

August 25, 2023

PINE PLAINS PLANNING BOARD MINUTES
Special Meeting
Wednesday, August 23, 2023
7:30 PM
In Person and Zoom

IN PERSON ATTENDANCE: Michael Stabile, Chairman
Al Blackburn
Scott Cavey, Alternate
Ethan DiMaria
Dick Hermans
Kate Osofsky
Steve Patterson
Vikki Soracco

ZOOM ATTENDANCE:

(Members attending via Zoom do not count towards the quorum or voting.)

ABSENT:

ALSO PRESENT: Warren Replansky, Town Attorney, in person
Frank Fish, BFJ Planning, via Zoom
Vardaan Gurung, Carson Power, via Zoom
Members of the Public, in person

Chairman Stabile opened the special meeting at 7:30 pm with a quorum present.

Carson Power: Stabile said the only item on the agenda is the Carson Power SEQR review. Stabile asked Replansky about replacing screening if the original screening was no longer viable - is this on the tree plan? Replansky said that would be in the special use permit and site plan approval portion of the application.

Replansky said he has prepared a negative declaration and Notice of Determination of Non-significance for the board to consider adopting tonight via resolution. Replansky said he emailed the board a draft a few days ago so that they had time to review it prior to the meeting. Replansky said the document is fairly lengthy but he reviewed some key areas with the board (see attached).

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Replansky then reviewed all the appendices and Stabile said they will be available at town hall for review along with the application from Carson Power.

Replansky then read the resolution declaring the negative declaration (see attached). Stabile asked for a motion to accept the resolution, motion by Hermans, second by Patterson, all in favor, roll call vote: Blackburn, aye, DiMaria, aye, Hermans, aye, Osofsky, aye, Patterson, aye, Stabile, aye, Soracco, aye, motion carried.

Stabile asked Replansky what the next steps would be in the application. Replansky said there will be a public hearing for the site plan and special use permit criteria (September 13th at 7:30pm at town hall) after which a resolution would be prepared if the planning board approved the application with the conditions incorporated in.

Hermans asked for a document stating the conditions already agreed to - Replansky said he would work on this with Fish after the hearing and Fish said he would give the board a memo with potential conditions.

Replansky said community character would come up at the hearing again, in terms of the town's zoning code standards, but the board is not redoing the environmental review portion of the project.

Other Business: Stabile said he spoke to Weaver regarding the town's zoning code for lighting in terms of the Stissing Center. Weaver said the code says an hour after business hours that outdoor lights are allowed to remain on. DiMaria thought there were specific hours. DiMaria said in section 275-38, subsection C, under standards for lighting, subsection 8, it says the planning board has the discretion to impose limits on the hours of operations. Stabile said that is hours of operations though and DiMaria replied it is specifically under the lights. Replansky asked what limitations the board wants to put on the lighting. Stabile said he would prefer an hour before and an hour after an event, instead of an arbitrary number.

DiMaria said under the sign ordinance, section 275-52, subsection C 1 G, no exterior sign should be illuminated beyond 2 hours after the close of business and in no event during the nighttime hours of 12am and 6am unless the premises on which it is located is open for business.

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Stabile asked Replansky about creating a document that could be given to Weaver to ensure that all fees are paid, maps are signed, etc. and would this need to be written into the code. Replansky said Stabile can create the form but it does not need to be written into the code but can be added to the process for every applicant.

Motion to adjourn at 8:17 pm by Osofsky, second by DiMaria, all in favor, motion carried.

Respectfully submitted by:

Tricia Devine

Michael Stabile

**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Lead Agency: **Town of Pine Plains Planning Board**

Date: **August 23, 2023**

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Pine Plains Planning Board, as lead agency, has reviewed the proposed action and determined that the proposed action will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: **Pulvers Corner Solar 1 and Pulvers Corner Solar 2**

Location of Action:

454 Bean River Road, in the Town of Pine Plains, Dutchess County, New York.

SEORA Status: Type I

Conditional Negative Declaration: No

Description of Action:

Pulvers Corner Solar 1 LLC and Pulvers Corner Solar 2 LLC (collectively "Applicant") have proposed construction of a solar energy facility located at 454 Bean River Road in the Town of Pine Plains, Dutchess County, New York. The project, a Tier 3 Community Solar facility, as defined in §275-24(D) of the Town Code, will consist of two solar arrays on two adjacent unimproved leased parcels of land which have a combined size of 172 acres (Dutchess County Parcel Access Nos. 7071-00-250960-0000 and 7071-00-084941-0000). Two solar arrays identified as "System 1" and "System 2" will have a capacity of +/- 5.0 megawatts (mw) AC each. The solar field of approximately 23,000 photovoltaic (PV) panels producing direct-current (DC) electricity will be mounted on racking structures oriented to the sun. Panels will be installed at a fixed tilt angle facing south at approximately 180°. The panels will be a maximum of 12' in height and have a small footprint typically consisting of small I-beam posts driven into the ground without the need for supporting concrete foundations. Electrical interconnection cables will be mounted on the underside of the racking structures, and will aggregate the output from the PV panels and convert the electricity from DC to alternating current (AC) via inverters. A substation or switching station will connect the facility to the designated point of interconnection, which will be at the existing Central Hudson Gas & Electric substation located in close proximity to the eastern boundary of the project site. The project will have internal infrastructure including a gravel access road over the main improved existing farm road, fencing,

a 2,000 foot trench for electrical wiring following another access road and temporary areas for equipment storage during construction. The project will be sited on a 42 acre portion of the 172 acre property, which is unimproved and currently utilized for farming purposes. The entire 172 acres, including the project area, will be permanently conserved by a Conservation Easement donated to Scenic Hudson, an environmental advocacy organization committed to preservation and community based advocacy in the Hudson Valley. The project proposes to remove approximately 29.7 acres of vegetation, mostly including forest, from the property for construction of the panel array. The project will convert approximately 22 acres of area currently used for agriculture to meadow habitat for the duration of the project. Upon decommissioning of the solar arrays, these 22 acres and additional meadow habitat will be returned to farmland.

Reasons Supporting this Determination

The Pine Plains Planning Board, as lead agency, has identified the potential adverse environmental impacts associated with this solar project and has evaluated the project using the criteria for determining the significance identified in 6 NYCRR §617.7(c)(1) and in accordance with 6 NYCRR §617.7(c)(2) and (3) ("SEQRA"), as further discussed below. The Planning Board, as part of the process of identification of potential project impacts and its evaluation of the magnitude and significance of the same, completed a Part 2 EAF analysis in which it identified the project's potential environmental impacts, a copy of which is annexed hereto as Appendix B. For every question in Part 2 where the impact has been identified as potentially moderate to large or where the Planning Board has determined the need to explain why a particular element of the proposed action will not result in a significant adverse impact, these impacts have been analyzed in the Full Environmental Assessment Form, Part 3, "Evaluation and Magnitude and Importance of Project Impacts and Determination of Significance" which is made a part hereof as Appendix "C".

