

**STATE ENVIRONMENTAL QUALITY REVIEW ACT  
NEGATIVE DECLARATION**

**Applicant:** Longroad Development, LLC  
**Project Name:** Milk Run Solar Project  
**Location:** New York Route 22, Stephentown NY 12168 (Tax ID 196.-1-2)  
**SEQRA Status:** Type I  
**Lead Agency:** Town of Stephentown Planning Board

**Project Description:**

Longroad Development, LLC (the “Applicant” or “Project Sponsor”) is proposing to construct a ground-mounted 5 mW (AC) solar array on an approximately 77 acre parcel located on New York Route 22 (Tax ID No. 196/-1-2). Improvements would include photovoltaic modules divided into three clusters (a south cluster, a middle cluster, and a north cluster); a sixteen (16) foot wide pervious gravel access road; concrete equipment pads; electrical equipment and lines; and fencing around each of the clusters. The proposed project area involves approximately 26 acres of the 77 acre parcel, which consists primarily of existing agricultural land, with some forested areas outside of the delineated wetland areas located on the western side of the parcel. The solar array would interconnect to NYSEG’s existing distribution circuit that runs along a former railroad bed on the western side of the parcel. The project includes extensive landscaping to be planted on the eastern side of the property in order provide screening and minimize visual impacts.

The project is located in the Town’s RU (Rural Use) District. The proposed use is permitted in the R-U District as a “Public Utility Structure”, subject to the issuance of a Special Permit and Site Plan approval by the Town Planning Board.

**Project History:**

On April 20, 2022, the Applicant submitted an Application to the Planning Board for a special permit and site plan approval in connection with the proposed project. The project was reviewed by the Planning Board at meetings held on May 10, 2022; June 14, 2022; July 19, 2022; September 13, 2022; and September 26, 2022. A public hearing on the application was duly noticed and held on June 14, 2022, at which all interested persons were invited to provide public comment to the Planning Board regarding the proposed project.

Lead agency coordination letters were circulated to all involved agencies, and no objection to the Planning Board serving as lead agency was received. The Planning Board declared itself lead agency for purposes of issuing a determination of significance for the proposed project by motion made and passed at a meeting of the Planning Board held on June 14, 2022.

The Planning Board received and reviewed the following materials submitted by the Applicant in connection with the proposed project:

- Special Use Permit and Site Plan Application
- Full Environmental Assessment Form Part 1, dated May 4, 2022
- Full Environmental Assessment Form Part 2, draft
- Full Environmental Assessment Form, Part 3 with narrative, draft
- Operations and Maintenance Plan
- Decommissioning Plan
- Agricultural Data Statement
- NYS Dept of Agriculture and Markets Determination, dated May 23, 2022
- GML 239 Referral Form
- NYS Standard Site Control Certification Form
- Photo Simulations
- Stormwater Pollution Prevention Plan (SWPPP)
- Project Plans consisting of 14 sheets, prepared by LaBella Associates
- Comment Response letter prepared by LaBella Associates, dated September 22, 2022
- Updated SWPPP, revised September 2022
- Email correspondence between LaBella Associates and NYSDEC Region 4, December 2020
- Project Plans consisting of 13 sheets, last revised September 21, 2022
- Landscape Plans consisting of 4 sheets, last revised September 22, 2022

The Town retained MJ Engineering and Land Surveying, P.C. (MJ Engineering) to assist the Planning Board in its review of the application. Based on its review of all the application materials submitted, MJ Engineering issued an initial review letter dated September 9, 2022, which listed twenty-five (25) comments/issues to be addressed by the Applicant. The Applicant responded to these items via additional submissions provided between September 13, 2022 and September 23, 2022. These additional submissions were reviewed by MJ Engineering, which issued an updated review letter dated September 26, 2022, setting forth four (4) remaining comments.

While the Planning Board has reviewed all potential environmental impacts associated with the proposed project, a particular emphasis was placed on potential visual impacts to neighboring properties. In this regard, and during the course of the Planning Board's review, the Applicant agreed to modify the size and location of the south solar array cluster so as to increase the setback of the solar array from the eastern property line and to increase the distance from the residence located on the neighboring parcel (Sicley). In addition, and at the Planning Board's direction, the Applicant submitted a detailed landscaping plan which provides for the extensive planting of trees, shrubs, and other screening vegetation at the northern and southern end of the project area along Route 22 so as to minimize potential visual impacts, including to neighboring residences.

### **Discussion of Criteria for Determining Significance**

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

As indicated below in the discussion of each criteria specified in 6 NYCRR § 617.7(c)(1), the Planning Board finds that the proposed project will not have a significant adverse impact on the environment.

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

The proposed project will not result in a substantial adverse change in existing air quality, as the solar arrays will not generate any emissions.

