

Oxbow Hill Solar, LLC

Matter No. 23-00060

Section 1100-2.4 Exhibit 3

Location of Facilities and Surrounding Land Use

Revision 1



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EXHIBIT 3 LOCATION OF FACILITIES AND SURROUNDING LAND USE

Oxbow Hill Solar, LLC (the Applicant) assessed the location of the proposed Oxbow Hill Solar Project (the Facility), with respect to existing and planned facilities and land uses within the Facility Site and the 5-mile Study Area (defined as a 5-mile radius extended out from the Facility Site boundary) and evaluated the potential effect construction and operation may have on such facilities and land uses. The Facility Site is located within the Town of Fenner, Madison County, New York, on relatively flat to moderately sloping agricultural lands, situated in the Finger Lakes Uplands and Gorges sub-region of the Northern Allegheny Plateau. The geography of the Study Area consists of rolling hills and open valleys with a landscape that includes a mosaic of cropland, pastureland, and woodlot. The 115-kilovolt (kV) Fenner Wind to Whitman Road electric transmission line and associated right-of-way (ROW), owned and operated by National Grid, runs southwest-northeast through the Facility Site, providing a nearby interconnection source for the Facility.

(a) Topographic Maps

(1) Proposed Major Electric Generating Facility Location

Figure 3-1 depicts the location of proposed Facility components displayed at a scale of 1:24,000 including:

- Photovoltaic (PV) arrays and associated equipment
- Access roads
- Electrical collection system
- Collection substation
- Point of interconnection (POI) switchyard
- Security fencing
- Temporary construction staging and laydown areas.

These components, collectively referred to as the "Facility," are mapped on the U.S. Geological Survey (USGS) 1:24,000 Cazenovia and Morrisville quadrangle topographic maps.

(2) Interconnection Location and Ancillary Features

All Facility components, including the interconnection facilities, will be located within the defined Facility Site, and are mapped in Figure 3-1. There are no municipal interconnections (e.g., potable water mains, wastewater conveyances, etc.) within the Facility Site. Based on all studies and analyses conducted to date, there are no known off-site ancillary features (such as road improvements) to be constructed in association with the Facility.

(3) Construction Limits of Clearing and Disturbance

The proposed limits of disturbance of all Facility components and ancillary features are mapped in Figure 3-1. There are three types of disturbance limits developed for the Facility: limit of construction activity, limit of vegetation management, and the limit of impervious surface. The limit of construction activity encompasses all areas to be cleared for construction of the Facility and allows for room to work

where components are installed. The limit of vegetation management indicates areas to be maintained for the life of the Facility to prevent woody vegetation regrowth (i.e., mowed). The limit of impervious surface represents all areas that will host built components of the Facility and will be maintained in an unvegetated state for the life of the Facility. Additional information regarding the limits of disturbance anticipated for Facility construction and operation is presented in Exhibit 11.

(b) Municipal Boundary Maps

Figure 3-2 depicts the location of the proposed Facility Site with respect to village, town, county, and school district boundaries. As indicated in Section (a)(2), all Facility components will be located within the Facility Site boundaries. These locational relationships are described in Section (c).

(c) Description of Proposed Facility Locations

The Facility Site is located in Madison County entirely within the Town of Fenner. The Facility Site is also located within the Canastota Central School District, Cazenovia Central School District, and Morrisville-Eaton Central School District, as well as the Cazenovia and Smithfield Fire Districts. In addition, the Facility Site is located adjacent to Chittenango Fire District. All Facility components will be located within the Facility Site boundaries¹ within these municipal boundaries and taxing jurisdictions, as shown on Figure 3-2, Municipal Boundaries and Taxing Jurisdictions. The Applicant is not aware of any other applicable municipal boundaries or taxing jurisdictions within the Facility Site.