The Planning Board has scrupulously adhered to the SEQRA requirements and, commencing in November of 2022, conducted several meetings and public hearings in which the project was discussed and comments on the project and its potential environmental impacts were received from members of the public, attorneys and consultants retained by neighboring property owners, the Applicant's consultants, the Town's engineers, and from the Planning Board members. Comments and input from the Town's engineer, planning consultants and attorney were also received and considered. An outline of the chronology of events as transpired before the Planning Board from November 8, 2022 to the date of this Notice has been annexed to the Full Environmental Assessment Form Part 3. During the course of this process, the Applicant provided engineering, environmental, visual impacts and other studies and reports in response to comments made by the public, the Town consultants, the Town Board members. During the course of this process, several modifications have been voluntarily made by the Applicant to the project to address environmental and other concerns.

1. Impacts on Land.

The Planning Board in its Part 2 EAF Analysis determined that the project may have an impact on land in that there will be construction on, or physical alteration of land surface of, the project site.

In general, the project will be sited on a +/- 42 acre portion of the +/- 172 acre property with a permanent conservation of the entire 172 acres, including the project area. 42 acres of vegetation and agricultural fields are proposed to be converted to meadow habitat under and around the solar arrays. The meadow habitat will be planted with native grasses and pollinator friendly species which will be more beneficial for wildlife than the agricultural fields currently on the property. Nearly 70 acres of the 172 acres to be conserved consist of forested lands. Approximately 70% of the forested land on the property will be preserved post development.

In response to the Part 2 subquestions with regard to the impact on land, the Planning Board finds the following:

a. The proposed action may involve construction on land where depth to water table is less than three feet:

Submissions and studies demonstrated that the water table is 4.2 feet. In addition, there will be minimal grading associated with the project and post construction stormwater management proposed by the Applicant contains features such as level spreaders, dry swales, conveyance swales, detention/infiltration basins and bio-retention areas which will be constructed above existing grade and will not affect the water table.

b. The proposed action may involve construction on slopes of 15% or greater.

The project proposes limited construction on ground mounted solar facilities on slopes of greater than 15%. Further, the ground mounted solar facilities do not require foundations or other substantial earth work. Upon decommissioning, the solar panel steel supports placed directly into the ground will be removed and the land will be returned to its pre-solar condition.

In addition, site plan and the Stormwater Prevention Plan (SWPPP) provide that all stormwater runoff management features will be designed in order to capture 100% of the runoff from the proposed impervious areas in accordance with the requirements of the DEC Stormwater Design Manual. The minimal construction on steep slopes in excess of 15% grade do not result in any stormwater management or erosion concerns to the Planning Board.

- c. The proposed action may involve construction on land where bedrock is exposed generally within five feet of ground surface:**

The proposed construction will avoid any substantial construction activities to exposed bedrock in accordance with the New York State DEC guidelines.

- d. The proposed project may involve the excavation and removal of 1,000 tons of natural material.**

The project will not involve excavation and removal of more than 1,000 tons of natural material.

- e. The proposed action may involve construction that continues for more than one year in phases.**

The project panels and infrastructure will be constructed in approximately 6 to 8 months, in one phase.

- f. The proposed action may result in increased erosion either from physical disturbance or vegetation removal (including from treatment of herbicides).**

Approximately 29.7 acres of vegetation (including forest land) will be removed from the property to facilitate construction of the panels. However, potential impacts from erosion will be fully mitigated by the Applicant's proposed mitigation measures which include the following:

- i. Sediment and Control methods such as compost filter, silt rock, stone check dams, erosion control blankets and fence will be implemented during construction in accordance with the standards and specifications for erosion and sediment control as part of the approved site plan and SWPPP, all of which is required by the DEC Stormwater General Permit for construction activities.
- ii. The General Permit will require weekly erosion and sediment control inspections during construction to monitor compliance with the permit.
- iii. All grading activity will be minimized to the greatest extent possible.
- iv. No herbicide treatments will be used during construction or operation of the project.

As a result of the foregoing, the Planning Board determined that the proposed action will have no, or a small, impact on land.

2. Impact on Geological Features

The Planning Board in its Part 2 Analysis determined that the project would have no impact on geological features in that it would not result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site.

3. Impact on Surface Water.

The Planning Board determined that the project may have impacts on surface water. In response to the questions in the EAF Part 2, the Planning Board has found as follows:

a. The proposed action may create a new water body.

The project does not propose the creation of a new water body.

b. The proposed action may result in an increase or decrease of 10% or more than a 10 acre increase or decrease in the surface area of any body of water.

No water bodies are present on the property.

c. The proposed action may involve dredging of more than 100 cubic yards of material from a wetland or water body.

The project does not involve dredging of any material from a wetland or water body.

d. The proposed action may involve construction within or involving a freshwater or wetland.

The project will not involve construction within or adjacent to a freshwater or wetland or the beds or banks of any other water body.

e. The proposed action may create turbidity in a waterbody either from upland erosion, runoff or by disturbing bottom sediments.

Sediment and control methods will be implemented in accordance with the approved site plan and SWPPP. The project proposes periodic communication with contractors and Applicant's team members during pre-construction meetings. Construction and weekly erosion and sediment control inspections will be conducted to ensure that all requirements of the permit and SWPPP will be adhered to.

Temporary sediment controls are to be installed down gradient of the project site, which, in conjunction with erosion control and minimization of the grading to the road and equipment pads will minimize the amount of disturbed soil during construction.

Stormwater will be diverted into stormwater features including level spreaders, swales and a bio-retention basin which will remain on-site post-construction to assist in stormwater management, as specified in the DEC Stormwater Design Manual. The bio-retention basin will be designed to hold stormwater for no longer than 24 hours and will be planted with native species and remain dry.

- f. The proposed action may include one or more intakes for withdrawal of water from surface water.**

The project does not include construction of one or more intakes for withdrawal of water from surface water.

- g. The proposed action may include of construction of one or more outfalls for discharge of wastewater to surface water.**

The project does not include construction of one or more outfalls for discharge of wastewater to surface water.

- 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.**

No wetlands or other water sources were identified on the property in the environmental due diligence field reconnaissance completed by the Applicant's environmental consultants on November 9, 2021. No wetlands or other water resources have been identified on the property by the Town's Engineer. As noted, sediment and erosion control methods will be implemented in accordance with the site plan and SWPPP and as required by DEC and the stormwater general permit for stormwater activities. Additionally, there will be weekly erosion and sediment control inspections by a qualified inspector during construction to monitor compliance with the stormwater general permit for construction activities. These weekly inspections will occur every seven calendar days from the start of construction to the final stabilization of the project site.

Although there is a wetland complex along Route 59, as well Bean River, in proximity to the project site, the project has been shifted north and west to leave a large area of untouched forested land and meadows between the project and the wetland complex and Bean River. Full compliance with NYS DEC and SWPPP protocols ensure that any potential impacts relating to soil erosion or stormwater discharge will be controlled and mitigated.

- i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.**

It is not anticipated that the project will have any adverse impact on the quality of any water bodies and there are no wetlands or other water resources on the property.

In addition, the implementation of the SWPPP and routine stormwater inspections will ensure there will not be any adverse impacts on water quality.

