annual Payment Date").

4.1 Late Payments. All late Annual Payments, or portions thereof, shall accrue interest at the statutory rate for late tax payments under New York Law ("Interest"). Owner shall pay the attorney fees, costs and disbursements, filing fees, and other court costs, and all other costs incurred by any of the Taxing Jurisdictions in the collection of any unpaid amounts. In the event the Owner fails to make such payments to the Taxing Jurisdictions following such collection efforts, then the Town may assess such unpaid amounts, including all accrued Interest thereon, against the Property as delinquent taxes in accordance with Section 13.1.

5.0 Tax Status. Tax Certiorari. Separate Tax Lot.

5.1 Exemption. Provided the Project is determined by the Assessor to be exempt from real property taxation in accordance with and to the extent authorized by RPTL 487, the Taxing Jurisdictions agree that during the Term of this Agreement, the Taxing Jurisdictions will not assess any ad valorem real property taxes with respect to the Project to which the Project might otherwise be subject to under New York law.

5.2 Payments of Special Assessments or Special District Assessments. This Agreement is not intended to affect, and will not preclude the Taxing Jurisdictions from

assessing, any other taxes, fees, charges, rates or assessments which the Owner is obligated to pay, including, but not limited to, special assessments or special district assessments, fees, or charges for services provided by the Taxing Jurisdictions to the Project and/or Property other than taxes or charges from which the Project is exempt pursuant to RPTL 487; provided, that the Property shall remain taxable on the assessment rolls of the Taxing Jurisdictions through the Term of this Agreement.

5.3 Tax Certiorari. Provided that the Project is recognized as exempt upon the assessment rolls of the Taxing Jurisdictions in accordance with RPTL 487 during each Fiscal Year of the Term hereof, Owner covenants that it will not commence any proceeding pursuant to Article 7 of the RPTL or any other applicable state or federal law, for the review of any assessment covered by this Agreement; provided, however, that nothing in this Agreement shall limit the right of the Owner to challenge the assessment of the Property pursuant to Article 7 of the RPTL.

5.4 Separate Lots. Following the Commencement Date, the Assessor may assign a tax lot number to the Project, which shall be separate and distinct from the tax lot number of the Property.

6.0 Underlying Land. Notwithstanding anything to the contrary contained herein, Owner hereby acknowledges and agrees that the Taxing Jurisdictions shall continue to assess the Property upon which the Project is constructed.

7.0 Assignments, Binding Effect.

7.1 Assignment, generally. This Agreement may not be assigned by Owner without the prior written consent of the Taxing Jurisdictions; such consent may not be unreasonably withheld if the assignee has agreed in writing to accept all obligations of the Owner. The restrictions on assignment contained herein do not prohibit or otherwise limit changes in control of Owner. If Owner assigns this Agreement with the advance written consent of the Taxing Jurisdictions, the Owner shall be released from all obligations under this Agreement upon assumption hereof in writing by the assignee, provided that Owner shall, as a condition of such assignment and to the satisfaction of the Taxing Jurisdictions, in their respective sole and absolute discretion, cure any defaults and satisfy all liabilities arising under this Agreement prior to the date of such assignment. A memorandum of this Agreement shall be recorded by Owner, at Owner's cost and expense, in the Rensselaer County Clerk's Office, and the Taxing Jurisdictions shall reasonably cooperate in the execution of any required assignments with the Owner and its successors.

7.2 Assignment to Affiliate or Financing Party. Owner may, with advance written notice to the Taxing Jurisdictions and without prior consent, assign this Agreement to an affiliate of Owner or to any party who has provided or is providing financing to Owner for the construction, operation and/or maintenance of the Project.

7.3 Binding Effect. This Agreement shall inure to the benefit of, and shall be binding upon, the Taxing Jurisdictions, the Owner and their respective successors and assigns.

8.0 Statement of Good Faith. The Parties agree that the payment obligations established by this Agreement have been negotiated in good faith in recognition of and with due consideration of the full and fair taxable value of the Project.

9.0 Additional Documentation and Actions. Subject to applicable laws and regulations, each Party will, from time to time hereafter, execute and deliver or cause to be executed and delivered, such reasonable additional instruments and documents as the other Party reasonably requests for the purpose of implementing or effectuating the provisions of this Agreement. Owner shall pay all reasonable attorneys' and consulting fees incurred by the Taxing Jurisdictions to review and negotiate any such instruments or documents.

10.0 Notices. All notices, consents, requests, or other communications provided for or permitted to be given hereunder by a Party must be in writing and will be deemed to have been properly given or served upon the personal delivery thereof, via courier delivery service, by hand, or by certified mail, return receipt requested. Such notices shall be addressed or delivered to the Parties at their respective addresses shown below.

If to Owner: TJA-NY-Paul Rd Castleton, LLC

If to Taxing Jurisdictions:

Town of Schodack
265 Schuurman Road
Castleton, NY 12033

Schodack Central School
Attn: Superintendent
1477 South Schodack Road, Castleton, New York 12154

Rensselaer County
Attn: County Executive
1600 Seventh Street, Troy, New York 12180

With a copy to:

Rensselaer County
Attn: County Attorney
1600 Seventh Street, Troy, New York 12180

Any such addresses for the giving of notices may be changed by either Party by giving written notice as provided above to the other Party. Notice given by counsel to a Party shall be effective as notice from such Party.

11.0 Applicable Law. This Agreement will be made and interpreted in accordance with the laws of the State of New York. Owner and the Taxing Jurisdictions each consent to the jurisdiction of the New York State Supreme Court, County of Rensselaer regarding any and all matters, including interpretation or enforcement of this Agreement or any of its provisions. Accordingly, any litigation arising hereunder shall be brought solely in such courts.

12.0 Termination Rights of the Owner. Owner may terminate this Agreement in the event Owner provides notice to the Taxing Jurisdictions that it is discontinuing the production of electricity and is de-commissioning its equipment (a "Notice of Termination"). Upon receipt of the Notice of Termination, the Project shall be immediately placed on the taxable portion of the tax roll, at which point the provisions of Section 520 of the RPTL shall apply. Owner shall be liable for Annual Payments due in the Fiscal Year of such termination, except that if Owner is required to pay any pro-rata portion of real property taxes for the unexpired portion of any Fiscal Year, the Annual Payments for such Fiscal Year shall be reduced pro rata so that the Owner is not required to pay both Annual Payments and real property taxes for any period of time.

