



TRELINA SOLAR ENERGY CENTER

Case No.: 19-F-0366

1001.4 Exhibit 4

Land Use

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Exhibit 4: Land Use

This Exhibit will track the requirements of proposed Stipulation 4, dated June 19, 2020, and therefore, the requirements of 16 NYCRR § 1001.4.

The Project has been sited to avoid and/or minimize impacts to land uses within the Study Area and Project Area to the maximum extent practicable as detailed in this Exhibit. Of the overall 1,067-acre Project Area assessed, only approximately 44.4 percent will be used for Project Components within a fenced area of approximately 418 acres to generate 79.5 to 80 MW of renewable energy (Section 4(a)). Remaining land outside of the Project's fenced area will remain under its existing uses and be available for agricultural production. Additionally, although the Project is sited within mapped Agricultural Districts, the Facility will only occupy 0.3 percent of all lands designated as Agricultural Districts within Seneca County and 9 percent of all lands designated as Agricultural Districts within the Town of Waterloo (Section 4(a)). Finally, of the 474.1 acres of total limits of disturbance proposed, 325.6 acres will occur on land classified as Prime Farmland which is only 4.9 percent of all Prime Farmland within the Town of Waterloo and 0.3% of the Prime Farmland and Farmland of Statewide Importance within Seneca County (Table 4-1 and Sections 4(r) and 4(w)). Further, of those 325.6 acres, only 10.05 acres will be permanently disturbed by racking support poles, access roads, collection (substation, switchyard, inverter pads), and stormwater management structures (filtration basins, rip rap). The remainder will be restored after construction.

The Project proposes to install fixed or tracker racking systems. As the technology is rapidly evolving for solar panel technology, and market conditions at the time that procurement decisions need to be made are unknown at this time, the Applicant is proposing in this Application to evaluate both types of racking systems, with the final decision to be made and detailed in the Compliance Filing. Only selected elements of the Project would change based upon the selection of array racking system type used, but all changes would be within the component fence line and to the same land uses shown in the Proposed Layout. The location of interior access roads and inverters, depending upon the final locations, could differ from that shown in the Exhibit 11 plans. Land coverage ratios will also be adjusted but are not expected to be substantially or significantly different. There will not be significant adverse environmental impacts if one system is selected over the other.

Accordingly, the drawings, plan and maps presented in Exhibit 11 depict the use of tracker racking systems. As part of the alternative layout evaluation, Exhibit 9 presents a site plan depicting a fixed racking system which depicts a similar Limit of Disturbance (LOD) for the Project but with panels having a slightly lower maximum height and generally less grading required. The impact areas presented in this Exhibit are based upon the drawings included in Exhibit 11 (tracker). However, as noted above, changes as a result of a final selection of racking technology are expected to be minimal and all impacts would be located within the same Project fence line.

4(a) Existing Land Use

Figure 4-1 has been prepared using available data from Ontario County GIS Department, Seneca County GIS Department, NYS Office of Information Technology Services GIS Program Office, and classification codes of the New York State Office of Real Property Services (NYSORPS) within the Study Area (2-mile radius from the Project Area boundaries). The “Seneca County Parcel Data” data set, derived from the Property Class attribute was used to produce Figure 4-3. The Study Area includes approximately 16,231 acres of land (inclusive of the 1,067-acre Project Area). Land Use Classification Codes have been applied by the County to each parcel within the County to describe its primary use. These Land Use Classification Code descriptions and application are consistent throughout NYS.

(1) Land Use Classification Codes

Land Use Classification Code Categories developed by the New York State Office of Real Property Services (NYSORPS) that occur within the Study Area include Agricultural, Commercial, Community Services, Industrial, Public Services, Recreation and Entertainment, Residential, Vacant Land, and Wild, Forested, or Conservation Lands and Public Parks. Land Use Classification Codes describe the primary use of each parcel and are consistent throughout New York State. Each land use classification that occurs within the Study Area is described below and shown on Figure 4-1.

Agricultural – 100

The NYSORPS describes agricultural land as property used for the production of crops or livestock. Approximately 4,935 acres within the Study Area are classified as Agricultural Land (Code 100). Approximately 4,091 acres are identified as Agricultural Land (Code 100) in Seneca County and 844 acres in Ontario County. The New York State Department of Agriculture and Markets (NYSDAM) further classifies lands that are certified as

Agricultural Districts pursuant to the New York Agricultural Districts Law (Article 25-AA of the Agriculture and Markets Law). Approximately 143,517 acres of land are mapped as Agricultural Districts within Seneca County, including 5,142 acres in the Town of Waterloo.

The Project Area was evaluated to determine impacts to Agricultural Land, including mapped Agricultural Districts, as part of the Project. A total of 940 acres of NYSORPS-classified Agricultural Land (Code 100) is mapped within the Project Area, including 940 acres of mapped Agricultural Districts in Seneca County (2018). The Project will have a fenced-in area of 418 acres, including the collection substation and switchyard, proposed within the mapped Agricultural Districts. Although the Project is sited within mapped Agricultural Districts, the Facility will only occupy 0.3 percent (325.6 acres) of all lands designated as mapped Agricultural Districts within Seneca County. Furthermore, the Facility will only occupy 9% of all lands designated as mapped Agricultural Districts within the Town of Waterloo. Finally, of the 474.1 acres of total limits of disturbance (temporary and permanent) proposed, 325.6 acres will occur on land classified as Prime Farmland which is only 4.9 percent of all Prime Farmland within the Town of Waterloo and 0.3% of the Prime Farmland and Farmland of Statewide Importance within Seneca County. Table 4-1 includes the temporary and permanent impacts to soil. Currently the agricultural land can be broken down into hay (alfalfa and non-alfalfa), soybeans, corn crops, fallow/idle cropland, grassland/pasture, and winter wheat. There are approximately: 68 acres of hay (alfalfa and non-alfalfa), 289 acres of soy, 207 acres of corn, 121 acres of fallow/idle cropland, 27 acres of grassland/pasture, and 3 acres of winter wheat. Acreages may differ from year to year as farmers often rotate their crops and other uses could occur in the future.

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

County	Agricultural District	Temporary Soil Impact	Permanent Soil Impacts (not being restored)	Percentage of Permanent Impact on Prime Farmland and Farmland of Statewide Importance Within County
Seneca	District 6	315.6 acres	10.05 acres	0.0%

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

County	Agricultural District	Temporary Soil Impact	Permanent Soil Impacts (not being restored)	Percentage of Permanent Impact on Prime Farmland and Farmland of Statewide Importance Within County
Seneca	District 8	0.0 acres	0.0 acres	0.0%

The construction and operation of solar facilities are typically located within designated Agricultural Districts in NYS. As these facilities have minimal soil impacts on the land being developed, landowners have the opportunity to restore the land to its agricultural potential following decommissioning.

Residential – 200

The NYSORPS describes residential land as property used for human habitation. Living accommodations such as hotels, motels, and apartments are included in the commercial category (400). The NYSORPS classifies approximately 6,301 acres of the Study Area as Residential Land (Code 200), including 4,354 acres in Seneca County and 1,946 acres in Ontario County. There are no residential properties within the Project Area. The residential land within the Study Area consists of a mix of one family residential properties (Code 210) and residential properties also used in agricultural production (Code 241).

Vacant Land – 300

The NYSORPS describes vacant land as property that is not in use, is in temporary use, or lacks permanent improvement. Approximately 2,811 acres of the Study Area are classified as Vacant Land (Code 300). Within the Study Area, there is a total of approximately 1,817 acres of Vacant Land in Seneca County and approximately 994 acres of Vacant Land in Ontario County. There is one property classified as Vacant Land within the Project Area (Figure 4-1). No Project components are being proposed for this 7.46-acre parcel. Potentially vacant parcels immediately adjacent to the Project Area were further evaluated from a review of aerial photography and driving surveys. There are 19 properties immediately adjacent to Project Area boundaries that are classified as Vacant Land. Five of the properties are vacant fields, 12 properties are vacant forested land, and

2 properties are vacant with improvements as there appear to be barns and / or outbuildings located on these properties.

Commercial - 400

The NYSORPS describes commercial land as property used for the sale of goods and/or services. There are 89 parcels (comprising approximately 310 acres) classified as Commercial Land Use (Code 400) properties located within the Study Area in Seneca County and 339 acres of Commercial Land Use in Ontario County (389 parcels). There are no properties classified as Commercial Land Use within the Project Area. The nearest Commercial Land Use parcel is adjacent to the Project Area boundary and classified as Other Storage, Warehouse and Distribution Facilities (Code 449) and covers approximately 3 acres. Commercial Land Use within the Study Area is primarily located within the more developed areas in the Town of Waterloo and City of Geneva. Impacts to these areas are not anticipated as the Project avoids these Commercial Land Use designated areas.

Recreation & Entertainment - 500

The NYSORPS describes recreation & entertainment as property used by groups for recreation, amusement, or entertainment. There are 42 Recreation & Entertainment Land Use (Code 500) properties within the Study Area of the Project. These properties comprise approximately 458 acres of the Study Area. There are no Recreation & Entertainment properties located within the Project Area.

Community Services – 600

The NYSORPS describes community service land as property used for the well-being of the community. There are 93 Community Service Land Use (Code 600) properties within the Study Area of the Project. These properties comprise approximately 218 acres of the Study Area. While there are no Community Service Land Use properties located within the Project Area, there is a parcel owned by The Church of Gods, Revealed Truth Inc adjacent to the Project Site that occupies 5 acres of land. The next closest property is the Town of Waterloo Highway Garage, which occupies 1 acre of land.

Industrial – 700

The NYSORPS describes industrial land as property used for the production and fabrication of durable and nondurable man-made goods. There are 21 Industrial Land Use

parcels comprising approximately 648 acres within the Study Area. There are no Industrial Land Use parcels within the Project Area. The closest Industrial Land Use is the Geneva Industrial Park, which is located approximately one quarter of a mile (1,372 feet) to the west of the Project Area. It is owned in partnership with the City of Geneva, the Geneva Industrial Development Agency, and the Ontario County Industrial Development Agency. Current tenants include Guardian Glass, Levy Transport, and Zotos International. Within 4,415 feet of the Project Area is Vance Metal Fabrication, a large-capacity metal fabricator and weld shop that serves heavy manufacturing, technology and agricultural industries. Seneca Foods Corporation is another large Industrial Land Use that is located slightly more than a mile (5,630 feet) from the Project Area. Seneca Foods is a highly integrated fruit and vegetable processing company that produces seeds, harvests crops, and manufactures their own containers to provide a wide range of fruit and vegetable products. No impacts to these or other Industrial Land Uses will result from the Project.

Public Services – 800

The NYSORPS describes public services land as property used to provide services. There are 502 acres of Public Services Land (Code 800) within the Study Area and no Public Services Land (Code 800) properties located within the Project Area.

Public Service land within Seneca County include Ceiling Railroad, Electric Transmission Improvement, Gas Transmission Improvement, Telephone, and Water.

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

The NYSORPS describes Wild, Forested, Conservation Lands, and Public Park as reforested lands, preserves, and private hunting and fishing clubs. There are two Wild, Forested, or Conservation Lands and Public Parks (Code 961 and 963) properties within the Study area in Ontario county along Seneca Lake totaling 55 acres, and none within the Project Area. These parcels are part of Seneca Lake State park and are located at the northern shore of the Lake. They are approximately 0.5 miles from the Project Area.

The National Conservation Easement Database was reviewed which revealed that there are no National Conservation Easements within the Project Area.