The proposed project has been designed to have no effect on ground or surface water quality or quantity. A Stormwater Pollution Prevention Plan (SWPPP) has been prepared and reviewed by the Planning Board's reviewing engineer, and has been deemed sufficient to mitigate any impacts associated with stormwater. Applicant has further indicated that it intends to utilize "Scenario 1" pursuant to the memo issued by the NYS Department of Environmental Conservation (NYSDEC), dated January 17, 2020 and titled Solar Panel Construction – Stormwater Permitting/SWPPP Guidance", which specifies the manner in which the solar panels are to be constructed and spaced so as to avoid impacts associated with stormwater runoff. While there are five delineated wetland areas and four streams located in the western and northwestern portions of the property, the proposed solar arrays and improvements have been sited so as to avoid any encroachment upon, or impacts to, such surface water areas. While the total project area involves approximately 27 acres of the parcel, only about 1 acre of new impervious surfaces will be created as a result of the project.

The proposed project will not have any appreciable impact on existing traffic or create any significant noise impacts. Once construction is completed, the project will generate very little additional traffic other than intermittent trips associated with periodic inspection and maintenance activities. The equipment proposed on site generates very little noise and is set back far enough so that no noise will be audible beyond the property lines. While there will likely be some unavoidable noise during the estimated six month period required for the construction of the project, such noise will be short term and temporary in nature.

The proposed project will not generate any solid waste during operations, and therefore will not result in any significant impacts associated with a substantial increase in solid waste production

There will not be a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The project has been designed such that the solar arrays will be constructed and spaced in compliance with NYSDEC requirements relating to stormwater mitigation, and the project is subject to the requirements of the SWPPP prepared for the project. Standard erosion control measures, including silt fencing, will be employed during construction.

- (ii) **the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or**

**endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;**

The proposed project will not result in the removal of large quantities of vegetation or fauna. Most of the land on which the solar arrays and related improvements will be located has been previously cultivated and cleared for agricultural use, and slightly less than one acre of forested area will be removed as part of the site development for the project. No resident or migratory fish or wildlife species, or threatened or endangered species of animal or plant, are known to inhabit the project area. Given the rural setting of the project, it is expected that any resident local animals will re-establish themselves in adjacent areas.

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

The project site is not located in a designated critical environmental area.

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

The proposed project does not involve, and therefore will not create, a material conflict with the community's current plans or goals as officially approved or adopted. The project is consistent with the Town's adopted land use regulations, which permit "public utility structures" to be developed in RU Districts subject to the issuance of a special permit.

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

The proposed project will not significantly impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character. The project site is located in an archeologically sensitive area, and the New York State Historical Preservation Office (SHPO) has recommended that a Phase 1A/1B archeological survey be conducted to identify, and to mitigate potential impacts to, archeological resources. The Applicant has completed the Phase 1A survey and, prior to construction activities, the Applicant will complete and submit the Phase 1B survey to SHPO for its review and recommendations. The Applicant will incorporate and comply with any mitigation measures that may be recommended by SHPO. The proposed project will also not result in a significant impairment of the existing community or neighborhood character. As noted, the proposed use is permitted in an RU District, subject to a special permit, and has therefore been deemed to be a use consistent with the rural setting of the property. Solar energy projects are commonly sited on rural parcels previously used for agricultural purposes, such as the subject site. The proposed project includes an extensive landscaping plan designed to screen and minimize, to the greatest extent practicable, visual impacts to neighboring properties along Route 22. The proposed use will not generate traffic, noise, odors, or other objectionable impacts which might impair the existing character of the immediate community.

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

The proposed project will not result in any adverse impacts associated with a major change in the use of either the quantity or type of energy.

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

The proposed project will not create a hazard to human health. No evidence has been presented that the operation of a commercial solar farm may cause, directly or indirectly, any adverse impacts to human health.

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

The proposed project will not result in any significant adverse impacts associated with a substantial change in the use, or intensity of use, or land. The project site is located in a NYS-designated Agricultural District, and contains approximately 24 acres of what has been characterized as highly productive soil. Development of the project will result in the loss of approximately 27 acres of land from agricultural production. The NYS Department of Agriculture and Markets, however, has concluded that the proposed project will not have an unreasonably adverse impact on the continuing viability of farm enterprises. The Applicant will adhere to the Department's Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (10/18/19) and, pursuant to the decommissioning plan submitted, will restore the site to its pre-construction condition once the solar project has been decommissioned.

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

The proposed project will not encourage or attract a large number of people to the site, and therefore will not result in any related significant adverse impacts.

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

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

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

The proposed project will not create changes in two or more elements of the environment which, if considered together, would result in a substantial adverse impact.

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

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

### **Conclusion**

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