13.0 Termination Rights of Taxing Jurisdictions. Notwithstanding anything to the contrary in this Agreement, the Taxing Jurisdictions may terminate this Agreement and the Assessor may terminate the Exemption conferred on ten (10) days written notice to Owner if:

13.1 Owner fails to make timely Annual Payments required under this Agreement, unless such payment, with interest, is received by the Taxing Jurisdictions within fifteen (15) days of the Annual Payment Date. In the event the Owner has failed to make timely payments hereunder, including accrued interest thereon under Section 4.1, and the Taxing Jurisdictions have terminated this Agreement, the Taxing Jurisdictions may assess (i) all unpaid amounts due hereunder, plus (ii) any and all additional amounts that would have otherwise been payable by Owner in the absence of the Exemption, against the Property as delinquent taxes and each Taxing Jurisdiction may take whatever action at law or in equity to collect the total amount assessed and due as delinquent taxes; and

13.2 Owner has filed, or has had filed against it, a petition for voluntary or involuntary Bankruptcy, liquidation, receivership, or executes an assignment for the benefit of creditors, or is otherwise insolvent.

14.0 Remedies; Waiver And Notice.

14.1 No Remedy Exclusive. No remedy herein conferred upon or reserved to Party is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

14.2 Delay. No delay or omission in exercising any right or power accruing upon the occurrence of any breach of an obligation hereunder shall impair any such right or power or shall be construed to be a waiver thereof, but any such right or power may be exercised from time to time and as often as may be deemed expedient.

14.3 No Waiver. In the event any provision contained in this Agreement should be breached by any party and thereafter duly waived by the other party so empowered to act, such

waiver shall be limited to the particular breach so waived and shall not be deemed to be a waiver of any other breach hereunder. No waiver, amendment, release or modification of this Agreement shall be established by conduct, custom or course of dealing.

15.0 Entire Agreement. The Parties agree that this is the entire, fully integrated Agreement between them with respect to payments in lieu of taxes for the Project.

16.0 Amendments. This Agreement may not be effectively amended, changed, modified, altered or terminated except by an instrument in writing executed by the parties hereto.

17.0 No Third Party Beneficiaries. The Parties state that there are no third party beneficiaries to this Agreement.

18.0 Severability. If any article, section, subdivision, paragraph, sentence, clause, phrase, provision or portion of this Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction, such article, section, subdivision, paragraph, sentence, clause, phrase, provision or portion so adjudged invalid, illegal or unenforceable shall be deemed separate, distinct and independent and the remainder of this Agreement shall be and remain in full force and effect and shall not be invalidated or rendered illegal or unenforceable or otherwise affected by such holding or adjudication.

19.0 Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

[Signature Page Follows]

Executed by the undersigned as of the day and year first written above, each of whom represents that it is fully and duly authorized to act on behalf of and bind its principals.

TJA-NY-PAUL RD CASTLETON, LLC
By: _____

Name

Title

Date

SCHODACK CENTRAL SCHOOL
DISTRICT

By: _____

Name _____

Superintendent _____
Title

Date

TOWN OF SCHODACK

By: _____

Name: _____

Supervisor _____
Title

Date: _____

COUNTY OF RENSSELAER

By: _____

Name

Title

Date

EXHIBIT A

DESCRIPTION OF LAND

Tax Map No. 209.-8-1

← Formatted: Heading Centered

EXHIBIT B

ANNUAL PAYMENTS

Fiscal Year	To Town	To County	To School	Total Payment
Year 1	6250.00	6250.00	12500.00	25,000.00
Year 2	6375.00	6375.00	12750.00	25,500.00
Year 3	6502.50	6502.50	13005.00	26,010.00
Year 4	6632.55	6632.55	13265.10	26,530.20
Year 5	6765.20	6765.20	13530.40	27,060.80
Year 6	6900.50	6900.50	13801.02	27,602.02
Year 7	7038.52	7038.52	14077.02	28,154.06
Year 8	7179.28	7179.28	14358.58	28,717.14
Year 9	7322.86	7322.86	14645.76	29,291.48
Year 10	7469.32	7469.32	14938.67	29,877.31
Year 11	7618.71	7618.71	15237.44	30,474.86
Year 12	7771.09	7771.09	15542.18	31,084.36
Year 13	7926.50	7926.50	15853.04	31,706.04
Year 14	8085.04	8085.04	16170.09	32,340.17
Year 15	8246.74	8246.74	16493.49	32,986.97



ONE YEAR MAINTENANCE AGREEMENT

Delivery Date: _____

4030 901 120-01

BILL TO		SHIP TO	
Company:	Town Of Schockack Town Hall - ST52-443753	Company:	Town Of Schockack Police Department - ST52-443753-001
DUNS #		Contact:	
Address:	285 Schuman Road	Address:	1797 Columbia Turnpike
Address 2:		Address 2:	
City/ST/ZIP:	Castleton On Hudson, NY 12033	City/ST/ZIP:	Castleton On Hudson, NY 12033
Phone / Fax:	518-477-7590	Phone / Fax:	518-477-9077

Salesperson	Agreement #	Billing Cycle Preference	Value Lease	Begin Date
Fereshteh Shoyue		Annual ▼	<input type="checkbox"/> Yes <input type="checkbox"/> No	End Date

Equipment	Description	Serial #	ID#	Maker	Qty. Charge	Copies Inc.	Overage	Cycle
1	Konica C308	A7PX011013690	567FU		\$ 548.72	42,000	\$0.00811	Annual
					Color	3,000	\$0.06948	Annual

<input checked="" type="checkbox"/> Equip. Maint. & Supplies Includes	<input type="checkbox"/> Equip. Maint. Only Includes	<input type="checkbox"/> Fax/Printer Agreement Includes
1. Toner 2. Developer 3. Drums 4. Filters 5. Parts 6. Preventive Maintenance 7. Labor 8. Does not include: paper, labels, staples or transparencies	1. Parts 2. Labor 3. Filters 4. Fusor O3 5. Webe 6. Prevent. Maint. (no supplies) 7. Does not include: paper, labels, staples or transparencies, drums, toner and developer	1. Parts 2. Labor 3. Prevent. Maint. (no supplies) 4. Does not include: paper, labels, staples, transparencies, toner / cartridges

Upgrade YES NO
 Remove Current Equipment YES NO
 Change Current Contract YES NO
 Machine ID# _____ Ending Meter _____

Advanced Networking Maintenance

Single MFP per year _____ We have opted out of this program.
 Multiple MFPs per year _____ We have opted out of this program.

May Require authorizing a WebEx remote PC connection.

ACCEPTED BY EASTERN MANAGED PRINT NETWORKS, LLC	CUSTOMER SIGNATURE
By: <u>Chin...</u> Date: <u>6/14/2020</u>	By: _____ Date: _____
AUTHORIZED SIGNATURE	TITLE: _____
Title: <u>VP Sales</u>	Name (print): _____ Title: _____

Customer promises to pay to Eastern Managed Print Network, LLC all fees and charges established pursuant to this Agreement.