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

Land Use Classification Code	Acreage within Study Area	Percentage of Study Area (%)
Agricultural (100)	4,880	28
Residential (200)	5,716	35
Vacant Land (300)	2,655	16
Commercial (400)	649	4
Recreation and Entertainment (500)	453	3
Community Services (600)	218	1
Industrial (700)	367	2
Public Services (800)	502	3
Wild, Forested, Conservation Lands and Public Parks (900)	55	0.3
Roads/Non-Parcel Areas	2,399	8
Land code data was obtained from NY GIS Clearing House county centroid point data and joined with Digital map parcel polygon data.		

4(b) Existing Utility Facilities Map

Figure 4-2 illustrates known existing major electric, gas, and telecommunications facilities within the 2-mile Study Area. Utility facilities within the Project Area include a transmission line, refined product pipeline, and an abandoned oil/gas well (further described in Exhibit 21).

4(c) Tax Parcel Map

Information on the current land use, tax parcel number, and owner of record for each property, and any publicly known proposed land use plans for any of these parcels within the Project Area, as well as those adjacent parcels within 2,500 feet is depicted on Figure 4-3. This information is based on data obtained from Seneca County, Ontario County, and field observations of vacant land, where possible. There are no publicly known proposed land uses within the Project Area as discussed in Section 4(f).

4(d) Existing and Proposed Zoning Districts

The Town of Waterloo encompasses the entire Project Area with zoning regulations and mapping. There are currently no proposed zoning districts in the Town of Waterloo. The Study Area includes the Town of Waterloo and Town of Fayette in Seneca County, as well as, the City of Geneva, Town of Geneva, and Town of Phelps in Ontario County. There are currently no proposed zoning districts in any of these municipalities. A description of the zoning districts within the Study Area is presented below, including permitted and prohibited uses within each zone. A scaled map of the existing zoning districts within the Study Area is included as Figure 4-4.

Town of Waterloo

The Town of Waterloo Zoning Ordinance, adopted December 19, 2000, with most recent amendments adopted in 2011, establishes six zoning districts within the Town including the Agricultural District (A) and Low Density Residential District (R-1). Local Law No. 1 of 2019 was adopted on March 25, 2019 adopting Chapter 134 "Solar Energy Systems" of the Zoning Ordinance in support of the Town of Waterloo Comprehensive Plan.

Site Plan approval is required for all land uses or activities, except single family dwellings. Special permitted uses require both special use permit and site plan approval. Any land use or activity that is not listed in Schedule I, Land Uses or Activities, is not permitted in the Town of Waterloo.

The Project Area is located wholly within the Town of Waterloo Agricultural (A) Zoning District. The Study Area consists of the following zoning districts: Agricultural (A), Low-Density Residential (R1), Moderate-Density Residential (R2), Commercial (C), Multiple Use (MU) and Industrial (I). The permitted and prohibited uses for each district are listed below:

Agricultural (A) District

The intent of the Agricultural District is to designate areas where farming, farm-related business and extensive areas of wetlands and other natural resources are the predominant and desired land use activities. Some nonagricultural development, primarily scattered, low-density, one-family housing, has either occurred or is anticipated in the future and is appropriate. Regulations and development standards should be kept to the minimum necessary to assist farm operators to maintain the viability of their businesses and to prevent serious environmental degradation.

Permitted uses in the Agricultural (A) District include two-family dwelling; garage and similar use accessory to a dwelling; church, place of public worship and related facility; nursery school; day-care facility; nursing home; health-related clinic; government building, public/private school; ambulance/fire service; public/private club; park, playground; farming: crops; and farming: dairy, livestock (except poultry and hogs).

The majority of the Project Area is located within this zoning district. Per the Town's solar law, large-scale solar energy systems are permitted in the Agricultural (A) District.

The only prohibited use in the Agricultural (A) District is adult entertainment. Notably, many of the permitted uses listed above (e.g., family dwelling, church, nursery school, etc) would not allow the land to be returned to farming after their intended use or may not have a useful life expectancy. The Project allows the agricultural land to be used for solar energy production, help keep larger parcels contiguous through lease payments, promotes continued agricultural use on parcels excluded by the participating landowner, and protect the viable agricultural land for future use at the end of the Project's useful life. Most of the other permitted uses do not provide this protection.

Low-Density Residential (R1) District

The intent of the R1 District is to designate areas where small concentrations of low-density, nonfarm development, primarily one-family housing, has occurred. Regulations and restrictions in the RI District are intended to limit the extent of future development and, based on soil conditions and the likelihood of public utilities, restrict the number of nonresidential uses that can be established.

Permitted uses in the Low-Density Residential (R1) District include garage and similar use accessory to a dwelling; church, place of public worship and related facility; park, playground; farming: crops; farming: dairy, livestock (except poultry and hogs); public utility: local service and distribution; and golf course, including restaurant and driving range.

Prohibited uses in the Low-Density Residential (R1) District include conversion of existing building into two or more dwelling units; multifamily dwelling, including apartment, condominium and townhouse; mobile home dwelling; mobile home park; community residence; nursery school; day-care facility; nursing home; health-related clinic; government building, public/private school; ambulance/fire service; public/private club; farming: poultry, hogs; veterinary office of hospital; kennel; animal boarding; bed-and-breakfast facility; rooming house; tourist home; commercial

nonmotorized recreation: indoor or outdoor, whether or not for profit; recreation track for motorized vehicles; motel/hotel; retail sales: antiques, crafts and similar small independent activity; retail sales, general: food, clothing, furniture, carpets, hardware, lawn and garden supply, pets and similar goods; retail sales: paint, lumber and other building materials and supplies; retail sales: plumbing, heating, cooling, electrical supplies and equipment; retail sales/service: industrial equipment; retail sales/service: agricultural equipment; retail sales, service and storage: marine and water-oriented; retail sales: mobile home, RV, snowmobile and similar item requiring outdoor display; restaurant, tavern; convenience (mini) mart; mini warehouse for self-storage rentals; new and used car sales, service and repair; carwash; printing/publishing (not home occupation); commercial assembly: jewelry, leather, fabric, scientific instruments and similar small items; general processing, light manufacturing, assembly; scientific, agricultural, industrial and similar research, design and production; warehouse for storage or wholesaling of goods and materials; truck motor freight or construction equipment terminal, with or without repair facilities; vehicle wrecking or salvage yard; commercial excavation of soil, rock, sand, gravel and similar products; public utility: substation or transmission line; tower for the reception or transmission of electronic signals; solid waste recycling or transfer operation; junkyard; adult entertainment; campground; cemetery; and marina with docking facilities.

Moderate-Density Residential (R2) District

The intent of the R2 District is to designate areas where a mix of varied types of housing has concentrated. Typically, such areas will have a higher development density and be close to the village or other development concentrations. While public utilities may not yet exist in such areas, R2 Districts are likely targets for such services as funds become available.

Permitted uses in the Moderate-Density Residential (R2) District include garage and similar use accessory to a dwelling; church, place of public worship and related facility; park, playground; farming: crops; public utility: local service and distribution; and golf course, including restaurant and driving range.

Prohibited uses in the Moderate-Density Residential (R2) District include mobile home dwelling; mobile home park; farming: dairy, livestock (except poultry and hogs); farming: poultry, hogs; veterinary office or hospital; commercial plant nursery/greenhouse; kennel; animal boarding; stable: public; tourist home; commercial nonmotorized recreation: indoor or outdoor, whether or not for profit; recreation track for motorized vehicles; motel/hotel; professional or business office

(not in home); bank; financial institution; veterinary office of hospital; retail sales: antiques, crafts and similar small independent activity; retail sales, general: food, clothing, furniture, carpets, hardware, lawn and garden supply, pets and similar goods; retail sales: paint, lumber and other building materials and supplies; retail sales: plumbing, heating, cooling, electrical supplies and equipment; retail sales/service: industrial equipment; retail sales/service: agricultural equipment; retail sales, service and storage: marine and water-oriented; retail sales: mobile home, RV, snowmobile and similar item requiring outdoor display; restaurant, tavern; convenience (mini) mart; mini warehouse for self-storage rentals; vehicular fuel and service; new and used car sales, service and repair; carwash; printing/publishing (not home occupation); commercial assembly: jewelry, leather, fabric, scientific instruments and similar small items; general processing, light manufacturing, assembly; scientific, agricultural, industrial and similar research, design and production; warehouse for storage or wholesaling of goods and materials; use of accessory farm building for sale of farm commodities, light fabrication or assembly operations; truck motor freight or construction equipment terminal, with or without repair facilities; vehicle wrecking or salvage yard; commercial excavation of soil, rock, sand, gravel and similar products; public utility: substation or transmission line; tower for the reception or transmission of electronic signals; solid waste recycling or transfer operation; junkyard; adult entertainment; campground; cemetery; and marina with docking facilities.

Commercial (C) District

The intent of the C District is to designate areas where relatively dense development of mixed land uses has occurred in the past and is appropriate. Such areas provide the transportation and utility infrastructure needed to support higher development density. A variety of land uses is desirable in the C District, including retail commercial, offices, specialty shops, personal and repair services, recreation, marine navigation, public facilities, light industry, parking, limited housing and similar types of development. To maintain safe traffic movement and achieve a level of harmony and compatibility in a mixed-use area, it is desirable to review and approve, disapprove or modify each development proposal as it relates to adjacent land and the overall development plan for the district.

Permitted uses in the Commercial (C) District include mobile home dwelling; Mobile home park; garage and similar use accessory to a dwelling; community residence; church, place of public worship and related facility; nursery school; day-care facility; nursing home; health-related clinic; government building, public/private school; ambulance/fire service; public/private club; park,

playground, noncommercial; commercial plant nursery/greenhouse; roadside stand; bed-and-breakfast facility; rooming house; tourist home; home occupation or business; funeral home; veterinary office of hospital; kennel: animal boarding; stable: public; stable: private (owner's use only); commercial nonmotorized recreation: indoor or outdoor, whether or not for profit; recreation track for motorized vehicles; motel/hotel; professional or business office (not in home); bank: financial institution; retail sales: antiques, crafts and similar small independent activity; retail sales, general: food, clothing, furniture, carpets, hardware, lawn and garden supply, pets and similar goods; retail sales: paint, lumber and other building materials and supplies; retail sales: plumbing, heating, cooling, electrical supplies and equipment; retail sales/service: industrial equipment; retail sales/service: agricultural equipment; retail sales, service and storage: marine and water-oriented; retail sales: mobile home, RV, snowmobile and similar item requiring outdoor display; restaurant: tavern; barber/beauty shop, laundromat and similar personal service (not a home occupation); convenience (mini) mart; mini warehouse for self-storage rentals; vehicular fuel and service; new and used car sales, service and repair; carwash; printing/publishing (not home occupation); commercial assembly: jewelry, leather, fabric, scientific instruments and similar small items; general processing, light manufacturing, assembly; scientific, agricultural, industrial and similar research, design and production; warehouse for storage or wholesaling of goods and materials; use of accessory farm building for sale of farm commodities, light fabrication or assembly operations; truck, motor freight or construction equipment terminal, with or without repair facilities; sign; public utility: local service and distribution; tower for the reception or transmission of electronic signals; campground; marina with docking facilities; and golf course, including restaurant and driving range.

Prohibited uses in the Commercial (C) District include one-family dwelling; two-family dwelling; conversion of existing building into two or more dwelling units; multifamily dwelling, including apartment, condominium and townhouse; modular or factory manufactured dwelling; farming: crops; farming: dairy, livestock (except poultry and hogs); farming: poultry, hogs; Vehicle wrecking or salvage yard; commercial excavation of soil, rock, sand, gravel and similar products; public utility: substation or transmission line; solid waste recycling or transfer operation; junkyard; adult entertainment; and cemetery.