(d) Map of Existing Land Uses

Figure 3-3 shows existing land uses for all parcels within the Facility Site and within the 5-mile Study Area (defined as a 5-mile radius extended out from the Facility Site boundary). This map was prepared using publicly available data from the Madison County Real Property Tax Service Offices and the classification codes of the New York State Office of Real Property Services (NYSORPS). The following property type classification codes occur within the 5-mile Study Area:²

- 100 – Agricultural
- 200 – Residential
- 300 – Vacant Land
- 400 – Commercial
- 500 – Recreation and Entertainment
- 600 – Community Services
- 700 – Industrial
- 800 – Public Services
- 900 – Wild, Forested, Conservation Lands and Public Parks.

¹ The operations and maintenance building will be located within an existing structure within the Facility Site, or in the surrounding community, at a location to be determined by the Applicant.

² Note: each of the primary land use classes have multiple sub-classes. For example, property type classification code 105 is defined as "Agricultural Vacant Land (Productive)."

Parcels without an associated property classification code are labeled “Not Defined” in Figure 3-3. Other areas without property classification codes are associated with public road and utility rights-of-way and natural water features such as Cazenovia Lake.

According to 2023 Madison County and NYSORPS data, approximately 44% of land within the Facility Site is associated with agricultural land use. Specifically, of the approximately 1,600 acres that comprise the Facility Site, 438 acres (27.4%) are classified as vacant farmland, 178 acres (11.1%) are classified as dairy products: milk, butter and cheese, 87 acres (5.4%) are used for field crops, and 0.02 acres (<1%) are classified as other livestock: donkeys, goats. In the remaining portions of the Facility Site, 261 acres (16.3%) are classified as mobile home, 246 acres (15.4%) are classified as rural residence with acreage, 200 acres (12.5%) are classified as other rural vacant lands, 130 acres (8.1%) are classified as public utility vacant land, 24 acres (1.5%) are classified as multiple mobile homes, 20 acres (1.2%) are classified as residential vacant land over 10 acres, 9 acres (<1%) are classified as one family year-round residence, 6 acres (<1%) are of unknown classification, 0.6 acres (<1%) are classified as rural vacant lots of 10 acres or less, 0.4 acres (<1%) are classified as residential land including a small improvement (not used for living accommodations), and 0.2 acres (<1%) are classified as cemeteries (NYSORPS, 2021).

According to the NYSORPS classification codes, land use within the 5-mile Study Area is dominated by agriculture (34%), residential land (33%), and vacant land (24%) (NYSORPS, 2021).

Residential Land

There are approximately 27,118 acres of residential land within the Study Area according to NYSORPS, of which 49% is classified as rural residence with acreage and 44% one family year-round residence (NYSORPS, 2021).

The following residential land use classification codes occur within the 5-mile Study Area:

- 210 – One family year-round residence (11,943.3 acres, 44.0%)
- 215 – One family year-round residence with accessory apartment (3.9 acres, <1%)
- 220 – Two family year-round residence (46.2 acres, <1%)
- 230 – Three family year-round residence (2.7 acres, <1%)
- 240 – Rural residence with acreage (13,261.3 acres, 48.9%)
- 241 – Primary residential, also used in agricultural production (4.8 acres, <1%)
- 250 – Estate (87.1 acres, <1%)
- 260 – Seasonal residences (298.9 acres, 1.1%)
- 270 – Mobile home (1,228.3 acres, 4.5%)
- 271 – Multiple mobile homes (27.4 acres, <1%)
- 280 - Residential (173.9 acres, <1%)
- 281 – Multiple residences (40.5 acres, <1%).

Specific to the Facility Site, NYSORPS has classified 539.6 acres (33.7%) within the Facility Site as residential land. The majority of residential land within the Facility Site is classified as mobile home (Class 270) or rural residence with acreage (Class 240). These are defined as “a portable structure built on a chassis and used

as a permanent dwelling unit” and “a year-round residence with 10 or more acres of land; it may have up to three year-round dwelling units,” respectively (NYSORPS, 2021).