IMPORTANT: TERMS AND CONDITIONS SET FORTH ON THE REVERSE SIDE OF THIS FORM ARE INCORPORATED HEREIN BY REFERENCE

2020-~~24~~
1571
209

Young / Sommer LLC

ATTORNEYS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205
Phone: 518-438-9907 • Fax: 518-438-9914

www.youngsommer.com

James A. Muscato, II, Esq.
Telephone Extension: 243
jmuscato@youngsommer.com

June 18, 2020

Via Electronic Mail
Town of Schodack
Attn: Town Board
265 Schuurman Road
Castleton, NY 12033

**Re: Cedar Hill Solar, LLC
Cedar Hill Solar Farm – Creation of a New Planned Development District
("Application")
Phillips Road (Tax Map No. 177.-8-29.1)**

Dear Members of the Town Board:

Young/Sommer LLC represents the above-named applicant, Cedar Hill Solar, LLC. The Applicant is proposing construction of a 5.0 MW (AC) / 7.5 MW (DC) solar array on a 100.3 +/- acre parcel of land located on the east side of Phillips Road (south of the Pheasant Hollow Golf Course) in the Town of Schodack. The proposed solar array will occupy approximately 34.22 acres as depicted on the enclosed conceptual plan. The Application includes a lot line adjustment of 6.3 acres of the neighboring parcel, Tax Map No. 177.-8-15. The enclosed conceptual plan depicts an access road to the field and internal access and turn around locations within the solar array. The proposed project will be well screened and/or hidden from view, will place minimal demand on community resources, and will provide a renewable energy source to support the electric grid.

Pursuant to Section 219-39.3 of the Town Zoning Code, all utility-scale solar collector systems are subject to the requirements of the regulations for Planned Developments ("PD"). On June 15, 2020 the Town of Schodack Planning Board issued a negative declaration pursuant to SEQR and approved the sketch plan for the proposed construction of a solar farm on the east side of Phillips Road, Town of Schodack (Tax Map No. 177.-8-29.1). The Planning Board accepted the findings and recommendations of the Laberge Group letter dated June 2, 2020, which is attached as the report from the Planning Board.

At this point, the Applicant respectfully requests that the Town Board do the following:

1. Accept the report from the Planning Board;
2. Schedule a Public Hearing for the purpose of considering the creation of the new PD-2 Zoning District for the Cedar Hill Solar Farm; and

3. Refer the proposed local law amendment to the Rensselaer County Planning Board for a referral pursuant to New York General Municipal Law Section 239-m(3)(a)(ii). Please be sure that the County Planning Board receives a full statement of the proposed action, which, in this case, is the proposed local law. In addition, the County Planning Board should receive a copy of the map in the Planning Board's files showing the location of the approved sketch plan.

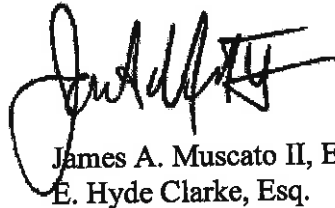
In an effort to assist the Town Board with the process, we have drafted the following documents for the board's consideration and review. The documents may be finalized once the dates have been set by the Town Board.

- A. Draft Local Law to create a new PD-2 zoning district and amend the Town zoning map; and
- B. Draft Resolution to be approved by the Town Board.

We respectfully request that our Application be placed on the next available agenda of the Town of Schodack Town Board on June 25, 2020. I can be reached at (518) 438-9907 ext. 243 should you require any additional information.

Thank you for your consideration.

Very truly yours,



James A. Muscato II, Esq.
E. Hyde Clarke, Esq.

Enclosures

cc: Giovanni Maruca (via email only)

June 2, 2020

VIA EMAIL & MAIL

Denise Mayrer, Chair
Town of Schodack Planning Board
265 Schurman Road
Castleton, New York 12033

Re: **2nd Preliminary Site Plan & PD Review**
Cedar Hill Solar
SPB # 2019-25
Town of Schodack Planning Board

Dear Ms. Mayrer:

We are in receipt of the following for the above referenced application:

- Letter from Environmental Design Partnership, LLP (EDP) dated 05/01/20, response to Planning Board's request for information subsequent to the closing of the public hearing on 2/2/20.
- Letter from Environmental Design Partnership, LLP (EDP) dated 01/17/20, response to Planning Board's request from meeting of 12/16/19.
- Email correspondence from EDP dated 05/13/20, regarding wetland permitting.
- Letter from EDP dated 12/13/19 with responses to the preliminary review comments.
- Reduced scale drawings for "Powin 40' Enclosure Fully Populated with (14) Stack 225" (Battery Storage) dated 11/20/16.
- Powin Energy manufacturer's product information for Battery Energy Storage System.
- Coper Power Series 3-Phase pad mounted compartmental type transformer manufacturer's product information.
- Power Electronics manufacturer's product information DC converter.
- Letter from RP Construction Services dated 12/20/19 regarding wind & snow loading and foundation design for DuraTrack system.
- Cedar Hill Community Solar Decommissioning Statement.
- Full Environmental Assessment Form Part 1 dated 05/01/20.
- Site Plans, sheet 1 through 10 of 10, revised to 12/12/19 but with file print tag of May 1, 2020.
- Soils map "Figure 7" dated 09/11/19 to supplement the stormwater report.
- Stormwater Management Narrative Cedar Hill Solar Farm dated April 2020.
- Stormwater Pollution Prevention Plan dated March 2020.

We offer the following comments:

1. While the Applicant has provided an additional visual assessment for Brookview Road at Lanford Lane, further assessment is required to address public comments received during the Planning Board meeting held on February 3, 2020. These include a visual assessment for leaf off months and the inclusion of the additional optional point #2 of electrical interconnection approximately 600 feet south of Lanford Lane. The Applicant should also continue to work with the neighboring property owner to develop screens satisfactory to these adjacent land owners/residences per the EDP letter dated 01/17/20, response to Planning Board's request from meeting of 12/16/19. The plan should be agreed to by these residences prior to the next regularly scheduled.
2. The applicant should revise the proposed security fencing plan & detail to indicate 4" line posts.
3. The detail for the security fencing should be revised to indicate 3 inch not 3 feet nominal ground clearance.
4. Per EDP email correspondence to this office dated May 13, 2020, the US Army Corps of Engineers (USACOE) has noted that the proposed minor impacts would require a permit. Currently EDP is proposing to obtain permit coverage under Nationwide Permit 14 which covers linear transportation projects and required a preconstruction notification to the USACOE. The applicant should continue to provide copies of their correspondence and conclusions with the USACOE to the Board and this office.
5. The applicant has indicated that the proposed open space (conservation easement) will be 12.35 acres and is so noted on the plans. However, the plans also indicate the area to be provided as 11.97 acres on sheet 2 of 8. The plans should be revised accordingly.
6. The applicant has indicated by noting on the plans that an Open Space Management Plan will be designed and established prior to the start of construction. We recommend that this plan be developed now and presented for review. Additionally, the final plan should be included in the Storm Water Pollution Prevention Plan as required Operations and Maintenance. As previously noted the plan should show the following:
 - a. Additional detail indicating the number and location of bird and bat boxes to be installed;
 - b. Wildflower meadows and grasses mixes and applications rates;
 - c. Number and location of populated bee hives;
 - d. The number of sheep and dates/frequency of use; and
 - e. The schedule of implementation, maintenance, management and inspection for these items.
7. The Storm Water Pollution Prevention Plan and it's appendices (NOI, etc.) should be revised and resubmitted for review upon the inclusion and or revisions of the following:
 - a. The project is subject to the requirements of the Town as a regulated traditional land use control MS4 (NYR20A003);
 - b. A MS4 SWPPP Acceptance Form;
 - c. A long term Operations and Management Plan for the post-construction stormwater management practices; and
 - d. The Stormwater Management Report, 7.0 Summary indicates the use of stormwater infiltration basins. However the analysis does not include infiltration.