Industrial (I) District

The intent of the I District is to designate areas where some form of manufacturing, fabrication, assembly, research and development, storage and similar types of land use are appropriate and

desired. Some types of commercial development can also be appropriate in an I District, but residential development should be limited. Suitable vehicular access and the availability of water and sewer services are critical components of development in an I District. Review and approval of each development proposal is necessary to promote compatibility between adjacent land uses, to achieve the most efficient use of limited land resources and to minimize adverse environmental impacts.

Permitted uses in the Industrial (I) District include mobile home dwelling; garage and similar use accessory to a dwelling; ambulance/fire service; Home occupation or business; printing/publishing (not home occupation); commercial assembly: jewelry, leather, fabric, scientific instruments and similar small items; general processing, light manufacturing, assembly; scientific, agricultural, industrial and similar research, design and production; warehouse for storage or wholesaling of goods and materials; truck, motor freight or construction equipment terminal, with or without repair facilities; sign; public utility: local service and distribution; tower for the reception or transmission of electronic signals; marina with docking facilities; golf course, including restaurant and driving range; adult entertainment; solid waste recycling or transfer operation; public utility: substation or transmission line; and vehicle wrecking or salvage yard.

Prohibited uses in the Industrial (I) District include Mobile home park; community residence; church, place of public worship and related facility; nursery school; day-care facility; nursing home; health-related clinic; government building, public/private school; public/private club; park, playground, noncommercial; commercial plant nursery/greenhouse; roadside stand; bed-and-breakfast facility; rooming house; tourist home; funeral home; veterinary office of hospital; kennel: animal boarding; stable: public; stable: private (owner's use only); commercial nonmotorized recreation: indoor or outdoor, whether or not for profit; recreation track for motorized vehicles; motel/hotel; professional or business office (not in home); bank: financial institution; retail sales: antiques, crafts and similar small independent activity; retail sales, general: food, clothing, furniture, carpets, hardware, lawn and garden supply, pets and similar goods; retail sales: paint, lumber and other building materials and supplies; retail sales: plumbing, heating, cooling, electrical supplies and equipment; retail sales/service: industrial equipment; retail sales/service: agricultural equipment; retail sales, service and storage: marine and water-oriented; retail sales: mobile home, RV, snowmobile and similar item requiring outdoor display; restaurant: tavern; barber/beauty shop, laundromat and similar personal service (not a home occupation); convenience (mini) mart; mini warehouse for self-storage rentals; vehicular fuel and service; new

and used car sales, service and repair; carwash; use of accessory farm building for sale of farm commodities, light fabrication or assembly operations; and campground.

Multiple Use (MU) District

The intent of the MU District is to permit all uses allowed in RI, R2 and C that are compatible with existing uses in the MU District.

Permitted uses in the Multiple Use (MU) District include garage and similar use accessory to a dwelling; church, place of public worship and related facility; park, playground; commercial plant nursery/greenhouse; commercial nonmotorized recreation: indoor or outdoor, whether or not for profit; motel/hotel; professional or business office (not in home); bank; financial institution; retail sales: antiques, crafts and similar small independent activity; retail sales, general: food, clothing, furniture, carpets, hardware, lawn and garden supply, pets and similar goods; retail sales, service and storage: marine and water-oriented; restaurant, tavern; convenience (mini) mart; vehicular fuel and service; campground; marina with docking facilities; veterinary office of hospital; public utility: local service and distribution; and golf course, including restaurant and driving range.

Prohibited uses in the Multiple Use (MU) District include mobile home dwelling; mobile home park; farming: crops; farming: dairy, livestock (except poultry and hogs); farming: poultry, hogs; veterinary office of hospital; kennel; animal boarding; stable: public; tourist home; recreation track for motorized vehicles; retail sales: paint, lumber and other building materials and supplies; retail sales: plumbing, heating, cooling, electrical supplies and equipment; retail sales/service: industrial equipment; retail sales/service: agricultural equipment; retail sales: mobile home, RV, snowmobile and similar item requiring outdoor display; mini warehouse for self-storage rentals; new and used car sales, service and repair; carwash; printing/publishing (not home occupation); commercial assembly: jewelry, leather, fabric, scientific instruments and similar small items; general processing, light manufacturing, assembly; scientific, agricultural, industrial and similar research, design and production; warehouse for storage or wholesaling of goods and materials; use of accessory farm building for sale of farm commodities, light fabrication or assembly operations; truck motor freight or construction equipment terminal, with or without repair facilities; vehicle wrecking or salvage yard; commercial excavation of soil, rock, sand, gravel and similar products; public utility: substation or transmission line; tower for the reception or transmission of electronic signals; solid waste recycling or transfer operation; junkyard; adult entertainment; and cemetery.

Town of Fayette

The Town of Fayette Land Use Regulations, adopted September 11, 2008, with amendments adopted in January 2018, establishes six zoning districts within the Town including the Agricultural-Rural Residential (AR) District, Hamlet (H) District, Lakeshore/Canal (L) District, Flood Plain Overlay (FO) District, Environmental Protection Overlay (EPOD) Districts (Floating District), and Lake Water (LW) District.

The Study Area consists of the Agricultural-Rural Residential (AR) District and the Lakeshore/Canal (L) District. The permitted and prohibited uses for each district are listed below:

Agricultural/Rural Residential (AR) District

The purpose of the Agricultural/Rural Residential (AR) District is to protect agricultural lands and uses from incompatible uses and development; to maintain and preserve the rural and scenic character of the community by providing low-density development of the type compatible with the rural, agricultural character of the community; and to protect natural resources, natural features and the natural environment.

Permitted Principal uses in the Agricultural/Rural Residential (AR) District include Agriculture and farms with or without a farm residence; barns, farm buildings including buildings for the storage of crops, equipment, farm supplies; materials and for the habitation of livestock; commercial horticultural nurseries and greenhouses; single-family residential dwellings; two-family residential dwellings; seasonal dwellings; equestrian stables and riding academies; farm and garden supply sales; farm equipment sales and service; farm markets; tack shops; ski shops; livestock feed grinding and milling / livestock feed sales; veterinarian offices and animal hospitals; farm Breweries, farm Cideries, farm Distilleries, and farm wineries.

Prohibited uses in the Agricultural/Rural Residential (AR) District include major mining, i.e., mining of such a scale that requires a mining permit issued by the New York State Department of Environmental Conservation; the formal or informal use of any property within the Town of Fayette as a race track; and any type of land use, structure and facility not expressly permitted in the Agricultural/Rural Residential (AR) District are prohibited.

Lakeshore/Canal (L) District

The purpose of the Lakeshore/Canal (L) District is to limit the development of land along the shores of Seneca and Cayuga Lakes and the Cayuga and Seneca Canal in order to protect the water quality of the lakes and canal and protect the environment, preserve the viewsapes and the scenic beauty of the lakeshore and canal, and to protect the land from overdevelopment. The Project Area is not within this district.

Permitted Principal Uses in the Lakeshore/Canal (L) District include agriculture and farms with or without a farm residence; barns, farm buildings including buildings for the storage of crops, equipment, farm supplies and materials and for the habitation of livestock; commercial horticultural nurseries and greenhouses; single-family residential dwellings; two-family residential dwellings; and seasonal dwellings.

Prohibited uses in the Lakeshore/Canal (L) District include outdoor appliances; major mining, i.e., mining of such a scale that requires a mining permit issued by the New York State Department of Environmental Conservation; the formal or informal use of any property within the Town of Fayette as a race track; and any type of land use, structure and facility not expressly permitted in the Lakeshore/Canal (L) District are prohibited.

City of Geneva

The City of Geneva zoning regulations, adopted by the City Council July 3, 1968, with multiple amendments adopted since then, establishes 16 zoning districts within the City including the Agriculture (AR), Agriculture Historic (AR [HD]), Agriculture-Technology (AT), Business (B-1), Business (B-2), College-Residential (CR), Industrial (F), Industrial (F-1), Highway User (H), Lakefront Commercial (LF-C), Lakefront Residential (LF-R), Multiple Residential (MR), Multiple Residential- Historic (MR-H), Single Family (R-1), Single & Two-Family (R-2), and Open Space (X) use districts.

Special permitted uses require special use permits, and Site Plan approval is required for all land use changes.

The Study Area consists of the Business (B-1), Business (B-2), Industrial (F), Industrial (F-1), Lakefront Commercial (LF-C), Lakefront Residential (LF-R), Multiple Residential (MR), Multiple Residential- Historic (MR-H), Single Family (R-1), Single & Two-Family (R-2), and Open Space (X) use districts. The permitted and prohibited uses for each district are listed below.

Business (B1) Use District

Permitted Principal Uses in the B1 District include agriculture (farms, greenhouses, nurseries, and gardens), churches or other places of worship, parish houses, monasteries and convents, cultural facilities (library, art gallery, museum, etc.), health services and clinics, hospitals, institution or philanthropic uses, lodges, fraternities, and sororities, day nurseries, nursing or convalescent homes, professional offices, public parks, playgrounds, and other municipal recreational facilities, public utilities, public utilities to service area, home occupations as defined by §350-2, accessory uses customarily incidental to any of the uses mentioned herein and on the same lot, automobile storage, banks, bars or nightclubs, bowling alleys, billiard rooms, and other places of amusement, bus stations, commercial parking lots, dance halls or skating rinks, funeral homes, general offices, hotels, hand or self-service laundries, motels, newspaper offices and printing shops, restaurants, schools conducted for profit, retail business or service, nor otherwise specifically mentioned herein, theaters or concert halls, tourist homes, transportation terminal facilities, veterinarian offices and animal hospitals, and wholesale businesses, trades, or services not otherwise specifically mentioned herein.

There are no expressly prohibited uses in the B1 District, other than auto wrecking yards, junkyards, mobile homes, drive-in theaters and slaughterhouses.

Business (B2) Use District

Permitted Principal Uses in the B2 District include upper-story apartments, agriculture (farms, greenhouses, nurseries, and gardens), churches or other places of worship, parish houses, monasteries and convents, cultural facilities (library, art gallery, museum, etc.), health services and clinics, hospitals, institution or philanthropic uses, lodges, fraternities, and sororities, day nurseries, nursing or convalescent homes, professional offices, public parks, playgrounds, and other municipal recreational facilities, public utilities, public utilities to service area, home occupations as defined by §350-2, accessory uses customarily incidental to any of the uses mentioned herein and on the same lot, automobile storage, banks, bars or nightclubs, bowling alleys, billiard rooms, and other places of amusement, bus stations, commercial parking lots, dance halls or skating rinks, funeral homes, general offices, hotels, hand or self-service laundries, motels, newspaper offices and printing shops, restaurants, schools conducted for profit, retail business or service, nor otherwise specifically mentioned herein, theaters or concert halls, tourist

homes, transportation terminal facilities, veterinarian offices and animal hospitals, and wholesale businesses, trades, or services not otherwise specifically mentioned herein.

There are no expressly prohibited uses in the B2 District, other than auto wrecking yards, junkyards, mobile homes, drive-in theaters and slaughterhouses.

Industrial (F) Use District

Permitted Principal Uses in the F District include upper-story apartments, agriculture (farms, greenhouses, nurseries, and gardens), cultural facilities (library, art gallery, museum, etc.), public utilities, public utilities to service area, recreational and educational, retail business or service not otherwise specifically mentioned herein, accessory uses customarily incidental to any of the uses mentioned herein and on the same lot, airports, automobile storage, commercial parking lots, general offices, commercial or dry-cleaning plant laundries, motor vehicle salesrooms and repair garages, motor vehicle service stations, newspaper offices and printing shops, restaurants, shopping centers, transportation terminal facilities, wholesale businesses, trades, or services not otherwise specifically mentioned herein, research laboratories, manufacture, fabrication, extraction, assembly, warehousing and other handling of material in compliance with Subsection B of §350-24 and §350-26 and excluding prohibited uses, research and development, light assembly, warehousing without distribution, and warehousing and distribution.