- j. The proposed action may involve the application of pesticides or herbicides in or around any water body.**

No pesticides or herbicides will be used during the construction, operation or maintenance of the project.

- k. The proposed action may require the construction of new or expansion of existing wastewater treatment facilities.**

The project does not include the construction of a new or expansion of any wastewater treatment facilities.

No additional impacts on surface water were identified in the SEQRA review process and for these reasons, the Planning Board determined that there will be no, or a small, impact on surface water.

4, 5 and 6 Impacts on Groundwater; Flooding and Air

The Planning Board determined during the course of its SEQRA review that the project will result in no impact on ground water, flooding or air. (Items 4, 5 and 6 of Part 2 EAF)

7. Impacts on Plants and Animals.

The Planning Board determined that the project may have an impact on plants and animals in that the proposed action may result in a loss of flora or fauna. The Planning Board, however, determined some potential impacts, as set forth in subparagraph 7a, b, c, d, f and i of Part 2 of the EAF, would have no, or a very small, impact on plants and animals. However, the Planning Board determined:

- i. That the proposed action may substantially interfere with the nesting/breeding, foraging or over-wintering habitat for the predominant species that occupy the project site; and
- ii. That the proposed action requires conversion of more than 10 acres of grassland or other locally important habitat.

The Part 3 Analysis annexed hereto and made a part of this Notice, as Appendix "C", contains the evaluation of the significance of these impacts on plants and animals and a discussion of the documentation and input from DEC, United States Fish and Wildlife Service and other involved agencies, as well as the consultants, planners and engineers, all of which resulted in a determination that the impacts on plants and animals have been mitigated to the greatest extent practicable and, that as a result, they will not have a significant adverse impact on the environment so as to require the preparation of a Draft Environmental Impact Statement.

8. Impact on Agricultural Resources.

The Planning Board in its Part 2 Analysis determined that the proposed action may have impact on agricultural resources, but for each subcategory of agricultural impact, the Planning Board determined that there will either be no impact, or a small impact, for reasons which include:

- i. The project has been designed to avoid impacts on land that is mapped by the United States Department of Agricultural as “prime farmland soils” to the maximum extent practicable. Approximately +/- 2.5 acres of prime soils will be impacted by the project which is located in a Dutchess County Agricultural District (DUTCO21). The Applicant proposes to seed the project area with native and pollinator friendly species. The Applicant has submitted the required Notice of Intent (“NOI”) to the New York State Department of Agriculture and Markets (“NYSDAM”) indicating its intent to place the solar project within an Agricultural District. On May 16, 2023, the Applicant received final determination from the NYSDAM indicating that the proposed project will not have an unreasonable adverse effect on the continuing viability of farm enterprises within the agricultural district and the project will not have a significant impact on soil classified within soil group 1 through 4 of the NYS Land Classification System.
- ii. The project has been designed to allow access to other fields on the property to allow the properties to be farmed in the future. Additionally, in accordance with the NYSDAM Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (revised 10/18/2019) a qualified Environmental Monitor will be designated to oversee construction, restoration and follow-up monitoring of agricultural areas. Following construction, the Monitor shall determine appropriate activities to return the area to agricultural use, which include decompaction, rock removal and revegetation. Soil compaction will be tested in the affected areas and the affected areas adjacent to undisturbed areas using an appropriate soil penetrometer or other soil compaction measuring device as soon as soils achieve moisture equilibrium with adjacent unaffected areas. Compaction tests will be made at regular intervals of distance throughout the affected areas, including each soil type identified within the affected areas. The soil compaction results shall be measured with a soil penetrometer not exceeding more than 250 pounds per square inch by comparing probing depths of both the affected and unaffected areas.
- iii. Where representative soil density of the affected area’s collective depth measurements present compaction restrictions exceeding an acceptable deviation of no more than 20% from the adjacent undisturbed area’s mean soil density, additional decompaction may be required to a depth of 18 inches with a tractor mounted deep ripper or heavy-duty chisel plow. Following

decompaction, all rocks will be unearthed from decompaction activities 4 inches and larger in size from the surface.

- iv. All areas of the project are considered temporary installations and will be restored after decommissioning. No areas of the project will be irreversibly converted to non-agricultural uses.
- v. The entire 172 acres will be placed in a permanent Conservation Easement, preventing future construction or subdivision or other development.
- vi. The project will convert approximately 22 acres of area used for agriculture to meadow habitat for the duration of the project. Upon removal of the project, these 22 acres, and additional meadow habitat, will be able to be fully returned to farmland. 33 acres of farmland, which is outside the project area, will be permanently preserved for agricultural purposes.

For all of these reasons, the Planning Board determined that the project will have no, or very small, impacts on agricultural resources.

9. Impact on Aesthetic Resources.

The project site has been strategically located on portions of the property resulting in extremely limited impacts to the aesthetic resources of the community. The project has been sited in areas on the 172 acre property site which are not visible from public roads, including Bean River Road and Route 199, which are adjacent to the property. The Applicant has located the panels in the least visible locations on the property. In addition, proposed solar panels have been removed from the ridgeline in the southeast section of the property and moved to interior sections of the project area to decrease their visibility. These redesigns provide for the retention of additional mature forest area in the southeast corner of the project site, which has increased the natural vegetative screening currently located on the property. The proposed new vegetative screening has been moved up the ridgeline to be located approximately 20 feet higher in elevation than the plantings proposed on the original site plan. In addition, proposed plantings have been enhanced from single 6-foot plantings to double 12-foot plantings.

The Planning Board conducted a site plan visit to the property on December 10, 2022 in "leaf off" conditions and concluded that the primary area of concern regarding aesthetic and visual impact was limited to a handful of residences which may have partial views of the southeast corner of the project where no visible buffer currently exists. As described in the Part 3 Analysis, the Applicant retained a visual impact consultant, Saratoga Associates, to complete a comprehensive visual analysis, which was submitted on May 2, 2023 and revised on June 6, 2023. This analysis included a viewshed map, 14 photo simulations, and an additional line-of sight profile. Saratoga Associates also deployed a photographer to collect photographs in leaf off conditions which were then used to construct a comprehensive model which simulated potential views after construction of the project. This visual analysis demonstrated only limited views of the project site from 2 of the 14 visual renders and determined there was no visibility of

the project from any public roads or areas. Additionally, the project has only limited view from the very top of Stissing Mountain Fire Tower which is approximately 5 miles from the project.

The Planning Board has determined, as set forth in additional detail in the Part 3 Analysis, that there will be no significant impacts to aesthetic resources as a result of this project.

10, 11, 12, 13 and 14 of Part 2 of the EAF

The Planning Board determined that the project, as proposed, will have no impact on historical or archaeological resources (Part 2 EAF, No. 9), open space and recreation (Part 2, EAF No. 11), critical environmental areas (Part 2 EAF, No. 12), transportation (Part 2 EAF, No. 13), or energy (Part 2 EAF No. 14).

