

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION**

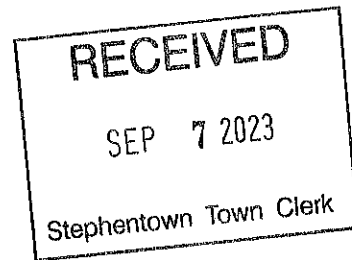
**NOTICE OF FULL ENVIRONMENTAL ASSESSMENT FORM PART 3
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS AND
DETERMINATION OF NON-SIGNIFICANCE**

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

Reasons supporting this determination are fully explained below.

Project Name: Jack Goodman-- Solar Power Network, LLC

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



Location: West Road, Stephentown, NY 12168 (Tax ID 174.-1-35) (western side, approximately 1,750 feet from the intersection of NYS Route 22 & West Road)

Description of Action:

Jack Goodman-- Solar Power Network, LLC (the "Applicant" or "Project Sponsor"), per their May 19, 2023 letter to the Town's reviewing engineer accompanying its Amended/Supplemental Application states: "Solar Power Network, LLC proposes developing a Community Solar Farm on a portion of Tax Map Parcel 174.-1-35 located on the western side of West Road, approximately 1,750 feet from the intersection of NYS Route 22 & West Road. The parcel is owned by Reginal and Margaret Carr and is currently a reclaimed gravel mine. Solar Power Network has entered into a purchase agreement to buy the property in question and develop and own the proposed solar farm." The proposed revised site plan has a total represented coverage of 4.93 acres on a +/- 20.79 acre parcel. (The foregoing is referred to herein as the "Project").

In the aforementioned May 19, 2023 letter Applicant also states that "The proposed solar farm will generate up to 2.5 megawatts of AC power fed back into the local NYSEG grid. A light steel frame with steel pile anchors will support the panels. This installation results in little to no site disturbance. Each panel will be interconnected within each row and tied together via an underground service. The solar

facility will connect directly to the existing NYSEG transmission lines along the east side of the property." It further details that there will be a gravel access road that "will run through the suggested solar array to the proposed equipment rack and transformers servicing the solar farm. No permanent office or habitable structure will be connected; only temporary construction offices and a staging yard will be utilized and removed after construction finishes. The project does not require any water or sanitary sewer service."

The majority of the 20+ acre site consists of mostly vacant land with a forested area to the north (the "Project Site"). Applicant notes in its proposed "Screening and Landscaping Plan" that "There are no substantial views of the Solar Facilities from nearby residences as well as from West Road due to the lack of existing vegetation and proximity to roads." This is because at both present and as proposed the Project Site is well-screened from both other properties and from West Road. The Project is subject by its terms to Local Law No 2 of the Year 2023, referred to as the "Solar Photovoltaic Energy Systems Law of the Town of Stephentown." The Project Site is currently zoned as R-U Rural Use.

In addition to the Planning Board's special use permit and site plan approvals, the following permits/approvals are needed for the Project as intended: County of Rensselaer 239-m review, and NYSDEC Stormwater SPDES General Permit coverage and Rensselaer County Highway Department Highway Work Permit.

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

Lead Agency:

Town of Stephentown Planning Board
26 Grange Hall Road
Stephentown, NY 12168

For Further Information:

Contact Person: Laurie Gilliland, Town of Stephentown Planning Board Secretary
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Telephone: (518) 733-9195

Copies of this Notice have been sent to:

Town of Stephentown Town Board
Town of Stephentown Planning Board
Town of Stephentown Highway Department
Rensselaer County Planning Board (Economic Development and Planning)
Rensselaer County Highway Department
Rensselaer County IDA
New York State Department of Environmental Conservation
New York State Office of Parks, Recreation and Historic Preservation

U. S. Army Corps of Engineers
NYSERDA
Stephentown Fire Department
Environmental Notice Bulletin

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

JACK GOODMAN—SOLAR POWER NETWORK, LLC

Introduction

The Planning Board, acting as SEQRA Lead Agency, undertook a coordinated review of the Project, a Type 1 action, consisting of the construction of a 2.5 megawatt community solar farm on a portion of a +/-20.79 acres parcel (Tax ID 174.-1-35), located approximately 1,750 feet from the intersection of NYS Route 22 and West Road ("Project Site" or "Site"), within the jurisdiction of the Town of Stephentown, Rensselaer County, New York. The Site is a former sand and gravel mine which has been closed and reclaimed several years ago. As a result, the majority of the site is open and not utilized fields with a forested area located at the northern portion of the property. The Project is considered a Utility Scale Solar Energy System under the Town's Amended Land Use Regulations.

Application History

- The application before this Board, dated March 21, 2023 was by Jack Goodman—Solar Power Network, LLC. Also accompanying that application was a Short Environmental Assessment Form, dated March 14, 2023. In 2022, Solar Power Network has submitted an application but requested that the application be tabled indefinitely as the Town Board thereafter engaged in the process of amending the zone for which the Site was classified.
- Applicant appeared at the April 4, 2023 meeting of the Town Planning Board. At that meeting, Applicant gave a brief overview of the proposed Project. Solar Power Network discussed that it has a contract to purchase the site and if the application is approved would complete the purchase and be the owner.
- The Planning Board circulated the project plan and the EAF Part 1 to the involved agencies. No involved agencies objected to the Planning Board being lead agency.
- The Planning Board met on May 2, 2023 but Applicant was, as planned, not present and the Board did not consider the application at that time at Applicant's request as Applicant stated it was revising its application.
- Additional materials were also submitted by Applicant's engineer on May 19, 2023. These materials include a cover letter, proposed site plan, supporting stormwater report, and a project narrative.
- On June 5, 2023, MJ Engineering and Land Surveying, PC, the Planning Board's reviewing engineer for the Project, sent its first review letter.
- At the June 6, 2023 meeting of the Town Planning Board the application was presented by the engineer for Applicant who advised that he had amended and "cleaned up" the previously submitted plan. The Board noted that FEAF was needed and that only a SEAF has been submitted. It was also noted that an Agricultural Data Statement needed to be provided.