8. The plans and details should be coordinated and clarified to indicate that the post construction stormwater management practices SMA#2 and #3 are to remain and be maintained.
 - a. These practices (SMA#2 and #3) are identified as detention ponds to remain per the stormwater analysis. However, details indicate that they are to be utilized as temporary sediment traps during earth disturbing activities prior to upslope stabilization and then upon stabilization of upslope areas, are to be removed as per the temporary sediment trap detail notes. Therefore, the plans and SWPPP should include revised sequences of construction to indicate the installation of the temporary traps and restoration of SMA#2 and #3;
 - b. The trap details should indicate that the basins will be retained and restored to the required grades, and stabilized not removed upon upslope area stabilization.
 - c. The trap details and the SMA#2 and #3 rip rap weir length and widths should be specified in plan and details.
 - d. The Stormwater detention basin detail should indicate the water surface elevations for WQv, CPv, Qp (10-yr) and Qf (100-yr) events similar to the example provided in the NYS Stormwater Design Manual Figure 6.5 on page 6-8.
9. The stormwater management design should be confirmed that the water quality volume provided in stormwater management practices SMA#2 and #3 is utilized as a starting water surface condition for the determination of and adequately sized practice to meet the additional requirements beyond WQv that include the Cpv, Qp and Qf.
10. The detention pond should be identified as a pocket pond (P-5) and meet the requirements as specified in the NYS Stormwater Management Design Manual to include items such as a forebay, a fixed vertical sediment depth marker, side slopes 4:1 or flatter or safety and aquatic benches, etc, SWPPP practice and safety signage, etc.
11. The access road cross culvert and roadside vegetated swale flowing to SMA#2 are in conflict; either the swale elevation needs to be raised or the culvert lowered.
12. Additional erosion and sediment control measures should be detailed for the horizontal directional drilling operations proposed that not only address the excavation (sending/receiving pit) and temporary stockpiling of associated soils but also include management of drilling fluids/slurry.
13. Areas of soil stockpiles and erosion and sediment controls should be identified on the plans.
14. A typical detail should be provided for the stone check dams proposed for the road side swales. These should be indicated in plan as a permanent practice with installation spacing and the quantity specified on the plans.
15. Proposed temporary staging areas and existing impervious areas that will not be utilized in the future for the project should be removed and vegetation established following the requirements of NYS DEC's Deep-Ripping and Decompaction April 2008 guidance document. This re-establishment of vegetated areas should include areas such as the existing gravel pad at Philips Road and sections of the gravel drive east of the proposed solar array field.
16. The soil restoration note on the erosion and sediment control plan should be revised to specifically require deep-ripping and decompaction of areas under and between the proposed arrays that will experience construction traffic.
17. Revise the temporary staging area detail to require soil restoration under the area upon removal of the temporary construction.

18. The erosion and sediment control plan sequence of construction should be revised to include soils restoration.
19. Remove the reference "A.O.B.E." on the gravel pavement section detail.

SEORA Recommendation

We recommend the Planning Board issue a Negative Declaration under SEQRA for this project. Attached for your review and use is a Full EAF with Parts 1, 2, and 3 completed including reasoning supporting the Negative Declaration. If the Planning Board issues a Negative Declaration, the involved agencies should be notified and the Declaration needs to be published in the Environmental Notice Bulletin.

Recommendation for PD Application Certification to the Town Board

The project is subject to §219-39.3 of the Town's zoning law. As such the application must substantially comply with the process for planned developments in Article XII of the zoning law including referral by the Planning Board of the application to the Town Board for approval of the proposed PD-2 designation for the proposed utility scale solar collector system. Provided that the Board completes the SEQRA process as recommended above, we find the application to be complete, and we further recommend certification of the application by the Planning Board to the Town Board.

Recommendation for a Favorable Recommendation of the PD Application to the Town Board

Lastly, after review of the material submitted, we find the following:

- a) The plan conforms with the Town's Comprehensive Plan.
- b) The plan meets the plans and objectives and general criteria of 219-32.2 and 219-39.3.
- c) The plan concept is sound and meets local and area wide needs.
- d) The plan, when approved by the Planning Board, will provide adequate physical and human protections.

Assuming favorable Town Board consideration of the PD Application, the applicant should submit the required/requested information to the Planning Board for further review. Please contact our office with any questions or comments on the above.

Very truly yours,
LABERGE GROUP

By: 
Philip E. Koziol, P.E.
Project Manager

Enc.

PEK: jkb

- C: David B. Harris, Supervisor (via email and mail with enclosures)
Chris Langlois, Esq., Town Attorney (via email only with enclosures)
Craig Crist, Esq., Planning Board Attorney (via email only with enclosures)
Giovanni Maruca, Cedar Hill Solar, LLC (via email only with enclosures)
Owen Speulstra, PE, EDP (via email only with enclosures)

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

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Cedar Hill Solar		
Project Location (describe, and attach a general location map): East Side of Phillips Road - South of the Pheasant Hollow Golf Course		
Brief Description of Proposed Action (include purpose or need): Construction of a 7.5 MW DC (5.0 MW AC) solar farm, including central solid state battery storage, on a 100.3 acre* parcel of land in the Town of Schodack (Tax Map ID 177-8-29.1). The proposed solar farm will be constructed on a 34.46 +/- acre lease parcel with 34.22 +/- acres of land located within the fenced area. *The Proposed Action includes a lot line adjustment of 6.3 +/- acres with the neighboring parcel Tax Map ID 177-8-15.		
Name of Applicant/Sponsor: Cedar Hill Solar, LLC c/o Giovanni Maruca	Telephone: (518) 233-4011	E-Mail: giovanni.maruca@edenrenewables.com
Address: 333 Broadway, Suite 460		
City/PO: Troy	State: NY	Zip Code: 12033
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Elmbrook Limited Partnership	Telephone: (518) 461-6251	E-Mail:
Address: P.O. Box 53		
City/PO: Malden Bridge	State: NY	Zip Code: 12115

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board Planned Development	September 2019
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Site Plan Review	September 2019
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	239-m referral, Highway Work Permit	September 2019
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSERDA (funding)	February 2020
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ACOE (Nation Wide 14)	April 2020
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions:	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C 2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally-adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s): _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s): _____ _____	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
RA - Residential Agriculture District

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

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,
i. What is the proposed new zoning for the site? Planned Development

C.4. Existing community services.

a. In what school district is the project site located? Schodack Central School District

b. What police or other public protection forces serve the project site?
Rensselaer County Sheriff / NYS Police

c. Which fire protection and emergency medical services serve the project site?
East Greenbush Fire Company

d. What parks serve the project site?
Schodack Town Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commercial - power generation.

b. a. Total acreage of the site of the proposed action? +/- 35 acres

b. Total acreage to be physically disturbed? 2.21 +/- acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 100.3 +/- acres

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

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No

If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase I (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No

If Yes, show numbers of units proposed.