15. Impact on Noise, Odor and Light

The Planning Board determined that the project may have some impact on noise, odor and light, but determined that those impacts would either be nonexistent or small impacts. The Planning Board noted that the project may temporarily produce sounds above noise level established by local regulations during construction. This noise will be mitigated by reducing construction hours to 8:00 a.m. to 6:00 p.m. Monday through Saturday and, as set forth in the EAF Part 1, and the construction noise mitigation plan submitted by the Applicant submitted to the Planning Board on April 7, 2023. Construction activities such tree clearing and grading will only take place on weekdays.

In the post-construction phase, the Planning Board has not identified any impacts which could reasonably occur from the project site. The noise from inverters or other electrical equipment will be minor and not discernible off-site. In addition, this equipment is located approximately 1,600 feet from the road, well inside the system. Additionally, the components of the project will not produce odor or light during operation.

For these reasons, the Planning Board determined that the project will have no, or a small, impact on noise, odor and light.

16. Impact on Human Health.

The Planning Board determined that there will be no impact on human health as a result of this project (EAF Part 2, Paragraph 16).

17. Consistency with Community Plans.

The Planning Board determined there was no evidence that the project would create a material conflict with the Town of Pine Plains current plans or goals. The Town of Pine Plains, after a comprehensive study by a Zoning Review Taskforce and a Comprehensive Plan Committee, with the assistance of its Consultant Planner, amended its Town Comprehensive

Plan and Zoning Law by enacting Local Law No. 3 of 2022. As part of this process, the Town Board adopted a solar law as part of Chapter 275 of the Town Code, which classified solar projects as Tier 1, Tier 2 and Tier 3. Tier 1 solar projects are permitted in all zoning districts; Tier 2 solar projects are permitted in all zoning districts except the Rural District (R) and Wellhead Protection (WP) District, with site plan approval; and Tier 3 projects are permitted in the R and WP Districts pursuant to a special permit and site plan approval pursuant to §275-24(F). This project has been classified as a Tier 3 solar installation as it will “produce greater than 110% of on-site energy demand” and will be sited in the R District (Town Code §275-24[D]).

Upon issuance of this Negative SEQRA determination, the Planning Board will conduct at least one more public hearing with regard to approval of the site plan and special use permit for this project in accordance with the requirements of the Zoning Code. Although the Planning Board in its SEQRA review does not make zoning determinations, the Planning Board notes that there is decisional law in the State of New York which indicates that the inclusion of a permitted use in a Zoning Code, subject to special use permit, is tantamount to a legislative finding that the intended use is in harmony with the zoning plan and does not adversely affect the neighborhood. The Town’s Comprehensive Plan contains a vision requiring the Town of Pine Plains to help address the causes of climate change by promoting the use of renewable energy. All of these factors have resulted in a determination of the Planning Board that the project is consistent with community plans. (Part 2 EAF, Paragraph 17)

18. Consistency with Community Character

The Planning Board, in its Part 2 review, determined that the project did have the potential for moderate to large impacts on community character in that: (i) the proposed action may be inconsistent with the predominant architectural scale and character; and (ii) that the proposed action may be inconsistent with the character of existing natural landscape. The Planning Board determined that subsections “a” through “d” of Part 2 of the EAF did not have the potential for any impact or any impact exceeding a small impact.

As a result, the Planning Board completed an analysis of significance of the identified potential inconsistencies of this project with community character as set forth in the Part 3 Analysis annexed hereto as Appendix “C”.

As a result of this analysis, the Planning Board determined that impacts to community character will not be significant enough to require the preparation of a Draft Environmental Impact Statement.

For Further Information

Contact Person:	Michael Stabile Chairman, Town of Pine Plains Planning Board
Address:	3284 Route 199 Pine Plains, New York 12567

Telephone Number: 581-398-7155

E-mail: pbchairpeson@pineplains-ny.gov

APPENDIX A
CARSON POWERS APPLICATION MATERIALS

A full set for Carson Powers application materials has been annexed to the original SEQRA Negative Declaration Part 3 Analysis, a copy of which is on file at the Town Clerk's office and is available for inspection during regular business hours. In addition, a complete set of the application materials and studies made by the Applicant can be downloaded from the following website:

https://drive.google.com/drive/folders/1MfVtMVNxRvrqik5n6MjYrD6x4aEbywmU7usp=drive_link

APPENDIX B

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

Agency Use Only (If applicable)

Project: Carson Powers
 Date: 6/9/2023

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)			
If "Yes", answer questions a - j. If "No", move on to Section 2.			
	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:		<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)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

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

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO☒ YES

If "Yes", answer questions a - i. If "No", move on to Section 4.

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

1. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater
The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. ☒ NO ☐ YES
(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
The proposed action may result in development on lands subject to flooding. ☒ NO ☐ YES
(See Part 1. E.2)
If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	B2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air

The proposed action may include a state regulated air emission source.
(See Part 1. D.2.f., D.2.h, D.2.g)

☒ NO

☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO 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 .045 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.)

☐ NO

☒ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input checked="" 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: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	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.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input 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: _____		<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 1. E.1.a, E.1.b, E.3.h.) If "Yes", answer questions a - g. If "No", go to Section 10.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: Views from adjacent/nearby properties		<input checked="" 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 1. E.3.e, f. and g.) If "Yes", answer questions a - e. If "No", go to Section 11.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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 1. 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 1. 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. ☒ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

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

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" 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 checked="" 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. ☐ NO ☒ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input 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: Noise during construction and tree clearing		<input checked="" 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:			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action'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, D1c, 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 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

PRINT FULL FORM

APPENDIX C

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.

Part 3 of a Full EAF provides the reasons in support of the determination of significance. The Town of Pine Plains Planning Board, as the SEQRA Lead Agency, must complete Part 3 for every question in the Full EAF Part 2 (see attached) 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 result in a significant adverse environmental impact. Part 2 of the Full EAF identified two potentially moderate or large environmental impacts as a result of the proposed action, as follows:

- Impact on Plants and Animals
- Consistency with Community Character

The attached Full EAF Part 2 and Part 3 Supplement provides additional information on why none of the moderate to large impacts identified will result in any potentially significant adverse environmental impacts. For these reasons, the Planning Board determines that the Proposed Action will not result in any potentially significant adverse environmental impacts.

