

DRAFT SCOPING DOCUMENT

**DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR
PERTH SOLAR 1, LLC COMMUNITY DISTRIBUTED
GENERATION SOLAR ENERGY FACILITY**

TOWN OF PERTH, NEW YORK

SUBMITTED: DECEMBER 1, 2021

Name of Project: Perth Solar 1, LLC Community Distributed Generation Solar Energy Facility

Applicant: Perth Solar 1, LLC

Project Location: 341 County Road 132, Town of Perth, Fulton County, NY
Tax Map No. 180.-1-4

SEQRA Classification: Type 1

Lead Agency: Town of Perth Planning Board
1849 County Highway 107
Amsterdam, NY 12010

Lead Agency Contact: Sean Geraghty, Consultant
1 East Montgomery Street
Johnstown, NY 12095
518-736-5660

Date of Scoping Meeting: December 13, 2021

Date of Adoption of Final Scope: _____

OVERVIEW

In accordance with the New York State Environmental Quality Review Act (“SEQRA”), and its implementing regulations codified at 6 NYCRR Part 617, on July 20, 2020, the Town of Perth Planning Board, established itself as Lead Agency and determined that Applicant Perth Solar I, LLC’s (“Perth Solar”) proposed 5 MW (AC) Community Distributed Generation Solar Energy Facility at 341 County Road 132 in the Town of Perth (“Project”) is a Type 1 action and, therefore, conducted a coordinated review of the Project.

After review of the Project submittals, the Planning Board completed Parts 2 and 3 of the SEQRA Environmental Assessment Form (“EAF”) and issued a positive declaration on August 16, 2021, thereby concluding that an Environmental Impact Statement (“EIS”) is needed to evaluate the potential impacts identified in the EAF. The Planning Board thereafter requested Perth Solar to prepare a Draft Scope. In response, on December 1, 2021, Perth Solar submitted a draft scoping document to the Planning Board for the purpose of defining the environmental issues that will be addressed in the Draft EIS (“DEIS”), and identifying potentially significant adverse impacts that may result from Project implementation. The Planning Board held a Public Scoping Meeting on December 13, 2021 and thereafter accepted written public comments on the draft scoping document for ten (10) days after the meeting. Written comments received during such public comment period are attached hereto at Appendix A and will be addressed in the DEIS.

The Planning Board concluded the scoping process with issuance of this Final Scope on _____, in accordance with the scoping requirements of SEQRA, codified at 6 NYCRR §617.8. This Final Scope includes the following as required by 6 NYCRR §617.8(e):

- I. Project Description of the Proposed Action
- II. Potentially Significant Adverse Environmental Impacts Identified by the Planning Board in EAF Part 3, Including An Identification Of Those Particular Aspects Of The Environmental Setting That May Be Impacted
- III. The Extent And Quality Of Information Needed For The Preparer To Adequately Address Each Impact, Including Identification Of Relevant Existing Information, And Required New Information, Including The Required Methodologies For Obtaining New Information
- IV. Initial Identification of Mitigation Measures
- V. Reasonable Alternatives To Be Considered
- VI. Identification Of The Information/Data That Should Be Included In An Appendix Rather Than The Body Of The Draft EIS
- VII. Those Prominent Issues That Were Raised During Scoping And Determined To Be Not Relevant Or Not Environmentally Significant Or That Have Been Adequately

Addressed In a Prior Environmental Review And The Reasons Why Those Issues
Were Not Included In The Final Scope

I. Project Description of the Proposed Action

The proposed Project is for installation of a 5 MW (AC) ground-mounted photovoltaic solar energy generating facility (“Solar Facility”) on approximately 15.1 developable acres of a larger 19.8-acre vacant parcel of private land at 341 County Road 132 (“Site”). The Project includes 12-foot high security fencing with wind mesh for screening around the perimeter of the Solar Facility, an access driveway from County Route 132, an entry gate, an equipment area, a small stormwater detention area, and a 20-foot wide by 4-foot tall berm landscaped with a variety of 438 deciduous and coniferous trees, 160 of which will measure 12 feet in height at planting and will range from 25 feet to 40 feet at maturity.

The proposed Solar Facility is a renewable “green” source of energy that will have a substantial environmental benefit by reducing the demand for electricity generated by the burning of fossil fuels (e.g. oil, natural gas) at traditional power plants and the corresponding air emissions of greenhouse gases. The Solar Facility emits no odors or air emissions.