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

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

If Yes, ^{array panels are 8.5 ft, CCTV poles will be 15.5 ft in height}

i. Total number of structures 1 Solar Array

ii. Dimensions (in feet) of largest proposed structure: 8.5 height; 900 width; and 1,650 length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

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

If Yes,

i. Purpose of the impoundment: _____

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

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

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons, surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure _____ height; _____ length

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

D.2. Project Operations

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

If Yes:

i. What is the purpose of the excavation or dredging? _____

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

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

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

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

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

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

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

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

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

If Yes:

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

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres: Minor wetland disturbance likely with slight expansion of existing farm road width for access to project. Overall extent of impact to be less than 0.1 acres.

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

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

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yes No
 Yes No

- Do existing sewer lines serve the project site?
- Will a line extension within an existing district be necessary to serve the project?

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

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

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

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or 0.49 acres (impervious surface)

_____ Square feet or 100.3 acres (parcel size)

ii. Describe types of new point sources. Pad Mounted Electrical Equipment & expansion of existing farm roads into an access drive.

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

On-site stormwater management facilities as described in the project stormwater narrative and SWPPP.

- If to surface waters, identify receiving water bodies or wetlands: _____

iv. Will stormwater runoff flow to adjacent properties? Yes No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

- i. Estimate methane generation in tons/year (metric): _____
- ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

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

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

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

If Yes:

- i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____
- ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

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

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

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

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

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

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

If Yes:

- i. Estimate annual electricity demand during operation of the proposed action: _____
- ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
- iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

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

i. During Construction:

- Monday - Friday: _____ 7 am to 5 pm
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____ daylight solar generation
- Saturday: _____ daylight solar generation
- Sunday: _____ daylight solar generation
- Holidays: _____ daylight solar generation

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:
 Typical of site construction equipment during construction time frame (earth moving equipment and pile driving equipment for solar panel posts and fence posts). Combined electrical equipment noise of 82 db during periods of peak energy production.

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

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

If yes:

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

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

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

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

If Yes:

i. Product(s) to be stored _____

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

iii. Generally, describe the proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s): _____

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

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

If Yes:

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

- Construction: _____ tons per _____ (unit of time)
- Operation: _____ tons per _____ (unit of time)

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

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

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban Industrial Commercial Residential (suburban) Rural (non-farm)
- Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe:

General residential setting with some agricultural uses and forest.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.05	0.54+/-	+0.49+/-
• Forested	54.87	54.86	-0.01
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	29.11	28.68	-0.43+/-
• Agricultural (includes active orchards, field, greenhouse etc.)	0.00	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.3	0.3	0
• Wetlands (freshwater or tidal)	16.0	15.95	-0.05
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: _____			

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

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

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

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

 iii. Describe any development constraints due to the prior solid waste activities: _____

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

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

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): _____
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

- v. Is the project site subject to an institutional control limiting property uses? Yes No
- If yes, DEC site ID number: _____
 - Describe the type of institutional control (e.g., deed restriction or easement): _____
 - Describe any use limitations: _____
 - Describe any engineering controls: _____
 - Will the project affect the institutional or engineering controls in place? Yes No
 - Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ >8.5 feet

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

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

Barnardston-Nassua Complex	0.2 %
Hudson Silt Loam	17.9 %
Rhinebeck Silt Loam	81.9 %

d. What is the average depth to the water table on the project site? Average: _____ 1.0 feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained: 100 % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: 88.2 % of site
 10-15%: 1.1 % of site
 15% or greater: 10.7 % of site

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either i or ii, continue. If No, skip to E.2.i.

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

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

- Streams: Name 863-825 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters, ... Approximate Size 16 acre (lease parcel)
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

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

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

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

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No

If Yes:
 i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: _____
 Deer _____ Birds _____ Squirrels _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____
 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: RENS006

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? 92.1 (84.9 acres is only Highly Productive if drained (which it is not) and wetlands are present onsite)
 ii. Source(s) of soil rating(s): USDA Web Soil Survey

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: Elmbrook Farm

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

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

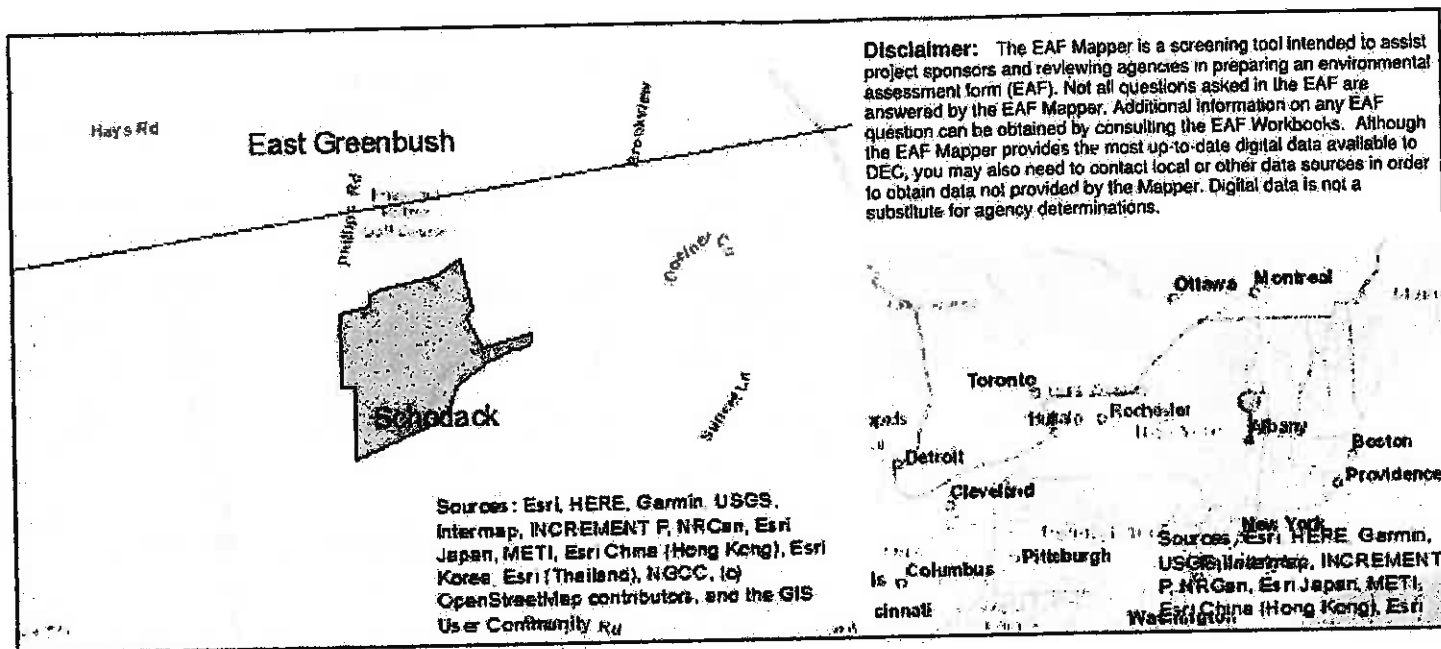
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Giovanni Maruca Date May 1, 2020