Agricultural Land

There are approximately 28,138 acres of agricultural land within the Study Area according to NYSORPS, of which 47% is classified as agricultural vacant land and 33% as dairy products: milk, butter, and cheese (NYSORPS, 2021).

The agricultural vacant land (Class 105) is defined as, “land used as part of an operating farm. It does not have living accommodations and cannot be related to any other agricultural category. It is usually found when an operating farm is made up of a number of contiguous parcels.” However, some agricultural activity still occurs on lands classified as 105.

The following agricultural land use classification codes occur within the 5-mile Study Area:

- 105 – Agricultural vacant land (13,327.9 acres, 47.4%)
- 110 – Livestock and products (601.5 acres, 2.1%)
- 112 – Dairy products: milk, butter and cheese (9,177.3 acres, 32.6%)
- 113 – Cattle, calves, hogs (45.5 acres, <1%)
- 116 – Other livestock: donkeys, goats (83.6 acres, <1%)
- 117 – Horse farms (516.0 acres, 1.8%)
- 120 – Field crops (4,375.3 acres, 15.6%)
- 151 – Apples, pears, peaches, cherries, etc. (8.6 acres, <1%)
- 170 – Nursery and greenhouse (2.7 acres, <1%).

The NYSORPS has classified approximately 703 acres (44%) within the Facility Site as agricultural land. See Exhibit 15 for further discussion of agricultural production within the Facility Site.

Vacant Land

The NYSORPS defines vacant land as, “property that is not in use, is in temporary use, or lacks permanent improvement.” Approximately 351 acres (22%) within the Facility Site have been classified by NYSORPS as Vacant Land (i.e., all 300-level property classes).

(e) Existing Overhead and Underground Major Facilities Map

Figures 3-4 and 20-1 illustrate existing overhead and underground major facilities for electric, gas, and telecommunications within 5-miles of the Facility Site.

A series of overhead transmission line ROWs (115 kV Delphi – Fenner Wind - Whitman) run southwest to northeast through the Facility Site. The ROW is occupied by three parallel 115 kV overhead transmission lines owned and operated by National Grid, which run between the Delphi, Fenner Wind, and Whitman Substations. The Facility’s interconnection will include three parallel 115 kV transmission lines, each approximately 150 feet in length, that will run from the proposed substation to the Fenner Substation point of interconnection which connects with the existing Oneida-Fenner and Fenner-Cortland 115 kV transmission lines (see Exhibit 21 for additional detail). The 4 kV Fenner Wind transmission line also bisects

the Facility Site from northwest to southeast. According to Ventyx Inc. (2014) an additional two overhead lines are present or proposed within 5 miles of the Facility Site.

The following transmissions lines occur within the 5-mile Study Area:

- Delphi to Fenner Wind 115 kV runs through the Facility Site from the southwest
- Fenner Wind to Whitman 115 kV runs through Facility Site toward the northeast
- Fenner Wind to Fenner Wind 4 kV runs northwest southeast across the Facility Site
- Whitman to Oneida 115 kV runs from the Whitman connection and into Oneida beyond the 5-mile Study Area.

No hazardous liquid or natural gas pipelines are located within or adjacent to the Facility Site. Madison County contains multiple natural gas pipelines, however the nearest to the Facility Site are approximately 4.5 miles north, and approximately 5.6 miles south. According to the New York State Department of Environmental Conservation (NYSDEC)'s Oil and Gas Well database,³ no oil, gas, or mining solution wells are located within the proposed Facility Site. Two NYSDEC-regulated wells were identified within the 5-mile Study Area: (1) a plugged and abandoned dry wildcat well located approximately 2.0 miles southwest of the Facility Site (API Well No. 31053095780000), and (2) a proposed gas wildcat well with an expired permit located approximately 3.1 miles east of the Facility Site (API Well No. 31053231020000). The identified oil and gas wells in the 5-mile Study Area are depicted in Figure 3-4. The Applicant also conducted a magnetometer survey to identify oil, gas, or mining solution wells within 500 feet of the proposed areas to be disturbed. Please see Section (u) for additional information on oil and gas wells, including a discussion of potential impacts to those resources.