Prohibited Uses in the F District include acetylene gas manufacture for commercial purposes, ammonia, chlorine, or bleaching powder manufacture, arsenal, asphalt manufacture or refining, blast furnace, not including cupola or converter furnaces used in foundries and in which no wood is used as fuel, boiler shops, structural steel fabricating shops, or metal working shops which operate reciprocating hammers or chisels or other noise-producing electric or pneumatic tools within 100 feet of any boundary line of the premises and outside of any masonry buildings, brewing or distilling of liquors, bronze and aluminum powder manufacture, carbon, lampblack, shoe blacking, graphite, or stove polish manufacture, celluloid and other cellulose products manufacture, cement manufacture, coal tar products manufacture, creosote treatment or manufacture, disinfectant and insecticide manufacture, distillation of coal, wood, or bones, dump, unless operated or controlled by the municipality, excelsior and fiber manufacture, explosives, fireworks, or match manufacture, assembling, or storage in bulk, except the manufacture, assembling, and storage in bulk of safety matches in book form, fat rendering, fertilizer manufacture or potash refining, fish smoking or curing, glue, size, or gelatin manufacture or

processing involving recovery from fish or animal offal, incinerator, unless operated by the municipality, junkyard, lime, gypsum, cement, plaster, or Plaster of Paris manufacture, except the mixing of plaster, linoleum or oil cloth manufacture, ore reduction or the smelting of iron, copper, tin, zinc, or lead, paint, oil, varnish, turpentine, shellac, or enamel manufacture, except the mixing of wet paints, perfume and extract manufacture, petroleum refining, poisons manufacture: fumigates, carbon disulphide, hydrocyanic acid, ethyl, stomach poisons, arsenate of lead, arsenate of calcium, hellebore and paris green, contact insecticides, lime, sulphur, nicotine, and kerosene emulsions, printing ink manufacture, radium extraction, storage, coloring, curing, dressing, or tanning of raw or green salted hides or skins, rubber caoutchouc, or gutta percha manufacture from crude or scrap material, except in connection with a rubber products manufacture plant, salt works, sand paper and emery cloth manufacture, slaughtering of animals, soap, soda ash, or washing compound manufacture, except products not containing caustic soda, starch, glucose, or dextrine manufacture, stockyards, sulphurous, sulphuric, nitric, picric, or hydrochloric acid or other corrosive or offensive acid manufacture, or their use or storage, except on a limited scale as accessory to a permitted industry, tallow, grease, lard, or candle manufacture or refining, tar distillation or the manufacture of aniline dyes, tar roofing or waterproofing manufacture, except where the tar or asphalt is treated at a temperature under 100° F, tobacco processing, exclusive of cigar or cigarette manufacture, vinegar, pickle, or sauerkraut manufacture in bulk, wool pulling or scouring, except in connection with a woolen mill, and yeast manufacture. Additional prohibited uses include auto wrecking yards, junkyards, mobile homes, drive-in theaters and slaughterhouses.

Industrial (F1) Use District

Permitted Principal Uses in the F1 District include agriculture (farms, greenhouses, nurseries, and gardens), public utilities, public utilities to service area, accessory uses customarily incidental to any of the uses mentioned herein and on the same lot, airports, automobile storage, commercial parking lots, general offices, commercial or dry-cleaning plant laundries, motor vehicle salesrooms and repair garages, motor vehicle service stations, newspaper offices and printing shops, restaurants, shopping centers, transportation terminal facilities, wholesale businesses, trades, or services not otherwise specifically mentioned herein, research laboratories, manufacture, fabrication, extraction, assembly, warehousing and other handling of material in compliance with Subsection B of §350-24 and §350-26 and excluding prohibited uses, research and development, light assembly, warehousing without distribution, and warehousing and distribution.

Prohibited Uses in the F1 District include the same uses listed for the F District.

Lakefront Commercial (LF-C) Use District

Within the LF-C Use District, renewable energy facilities are permitted as temporary and/or conditional uses contingent on securing a special use permit in each case from the Zoning Board of Appeals. The zoning code for the City of Geneva does not discuss this Use District further at this time. This district is not within the Project Area.

Lakefront Residential (LF-R) Use District

Within the LF-R Use District, renewable energy facilities are permitted as temporary and/or conditional uses contingent on securing a special use permit in each case from the Zoning Board of Appeals. The zoning code for the City of Geneva does not discuss this Use District further at this time. This district is not within the Project Area.

Multiple Residential (MR) Use District

Permitted Principal Uses in the MR District include detached one-family dwellings, two-family dwellings, multi-family dwellings, agriculture (farms, greenhouses, nurseries, and gardens), churches or other places of worship, parish houses, monasteries and convents, cultural facilities (library, art gallery, museum, etc.), health services and clinics, hospitals, institution or philanthropic uses, lodges, fraternities, and sororities, day nurseries, nursing or convalescent homes, professional offices, public parks, playgrounds, and other municipal recreational facilities, public utilities to service area, home occupations as defined by §350-2, accessory uses customarily incidental to any of the uses mentioned herein and on the same lot, funeral homes, and tourist homes.

There are no expressly prohibited uses in the MR District, other than auto wrecking yards, junkyards, mobile homes, drive-in theaters and slaughterhouses.

Multiple Residential- Historic (MR [HD]) Use District

The purpose of the MR (HD) District is to promote the use of historic districts, buildings, and structures for the education, pleasure, and welfare of the citizens of the City of Geneva.

The MR (HD) District is not mentioned in the Schedule of Permitted Uses for the City of Geneva, so permitted principal uses as well as prohibited uses are not specified.

Single Family (R-1) Use District

Permitted Principal Uses in the R1 District include detached one-family dwellings, agriculture (farms, greenhouses, nurseries, and gardens), churches or other places of worship, parish houses, monasteries and convents, cultural facilities (library, art gallery, museum, etc.), hospitals, public parks, playgrounds, and other municipal recreational facilities, public utilities to service area, accessory uses customarily incidental to any of the uses mentioned herein and on the same lot,

There are no expressly prohibited uses in the R1 District, other than auto wrecking yards, junkyards, mobile homes, drive-in theaters and slaughterhouses.

Single & Two-Family (R-2) Use District

Permitted Principal Uses in the R2 District include detached one-family dwellings, two-family dwellings, agriculture (farms, greenhouses, nurseries, and gardens), churches or other places of worship, parish houses, monasteries and convents, cultural facilities (library, art gallery, museum, etc.), hospitals, public parks, playgrounds, and other municipal recreational facilities, public utilities to service area, home occupations as defined by §350-2, accessory uses customarily incidental to any of the uses mentioned herein and on the same lot,

There are no expressly prohibited uses in the R2 District, other than auto wrecking yards, junkyards, mobile homes, drive-in theaters and slaughterhouses.

Town of Geneva

The Town of Geneva Zoning Regulations, adopted by the Town Board on May 8, 2018, with amendments adopted since then and noted where applicable, establishes 11 zoning districts within the Town including the Agricultural District (AG), General Business District (B), General Industrial District (I-1), Light Industrial District (I-2), Residential Suburban District (R-1), Residential Rural District (R-2), Residential Lakefront District (R-3), Residential Medium Density District (R-4), Residential High Density District (R-5), Town Center Mixed-Use District (TC-1), Town Center Arterial District (TC-2).

A site plan permit shall be required for any work included in a final site plan approved by the Planning Board. Special permitted uses require both special use permit and a plot plan.

The Study Area consists of the Agricultural District (AG), General Business District (B), General Industrial District (I-1), Light Industrial District (I-2), Residential Suburban District (R-1), Residential Rural District (R-2), and the Residential High Density District (R-5). The permitted and prohibited uses for each district are listed below:

Agricultural District (AG)

The purpose of the AG District is to protect the agricultural land resources and the character of rural areas of the Town of Geneva, promote the wise stewardship of the soil and water resources of the Town, reduce greenhouse gas emissions, promote an energy-independent and secure community, enhance community resilience, and to promote the long-term economic viability of the agricultural sector.

Permitted Principal Uses in the AG District include one-family detached dwellings, one-family semidetached dwelling, agriculture, roadside stand, short-term rental in compliance with § 165-39, and farm worker residence, as regulated by New York State Uniform Code or other applicable laws.

There are no expressly prohibited uses in the AG District.

General Business District (B)

The purpose of the B District is to promote new business development in appropriate locations within the Town and to foster the redevelopment of commercial properties within the district in a manner that will create a high-quality public realm and streetscape and a mix of compatible uses in a variety of building types, reduce greenhouse gas emissions, promote an energy-independent and secure community, and enhance community resilience.

Permitted Principal Uses in the B District include retail sales, retail services, automobile sales, storage or repair, car wash, self-service and full-service, church or other place of worship, commercial greenhouse, plant nursery and retail sales, entertainment and sports venue, financial services, food service establishments, funeral home, retail fuel station, in compliance with § 165-37, general and professional office, hotel, marina, membership club or recreation use, public utility or transportation use, school conducted for profit, self-storage facility, theater or concert hall, veterinary office, animal hospital, and wholesale business or service.

There are no expressly prohibited uses in the B District.

General Industrial District (I-1)

The purpose of the I-1 District is to promote a vibrant local economy through the development of manufacturing and food processing industries in appropriate locations within the Town, reduce greenhouse gas emissions, promote an energy-independent and secure community, and enhance community resilience.

Permitted Principal Uses in the I-1 District include agriculture, automobile salvaging or dismantling, brewing or distilling of liquors, car wash, self-service and full-service, composting facility, equipment rental or sales yard, extractive operations and soil mining, in compliance with § 165-30, food processing, packaging and shipping, food service establishment, general and professional office, grain storage, sales and shipping, light industry, manufacturing, fabrication and assembly, public utility or transportation use, recycling and solid waste processing facility, research laboratories, retail fuel station, in compliance with § 165-37, retail sales, self-storage facility, solar energy systems, commercial, solar energy system, community, subject to provisions of Chapter 130, structural steel fabricating shops metalworking shops, warehousing and other handling of material, and wholesale business or service.

Prohibited Uses in the I-1 District include any manufacturing use or any trade, industry, use or purpose that is noxious or offensive by reason of the emission of odor, dust, smoke, toxic or noisome fumes, radiation, gas, noise, vibration or excessive light or any combination of the above which is dangerous and prejudicial to the public health, safety and general welfare.

Light Industrial District (I-2)

The purpose of the I-2 District is to promote the development of light industry and food processing industries in appropriate locations within the Town, and to tap the research and technology innovation generated by regional institutions of higher education, reduce greenhouse gas emissions, promote an energy-independent and secure community, and enhance community resilience.

Permitted Principal Uses in the I-2 District include agriculture, composting facility, food processing, packaging and shipping, food service establishment, general and professional office, light industry, public utility or transportation use, recycling and solid waste processing facility, research laboratories, retail sales, retail services, solar energy systems, commercial, subject to

provisions of Chapter 130, solar energy system, community, subject to provisions of Chapter 130, and warehousing and other handling of material.

There are no expressly prohibited uses in the I-2 District.

Residential Suburban District (R-1)

The purpose of the R-1 District is to provide for a wide variety of residential building types at a density in character with the existing suburban neighborhoods in the Town of Geneva, reduce greenhouse gas emissions and promote an energy-independent and secure community, enhance community resilience, and to accommodate the lifestyles and housing needs of a diverse population.

Permitted Principal Uses in the R-1 District include detached one-family dwelling, semidetached one-family dwelling, townhome dwelling, one-family cottage court dwelling, two-family dwelling, short-term rental in compliance with § 165-39, and public utility or transportation use.

There are no expressly prohibited uses in the R-1 District.