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

Full EAF Part 1 dated 11/21/22, updated 12/22/22 & 1/19/23; Full EAF Part 2 dated 6/19/23; Full EAF Part 3 Attachments dated 7/20/23. Applicant submissions dated 11/9/22, 11/21/22, 12/23/22, 1/19/23, 1/21/23, 2/8/23, 2/16/23, 3/1/23, 3/20/23, 3/24/23, 3/28/23, 4/7/23, 4/10/23, 4/28/23, 6/3/23, 6/8/23, 6/15/23 and 6/16/23; 4/4/23 NYSED Correspondence; 6/7/23 USFWS Correspondence; and 12/10/22 site walk.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Pine Plains 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: Pulvers Corner Solar 1 and Pulvers Corner Solar 2

Name of Lead Agency: Town of Pine Plains Planning Board

Name of Responsible Officer in Lead Agency: Michael Stabile

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Sarah K. Yachal

Date:

August 3, 2023

For Further Information:

Contact Person: Tricia Devine

Address: Town Hall, 3284 Route 199, Pine Plains, NY 12567

Telephone Number: 518-398-7155 x204

E-mail: planningboard@pineplains-ny.gov

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>

PRINT FULL FORM

Pulvers Corner Solar 1 and Pulvers Corner Solar 2
Tier 3 Solar Energy System
454 Bean River Road, Town of Pine Plains, Dutchess County, New York
Full Environmental Assessment Form – Part 3 Supplement

1.0 INTRODUCTION

Pulvers Corner Solar 1, LLC and Pulvers Corner Solar 2, LLC c/o Carson-Power (the “Applicant”) proposes to construct a solar energy facility (“Project”) located at 454 Bean River Road (“Property”) in the Town of Pine Plains, Dutchess County, New York (“Town”). The Project would consist of two (2) solar arrays on two adjacent leased parcels, with a combined size of ±172-acres (Dutchess County Parcel IDs: 7071-00-250960-0000 & 7071-00-084941-0000). The two solar arrays have been identified as “System 1” and “System 2” (the “Proposed Project”). Both systems will have a capacity of ±5.0 megawatts (“MW”) AC each.

The Proposed Project is being reviewed under the New York State Environmental Quality Review Act (6 NYCRR Part 617 “SEQRA”). The Town of Pine Plains Planning Board (“Planning Board”) is the Lead Agency for the environmental review of the Project under SEQRA. Pursuant to SEQRA, the proposed action discussed in this Full Environmental Assessment Form (EAF) Part 3 Supplement is:

- 1) Special Permit approval from the Planning Board pursuant to Town Code Chapter 275-24(D)(5) for the construction of two (2) solar projects, Pulvers Corner Solar 1 (±5.0 MW AC) and Pulvers Corner Solar 2 (±5.0 MW AC) on a portion of a ±172 acre property (the “Proposed Project”) to be located at 454 Bean River Road in the Town of Pine Plains (the “Project Site”) by Pulvers Corner Solar 1 LLC & Pulvers Corner Solar 2 LLC c/o Carson-Power (the “Applicant”);
- 2) Site Plan approval for the Proposed Project from the Planning Board pursuant to Town Code Chapter 275-24(D) and;
- 3) A potential Lot Line Adjustment for the Proposed Project from the Planning Board; and
- 4) Area variance for fence height from the Town Zoning Board of Appeals (“ZBA”).

2.0 HISTORY

The following presents an overview of the major milestones in the project dating back to 2019 starting with the update to the Town Comprehensive Plan, as follows:

- 2018. The Town establishes a Solar Committee. BFJ Planning was retained by the Town to assist the committee during 2019 and 2021 until passage of the solar law in 2022.

- 2019. A Comprehensive Plan Committee finished work on the update to the Pine Plains Comprehensive Plan which is adopted by the Town Board.
- 2020-2021. A zoning committee follows up the Plan with zoning updates primarily in and around the Pine Plains Hamlet.
- 2022. The zoning committee prepares a proposed solar law based upon NYSEDA's Model Code but designated any Tier 3 solar installation as a Tier 3 solar facility requiring special permit and site plan approval by the Planning Board. The Town Board adopts the solar law.
- Late 2022. Carsen-Power submits preliminary documents for a Tier 3 solar installation at Pulvers Corner. November 9, 2022 - Preliminary sketch plan review held for the Proposed Project.
- November 21, 2022. Applicant submits initial submission of Site Plan and Special Permit Applications (together, "Application") for consideration at the December 14, 2022 Planning Board meeting including:
 - Environmental Assessment Form ("EAF") Part 1;
 - Site Plans;
 - Survey;
 - Operations & Maintenance Plan;
 - Decommissioning Plan;
 - Photo Simulations;
 - Agricultural Data Statement;
 - Deeds; and
 - Owner Authorization Form.
- December 10, 2022. Site Walk completed with the Planning Board to host location for the Proposed Project.
- December 14, 2022. Planning Board classified the Proposed Project as a Type 1 Action under SEQRA and declared its intent to serve as Lead Agency to conduct a coordinated environmental review of the Application and circulates the notice and Full EAF Part I to all involved Agencies.
- December 2022. Applicant submits a Stormwater Pollution Prevention Plan ("SWPPP"), revised EAF Part 1, and Revision 1 to the Site Plans for consideration at the January 11, 2023 Planning Board Meeting
- December 23, 2022. The Applicant's engineering consultant, Bergmann, sent Planning Board notices of Intent to Act as Lead Agency via certified mail, as authorized by the Planning Board.
- 2023.
- January 19, 2023. Applicant submits minor changes to Revision 1 to the Site Plans in advance of the first public hearing scheduled for January 21, 2023.
- January 21, 2023. Initial Saturday Public Hearing held by the Planning Board at Pine Plains Library.
- February 8, 2023. At the request of the Planning Board, the Applicant submitted the following materials for consideration at the February 8, 2023 Planning Board meeting:
 - A revision to the Operations and Maintenance Plan (Updated to exclude herbicides);
 - A Supplemental Map depicting the approximate limits of tree clearing and areas subject to site conservation;

- Supplemental documentation demonstrating the calculation of the net carbon benefit resulting from the construction of solar facilities; and
 - Supplemental documentation describing a Tree Disposal Plan for the Project.
- February 8, 2023. The Planning Board passes a resolution declaring itself as Lead Agency under SEQRA and reaffirmed its designation of the Project as a Type 1 Action.
- February 16, 2023. At the request of the Planning Board, the Applicant submitted the following materials for consideration at the scheduled March 8, 2023 Planning Board meeting:
 - Nexamp Labor Rider for Equipment Supply Agreements and Supplier Code of Conduct; and
 - Wetland Delineation Supplement completed by CP&Y Associates, Environmental Consultant to the Applicant.
- February 17, 2023. At the request of the Planning Board, CP&Y Associates conducted a field review of the existing wetland delineation, attended by George Schmitt of CPL, the Town's Consulting Engineer, who has a background in wetland delineation, and several Planning Board members. The field visit confirmed the absence of wetlands.
- February 21, 2023. George Schmitt, Town Engineer, submitted a report with the findings of the February 17, 2023. The wetland peer review site visit that confirms no wetlands are present onsite.
- March 1, 2023. At the request of the Planning Board, the Applicant submitted the following materials for consideration at the scheduled March 8, 2023 Planning Board meeting:
 - Supplemental map demonstrating the locations and size of 20 community solar projects that Nexamp operates or is currently constructing in the greater Hudson Valley area;
 - Two line-of-sight profiles, conducted by Bergmann, demonstrating limited visual impacts from two example locations; and
 - Google Earth map file showing the locations, relevant to the location of the Project, of all members of the public who spoke at the 1/21/23 Public Hearing
- March 1, 2023. The Planning Board begins drafting the EAF Part 2 at its Internal Workshop.
- March 8, 2023. Submission of the Site Plans to the Fire Chief for review.
- March 11, 2023. Saturday morning Public Hearing held at the Pine Plains Library that specifically included a discussion of SEQRA issues with a presentation by the Planning Board's Planning Consultant, BFJ Planning. The SEQRA process is explained and the options for preparing an Expanded Full EAF and a full Environmental Impact Statement are discussed.
- March 17, 2023. New York State Department of Transportation ("NYSDOT") responds to the Applicant's Stage 1 and 2 Commercial Access Highway Work Permit Applications, indicating that dual driveways are acceptable. These communications are presented to the Planning Board.
- March 22, 2023. For consideration at the scheduled March 22, 2023 Planning Board meeting, the Applicant submitted Revision 2 to the Site Plans which demonstrates the removal of panels in the most visible portion of the project footprint to southeast; an adjusted tree clearing boundary aimed at preserving mature trees in the southeast area of the project site to increase natural visual screening buffer; and the inclusion of mature plantings in the southeast corner of the project area to further reduce panel visibility.