The Applicant consulted with owners of fiberoptic utilities in March 2022 to gather information regarding the location of utilities in relation to the Facility Site. Buried and aboveground telecommunications transmission lines owned and operated by Charter Communications and Windstream are present within the Facility Site along public road and utility rights-of-way. Charter Communications and Windstream telecommunications lines within 1-mile of the Facility Site are depicted in Figure 20-1 (Communication Systems). It is expected that Verizon and Frontier may also have telecommunications transmission lines in the area, but they have not disclosed locational information after multiple attempts at consultation. Further information regarding potential effects on communications infrastructure in the Facility Site is presented in Exhibit 20 (Effect on Communications).

According to the existing and proposed solar projects data obtained from NYSDEC (NYSDEC, 2021) and through local consultation, there is one existing community-scale solar project, the Madison County Solar Array, within the 5-mile Study Area at the Madison County Landfill 3.5 miles northeast of the Facility Site. The Madison County Solar Array is owned and operated by Solar Liberty® within the Town of Lincoln on Buyea Road and consists of a 2-megawatt (MW) 7,752-panel solar energy array. In addition, the Facility Site overlays the Fenner Wind Farm an existing 30 MW 20-turbine wind facility owned by Enel Green Power,

³ New York State Department of Environmental Conservation, Division of Mineral Resources. 2014. Oil & Gas Database. Available at: <https://gisservices.dec.ny.gov/gis/maw/>.

with wind turbines located between Colgrove Road and Fenner East Road within the Town of Fenner. Construction of the Fenner Windpower Project was completed in December 2001 (Fenner, 2019).

The Applicant has engaged with Enel Green Power since 2018 regarding the proposed co-location of Facility components on parcels leased by both entities, as well as coordinated on potential construction, operation and maintenance parameters. Consultations included in-person and virtual meetings, phone calls, and emails. Specifically, the Applicant and Enel Green Power have been working collaboratively on a cooperative agreement that would address co-located Facility components including the proposed Oxbow Hill collection substation and expansion of the existing Fenner Wind Farm substation; shared access roads and collection line corridors; shared maintenance areas for vegetation and snow removal; construction parameters; potential wind farm decommissioning activities; and site security such as fencing and gates. As a result of these consultations, the Applicant has designed the Facility in a manner that, wherever possible, would utilize shared access roads and already disturbed collection line corridors, setback Facility components outside of the turbine exclusion areas, and allow for the continued operation of the Fenner Wind Farm. The Applicant and Enel Green Power are still in discussions regarding the final details of the cooperative agreement. Appendix 2-C (Consultation Materials) has been provided which includes a table of correspondence between the Applicant and Enel Green Power. Collection line crossing details can be found in Appendix 5-B (Electrical Design & Substation Plan Drawings).

Hoffman Falls Wind LLC (Permit Application Number 23-00038) filed an Article VIII Application with the Office of Renewable Energy Siting (ORES) in February of 2024 for a proposed wind-powered electric generating facility with a capacity of up to 100 MW, located in the Towns of Fenner, Eaton, Nelson, and Smithfield, and the application is currently being reviewed for completeness. The Hoffman Falls Project is located south of, as well as shares a parcel with, the proposed Oxbow Hill Facility. The Applicant has engaged with the Hoffman Falls Wind Project owner, Hoffman Falls Wind LLC, a wholly owned subsidiary of Liberty Renewables Inc., since December of 2022 regarding the proposed location of Facility components. Specifically, the Applicant and Hoffman Falls LLC discussed the co-location of Facility components on a shared parcel (Parcel ID 79.-1-6.1), owned by Kenneth A Roberts. Consultations included virtual meetings, phone calls, and emails to discuss Facility component siting on this parcel to accommodate a collection line easement for the Hoffman Falls Wind Project running adjacent to a proposed Oxbow Hill Solar PV array. As a result of these consultations, Facility components for both Projects were sited in a manner that avoids conflicts. Supplemental Appendix 2-C (Consultation Materials) has been provided which includes a table of correspondence between the Applicant and Hoffman Falls Wind LLC.