Signature  Title Chief Development Officer



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	863-625
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.2.n. [1000 Year Flooding]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.i. [Aquifers]	Yes
E.2.i. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	RENS006
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Elmbrook Farm
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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

Agency Use Only (If applicable)

Project: CEQA HLL
 Date: _____

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

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

Tips for completing Part 2:

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

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

2. Impact on Geological Features
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1, E.2.g)
 If "Yes", answer questions a - c. If "No", move on to Section 3.

NO YES

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

3. Impacts on Surface Water
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1, D.2, E.2.h)
 If "Yes", answer questions a - l. If "No", move on to Section 4.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b'	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: <u>N/A</u>	<input type="checkbox"/>	<input type="checkbox"/>
------------------------------	--------------------------	--------------------------

4. Impact on groundwater NO YES

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If "Yes", answer questions a - h. If "No", move on to Section 5.

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

5. Impact on Flooding NO YES

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

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

g. Other impacts: NA

	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------

6. Impacts on Air

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h. D.2.g)
 If "Yes", answer questions a-f. If "No", move on to Section 7.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than 0.45 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c" above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)
 If "Yes", answer questions a-j. If "No", move on to Section 8.

NO YES

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

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

8. Impact on Agricultural Resources		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
The proposed action may impact agricultural resources. (See Part 1, E.3.a. and b.) If "Yes", answer questions a - h. If "No", move on to Section 9.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: <u>NA</u>		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources
 The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part I, E.1.a, E.1.b, E.3.h.)
 If "Yes", answer questions a - g. If "No", go to Section 10. NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1.2 mile 1.3-3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: <u>NA</u>		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources
 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part I, E.3.e, f, and g.)
 If "Yes", answer questions a - e. If "No", go to Section 11. NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part I, C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>		
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>		

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part I, E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>		
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>		

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.
(See Part I. D.2.j)

NO

YES

If "Yes", answer questions a - f. If "No", go to Section 14.

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

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.
(See Part I. D.2.k)

NO

YES

If "Yes", answer questions a - e. If "No", go to Section 15.

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

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.
(See Part I. D.2.m, n., and o.)

NO

YES

If "Yes", answer questions a - f. If "No", go to Section 16.

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

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

16. Impact on Human Health

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

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

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1e, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

PRINT FULL FORM

Project: CEDAR HILL

Date: _____

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

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

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

Reasons Supporting This Determination:

To complete this section:

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

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status:

 Type 1 Unlisted

Identify portions of EAF completed for this Project:

 Part 1 Part 2 Part 3

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

- ALL REPLICATION MATERIALS AND RESPONSES SUBMITTED TO DATE
- APPLICANT'S REPRESENTATIONS

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the TOWN OF SCHODACK PLANNING BOARD as lead agency that:

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

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

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

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

Name of Action: CEDAR HILL SOLAR

Name of Lead Agency: TOWN OF SCHODACK PLANNING BOARD

Name of Responsible Officer in Lead Agency: DENISE MAYRER

Title of Responsible Officer: CHAIRPERSON

Signature of Responsible Officer in Lead Agency: _____ Date: _____

Signature of Preparer (if different from Responsible Officer) [Signature] Date: 1/22/20

For Further Information:

Contact Person: NADINE FUDA, PLANNING & ZONING DIRECTOR

Address: 265 SCHURMAN RD, CASTLETON, NY 12033

Telephone Number: 518-477-7938

E-mail: NADINE.FUDA@SCHODACK.ORG

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

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

Other involved agencies (if any)

Applicant (if any)

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

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION**

**NOTICE OF FULL ENVIRONMENTAL ASSESSMENT FORM PART 3
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS AND
DETERMINATION OF NON-SIGNIFICANCE**

This notice is issued pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereunder and set forth at Title 6, Part 617 of the New York Code of Rules and Regulations (collectively, the State Environmental Quality Review Act, or "SEQRA"). The Town of Schodack Planning Board (the "Planning Board"), acting as Lead Agency in a Coordinated Review, has determined that the proposed action described below will not have any significant adverse environmental impacts, that a Negative Declaration of Environmental Significance should be issued, and that a Draft Environmental Impact Statement need not be prepared.

Reasons supporting this determination are fully explained below.

Project Name: Cedar Hill Solar Farm

SEQRA Status: Type I: YES Unlisted: NO
Conditioned Negative Declaration: NO

Location: East side of Phillips Road, South of Pheasant Hollow Golf Course, Town of Schodack, New York (Tax ID 177-8-29.1)

Description of Action:

Cedar Hill Solar, LLC (the "Applicant" or "Project Sponsor") is proposing to construct a 7.5 mW (DC) solar array with solid state battery storage on a 100.3 acre parcel of land in the Town of Schodack. It seeks to construct one solar array 8.5 feet in height, 900 feet in width and 1,650 feet in length. The majority of the site is an open meadow, with a minor amount of trees, grasslands and shrub hedgerows (the "Project Site"). The project is subject to sec. 219-39.3 of the Town's zoning law. The Project Site is currently zoned Residential Agricultural ("RA") location.

In addition to Town Board approval for the Planned Development District, the following permits/approvals are needed for the Project as intended: site plan approval by the Town Planning Board, a Highway Work Permit from Rensselaer a County and 239-m referral, and NYSDEC Stormwater SPDES General Permit coverage. Related to the application is the previously obtained lot line adjustment approval.

Reasons Supporting This Determination: See the attached Environmental Assessment Form (EAF) Part 3, Reasons Supporting SEQRA Negative Declaration, which details the Planning Board's analysis, reasoning, and conclusions in making its determination of environmental significance. The Planning Board

has carefully considered the criteria for determining significance as set forth in SEQRA regulations at 6 NYCRR § 617.7, and has thoroughly evaluated the Project's potential environmental impacts as identified in Full EAF Parts 2 and 3.