The proposed project will be a Community Distributed Generation Facility, which distinguishes it from most other utility-scale solar facilities in three significant ways: (1) it will have a maximum size of 5-MW, (2) it will directly benefit local residents and businesses who can subscribe to purchase energy produced from the Facility at a cost-savings, and (3) it will be regulated pursuant to the New York Public Service Commission’s Community Distributed Generation (“CDG”) program. Community solar farms support residents and small businesses who can either not afford to, or cannot for practical reasons, install their own solar system, but wish to share in the cost-savings and environmental benefits of renewable solar energy. The 5 MW (AC) of renewable electricity generated by the Project will be distributed over National Grid’s power grid.

The Project’s proposed use and dimensional layout are governed by Articles 9 and 13 of the Town’s Zoning code, which regulates solar photovoltaic (PV) systems within the Town (“Solar Code”). The Project Site is in the Town’s Agricultural Rural-Residential (A-R) Zoning District, where the Project is a specially permitted use pursuant to Solar Code.

Based on comments received at initial meetings with the Town of Perth Planning Board, Perth Solar revised its original site plan to move the access drive further east along County Road 132. Moving the access drive allowed Perth Solar to redesign the eastern portion of the Solar Facility to comply with the required 200-foot setback from residential uses provided by the Solar Code. As such, the Project now meets all setbacks from residential uses prescribed by the Solar Code. The Project meets all other setbacks prescribed by the Solar Code, and exceeds the front yard setback from County Road 132 by twice the required 50-foot front yard setback prescribed by the Solar Code.

Perth Solar also revised its original site plan to propose grading the northwestern portion of the site. This proposed grading will reduce the ground elevation of the solar panels in that area so that

they are at a substantially similar elevation as the panels proposed at lower ground elevations on the balance of the site. Additionally, this will minimize site lines from County Road 132 to the highest portion of the Site.

To accommodate these changes without reducing energy production, Perth Solar had to reduce the number of panels proposed for the Project and modify their axial tilt from 25 degrees to 30 degrees, which resulted in the maximum height of the panels to be 10 feet, 6 inches. Insofar as Solar Code Section D(2) limits the height of ground-mounted panels to be eight (8) feet, the Project requires an area variance to allow the panels to be a maximum height of 10 feet, 6 inches above ground level.

Upon referral of the Project to the Fulton County Planning Board pursuant to New York General Municipal Law §239-m, the Fulton County Planning Board recommended approval of the Project, subject to adding a 20-foot wide, 4-foot high berm landscaped with trees of a minimum height of 8-feet along the south and west boundaries of the Project Site. Perth Solar incorporated this landscaped berm into the site plans.

In response to comments by the Town Planning Board, Perth Solar further increased the fence height to twelve (12) feet, increased the minimum tree height at planting to 12 feet and shifted the berm closer to the front yard property line to increase its visual screening from a residence south of the Site. Further, Perth Solar agreed to install all landscaping pre-construction and to provide financial security for the maintenance of the landscaped berm during the life of the Project. Perth Solar also eliminated 2 utility poles associated with the Project by replacing them with pad mounted utility cabinets.

In accordance with the Solar Code, the Project includes a Decommissioning Plan and related financial security naming the Town of Perth as beneficiary to ensure that the Solar Facility will be removed at the end of its useful life and the land can revert to its natural state.

II. Potentially Significant Environmental Impacts Identified by the Planning Board in EAF Part 3, Including An Identification Of Those Particular Aspects Of The Environmental Setting That May Be Impacted

The Town Planning Board identified the following two (2) potentially significant environmental impacts in EAF Part 3 for evaluation in the DEIS:

- A. Visual Resources: The location of the Project Site is adjacent to residential properties and the proximity of the solar panels approximately 100 feet off of County Highway 132 will likely cause significant adverse visual impacts.
- B. Character of Community or Neighborhood: The rural, residential character of the neighborhood will be adversely impacted by the magnitude of the Solar Facility Project along with its proximity to County Highway 132.

III. The Extent And Quality Of Information Needed For The Preparer To Adequately Address Each Impact, Including Identification Of Relevant Existing Information, And Required New Information, Including The Required Methodologies For Obtaining New Information

- A. Visual Resources: Visual Analysis including photographic simulations of the proposed Solar Facility, including the proposed landscaped berm at various stages of growth, photographic simulations with and without foliage, a viewshed analysis illustrating the vistas from which the proposed Solar Facility will be visible based upon topography only and based on topography with average height of vegetation; most recent USGS map (to show existing development in area).