- March 22, 2023. The Planning Board continued to draft the EAF Part 2 at its Internal Workshop.
- March 24, 2023. At the request of the Planning Board, the Applicant submitted the following materials for consideration at the April 12, 2023 Planning Board meeting:
 - Executed interconnection agreements with Central Hudson Gas & Electric ("CHGE") demonstrating compliance with CHGE interconnection procedures;
 - Phase 1 Environmental Site Assessment from CP&Y Associates demonstrating a clean environmental review and no Recognized Environmental Conditions ("RECs") found on site;
 - Forest Cover Analysis and accompanying discussion on Threatened/Endangered species from CP&Y Associates, which was submitted to both the US Fish & Wildlife Service ("USFWS") and New York State Department of Environmental Conservation ("NYSDEC") demonstrating proposed tree clearing which complies with both USFWS & NYSDEC regulations (see discussion below); and
 - EAF Part 2 Proposed Narrative, prepared by Bergman, to provide additional information to the Planning Board to use in making its SEQRA determination of significance.
- March 28, 2023. For consideration at the April 12, 2023 Planning Board meeting, the Applicant submitted Solar Panel product data sheets demonstrating inclusion of anti-glare coating and no inclusion of hazardous materials.
- April 4, 2023. NYSDEC submits a SEQRA Lead Agency Response to the Planning Board, confirming that adherence to the seasonal tree clearing restrictions is sufficient to avoid a Take Permit for threatened and endangered bat species in the Project area (see discussion below).
- April 7, 2023. For consideration at the April 12, 2023 Planning Board meeting, the Applicant submitted a Construction Noise Mitigation Plan which demonstrates voluntary limitation on the hours of noisy construction activities on Saturdays and Sundays and by reducing construction noise by reducing the amount of wood chipping activities.
- April 10, 2023: At the request of the Planning Board, the Applicant submitted the following materials for consideration at the April 12, 2023 Planning Board meeting:
 - Full Sheet Set of Revision 2 to the Site Plans including the previously discussed panel cutback on the southeastern portion of the project area and inclusion of a geographically compatible seed mix;
 - A Revised SWPPP that corresponds to the revised Site Plans;
 - A Revised EAF Part 1 that corresponds to the revised Site Plans; and
 - A Viewshed Map, prepared by Saratoga Associates, Visual Study Consultant to the Applicant, which identifies areas surrounding the Project which could potentially yield visual impacts and may warrant further study.
- April 20, 2023. Chief of Pine Plains Fire Department provides written concurrence indicating satisfaction with emergency access and shutoff capabilities.
- April 28, 2023. For consideration at the May 10, 2023 Planning Board meeting, the Applicant submitted:
 - a Supplemental Map which overlays the Project footprint with Mineral Soil Groups ("MSG") 1-4 demonstrating minimal impact to land with soils classified in MSG 1-4; and

- A Supplemental Map which overlays the Project footprint with surveyed areas of exposed bedrock, which demonstrates minimal impacts to exposed bedrock and avoidance of construction on unconstructable bedrock outcroppings.
- May 3, 2023. At the request of the Planning Board, the Applicant submitted the following materials for consideration at the May 10, 2023 Planning Board meeting:
 - A Visual Impact Analysis, completed by Saratoga Associates including 14 visual simulations (existing conditions and renderings) and one line-of-sight analysis demonstrating no significant visual impacts from the Project; and
 - A Glare Study, completed by Colliers Engineering, which demonstrates no glare impacts are expected from the Project in surrounding areas.
- May 8, 2023. For consideration at the May 10, 2023 Planning Board meeting, the Applicant submitted:
 - A Tree Survey completed by Hudson Valley Forestry, a NYSDEC-certified forester, which included revised methodology for tree disposal with the aim of removing existing vegetation in an environmentally-friendly manner.
 - Written Concurrence from the NYSDEC, provided to CP&Y Associates, which concludes the Project will not require an incidental take permit for any threatened or endangered species (see discussion below)
- June 5, 2023. The Applicant submitted the following materials for consideration at the June 10, 2023 Public Hearing:
 - Revision 3 to the Site Plans, which demonstrate minor changes to the panel layout, grading plan, and other civil features as part of a continued constructability review;
 - A Revised SWPPP that corresponds to the revised Site Plans;
 - A Revised EAF Part 1 that corresponds to the revised Site Plans;
 - A Final Determination Letter from the New York State Department of Agriculture and Markets ("NYSDAM"), which demonstrates no unreasonably adverse effect as a result of the Proposed Project on the continuing viability of farm enterprises within the district or State environmental plans, policies, and objectives;
 - A revised Visual Impacts Analysis from Saratoga Associates which demonstrates further reduced visual impact due to the site plans revision; and
 - A revised Tree Disposal Plan that incorporates the survey results and best practices from the Hudson Valley Forestry writeup submitted on May 8, 2023 and reaffirms the Applicant's commitment to realizing no commercial gain from the tree clearing.
- June 10, 2023. Saturday morning Public Hearing held at the Pine Plains Library that specifically included a discussion of SEQRA issues with a presentation by the Planning Board's Planning Consultant, BFI Planning. This session provided a presentation and question and answer session for the public. The Part 2 Full EAF is reviewed in both slide format and with hard copy hand-outs. The preliminary draft Part 2 Full EAF reviewed at the June 10, 2023 Public Hearing identified potentially moderate to large impacts in the following categories: Impact to Plants and Animals and Consistency with Community Character. Impacts on Aesthetic Resources, which the Planning Board had identified in a previous version of the draft Part 2 Full EAF as having the potential for

moderate to large impacts, was revised based on additional analysis submitted by the Applicant. However, the category was highlighted in the form for discussion as to whether impacts were appropriately considered as small rather than moderate to large (see discussion below).

- June 16, 2023. The Applicant submits a Property Conservation Plan to provide details regarding how the Project Site will be conserved in perpetuity with a conservation easement (see discussion below). The Applicant also submits a revised EAF Part 2 Proposed Narrative to provide additional information to the Planning Board to use in making its SEQRA determination of significance.
- June 19, 2023. At the Planning Board's June 19, 2023 meeting, they again reviewed the draft Part 2 EAF. Based upon the Applicant's responses, information from the Town Engineer and letter/emails from New York State Department of Environmental Conservation (NYSDEC) and the United States Fish and Wildlife Service (USFWS), the Planning Board, at its June 19, 2023 meeting, found that the impacts the proposed action would have to plants and animals was not significantly adverse. After an extensive visual analysis and a submitted property conservation plan, the Planning Board also found, at its June 19th meeting, that the community character element did not now rise to the level of a potentially significant adverse impact. See discussion below.