As discussed above, the Applicant has consulted with and will continue consulting with owners of overhead and underground utilities within the Facility Site. Impacts to existing infrastructure within the Facility Site will be avoided through marking utility locations prior to construction and through coordination with the affected utilities to ensure construction and installation methods avoid any impacts to these existing utilities. To further minimize potential impacts to underground facilities, the Applicant will become a member of Dig Safely New York in accordance with Title 16 New York Codes, Rules and Regulations (NYCRR) Section 1100-6.4(f), as well as comply with 16 NYCRR Section 1100-6.4(g), to the extent applicable. Additional details regarding crossing or adjacent components are shown on the Design Drawings (Appendix 5-A). The

Applicant has entered into an interconnection agreement with National Grid, which is further described in Exhibit 21.

(f) Tax Parcel Map

Figure 3-5 illustrates all properties where Facility components will be located and all parcels within 1,000 feet of such properties. This map shows current land use based on the NYSORPS property class code, tax parcel number, and owner of record of each property. Parcel and land use data were obtained from Madison County in 2023 and the NYSORPS. Information regarding proposed land uses within the 5-mile Study Area is presented in Section (i).

(g) Zoning District Map

Zoning jurisdiction in Madison County is at the village and town level. Figure 3-6 illustrates existing zoning districts within the 5-mile Study Area. No proposed changes to existing zoning or overlay districts are known to the Applicant. A description of the permitted and prohibited uses within each zone is described below, based on data obtained from local governments. The Applicant has reviewed the zoning regulations for the towns, villages, and cities within the 5-mile Study Area, including Fenner, where the Facility is located, as well as the Towns of Cazenovia, Eaton, Lenox, Lincoln, Nelson, Smithfield, Stockbridge, and Sullivan; the Villages of Canastota, Cazenovia, Chittenango, and Wampsville; and the City of Oneida in Madison County. A summary of each municipality's zoning regulations is presented below, with a focus on the permitted and prohibited uses of those zoning districts located within the 5-mile Study Area. Note that the level of detail in these summaries varies based on the level of detail included in each municipality's zoning regulations. See Exhibit 24 (Local Laws and Ordinances) for additional details regarding zoning and local laws within the Town of Fenner.

Town of Fenner

The *Town of Fenner Land Use Regulations* were adopted in 1997 and include amendments through 2021. The Town is divided into three classes of districts: District A, the principal uses of which include single-family dwellings, two-family dwellings, modular dwellings, and farms; District B, the principal uses of which include those of District A and mobile dwellings on individual lots; and District C, the principal uses of which include those of District B, but also allows wind power facilities with a special permit. Within the Town of Fenner, parcels associated with the Facility Site are zoned as A, B, and C.

District A is primarily for one and two-family dwellings built on foundations, including modular dwellings, and farms and farm buildings for related agricultural activities. Permitted accessory uses include private garages; small customary accessory structures (such as tool houses, playhouses, and greenhouses), animal shelters for domestic pets and horses, other structures such as private swimming pools and fireplaces, customary buildings including roadside stands for the sale of seasonal produce and handmade items, and off-street parking. Uses requiring a special permit include multi-family housing, churches and places of worship, public and private recreation areas, public buildings, libraries, museums, schools, hospitals, nursing homes, colleges, home businesses, public utilities, flood hazard areas, more than two residential structures on farms, size-limited retail stores selling products grown, processed, and/or manufactured on the same

premises, and double wide mobile dwellings installed in accordance with construction specifications. All other uses in this district are prohibited.