Residential Rural District (R-2)

The purpose of the R-2 District is to provide for a wide variety of residential building types at a density in character with the rural or semirural nature of the location, to reduce greenhouse gas emissions and promote an energy-independent and secure community, and to enhance community resilience.

Permitted Principal Uses in the R-2 District include detached one-family dwelling, semidetached one-family dwelling, two-family dwelling, agriculture, roadside stand, short-term rental in compliance with § 165-39, and public utility or transportation use.

There are no expressly prohibited uses in the R-2 District.

Residential High Density District (R-5)

The purpose of the R-5 District is to provide for a wide variety of residential building types to accommodate the lifestyles and housing needs of a diverse population and household types, in a compact, walkable neighborhood, to reduce greenhouse gas emissions and promote an energy-independent and secure community, and to enhance community resilience.

Permitted Principal Uses in the R-5 District include one-family detached dwellings, one-family semidetached dwelling, one-family cottage court dwelling, two-family dwelling, townhome dwelling, short-term rental in compliance with § 165-39, and public utility or transportation use.

There are no expressly prohibited uses in the R-5 District.

Town of Phelps

The Town of Phelps Zoning Regulations, adopted July 21, 1975, with amendments adopted in February 2004, July 2012, and July 2015, establishes seven zoning districts within the Town of Phelps including the Agricultural-Residential District (R-AG), Residential District (R-1), Commercial District (C-1), Neighborhood Commercial District (C-2), Industrial District (M-1), Mining Overlay District (MOD), and the Major Thoroughfare Overlay District (MTOD). The Town of Phelps is divided into the aforementioned districts for the purposes of promoting the public health, safety, morals, and general welfare of the Town.

Before a building permit may be issued for any use except single- and two-family dwellings and permitted accessory uses relating thereto and before any construction activity in the nature of site improvement shall be commenced on any lot or parcel within any zoning district that is intended to result in any use except a single- or two-family dwelling, site plan review and approval must be obtained from the Planning Board. The Planning Board shall determine at its first regularly held meeting after a full application has been submitted if an application is requesting site plan approval.

The Study Area consists of the Agricultural-Residential District (R-AG) and the Commercial District (C-1). The permitted and prohibited uses for each district are listed below:

Agricultural-Residential District (R-AG)

Principal Permitted Uses in the R-AG District include single- or two-family dwelling, tourist home, rooming house, essential service, as defined in § 145-4B, church and similar places of worship, parish house or convent, hospital, nursing or convalescent home, manufactured homes, public building of government or cultural nature, school or educational institution, public park or playground, and agricultural operations which produce vegetables, fruit, flowers, soil products, dairy products, poultry, livestock, meats, eggs, etc.

All uses not designated in the Schedule of Regulations are prohibited.

Commercial District (C-1)

Principal Permitted Uses in the C-1 District include retail business or service establishment, office, bank or other financial institution, social hall, club or lodge, motel, motor court, motor hotel, eating and drinking establishment, automobile service station, gas station, repair shop, public garage or automobile sales and showroom, funeral parlor or bowling alley, manufactured homes, highway commercial establishment catering generally to the tourist, such as gift shop or antique or specialty shop, essential services, as defined in § 145-4, single- or two-family dwelling, tourist home, rooming house, essential service, as defined in § 145-4B, church and similar places of worship, parish house or convent, hospital, nursing, or convalescent home, public building of government or cultural nature, school or educational institution, public park or playground, agricultural operations which produce vegetables, fruit, flowers, soil products, dairy products, poultry, livestock, meats, eggs, etc., light industrial uses, including machine shops and uses involved in the fabrication, manufacture, assembly or packing of products not injurious or objectionable through smoke, noise, odors, glare, dust or hazardous materials, with such products including, but not being limited to, cloth, metal, plastic, paper, wood, leather, precious or semiprecious metals or stones, electronic or electrical instruments or devices, candy, food products, pharmaceuticals, and like products.

All uses not designated in the Schedule of Regulations are prohibited.

4(e) Adopted Comprehensive Plans

Seneca County Comprehensive Plan

The Seneca County Comprehensive Plan was last updated in the late 1970s. The Seneca County Department of Planning and Community Development has been in the process of updating this Plan in a “notebook” format. As each individual plan is adopted, it is ready to become a “chapter” within the overall Seneca County Comprehensive Plan. To date, two chapters (Housing and Agriculture and Farmland Protection) have been adopted and are available online at <https://www.co.seneca.ny.us/gov/admin/planning/comprehensive/>. The County's comprehensive plan chapter on Agriculture and Farmland Protection has five goals:

- Enhance the economic climate for agriculture in Seneca County;
- Increase the awareness of the economic and social importance of agriculture in Seneca County;

- Provide an ongoing community education program for the non-farm public;
- Acknowledge and enhance the environmental stewardship of agricultural businesses; and
- Preserve prime agricultural land.

The Project is consistent with the County's comprehensive plan. One of the primary goals of the County's comprehensive plan is to preserve farmland and ensure that farms will continue operations in future generations. At the end of its useful life, the Project will be decommissioned and the land will be returned to substantially its pre-construction condition meaning that the area will be preserved for future farming operations. Further, the comprehensive plan recognizes that farmers are selling portions of their land for other development due to economic hardship. The Project will provide the landowners with an additional source of income to diversify their existing operations so they can continue to farm the rest of their property and avoid selling acres of farmland for other types of development that are inconsistent with farming.

Seneca Lake Watershed Management Plan

The Seneca Lake Watershed Management Plan was adopted in 2012 and a Draft executive summary of the Plan was prepared in 2014. These documents are available on the Southern Tier Central Regional Planning and Development Board website at: http://stcplanning.org/usr/Program_Areas/Water_Resources/Seneca_Lake_Plan/SenecaCharac terizationSubwatershedEval.pdf

and

http://www.stcplanning.org/usr/Program_Areas/Water_Resources/Seneca_Lake_Plan/DraftExecSummary090514.pdf

The purpose of the Seneca Lake Watershed Management Plan (SLWMP) is to provide a description of Seneca Lake's watershed area and the condition of natural resources and the built environment within that area. The plan identifies characteristics of the watershed, sources of impairment, priority projects and necessary actions.

Seneca Lake is the largest of the eleven Finger Lakes. The Finger Lakes and systems of rivers and streams that feed into the Finger Lakes are part of the Oswego River Basin. Water flows from uplands into streams and rivers to the Finger Lakes then out to low-gradient rivers and then ultimately to Lake Ontario. The Seneca Lake watershed is divided into twenty-nine sub-watersheds and the Lake's principal tributaries are Catharine Creek and Keuka Lake Outlet.

The SLWMP includes a list of regional priority conservation projects based on the 2009 New York State Open Space Conservation Plan that include:

Finger Lakes Shorelines - While the Finger Lakes Region is identified in the 2002 Plan as a Major Resource Area and strategies such as acquisition of additional public access and consolidation of existing State projects are mentioned, the shorelines of these unique lakes are tied up in private ownership to a degree seldom seen in other states, so that most citizens have little direct experience of these beautiful lakes, even though their length provides hundreds of miles of shoreline. Public access for swimming, photography, shoreline fishing, and canoeing is minimal. Natural, forested shoreline is itself a scarce resource, incrementally lost over time to home site development. Projects to preserve portions of the shoreline of these lakes for public access or wildlife could use acquisitions, easements, or additions to existing public segments. Parties including New York State, local governments, and non-profit organizations need to be prepared to capitalize on opportunities which will become increasingly critical as shoreline development and prices continue to climb. While it is not possible to predict future opportunities, several potential lakeshore protection projects can be listed now:

- Finger Lakes Water Trails - a network of strategically spaced open shoreline parcels to support low intensity and passive recreational uses, including: kayaking, boating, bird watching, angling, hunting, and simply seeking solitude by the water. Extending the eastern terminus of the Outlet Trail to the Seneca Lake shoreline at Dresden (Region 8).
- Additional analysis is needed in order to identify other priority sites, especially on Seneca Lake where some of the greatest opportunities for currently undeveloped shoreline may exist.

Catharine Valley Complex - The Southern Tier complex extends from the southern end of Seneca Lake in Schuyler County, south to the Village of Horseheads in Chemung County. The complex is composed of three major environmental areas with varying habitats and recreational opportunities. Just south of Seneca Lake are towering shale cliffs bordered by Rock Cabin Road. This site harbors a rare plant community and an uncommon plant that is the exclusive food source for three butterflies considered rare in this region. The nodding wild onion (*Allium cernuum* var. *cernuum*), a rare species and listed on the NYS list of protected plants, grows in profusion on the cliffside. In addition, more than 120 wildflower species have

been identified on this site. Adjacent to Rock Cabin Road is the Queen Catharine wetland, identified as an Important Bird Area by the National Audubon Society. The second environmental area in this complex is the Horseheads Marsh, a Class 1 wetland and the largest freshwater wetland in Chemung County. The marsh is the headwaters for Catharine Creek, a world class trout stream and provides the stream with water quality and flood control functions. In addition, the marsh provides habitat for many species of birds (some on the endangered species list), wildlife and reptiles. The third focus in this complex is the abandoned Chemung Canal property, which passes through Horseheads Marsh. Purchase of this property will allow the Catharine Valley Trail connection to the Village of Horseheads by developing a trail along the historic Chemung Canal towpath. This complex offers opportunities to treasure and protect the biodiversity present in the area and to expand recreational and educational opportunities in the valuable open space lands of the Southern Tier.

Seneca Army Depot Conservation Area - Located in the Towns of Varick and Romulus, Seneca County, this project is necessary to protect a unique population of all-white white-tailed deer (*Odocoileus virginianus*). The lands comprised part of a U.S. Army installation developed in the early 1940s and closed in the 1990's. The land is traversed by tributaries of four streams and contains a 60-acre pond and nearly 500 acres of wetlands. The fenced perimeter allowed for the protection and management of the white deer herd, which is believed to be the largest, single herd of white deer in the world with approximately 200 individuals. As plans are devised for the development of the Depot, this project offers a unique open space opportunity ("Open Space Conservation Plan," 2009).

The Trelina Solar Energy Center Project is consistent with the Seneca Lake Watershed Management Plan as the Project will not adversely impact the Lake's watershed. Increases in stormwater runoff from the Project will be minimal, as construction will result in limited addition of impervious surface. Therefore, no significant changes to the rate or volume of stormwater runoff are anticipated as a result of Project operations. However, precautionary and appropriate post-construction BMPs will be installed and maintained according to the Project-specific NYSDEC-approved SWPPP for the Project per applicable regulations. Assessments of stormwater prevention and protection measures are provided in Exhibit 23.

Seneca County Economic Development Strategy Draft dated September 12, 2019

The Seneca County Economic Development Strategy Draft (SCEDS) dated September 12, 2019 examines economic challenges, including workforce shortages and technological changes, as well as addressing issues distinct to Seneca County. A copy of the plan is available online at <http://seneca-economy.com/wp-content/uploads/2019/09/STRATEGY-092019-FINAL-DRAFTv1BOS.pdf>.

The SCEDS identifies six Goals to foster the next generation of growth in Seneca that include:

- Goal 1. Target “Next Generation” Enterprises.
- Goal 2. Provide Seneca County’s employers with a reliable pipeline of skilled workers.
- Goal 3. Address constraints to economic growth that involve physical Infrastructure issues.
- Goal 4. Improve the efficiency and effectiveness of local regulation.
- Goal 5. Develop fully serviced sites for industrial and commercial development.
- Goal 6. Support and/or Create Effective Economic Development Partnerships.