Lead Agency:

Town of Schodack Planning Board
265 Schuurman Road
Castleton, NY 12033

For Further Information:

Contact Person: Nadine Fuda, Director of Planning for the Town of Schodack
Address: 265 Schuurman Road, Castleton, NY 12033
Telephone: (518) 477-7938

Copies of this Notice have been sent to:

Town of Schodack Town Board
Town of Schodack Planning Board
Town of Schodack Highway Department
Rensselaer County Planning Board (Economic Development and Planning)
Rensselaer County Highway Department
New York State Department of Health
New York State Department of Environmental Conservation
New York State Office of Parks, Recreation and Historic Preservation
U. S. Army Corps of Engineers
Castleton Volunteer Ambulance Service, Inc.
East Greenbush Fire Company
Environmental Notice Bulletin

FULL ENVIRONMENTAL ASSESSMENT FORM PART 3
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS
AND DETERMINATION OF SIGNIFICANCE
REASONS SUPPORTING SEORA NEGATIVE DECLARATION

CEDAR HILL SOLAR PROJECT

Introduction

The Planning Board, acting as SEQRA Lead Agency, undertook a coordinated review of the Project, a Type I action, consisting of the construction of a construct a 7.5 mW (DC) solar array with solid state battery storage on an approximately 46 acre parcel (188-6-15) along the east side of Philips Road, south of the Pheasant Hollow Golf Course in the Town of Schodack, Rensselaer County, New York. The majority of the site is open meadow, forest and shrub hedgerows. ("Project Site" or "Site"). The Project is considered a utility scale solar array.

Application History

- The matter began via application dated September 23, 2019, which was submitted and was also signed by Elmbrook Limited Partnership. Several items accompanied the submission, including the Full Environmental Assessment Form (FEAF) as well as several copies of the proposed site plans. An updated FEAF Part I signed 1-16-2020 was submitted subsequently.
- Applicant presented the proposed project to the Planning Board at the October 7, 2019 meeting of the Planning Board. It was noted that the owner of the Project land is the same owners as the land of the previously approved Elmbrook solar project. Also at that October 7, 2019 meeting, the Planning Board resolved to seek lead agency status. No objections were made to the Planning Board seeking such lead agency status.
- By letter dated October 28, 2019, the engineers for the Town, Laberge Group (the Planning Board's engineering consultants), submitted a review letter. The letter provided both comments and requested additional materials from Applicant.
- In response thereto, by letter dated November 18, 2019 and application dated that same date, Applicant's engineer submitted additional materials, including but not limited to a lot line adjustment/subdivision survey plan and related application materials. Also provided was documentation from National Grid as to the interconnection review. Also submitted at that time was the Visual Impact Assessment Report detailing the visual assessment at the various vantage points set forth therein.
- Via e-mail to Laberge Group on September 12, 2019, Applicant's engineer forwarded correspondence dated September 12, 2019 from NYSHPO which concluded: "Based upon this review, it is the OPRHP's opinion that your project will have No Adverse Impact upon cultural or archaeological resources in or eligible for inclusion in the State and National Register of Historic Places."
- At the December 2, 2019 meeting of the Planning Board the matter was once again considered. Applicant showed a series of maps, all containing different views of the project. Applicant's engineers stated that the site is to be seeded with natural flowers for bees, bats and wildlife and that livestock will also be used for site maintenance. It was reiterated that the pads for the batteries will

be the same as approved for the Elmbrook project. The public hearing was scheduled for February 3, 2020.

- By letter dated December 4, 2019, Laberge Group provided additional comments, including in response to the aforementioned materials submitted by Applicant's engineer. The letter concluded that additional information was needed from the utility provider in order to provide visual assessment along Brookview Road and also that equipment noise generation and ACOE review information was also needed for review.
- Thereafter, the engineers for the applicant submitted a revised Visual Impact Assessment Report dated December 13, 2019, depicting the visual impacts from six prescribed vantage points. Also, by letter dated December 13, 2019, Applicant's engineer responded to the concerns raised in the aforementioned December 13, 2019 Laberge Group letter. Additional e-mail correspondence followed between the engineers as to the status of outstanding items.
- On, February 3, 2020 a public hearing was held.
- Thereafter, Laberge Group issued a letter dated May 22, 2020 with additional comments and recommending a Negative Declaration under SEQRA being no substantive comments received at the Public Hearing of February 3, 2020. Draft Parts 2 and 3 of the FEAF were attached to the letter. The letter also recommended the Planning Board certify the Solar PD application to the Town Board as complete and that the Planning Board make a favorable recommendation to the Town Board regarding the application. -

Discussion of Potential Environmental Impacts

The Planning Board has carefully considered all potential environmental impacts associated with the Project. Below is a discussion of those potential impacts, set forth in the order in which they appear in the New York State Department of Environmental Conservation's ("NYSDEC") SEQRA Full EAF Part 2.

The Project is a SEQRA Type I action. NYSDEC's SEQR Handbook specifically addresses whether an environmental impact statement ("EIS") is always required for a Type I action. According to NYSDEC, "the lead agency must evaluate information contained in the EAF, and additional applications, filings or materials, against the criteria in [6 NYCRR] 617.7 to make a determination of significance for each Type I action. SEQR responsibilities for Type I actions may be met by a well-documented, well-reasoned negative declaration."

The materials submitted in support of the Project Sponsor's applications were generated, at least in part, by licensed engineers and/or qualified consultants. The conclusions and suggested impact avoidance measures proffered by these professionals were based on established engineering principles, industry standards, NYSDEC and technical data, which have been verified by the Planning Board's own professional engineer and were done over a significant period of time. The Town's Planning staff and the Planning Board members, several of whom are professional engineers, also carefully and thoroughly reviewed the application and the EAF, including the technical reports.

During the course of the Project's SEQRA review, the Planning Board, Town Planning staff, the public and the applicant's representatives engaged in an active and comprehensive evaluation of the Project Sponsor's submissions. As stated by the NYSDEC SEQR Handbook, "the lead agency may make a request for any additional information reasonably necessary to make its determination." Questions were asked, clarifications and revisions were requested and responses were provided.

The Planning Board and its consulting engineer have assessed each of the potential SEQRA-related impacts, identified its magnitude and determined the potential impact's importance.

Lastly, the Planning Board has reviewed the criteria for determining significance contained in 6 NYCRR Part 617. This evaluation, which is based in the same information supporting its conclusions regarding Part 2 of the Full EAF, confirms the Planning Board's conclusion that a Negative Declaration of Significance should be issued for the Project.

Discussion of 6 NYCRR Part 617 Criteria For Determining Significance

The Town of Schodack Planning Board has evaluated the Project using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). NYSDEC's SEQR Handbook provides "that not every conceivable impact needs to be considered; speculative impacts may be ignored."

As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

The proposed project will not have a substantial adverse change in existing air quality as there are no emissions.

The proposed project has been designed to have no effect on ground or surface water quality or quantity. A SWPPP will be prepared, reviewed and will be approved when appropriate.

The proposed project will not have any appreciable effect on traffic or create any noise issues. The equipment proposed on site generates very little noise and is placed far enough away from any property/lease lines that it will not be audible. The project generates no traffic except that generated during construction and/or maintenance activities.