Relevant existing information includes:

- i. Photographic Simulations from viewpoints in the area surrounding the Site
- ii. Photographic Simulations from Bagwell residence south of the Site, including landscaped berm
- iii. Line-of-sight cross-sections from viewpoints in the area surrounding the Site
- iv. Photographs of the June 14, 2021 visual field study attended by Planning Board members
- v. Revised Landscaping Plan
- vi. Arborist Opinions regarding the rate of growth of the landscaped berm (by Saratoga Associates Landscape Architects, Engineers & Planners P.C. dated June 17, 2021, and by Tom Benjamin, Landscape Architect, Wellnesscapes Design LLC dated July 7, 2021)

Relevant new information includes:

- i. Photographic simulations from additional viewpoints
- ii. Potential modifications to Landscaping Plan and proposed perimeter fencing

- B. Character of Community or Neighborhood: All information set forth in Section III.A., Visual Resources, above. Site Plans illustrating Project setbacks from adjoining properties. Property valuation studies of residential properties in proximity to existing similar solar facilities. Legal import of Town Solar Code's classification of the Project Site as a specially permitted use.

Relevant existing information includes:

- i. All information set forth in Section III.A., Visual Resources, above.
- ii. 2013 Town Comprehensive Plan Consistency Analysis
- iii. Town Solar Code use and setback requirements
- iv. Site Plan illustrating that the Project meets or exceeds all setback requirements prescribed by the Town Solar Code

Relevant new information includes:

- i. Photographic simulations from additional viewpoints
- ii. Potential modifications to Landscaping Plan and proposed perimeter fencing
- iii. Community and environmental benefits from the Project.

IV. Initial Identification of Mitigation Measures

A. Visual Resources:

- i. 12-foot perimeter fencing with wind mesh for screening
- ii. Landscaped berm to further screen Project from adjoining properties
- iii. Satisfaction of setback requirements prescribed by Town Solar Code
- iv. Substitute utility poles with pad-mounted utility cabinets

B. Character of Community or Neighborhood:

- i. 12-foot perimeter fencing with wind mesh for screening
- ii. Landscaped berm to further screen Project from adjoining properties
- iii. Satisfaction of setback requirements prescribed by Town Solar Code
- iv. Substitute utility poles with pad-mounted utility cabinets
- v. Decommissioning Plan and financial security for decommissioning so that the Project Site will be restored to its vacant, undeveloped state at the end of the Project's useful life.

V. Reasonable Alternatives To Be Considered

Pursuant to 6 NYCRR 617.9, the DEIS must contain a description and evaluation of reasonable alternatives to the proposed action. Thus, the DEIS will analyze impacts of the following alternatives and quantitatively and qualitatively compare these impacts to those associated with implementation of the proposed action. The alternatives described and analyzed in the DEIS will include:

- A. Alternative 1: No action; the Site remains in its current condition.
- B. Alternative 2: Development of a permitted use under the Town Zoning Code.
- C. Alternative 3: Alternative points of interconnection.
- D. Alternative 4: Alternative Site Plan design.

VI. Identification Of The Information/Data That Should Be Included In An Appendix Rather Than The Body Of The Draft EIS

All pertinent information and correspondence included, presented or discussed in the document will be included in appendices to the DEIS for ease of reference. Such appendices may include, without limitation: the Final Scope, the Site Plans, and Visual Analysis.

VII. Those Prominent Issues That Were Raised During Scoping And Determined To Be Not Relevant Or Not Environmentally Significant Or That Have Been Adequately Addressed In a Prior Environmental Review And The Reasons Why Those Issues Were Not Included In The Final Scope

- A. Archaeological & Historic Resources: No Adverse Effect letter determination from New York State Office of Parks, Recreation and Historic Places dated May 28, 2021; “Phase 1 Archaeological Investigation, Perth Solar, Town of Perth, Fulton County, New York” by Hartgen Archaeological Associates, Inc., April 2021, concluding that no further study is warranted.
- B. Plants and Animals (endangered, threatened or otherwise): Letter dated December 8, 2019 from the New York State Department of Environmental Conservation confirming that there is no record of rare or state-listed animals or plants, significant natural communities on or in the immediate vicinity of the Project Site; letter dated April 14, 2020 from the U.S. Department of the Interior, Fish and Wildlife Service, confirming that no Federally-listed or proposed endangered or threatened species or designated or proposed critical habitat are known to exist in the area of the Project Site.
- C. Surface Water Resources: Wetland Report dated November 20, 2018 by Shumaker Consulting Engineering and Land Surveying, P.C. identifying wetland locations on the Project Site under the jurisdiction of the U.S. Army Corps of Engineers.

VIII. Contents of Draft Environmental Impact Statement

The DEIS will contain the following Sections in conformance with the content requirements set forth in 6 NYCRR §617.9(b)(3):

COVER SHEET

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