Goal 3 addresses three types of infrastructure: the electric grid, sewer and water and broadband Internet service. Action Item 3-1 recommends advocating with New York State Electric and Gas Corporation (NYSEG) and New York State Public Service Commission (NYSDPS) for improved capacity of Seneca County’s electric grid, particularly in key development sites such as the Depot and the 318 and 5 & 20 corridors. The Trelina Solar Energy Center will provide additional generation capacity in the Route 5 & 20 corridor. The Project will also deliver new jobs, long-term revenue and economic development to Seneca County.

Town of Waterloo Comprehensive Plan

The Project is proposed in the Town of Waterloo in Seneca County. The Town adopted “Vision Waterloo: A Comprehensive Plan for the Future” on January 23, 2017. The Plan is available on the Town of Waterloo website: <http://www.townofwaterloocomprehensiveplan.org/>

The 2017 Comprehensive Plan identified several Key Focus Areas, along with goals and recommendations for implementation. In each case, the proposed goals support the prepared Vision Statement for the Town of Waterloo.

Key Focus Areas include:

- Senior Citizens

- Property Maintenance
- Land Use
- Smart Growth
- Downtown Development
- Business Development
- Environmental Concerns

The Senior Citizens, Property Maintenance, Downtown Development and Business Development Key Focus Areas are not applicable to the Project.

The Land Use Goal is to ensure that the rural atmosphere of the Town of Waterloo is preserved, that agricultural uses are encouraged, and that land uses are consistently monitored and regulated to be supportive of creating the desired future envisioned by town residents.

The Smart Growth Goal is to encourage implementation of Smart Growth principals in governance, planning, and land use decisions, recognizing that a focus on sustainability has potential to reduce the cost of government services, enhance support of local businesses, and strengthen the community in addition to reducing carbon emissions and preserving the environment.

The Environmental Concerns Goals include recognizing that the privately-owned, State-permitted landfill, located adjacent to the Town of Waterloo in the Town of Seneca Falls, is often perceived by residents and visitors as a potential threat to the environment and to the health and welfare of citizens as well as a deterrent to economic growth. The plan further notes that since it is not within the Town of Waterloo's control to alleviate the impacts of the landfill, the Town should do all possible to minimize the potential for increased negative impacts, and continue to utilize relationships and authority to manage existing impacts resulting from the location of the landfill.

Another Environmental Goal is to protect the agricultural and natural environment upon which the atmosphere of the Town of Waterloo is based. It recommends that the Town should prohibit land uses which are intended to strip the environment of natural resources.

The Project will be consistent with the Town's Comprehensive Plan. The primary use of the land that will be employed for the solar panels is categorized as agricultural by NYSORPS. The active agricultural land that will be employed for solar panels will be able to be reclaimed as agricultural land after decommissioning. Importantly, the supplemental income provided by the Project to the

participating landowners will help them continue farming operations on the land the farmers excluded from the Project. Additionally, the Project Facilities are set back from property lines so as not to disturb surrounding agricultural activities on adjacent parcels. The Project will also be consistent with the Town's Smart Growth goal, as the Trelina Solar Energy Center will reduce carbon emissions and preserve the environment.

The Project will have significant positive socioeconomic impacts in the Town of Waterloo and in Seneca County, and beyond through employment opportunities, specifically by generating temporary development and construction employment with approximately 130 jobs (at peak), two to three jobs during the 30 year operation of the Facility as well as contractor jobs for maintenance activities such as vegetation management and snow removal.

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

4(f) Publicly Known Proposed Land Uses

Figure 4-1 identifies all publicly known proposed land uses within the Study Area. There are no publicly known proposed land uses within the Project Area. The only proposed land use in the Study Area is located in the City of Geneva and includes a Special Use Permit, Use Variance & Site Plan review for converting portions of a Church located at 520 Main Street, City of Geneva, into event space that will include a 66 Seat restaurant and 28 rooms. The Parcel ID of the proposed land use is 104.58-1-33 and is shown on Figure 4-1.

This publicly known proposed land use and the existing land uses within the Study Area will not have a cumulative impact on the Project Area or surrounding community.

4(g) Map of Agricultural Districts, Flood Hazard Areas, and Designated Recreational and Sensitive Areas

Areas of special designation such as agricultural districts, flood hazard areas, and recreational/sensitive areas are depicted on Figure 4-5 and current agricultural use is depicted on Figure 4-6. Figure 4-5 was prepared using data from the NYS Department of Agriculture & Markets, NYS Department of State, NCED, FEMA, and USGS Protected Areas Database Base Map: NYS Office of Information Technology Services, GIS Program Office, 2020. Figure 4-6 was prepared using data from the USDA National Agricultural Statistics Service (2019). There are no coastal areas, local waterfront revitalization program areas, State Environmental Quality Review Act (SEQRA) designated critical environmental areas, or groundwater management zones within the Study Area.

However, Seneca Lake, a designated inland waterway, lies within the two-mile Study Area.

Seneca River, located south of the Project Area, is a part of the NYS Canal System and will be discussed along with Seneca Lake in this section. The Upper Seneca River has low water quality with percent impairment in the range of 40–60% satisfactory water quality. The waterbody uses most affected by the poor water quality is waterbody aesthetics and aquatic life from unidentified pollutants. Additional discussion of water resources and aquatic ecology is included in Exhibit 23.

The Project Area is located in Seneca County Agricultural District 6 (SENE006) and the 17 parcels that comprise the Project Area are currently enrolled. Agricultural District 6 in Seneca County was created in 1974 and was last certified in June 2008. Additional discussion of agricultural land is included in Exhibit 22.

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

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

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

Land Use	Sources Reviewed	Within Study Area?
Wild, Scenic and Recreational River Corridors	NYSDEC List of Wild, Scenic and Recreational Rivers (Accessed 2019) National Wild and Scenic Rivers Mapping (Accessed 2019)	No
Open Space	NYS Department of State, Office of Planning & Development GIS Database (Accessed 2019) NYSDEC GIS Database (Accessed 2019)	No
Known Archaeological, Geologic, Historic, or Scenic Area	NYS Historic Preservation Office (SHPO) Cultural Resources Information System (CRIS) (Accessed 2020) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2020) Erie Canal National Heritage Corridor (Accessed 2020)	Yes
Parks	NYS Office of Parks, Recreation and Historic Preservation (OPRHP; Accessed 2020) NYSDEC State Lands Mapping (Accessed 2020) National Park Service Mapping (Accessed 2020)	Yes
Designated Wilderness, or Forest Preserve Lands	NYSDEC GIS Database (Accessed 2020) National Wilderness Preservation System (Accessed 2020)	No
Scenic Vistas	NYS I Love NY New York Scenic Vistas (Accessed 2020)	Yes

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

Land Use	Sources Reviewed	Within Study Area?
Conservation Easement Lands	NYSDEC GIS Database (Accessed 2020) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2020) National Conservation Easement Database (Accessed 2020)	No
Designated Scenic Byways	NYS Department of State, Office of Planning & Development GIS Database (Accessed 2020) NYS Department of Transportation List of Scenic Byways (Accessed 2020)	No
Nature Preserves	NYSDEC GIS Database (Accessed 2020)	No
Designated Trails	NYS OPRHP (Accessed 2020) NYSDEC GIS Database (Accessed 2020)	No
Public-Access Fishing Areas	NYSDEC GIS Database (Accessed 2020) NYSDEC State Lands Mapping (Accessed 2020)	Yes

These areas will not be adversely affected by odors or sounds during construction or operation of the Project. Potential impacts to each of the sensitive land uses within the Study Area have been evaluated and avoided to the maximum extent practicable by integrating vegetative plantings for visual screening in areas where the Facility is not otherwise concealed by topography and/or existing vegetation. Scaled maps that show these designated areas, recreational, and other sensitive land uses are evaluated in detail in Exhibit 24 and the Visual Impact Assessment (VIA). The VIA assesses potential impacts of the Project Facilities within 2 miles of the boundaries of the Project Facilities (Study Area), and also within a 5-mile Visual Study Area (VSA). Local, state, and federal sensitive visual resource areas were investigated per 16 NYCRR §1001.24. An inventory of publicly available and accessible visual resources was explored through the

acquisition of GIS data, review of town, county, and agency reports, topographic data, and site visits. Visual resources within 5 miles of the Project are listed in Table 24-1 of Exhibit 24.

There are no state forests, landmark landscapes, wild, scenic, or recreational rivers, located within 5 miles of the Project Area. There is one forest preserve (Hoskins Woods Preserve) located within 5 miles of the Project Area. The Hoskins Woods Preserve is located near the intersection of State Route 96 and County Route 6 in the Town of Phelps and is 4.2 miles to the northwest of the Project Area.

While there are no National Conservation Easements within the Project Area or the Study Area, there are six federal conservation easements held by the NRCS within 5 miles of the Project Area including one easement within the Town of Junius, three within the Town of Waterloo, and two within the Town of Fayette. No other state-designated scenic districts, scenic roads, or scenic areas of statewide significance were found within 5 miles of the Project Area.

There is one state park managed by the Office of Parks, Recreation, and Historic Preservation (OPRHP) within 5 miles of the Project. Seneca Lake State Park, which consists of the northern shore of Seneca Lake, is located 0.3 miles from the Project Area.

There are five public parks and recreation areas within 5 miles of the Project Area including Seneca Lake State Park (0.7 miles south of the Project), Gulvin Park (1.1 miles southwest of the Project), Genesee Park (1.6 miles southwest of the Project), Lafayette Park (3 miles east of the Project), Women's Rights National Historical Park (4.1 miles east of the Project), as well as 12 local city parks in the City of Geneva and 2 local parks in the Village of Waterloo.

There is one state bikeway within the 5-mile VSA. State Bike Route 14 runs coincident with State Route 14 to the west of the Project Area. It is 0.8 miles from the Project Area. There are no snowmobile trails and no NYSDEC Public Fishing Rights easements within 5 miles of the Project Area. Visibility is not relatively extensive nor expected at most of the listed Table 24-3 visual receptors. For more information regarding VIAs performed in relation to these resources, see Exhibit 24.

Exhibit 20 includes details of known archaeological and historic resources in the Study Area, as well as the results of the studies performed to evaluate the location and extent of known resources within the Study Area. The Phase 1A archaeological survey identified eight previously recorded archaeological sites, three of which are recorded by the New York State Museum (NYSM), within

one mile of the proposed Project Area. Site 09910.000073 is recorded within the southeastern portion of the Project Area and is noted as not eligible for the National Register of Historic Places (NRHP). The remaining seven previously recorded archaeological sites are outside of, but within a one-mile radius of the Project Area and include two pre-contact period sites, three historic sites, and two sites of unknown type, none of which have been evaluated for inclusion in the NRHP. No information on site type or NRHP-eligibility is provided for the remaining NYSM sites that are located outside, but within a one-mile radius of, the Project area. The Project Area contains portions of four NYSM areas and there are an additional five NYSM areas located within a one-mile radius of the Project Area. A cluster of NYSM sites is noted to the immediate south of the one-mile radius along the eastern shore of Seneca Lake. There are several National Register of Historic Places within the two-mile Study Area including 17 NRHP-listed and 26 are NRHP-eligible sites. The Project will avoid these resources and therefore not impact them.

TRC completed a Historic Architecture Reconnaissance Survey for the Project, consistent with Section 106 of NHPA and OPRHP *Guidelines*. The architectural field survey identified a total of 180 architectural resources aged 50 years or older in the Area of Potential Effect (APE), within two miles of the Project Area. Of those 180 surveyed historic properties, two are NRHP listed, four were previously determined NRHP eligible, and 20 are recommended eligible for NRHP listing. TRC identified three new, potential NRHP-eligible historic districts during the survey: Castle Heights Historic District, Lehigh Gardens Historic District, and Historic North Historic District in the City of Geneva. One newly surveyed resource recommended NRHP eligible is located within the Project Area; however, the recommended NRHP boundary is outside of the Project's LOD.