- Applicant thereafter submitted a comment response letter dated June 23, 2023 as well as an FEAF and Agricultural Data Statement. On July 11, 2023, the Board's reviewing engineer submitted another comment letter. The Board met that same day, July 11, 2023, and reviewed the submissions and further discussed them. There were significant discussions as to the proposed access road and the Board moved to accept lead agency status. Among other things, the Board called for public hearings on the Application as well as on the submitted Agricultural Data Statement, to be held on August 1, 2023.
- Via e-mail dated July 31, 2023, Town CEO Cassavaugh advised Applicant's engineer that he had spoken with the Fire Chief of the Town of Stephentown Fire Department and provided the desired specifications as to the access road.
- At the August 1, 2023 meeting, the Applicant's engineer appeared and advised, as it had done prior to the meeting, that it had not yet submitted its response to the July 11, 2023 Board's reviewing engineer's letter (MJ Engineering) as it wanted to submit one response only. The public hearing was opened and continued until the September 5, 2023 meeting.
- By submission made August 24, 2023, Applicant's engineer responded to the July 11, 2023 MJ Engineering review letter and submitted a cover letter, updated FEAF, a revised site plan as well as a revised Stormwater Pollution Prevention Plan.
- The Board's reviewing engineer responded to the aforementioned submission by letter dated September 3, 2023.
- At the September 5, 2023 meeting the public hearing, as continued, was closed. The board resolve to adopt this Negative Declaration at that time.

Discussion of Potential Environmental Impacts

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

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

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

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

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

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

Discussion of 6 NYCRR Part 617 Criteria For Determining Significance

The Town of 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 criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

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

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

The proposed Project has been designed to have no effect on ground or surface water quality or quantity. A SWPPP has been prepared and submitted and reviewed and provides for water quality treatment and runoff reduction in accordance with the New York State Stormwater Design Manual and the Project proposes minimal changes to the site's existing hydrology.

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

There will not be a substantial increase in solid waste generation as the project does not generate any solid waste during its operation and is expected to only generate minor amounts during the construction phase and more amounts during the decommissioning phase.

There will not be a substantial increase in potential for erosion, flooding, leaching or drainage problems as the stormwater system and grading is designed in accordance with the applicable standards and a stormwater analysis was included in the proposed SWPPP for the project. The Project will not result in

substantial erosion after completion and during construction erosion control measures will be employed to minimize it as well.

It is noted that the area of most potential concern was the effect of possible erosion or other disturbance to the existing soil as a result of the manner in which the site had been closed several years ago with a material known as Synagro. Following careful study, and based upon the representation of Applicant's engineer, it is determined that the proposed Project will result in minimal ground disturbance within the area that was the site of the former sand and gravel mine, which was reclaimed several years ago. It is the expectation that the materials used on-site have since degraded.

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

While the plan does remove 1.87 acres of woods, the majority of the + 20 acre parcel is being retained in its existing state with its existing vegetation. Since the site is part of a larger rural setting, any existing fauna will re-establish themselves in adjacent areas. The Project will not have substantial interference with the movement of any resident or migratory fish or wildlife species; it will not impact a significant habitat area; it will not have substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or cause any other significant adverse impacts to natural resources.

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

The Project is not part of a critical environmental area.

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

The Project does not create a material conflict with the community's current plans or goals as officially approved or adopted. It is noted that the Town Board recently re-zoned the property. As a result the Project no longer needs a use variance. The Board is also familiar with the history of the property, a portion of which was used as a sand and gravel mine and was subsequently reclaimed. The Board strains to think of a use that will have less of an impact on both the subject property and nearby properties than the proposed use. The Board also notes that the property, or at least a majority thereof, is not currently being utilized for agricultural purposes.

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

The Project does not impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character. The State Historic Preservation Office was consulted and found that the Project would have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places. At the end of the useful life, the solar equipment will be removed and any disturbed soils restored.

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

The Project will not create a major change in the use of either the quantity or type of energy. It will in fact produce electricity as it is a community solar farm.

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

The Project will not create a hazard to human health. It has been designed in accordance with applicable regulations and standards and, as noted above, it is not expected to result in any detrimental impacts, including as a result of any soil disturbances.

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

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

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

The Project will not encourage or attract a large number of people. To the contrary, visitors to the site are expected to only be persons associated with Applicant.

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

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

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

The Project will not create changes in two or more elements of the environment, none of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment. It is noted that the subject property is located near a functioning soil and gravel mine which at the time the Board considers the subject application also has a renewal application pending. All impacts of both such actions, even if taken together, are not expected to result in any significant impacts to the environment.

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

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

cumulatively would meet one or more of the criteria in this subdivision. Even if such actions were to be considered as related and all impacts were considered cumulatively, it would not meet any of the criteria in this subdivision; see also the response to (xi), which is incorporated herein.

Conclusion

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

Daniel Gasher 9/5/23