A copy of the above referenced documents is attached herein as Appendix A.

3.0 ANALYSIS

Impact to Aesthetic Resources

Impacts to Aesthetic Resources was identified as having the potential for moderate to large impacts in a previous version of the Part 2 Full EAF. In response, the Applicant retained Saratoga Associates to complete a comprehensive visual analysis which was submitted on May 2, 2023, and revised on June 6, 2023 and discussed at the May 10, 2023 Planning Board meeting. This assessment supplemented the earlier line-of-sight profiles prepared by Bergmann in March 2023. Saratoga prepared a viewshed map, 14 photo simulations, and an additional line-of-sight profile. Saratoga presented the viewshed map to the Planning Board and received feedback on which areas would yield potential visibility. Saratoga then deployed a photographer on two occasions to collect base photographs in leaf off conditions. These photographs were used to construct a comprehensive 3D model which simulated potential views after construction of the Project. The study found only two of the 14 views studied were affected and these two only showed limited or small impacts. In consideration of the visual analysis provided by Saratoga and the previous visual work completed by Bergmann, and the Applicant's consulting engineer, the Planning Board has concluded there is very limited visibility of the Proposed Project from any public roads or areas. The singular exception being a limited view from the very top of the Stissing Mountain Fire Tower which is close to 5 miles away. As a result of this analysis, the Planning Board determined at its June 19, 2023 meeting that the proposed action would not have a significant adverse visual impact.

Part 3 Full EAF

Part 3 of a Full EAF provides the reasons in support of the determination of significance. The Town of Pine Plains Planning Board, as the SEQRA Lead Agency, must complete Part 3 for every question in the Full EAF Part 2 (see attached) where the impact has been identified as potentially moderate to large. As noted

above, Part 2 of the Full EAF identified two impact categories where potentially moderate or large environmental impacts could occur as a result of adoption of the proposed action described above, as follows:

7. *Impact on Plants and Animals - 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.*

The Applicant submitted documentation and responses to issues raised regarding impacts to plants and animals. Specifically, a Forest Cover Analysis and accompanying discussion on Threatened/Endangered species from CP&Y Associates (the Applicant's environmental consultants) was provided to the Planning Board and subsequently submitted to both the United States Fish & Wildlife Service ("USFWS") and New York State Department of Environmental Conservation ("NYSDEC"). The report determined that the Proposed Project would not have an adverse impact on the federally listed Indiana bat (*Myotis soda/is*; Endangered) and the northern long-eared bat (*Myotis septentrionalis*; Endangered). They also determined that the Proposed Project would not have an adverse impact on the federally listed bog turtle (*Glyptemys muhlenbergii*; Threatened) given that suitable habitat for this species is not present within the Proposed Project area. Further, the Applicant demonstrated that the proposed tree clearing complies with both USFWS and NYSDEC regulations. This report did not identify documentation 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. These findings were supported by information from the Town Engineer and by email from NYSDEC dated May 1, 2023 and by letter from the USFWS dated June 7, 2023.

In the email from NYSDEC, they noted that they "can concur with the review of impact to Bog turtle for the above referenced project and that the project will not require an incidental take from this office." Further they noted that "[i]f tree removal takes place between November 1st and March 31st, the Department can additionally determine that the proposed activity is not likely to result in the incidental taking of Northern long-eared bats, and an Endangered and Threatened Species incidental Take Permit is not required for this project." Tree clearing on the Property is proposed to occur between November 1st and March 31st and such requirement will be included as a condition of any approval of the special permit and site plan for the project.

Additionally, the letter from USFWS also concurred with the Applicant's findings and noted that "[t]he Service agrees that "take" of these species [Indiana bat and Northern long-eared bat] is not reasonably certain to occur given the description of the proposed tree removal, landscape setting, and conservation measures (e.g., conducting tree removal between November 1 and March 31, when bats are in hibernation). Further, USFWS agreed "that take of this species [Bog turtle] is not reasonably certain to occur. USFWS conclude that "no further coordination with the Service is required pursuant to the ESA [Endangered Species Act] for this project."

The Monarch Butterfly was also evaluated by the Applicant although it is only listed as a candidate species. This assessment determined that potential habitat for all life stages of this species were observed and several specimens of milkweed—preferred food for Monarch Butterflies—were observed in some of the disturbed areas. Since the Monarch Butterfly is a candidate species, no additional coordination/consultation is required with respect to this species. Furthermore, the Application includes Milkweed within the seed mix to be used on site at the completion of construction.

Further, the Planning Board fully evaluated materials and documents submitted by the public, including a *Review of the Pulvers Corner Solar Proposal*, prepared by Hudsonia on behalf of Grant & Lyons, LLP. This report was also reviewed by the Town Engineer, Town Planning Consultants and provided to NYSDEC and USFWS as part of the SEQRA coordinated review.

In addition, the Applicant has added the inclusion of brush piles to the site plans which serve as attractive habitat for several species of special concern or conservation need, such as Cottontails and several bird species. Additionally, the Applicant's proposed construction plans include a wildlife friendly fence on the site plans which allow small mammals, insects, and other species to freely travel throughout the Project Site. Further, the latest site plan submission includes several bat boxes on the Project Site. By these actions the Applicant has addressed the potential for any small impact to these species. Finally, Applicant is proposing a conservation easement to be held by Scenic Hudson to preserve the entire subject property including the proposed Project Site against future development. The Applicant, through the voluntary conveyance of the conservation easement to Scenic Hudson, intends to conserve the Project Site to maintain viewsheds from public roads, protect soils of agricultural significance, and safeguard wildlife habitat. These actions are consistent with the character and rural aesthetic of Pine Plains and the greater Hudson Valley. The conservation easement, as described in the June 16, 2023 Property Conservation Plan prepared by the Applicant, will be included as a condition of site plan approval. For these reasons, the Planning Board determines that the Project will not have a significant adverse impact on plants and animals.

18. *Consistency with Community Character – The proposed action is inconsistent with the predominant architectural scale and character. Proposed action is inconsistent with the character of the existing natural landscape.*

The Proposed Project, a Tier 3 Solar Energy System, is permitted in the R District pursuant to the Town of Pine Plains Zoning Code, and as such, Tier 3 solar installations have been deemed by the Town Board to be a use consistent with the R District, which has a low-density, rural setting. Further, the Planning Board took a hard look at the impact of the Tier 3 Solar System on the existing architectural scale and character of the surrounding area and the impact on the existing natural landscape. The Proposed Project has been sited in areas which are generally not visible from public roads, namely Bean River Road and Route 199, which are adjacent to the Project Site. Impacts to community character have been minimized by locating the solar facilities in

substantially less visible areas of the Project Site, areas almost completely screened by existing vegetation and topography. In addition, the Applicant is proposing to install supplemental vegetative screening to the existing forested areas to minimize visual impacts to the best extent practicable.