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

The Project Area is located in the Waterloo Central School District, while the Study Area also overlaps with the Geneva City School District and the Phelps-Clifton Springs Central School District. There are no schools located in the Project Area. The nearest school is located 2.9 miles

away from Project Area boundaries and construction. Additional institutional, community, and municipal uses in the Study Area include primarily churches and cemeteries. There are no expected impacts to these areas aside from potential minimal and temporary traffic from construction.

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

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

A qualitative assessment was completed for the Project to determine the level of compatibility with existing, proposed, and allowed land uses. The qualitative assessment evaluates short- and long-term effects of Project-generated noise, odor, traffic, and visual impacts on the use and enjoyment of areas within one mile of Project facilities. This assessment includes evaluation of the compatibility of the Project's above-ground structures including commercial-scale solar arrays, access roads, inverters, and fencing, as well as any above-ground and below-ground underground interconnections, with surrounding land uses. The Project Area totals 1,067 acres and the area inside all fences for the Project totals 435 acres. Within the 435, Project Components will physically occupy approximately 418 acres. The assessment specifically addresses impacts to nearby land uses that may be of particular concern to the community, including agricultural land, residential areas, schools, civic facilities, recreational facilities, and commercial areas.

The Town of Waterloo adopted its Zoning Ordinance on December 19, 2000, with most recent amendments adopted in 2011. The Town adopted Local Law No. 1 on March 25, 2019 adopting Chapter 134 "Solar Energy Systems" of the Zoning Ordinance in support of the Town of Waterloo Comprehensive Plan. The law allows large-scale solar energy systems in the Agricultural (A) District, in which the Project Area is located.

Existing land uses have been described in the sections above according to the Town of Waterloo's local regulations and Comprehensive Plan, in addition to the NYSORPS land use classification codes (Table 4-4).

Table 4-4. Impacts to Land Use Types

Land Use Type	Components Facility Area (acres)	Access Roads (acres)	Collection Lines (miles)	Substation (acres)	Switchyard (acres)
Agricultural	400.1	7.1	7.7	0.3	0.9
Residential	17.7	0.6	0.5	0.0	0.0
Roads	0	0.6	<0.0	0.0	0.0
Total	417.8	8.3	8.2	0.3	0.9

The majority of Project Components will occupy land classified as Agricultural Land, including 17.7 acres designated as Residential by NYSORPS but which primarily exists as agriculture with dwellings confined to frontage along Serven Road. There is also 0.04 mile (approximately 210 feet) of collection lines designed to cross public roadways underground. As noted in section 4(a) above, Agricultural Land is described as “property used for the production of crops or livestock.” All proposed solar arrays, the collection substation, and POI switchyard facilities are located on Agricultural Land or otherwise agricultural portions of Residential. Other Project Components on Agricultural Land include 85.5 percent of the access roads, and 93.4 percent of collection lines. Collection lines sited within Agricultural Land will be located underground.

The NYSORPS description of Agricultural Land includes both active and inactive agricultural land. Active and inactive agricultural land were treated the same in this evaluation, as future land uses could include agricultural practices. A total of 400.1 acres of Agricultural Land is occupied by the proposed Facility components. The placement of solar arrays on land designated as Agricultural Land is expected as it is one of the primary land use types in the region, however, as described herein, the Project is compatible with continued and future agricultural use of these properties.

Although the solar arrays will occupy a portion of active farmland, this impact on active farmland will be insignificant when considering farmland at both the Town and County levels. The total fenced-in area of Project components to be located on agricultural land (400.1 acres) represents only 8.1 percent of all land identified as agriculture land by the NYSORPS within the two-mile Study Area (4,880 acres). This includes 0.4 percent of all land identified as agriculture land by NYSORPS within Seneca County (110,692 acres).

No offsite staging and/or storage is proposed as part of the Project, further reducing the potential impact to active farmland. This allows for existing land uses on lands adjacent to the Project parcels, including those that are used for agriculture, to continue with limited interruption. Additionally, solar farms typically result in a minimal amount of ground disturbance for the installation of racking and mounting posts, which comprise less than a tenth of an acre, thereby preserving the ability to use the land for agricultural purposes in the future following decommissioning. Overall, of the 325.6 acres will occur on land classified as Prime Farmland, only 10 acres (<0.001% of Prime Farmland and Farmland of Statewide Importance within Seneca County) of permanent soil disturbance is proposed with the remaining 315.6 acres consisting of temporary soil disturbances that will be restored following construction. In support of New York's Clean Energy Standard, the NYPSC noted that even if 100% of the utility-scale solar projects installed in New York contributing to the renewables mandate were sited on New York agricultural lands, only about 0.16% of such lands would be converted to utility-scale solar (NYPSC, Appendix G at 20, 2016).

Additionally, significant payments will be provided to landowners during development and over the useful life of the Project. These payments will help stabilize revenues for local participating farms as crop and dairy prices often fluctuate year to year and revenues paid to landowners are typically invested back into the community and benefit the local economy. This diversified income helps to support the agricultural community base in the area. Numerous participating landowners have posted public comments to NYSDPS's Document and Matter Management (DMM) system asserting the compatibility of this Project to their farming practices and businesses. Copies of these comments are provided in Appendix 4-1.

A total of 7.1 acres of access roads are proposed on land designated as Agricultural Land by NYSORPS. Access roads will be used to traverse the Project during construction and operation phases. Access roads will be gravel and have an infiltration trench located adjacent to them to allow for the infiltration of stormwater runoff.

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

The compatibility of Project components with existing land uses was evaluated based on the NYSORPS and through review of the Town of Waterloo Zoning Ordinance, adopted December 19, 2000, with most recent amendments adopted in 2011, and Local Law No. 1 of 2019 adopted on March 25, 2019 adopting Chapter 134 "Solar Energy Systems" of the Zoning Ordinance. All of the solar arrays are located on land classified as Agricultural Land and Residential Land. Collection circuits and access roads that are not within public rights-of-way are located on Agricultural Land.

As indicated above, additional land uses within 1 mile of the Project Area were considered as part of the qualitative assessment including residential areas, schools, civic facilities, recreational facilities, and commercial areas. As part of the assessment, it was determined that the majority of the Project Area is located within the Waterloo Central School District, with a portion also occurring within the Geneva School District. Community and municipal uses within 1 mile of the Project Area include primarily churches, cemeteries, marinas, and parks. There are no adverse impacts to these areas aside from potential minimal and temporary traffic from construction.

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

The Town of Waterloo enacted Local Law No. 1 of 2019 adopting Chapter 134 "Solar Energy Systems" of the Zoning Ordinance which contains specific zoning and requirements for solar energy facilities and is described in detail in Exhibit 31.

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

construction noise will be minimized by, amongst other measures, operating only during daylight hours. Detailed analyses of the noise impacts of the Project can be found in Exhibit 19.

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

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

The collection lines will be placed underground for the entirety of their length and installed primarily via cable plow and/or direct trenching with some portions to be proposed via horizontal direction drill (HDD) in order to avoid wetland resources and roadways. The only aboveground interconnection line proposed consists of a short span, approximately 120 feet (36.58 meters), from the proposed switchyard to the existing transmission line. Where the installation of the collection lines will be via HDD, the only impacts will be temporary and located at the entry and exit pits of the HDD equipment. Once built, the Project will not have any adverse impacts to existing or proposed land uses. The proposed collection substation and switchyard, as well as the aboveground interconnection line, will be located within land classified as Agricultural Land. Due to the limited impacts associated with the Project, construction and operation of the Project will be compatible with the existing, potential, and proposed land uses within the Study Area.

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

Collection lines from the inverters to the collection substation will be placed underground within the Project Area. Approximately 7.7 miles of collection lines are sited within land designated as Agricultural Land and 0.04 miles overlapping roadways. The collection circuits will be underground and will only require temporary impacts to land uses as part of installation. Due to the limited impacts associated with the Project, underground interconnections associated with the Project will be compatible with the existing, potential, and proposed land uses within 300 feet from the centerline of such interconnections or related facilities.

4(l) Conformance with Coastal Zone Management

This section is not applicable as the Project is not located within a designated coastal area. Therefore, a demonstration of conformance with the Coastal Zone Management Act is not required.

4(m) Aerial Photographs of All Properties

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

4(n) Aerial Photograph Overlays

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

4(o) Aerial Photograph Information

Figure 3-1 illustrates aerial photography of all properties within the Study Area with a scale of 1:2,400. This scale provides for detail, discrimination, and identification of natural and cultural features. The figure indicates the photographer and date photographed.

4(p) Community Character of the Study Area

The Project is located in Central New York in a rural area of Seneca County as shown on the figures included in this Exhibit. The Applicant worked with the Town of Waterloo, landowners, and stakeholders to identify specific characteristics of the community that are of particular importance in the region. Land within the Town of Waterloo is primarily used for agriculture and consists of agricultural fields, residences, farm buildings, farm ponds, outbuildings, secondary roads, small paved roads, and unimproved farm roads. While the Study Area occupies more than 16,000 acres, the amount of topical land used for the Project Components is minimal (417.8 acres) in comparison, thus the Project will have little impact on existing land uses in the Study Area. The primary potential effects will be during construction, which is temporary and mitigation measures will be employed to minimize impacts relating primarily to fugitive dust and noise (Exhibits 17, 19 and Appendix 23-3). Current recreational, cultural, and other concurrent uses, such as farming, can continue uninterrupted as usual. Through a review of zoning ordinances, the Town of Waterloo Comprehensive Plan, the Seneca County Comprehensive Plan, and the Seneca Lake Watershed Management Plan, the community character of the area was assessed.

Community character includes defining features and interactions of the natural, social, and built environment, and how those features are used and appreciated in the community, based on the Town of Waterloo and Seneca County Comprehensive Plans as well as information obtained through PIP Plan activities. The Applicant has taken these three aspects into account and consulted with local municipalities, landowners, and stakeholders to identify specific characteristics of the community that are of particular importance to the region.

The natural environment includes agricultural land, forested land, conservation lands, public parks, and water resources in the area. Approximately 29.6 acres of forested land will be cleared within the LOD which is approximately 2.8% of the total 1,067-acre Project Area. Furthermore, approximately 8.3 acres of vegetative screening will be planted, offsetting the impact to forested land. The proposed vegetative screening contains native trees and shrubs (Appendix 11-1, Landscaping Plan). Project components were sited away from forested land to the maximum extent practicable to prevent wildlife habitat loss. Approximately 413.6 acres of Agricultural Land will be used for the Project. This land will be used during the economic life of the Project. Thereafter, the land will be restored to substantially its existing condition and will be available to be reclaimed for agricultural use after the Project is decommissioned, limiting the impacts to this land type. There are no public parks or conservation lands within the Project Area.

While there are no National Conservation Easements within the Project Area or the Study Area, there are six federal conservation easements held by the NRCS within 5 miles of the Project Area. The Project will not impact these areas as the only impact outside of the Project Area will be from limited, temporary, construction traffic.

The water resources in the area include Seneca Lake and on-site delineated wetlands and streams. Seneca Lake is located outside of the Project Area and will not be impacted by Project construction or operation. The delineated wetlands and streams have been avoided to the maximum extent practicable when siting Project Components as discussed in Exhibit 22.

Seneca Lake can also be considered part of the social environment that contributes to the community character of the region as a primarily rural area located along a body of water. The Trelina Solar Energy Center will not impact Seneca Lake as part of the social or natural environment as it does not impede the use of the Lake for recreational uses. The Project is sited away from developed areas nearby and cultural resources were considered and protected. The

social environment can also include those developed areas that encompass restaurants, shops, meeting places, churches, and centers for community gatherings. There are several churches located within the Study Area. The Project will not impact any of these social aspects as all Project components will be installed within the Project Area boundaries. Some temporary and minimal traffic may result from construction traffic through the Town of Waterloo.