There will not be a substantial increase in solid waste generation. The project does not generate any solid waste during its operation.

There will not be a substantial increase in potential for erosion, flooding, leaching or drainage problems as the stormwater system and grading were designed in accordance with the applicable standards and a stormwater analysis will be included in the SWPPP for the project. The proposed grading of the site will prevent substantial erosion after completion and during construction erosion control measures will be employed to minimize it as well.

- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

While the plan does remove some existing vegetation, a portion of the site is being retained in its natural state as delineated on the plan. A USACOE permit will be obtained for this wetland disturbance. Since the site is part of a larger suburban/rural setting, any existing fauna will re-establish themselves in adjacent areas. The project will not have substantial interference with the movement of any resident or migratory fish or wildlife species; it will not have any impacts on a significant habitat area; there are not substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; and there are no other significant adverse impacts to natural resources.

- (iii) the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;

The project is not part of a critical environmental area.

- (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

The project does not create a material conflict with a community's current plans or goals as officially approved or adopted.

- (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

The project does not impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character. The State Historic Preservation Office was consulted and found that the project would have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places. While the proposed use will remove agricultural land from production, the removal is limited to the lease term for the solar facility. Adjacent lands will remain accessible for agriculture. At the end of the lease, solar equipment will be removed and disturbed soils restored.

- (vi) a major change in the use of either the quantity or type of energy;

The project will not create a major change in the use of either the quantity or type of energy. It will in fact produce electricity.

- (vii) the creation of a hazard to human health;

The project will not create a hazard to human health. It has been designed in accordance with applicable regulations and standards.

- (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

The project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

- (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

The project will not encourage or attract a large number of people.

- (x) the creation of a material demand for other actions that would result in one of the above consequences;

The project will not create a material demand for other actions that would result in one of the above consequences.

- (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

The project will not create changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

- (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The project does not involve two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision, even when the lot line adjustment is factored.

Conclusion

The Planning Board, acting as Lead Agency in a Coordinated Review under SEQRA, has thoroughly evaluated all aspects of the Project and carefully reviewed all relevant materials. For the reasons set forth above, the Planning Board has determined that the Project will not have any significant adverse impacts on the environment. As a result, a Negative Declaration will be filed and distributed pursuant to SEQRA regulations, and a Draft Environmental Impact Statement need not be prepared.

J:\2019092\Correspondence\SEORA related\Cedar Hill Negative Determination 06_02_2020.docx

**Town of Schodack
Local Law __ of 2020**

**A Local Law Amending the Town of Schodack Zoning Code
and Creating a New Planned Development District, PD-2, known as Cedar Hill Solar**

Section 1. Title

The title of this local law shall be: "A Local Law Amending the Town of Schodack Zoning Code and Creating a New Planned Development District, PD-2, known as Cedar Hill Solar.

Section 2. Purpose and Findings

The Town Board is permitted to establish zoning districts known as Planned Development Districts ("PD") to provide flexible land use and design regulations through the use of performance criteria and land impact considerations, so that developments incorporating individual building sites, common property, singular land use, and/or mixed land uses may be planned and developed as a unit. The Town Board hereby finds and determines that the application submitted by Cedar Hill Solar, LLC, on a portion of lands now or previously owned by Elmbrook Limited Partnership, on the tract or parcel of land located off Phillips Road, in the Town of Schodack, Tax Map No. 177.-8-29.1, and including a portion of Tax Map No. 177.-8-15, has undergone the applicable process and meets the requirements for a PD as set forth in Article XII of the Town of Schodack Zoning Law, Chapter 219, as so noted on the Town Zoning Map, on file in the office of the Town Clerk. The Town Board further finds that the Town Planning Board, acting as lead agency under a coordinated SEQR review, properly issued a negative declaration on June 15, 2020 and the Town Board hereby confirms that determination as an involved agency.

Section 3. Statutory Authority

This local law is enacted under the authority of Subparagraphs (a)(12) and (d)(3) of the Municipal Home Rule Law § 10(1)(ii), Municipal Home Rule Law § 22, General Municipal Law Article 12-B and the Schodack Zoning Code Article XII and Section 219-39.3.

Section 4. Intent to Amend Existing Zoning Law

This Local Law No. __ of 2020 is intended to amend the existing Town of Schodack Zoning Law (first adopted as Local Law No. 4 of 1986, as amended) and the corresponding Zoning Map that accompanies that Zoning Law.

Section 5. Authorization

The Town Board authorized creation of this PD by resolution. A public hearing was held on July __, 2020 and the resolution was adopted by the Town Board on July __, 2020.

Section 6. Severability

If any section, clause or provision of this chapter or the application thereof to any persons is adjudged invalid, the adjudication shall not affect other sections, clauses or provisions or the application thereof that can be sustained or given effect without the invalid section, clause or provision or application, and to this end the various sections, clauses or provisions of this chapter are declared to be severable.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Town of Schodack

Resolution No. __ of 2020

A Resolution to Approve the PD-2 District for Cedar Hill Solar

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Schodack for public hearing to be held by said Town on July __, 2020 at 7:15 p.m. at the Schodack Town hall to hear all interested parties to amend the Zoning Map of the Town of Schodack, Phillips Road, Tax Map Parcel No. 177.-8-29.1, and a portion of Tax Map No. 177.-8-15, and

WHEREAS, the Town of Schodack Planning Board provided notice to the Town Board of its intent to serve as the lead agency for the purpose of a coordinated SEQR review and the Town Board hereby confirms that it did not object and that the Town Board is an involved agency. The Planning Board, as the lead agency, adopted a negative declaration at the June 15, 2020 Town Planning Board meeting, and

WHEREAS, notice of said public hearing was duly posted on the Town Clerk's Sign Board on _____, 2020 and advertised in the _____, 2020 edition of THE RECORD, official newspaper of the Town, and was posted on the official sign board of the Town of Schodack on _____, 2020, and

WHEREAS, said public hearing was held on July __, 2020, at 7:15 p.m. at the Schodack Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, said proposed amendment of the Zoning Map or any part thereof,

WHEREAS, the Town Board of the Town of Schodack, after due deliberation finds that it is in the best interest of Town to adopt said amendment,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Schodack hereby confirms the negative declaration issued by the Town Planning Board, which said Planning Board is acting as lead agency for the purposes of a coordinated SEQR review.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Schodack hereby adopts the amendment of the Zoning Map of the Town of Schodack relating to a portion of Tax Map #177.-8-29.1 and a portion of Tax Map #177.-8-15 from RA Zone (Residential Agricultural) to PD2 (Planned Development) in accordance with Planning Board Site Plan File #2019-25 Cedar Hill Solar Farm, for the purpose of a solar farm located on the east side of Phillips Road (south of the Pheasant Hollow Golf Course).

BE IT FURTHER RESOLVED, that the Director of Planning and Zoning is hereby directed to file the approved Site Plan with the County Clerk's office for the purposes of amending the Town Zoning Map.