The community character impacts discussed herein are linked to visual resource impacts in that the items identified as having the potential for moderate to large impacts are visual in nature – architectural scale and character of the existing natural landscape. Impacts to these community character items have been further reduced by virtue of the elimination of potentially moderate to large impacts on aesthetic resources as confirmed by the Planning Board at its June 19, 2023 meeting. By reducing impacts to visual resources, impacts to community character are reduced in so much as a less visible project will have less impact to the perception of changes to community character. The following discussion references documents and reports submitted by the Applicant in support of the analysis of impacts to aesthetic resources.

In response to comments made by the Planning Board and the public regarding potential visual and community character impacts, the Applicant voluntarily provided a revised site plan (March 2023) that removed a number of proposed panels from the ridgeline in the southeast section and moved them to interior sections of the Project Site. In doing so, the Applicant provided for retention of additional mature forest area in the southeast corner of the Project site, which increases the retention of natural vegetative screening currently on the Project Site. The Applicant is proposing new vegetative screening (plantings) to be located on the ridgeline approximately 20 feet higher in elevation than the plantings proposed on the previous site plan. Additionally, the Applicant submitted a revised plan that enhanced the proposed plantings from a single row of 6-foot plantings to a double row of 12-foot plantings. The combined removal of panels from this section, preservation of existing vegetative buffer, increased altitude of the planted vegetative buffer, and the increased height and depth of the planted vegetative buffer impacts will virtually eliminate all visual impacts to private residences located on Skunks Misery Road.

Additionally, the Planning Board visited the Project Site on December 10, 2022, and walked the entirety of the site to, in part, to consider potential visual impacts of the Project. This visit occurred during “leaf off” conditions, which represents the greatest seasonal visual exposure. The general consensus of the Planning Board was that the primary area of concern regarding limited visual impacts was targeted to a handful of homes visible from the southeast corner of the Project Site where no existing visual buffer currently exists.

As noted above, the Applicant retained Saratoga Associates to complete a comprehensive visual analysis which was submitted on May 2, 2023, and revised on June 6, 2023 and presented to the Planning Board at the May 10, 2023 Planning Board meeting. In consideration of the visual analysis provided by Saratoga and the previous visual work completed by Bergmann, and the Applicant’s consulting engineer, the Planning Board has concluded there is no visibility of the Proposed

Project from any public roads or areas. The singular exception being a limited view from the very top of the Stissing Mountain Fire Tower which is close to 5 miles away.

Additionally, the review of the visual assessment prepared by George M. Janes & Associates, dated March 10, 2023, on behalf of Grant & Lyons, LLP and neighboring property owners was considered by the Planning Board. The Applicant subsequently revised the visual assessment to address many of the comments raised in the Janes review. The Planning Board notes that the neighbors' expert acknowledged the lack of visual impact and aesthetic impact of this project but argued that the mitigation afforded by the topography and surrounding tree cover should be evaluated on a "worst case scenario" in the event that such screening was destroyed by fire or other catastrophe. The Planning Board found those scenarios too speculative to affect the determination of the Planning Board with regard to community character and visual and aesthetic impacts.

Further, the Applicant submitted a Glare Study, prepared by Colliers Engineering & Design CT, P.C. (DBA Maser Consulting Engineering & Land Surveying), dated May 1, 2023. The Glare Study provided an extensive analysis on the proposed solar array area and determined that it is highly unlikely that glare from the proposed solar project will be problematic in any manner to the surrounding area. At a 25-degree resting angle for the fixed-tilt panels facing south at 180° it was found that no glare is predicted throughout the entirety of the surrounding area.

Additionally, the Applicant has voluntarily committed to permanently conserving the entirety of the Project Site. The Proposed Project will permanently conserve the highly visible portions of the Project Site along Bean River Road and Route-199, preventing future construction of subdivisions or other developments. Additionally, the proposed Conservation Easement includes the protection of all visible forested areas that will remain after construction in a specific resource protection zone.

While the Proposed Project may differ in architectural scale and character from the surrounding rural natural landscape, its lack of visibility from public vantage points and its location in close proximity to similar uses (Central Hudson Power Substation) serve to eliminate any potential for a significant adverse impact to community character. Further, the proposed conservation easement, project layout, and proposed screening serve to further limit any potential impacts to the rural aesthetic and character of the Town. For these reasons, the Planning Board determines that the Proposed Action will not result in any potentially significant adverse impact to community character.

TOWN OF PINE PLAINS PLANNING BOARD

**RESOLUTION ADOPTING NEGATIVE DECLARATION FOR PULVERS CORNER
SOLAR 1 AND PULVERS CORNER SOLAR 2 PROJECTS**

WHEREAS, Pulvers Corner 1 LLC and Pulvers Corner 2 LLC (collectively the “Applicant”) has proposed to construct solar facilities at 454 Bean River Road, in the Town of Pine Plains, Dutchess County; and

WHEREAS, the project will consist of two solar arrays on two adjacent leased parcels having a total size of 172 acres; and

WHEREAS, both systems will have a capacity of +/- 5.0 megawatts; and

WHEREAS, the project has been designated as a Type I action pursuant to the provisions of State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Planning Board has assumed lead agency status and has conducted a coordinated environmental review of this project with all involved agencies and has reviewed this project at numerous Planning Board meetings, public hearings and work sessions during the time period November 21, 2022 through June 19, 2023, as set forth in the chronology which has been made part of the Part 3 evaluation of the magnitude and importance of project impacts and determination of significance, which has been incorporated in the Negative Declaration as Appendix “C”; and

WHEREAS, the Planning Board has conducted a full and complete environmental review of this project, as set forth in the Negative Declaration annexed hereto and the attachments thereto and has identified and taken a “hard look” at all potential environmental impacts of this action.

NOW, THEREFORE, be it

RESOLVED, that the Planning Board, as lead agency, hereby finds and determines that the proposed action will not have any significant adverse impacts on the environment and, therefore, issues a Negative Declaration of environmental significance pursuant to SEQRA for the reasons set forth in the annexed Negative Declaration; and be it further

RESOLVED, that the Planning Board hereby schedules a public hearing at the Town of Pine Plains Town Hall for September 13, 2023 at 7:30 p.m. for the purpose of site plan and special permit review and further consideration of this project.

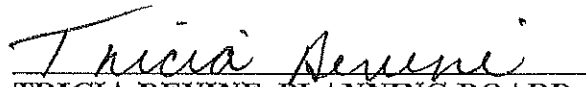
The Planning Board members voted as follows:

Michael Stabile, Chairperson Aye

Vikki Soracco, Vice Chairperson Aye

Al Blackburn	Aye
Scott Cavey, Alternate	Did Not Vote
Ethan DiMaria	Aye
Richard Hermans	Aye
Kate Osofsky	Aye
Steve Patterson	Aye

The Resolution was carried by a seven person vote of the Planning Board members on August 23, 2023.


TRICIA DEVINE, PLANNING BOARD
CLERK, TOWN OF PINE PLAINS