Lastly, the built environment includes some of the social buildings described above, commercial areas, public utilities, public service land, and residential buildings. The closest commercial area within the Study Area abuts the Project Area boundary but will not be impacted aside from the temporary and minimal construction traffic. There are 39 residential parcels located adjacent to the Project Area and the Project has been sited over 300 feet away from the nearest non-participating residence (and in most cases several hundred feet away from other non-participating residences) to limit any impact. The primary potential impact considered for residential land is Project visibility, which is discussed below.

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

Per 16 NYCRR § 1000.24(b)(1), the NYSORPS classifications are further divided into Landscape Similarity Zones (LSZs) to categorize the visual character and quality of the landscape. As described in Exhibit 24, LSZs are areas of similar landscape/aesthetic character based on patterns of landform, vegetation, water resources, land use, and user activity. These zones provide additional context for evaluating viewer circumstances and visual experiences. Land cover classification datasets from the 2016 USGS National Land Cover Dataset (NLCD) is available for GIS analysis and was used for an initial establishment of LSZs as they provide distinct and usable landscape categories. These NLCD land cover groupings were then refined based on aerial photo interpretation and general field review. This effort resulted in the definition of five final LSZs within the VSA as depicted in Table 2 and Figure 4, Attachment 2 and include the following:

- Zone 1: Agricultural– This zone includes cultivated land and that which is used for row crops, hay, or pasture.
- Zone 2: Forested – This zone includes mature deciduous and coniferous tree groups.

- Zone 3: Developed – This zone includes the Village of Waterloo, the City of Geneva, residential groupings within the towns, rural residential abutting roadways, and transportation corridors.
- Zone 4: Open – This zone includes miscellaneous other open parcels that may have minor development with less visually obstructive features as well as other open lands with few visual obstructions such as minor expanses of barren land, land with short scrub shrub vegetation, and emergent wetlands.
- Zone 5: Open Water – This zone is essentially restricted to Seneca Lake, the Cayuga-Seneca Canal, and Gem Lake.

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

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

Avoidance, minimization, and mitigation measures that were used in Project siting are directly related to the community character of the area. The selected technology of photovoltaic solar arrays will result in an efficient layout minimizing the area of land, to the maximum extent practicable, that is required in order to achieve 79.5 to 80 MW of energy production. The collection lines have been placed underground to decrease aboveground impacts along the public roads. Minimum setbacks of 300 feet from non-participating residences and 200 feet from roadways provide for large areas of open space between these features and the proposed solar arrays that help maintain the open space/rural character of the area. A Landscape Plan, included as Appendix 11-1, depicts the vegetative screening that will screen the Project components to reduce visibility and also help maintain the visible greenery in the landscape that makes up the rural character.

The studies and evaluations that have been prepared as part of this Application are described in further detail in the specific exhibits and associated appendices. Specific exhibits to reference

include Exhibit 24 (Visual Impacts), Exhibit 19 (Noise Impacts), Cultural Resources (Exhibit 20) and Exhibit 22 (Terrestrial Ecology and Wetlands). Each exhibit provides additional information related to how the studies and evaluations were performed and provide details that pertain to the community character of the Study Area, as well as how unavoidable impacts will be mitigated.

4(q) Photographic Representation of the Project Area and Study Area

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

4(r) Project Area Farmland Classification Mapping

A scaled map of the existing farmland classifications (e.g., Prime Farmland, Prime Farmland if Drained, etc.) within the Project Area is included within Figure 21-2. A discussion of how the Project will avoid, minimize, or mitigate impacts to agricultural soils and the effects the Project has on use of the land for future farming operations is included in section 4(w).

Approximately 418.2 acres of agricultural disturbance is anticipated to occur within the Project's proposed LOD of 474.1 acres. This includes temporary and permanent disturbance and also includes areas outside of the fence line. The temporary disturbance will be caused by grading and laydown areas. Of the 474.1 acres of total disturbance (temporary and permanent), 325.6 acres will occur on land classified as Prime Farmland, which is only 4.9 percent of all Prime Farmland within the Town of Waterloo. Of those 325.6 acres, only 10 acres of permanent soil disturbance is proposed, with the remaining 315.6 acres being restored after construction. The Applicant has made significant efforts to site Project components to minimize impacts to the maximum extent practicable for existing and future use of agricultural lands within the Project Area. The Applicant will also comply with the NYSDAM guidance document "Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands", dated October of 2019, to the maximum extent practicable for requirements specific to restoration, monitoring, and decommissioning. As stated in the NYSDAM guidelines, an Environmental Monitor will coordinate with the NYSDAM, Division of Land and Water Resources to develop an inspection schedule and solution if any such goal included in the guidelines cannot be met, consistent with any applicable Article 10 Certificate Conditions.

4(s) Farmland Classification within Limits of Disturbance

Within the Project Area, the LOD include approximately 68.7 percent of land (325.6 acres) classified as Prime Farmland, 28.7 percent (135.8 acres) as Prime Farmland if Drained, 1.8 percent (8.5 acres) as Farmland of Statewide Importance, and 0.9 percent (4.2 acres) as Not Prime Farmland.

4(t) Publicly Known Proposed Land Use Map

As stated in section 4(f) and shown on Figure 4-1, there is one publicly known, proposed land use within Seneca County, outside the Study Area.

4(u) Agricultural Impacts and Farmland Protection Plan

The Seneca County Agriculture and Farmland Protection Plan adopted by Seneca County in December 2011 was developed to promote farming and agriculture within the County. The document summarizes information about the present state of agriculture in Seneca County as well as actions that can be taken to address current issues. It can be used to provide guidance for the farming community to assist in decisions that may affect farming and agriculture.

The Project will not impact Seneca County's ability to uphold the five goals identified in the Agriculture and Farmland Protection Plan:

1. Enhance the Economic Climate for Agriculture in Seneca County
2. Increase the Awareness of the Economic and Social Importance of Agriculture in Seneca County
3. Provide an Ongoing Community Education Program for the Non-Farm Public
4. Acknowledge and Enhance the Environmental Stewardship of Agricultural Businesses
5. Preserve Prime Agricultural Land

Solar projects such as the Trelina Solar Energy Center contribute to environmental sustainability of farms through harnessing solar energy within the Study Area and providing clean energy to surrounding communities. Concurrently, the Project will contribute to climate change mitigation by providing utilities clean energy for distribution and consequently reducing the need for other fossil fuel technology operation to meet energy demands. Although the solar panels will cover 325.6 acres of agricultural land, only 10 acres of permanent ground disturbance will occur as part of this Project. The remaining 315.6 acres will be restored after construction. Ground disturbance

for the Project will be limited to the installation of posts for the racking systems and footings for equipment in the collection substation and POI switchyard and construction of access roads. The useful economic life of the Project is estimated to be 30 years and as detailed in the Decommissioning Plan, the Applicant will return land within the Project Area to substantially its original condition through reseeding and careful mobilization of equipment. As such, agricultural land sited within the Project Area will be able to return to its primary purpose (before Project construction) following decommissioning of the Project.

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

- Mobile Home Park
- Community Residence
- Farming: poultry; hogs
- Roadside Stand
- Bed-and-Breakfast Facility
- Rooming House; Tourist Home
- Funeral Home
- Veterinary Office
- Kennel; animal boarding
- Stable; public
- Commercial Non-Motorized Recreation
- Recreation Track for Motorized Vehicles
- Motel/Hotel
- Professional or Business Office
- Bank; financial institution

- Retail Sales
- Restaurant / Tavern
- Barber / Beauty Shop
- Convenience Mart
- Mini Warehouse for Self-Storage Rentals
- Vehicular Fuel and Service
- Car Wash
- Printing / Publishing
- Commercial Assembly
- Light Manufacturing
- Warehouse
- Truck, Motor Freight or Construction Terminal
- Commercial Excavation of Soil, Rock, Sand and Gravel
- Cell Tower
- Solid Waste Recycling or Transfer Operation
- Junkyard
- Campground

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

4(v) Cumulative Impact of Proposed Land Uses within the Study Area along with the Project on Farmland

As described in sections 4(f) and 4(t), the one proposed land use identified is located in the City of Geneva and includes a Special Use Permit, Use Variance & Site Plan review for converting portions of a Church located at 520 Main Street, City of Geneva, into event space that will include a 66 Seat restaurant and 28 rooms. The Parcel ID of the proposed land use is 104.58-1-33.

The proposed project and the one publicly known proposed land use will not have a cumulative impact on farmland. The Trelina Solar Energy Center will use agricultural land only during the

useful economic life of the Project and it will be returned to a condition that can be farmed after decommissioning. More information on decommissioning is included in Section 4(w) and in Exhibit 29.

According to the Seneca County Agriculture and Farmland Protection Plan, agriculture in Seneca County continues to remain relatively healthy. The closure of a major industrial operation and the Seneca Army Depot, and the increase of agritourism (e.g., regional wineries) has brought agriculture into the forefront of public consciousness.

Farm size continues to be very diverse. Some farms have expanded and become the family/corporation farm taking advantage of “economy of scale”, while other farm operations are smaller farms with owners farming “part time” and working off the farms to supplement farm income. Amish and Mennonite communities continue to move into the area and typically operate smaller farm units. There has been a small increase in the number of acres farmed, mostly due to the return of some land that had been taken out of production and returned to active use. Almost all land in Seneca County that is usable for farm production, and that is not owned by a public entity or developed as residential or commercial use, is now in production (Seneca County Agriculture and Farmland Protection Plan, adopted December 27, 2011).

4(w) Description of Avoidance and Minimization of Impacts to Natural Resources and Existing Land Uses

Approximately 418.2 acres of disturbance to agricultural land is anticipated to occur within the Project’s proposed LOD. This includes temporary and permanent disturbance and also includes areas outside of the fence line. The temporary disturbance will be caused by grading and laydown areas. Of the 474.1 acres of total land disturbance (temporary and permanent) proposed, 325.6 acres will occur on land classified as Prime Farmland which is only 4.9 percent of all Prime Farmland within the Town of Waterloo and 0.3% of the Prime Farmland and Farmland of Statewide Importance within Seneca County. Of these 325.6 acres, only 10 acres will comprise permanent soil disturbance. The remaining 315.6 acres will be restored after construction. The Applicant has made significant efforts to site Project components to minimize impacts to the maximum extent practicable for existing and future use of agricultural lands within the Project Area. The Applicant will also comply with the NYS DAM guidance document “Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands”, dated October of 2019, to the maximum extent practicable for requirements specific to restoration, monitoring, and

decommissioning. As stated in the NYSDAM guidelines, an Environmental Monitor will coordinate with the NYSDAM, Division of Land and Water Resources to develop an inspection schedule and solution if any such goal included in the guidelines cannot be met, consistent with any applicable Article 10 Certificate Conditions.

The solar panels for the Project will be selected primarily for efficiency and effectiveness to harness the maximum amount of solar power at any given time (with consideration to limiting factors including shading, cloud cover, etc.), which concurrently minimizes the amount of land required for generation. The solar technology was selected to avoid concrete foundations and will instead be installed via driven posts. Additionally, monocrystalline solar modules were selected for the Project as they are one of the most the efficient models available for large scale solar generation facilities in the renewable energy market. While the solar panel arrays are primarily sited on agricultural lands within the Project Area, the proposed solar panels will be mounted on racking systems supported by driven posts and result in minimal ground disturbance since no excavation will be required for their installation. Where grading and excavation is proposed, topsoil will be stripped, stockpiled, and returned to reduce impacts during decommissioning of the Project. Additional discussion on agricultural restoration techniques is included in Exhibit 29(b)(3).

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