District B is primarily for one and two-family dwellings built on foundations, including modular dwellings, and farms and farm buildings for related agricultural activities, and mobile dwellings on individual lots. Permitted accessory uses include those permitted in District A, home businesses conducted by residents, and accessory buildings necessary to primary use unrelated to separate businesses. Uses requiring a special permit include those listed for District A, mobile dwelling parks, retail and service establishments, day camps, vacation homes for pay, private clubs, seasonal camps, commercial outdoor recreation, and more than one residence structure on a lot for a farm. All other uses in this district are prohibited.

District C serves the same primary uses as District B and includes the same permitted accessory uses as District B. Uses requiring a special permit include those listed for District B and wind power electricity generation and transmission facilities. All other uses in this district are prohibited.

In addition, the Town of Fenner has adopted an amendment to The *Town of Fenner Land Use Regulations* with respect to Solar Energy Systems in 2021 (Local Law No. 2 of 2021, a local law to amend the Town of Fenner Land Use Regulations with respect to Solar Energy Systems (2021 Solar Law). According to the regulations, the Facility is defined as a “solar farm,” an area where the principal land use consists of a solar energy system or collection of solar energy systems. According to the amended town regulations, solar farms are prohibited. The regulations also invalidate permits or authorizations offered by local, state, or federal government which conflict with the Revised Town of Fenner Land Use Local Law. More information regarding the Facility’s consistency with the Town of Fenner’s Local Law is provided in Exhibit 24 (Local Laws and Ordinances).

Town of Cazenovia

The Town of Cazenovia zoning regulations were adopted in 1964 and include updates through 2022. A zoning map is publicly available on the Town of Cazenovia’s website. The Town of Cazenovia is divided into the following 10 districts: Rural A (RA), Rural B (RB), Lake Watershed and Riparian Corridor (LW&RC), Agriculture Overlay (AO), New Woodstock Hamlet Overlay (NWHO), New Woodstock Central Business Overlay (NWCBO), Commercial Overlay (COMO), Industrial Overlay (IO), Wellhead Protection Overlay (WPO), and Village Edge Overlay (VEO). No portions of the Facility Site are located within the Town of Cazenovia. However, RA, RB, and LW&RC zoning districts and AO, COMO, IO, WPO overlay districts are located within 5 miles of the Facility Site.

The RA District permits single-family or two-family dwellings, farming, home occupation in a principal residential structure, and residential accessory use. Uses requiring a special use permit in the RA zoning district include animal day care, kennel, or shelter, bed-and-breakfast, cemetery/crypt, educational facility, emergency service facility, family day-care home, government facility, private stable, golf course/country club, religious use, temporary use, veterinary practice, low-impact service business, and day-care center. All structures and uses in the district are subject to dimensional area and yard regulations.

The RB District permits business offices, continuing care and nursing homes, day-care centers, educational facilities, emergency service facilities, farming, funeral home/mortuaries, government facilities, home occupation in a previously existing principal residential structure, hospitals, clinics, health care, and medicinal offices, public utilities, publishing, scientific and technical services, and veterinary practices. Uses requiring a special use permit in the RB zoning district include: animal day care, kennel, or shelter, apartment complex and senior housing, assembly, fabrication, or packing of previously prepared materials, construction services, hotel and motel, light manufacturing, outdoor seating/assembly area, packaging of pharmaceutical and/or food products, private club, recreational and entertainment facility, religious use, self-storage, temporary outdoor sales, temporary use, vehicle sales and service, warehousing, art/athletic instruction studio, farm equipment sales and repair business, brewery, cidery, distillery, nursery or greenhouse, winery, horticulture, landscape business, garden center, florist operation, and luxury camping. All structures and uses in the district are subject to dimensional area and yard regulations.

The LW&RC District is intended to accommodate the same uses and permitted uses by special use permit as the RA and RB Districts. All structures and uses in the district are subject to dimensional area and yard regulations. Any proposed development must also comply with the Cazenovia Lakefront Development Guidelines.

The AO District permits farms, farming, and farm-related buildings used for the storage of farm products or equipment, forestry, lumbering, and reforestation, game farms, fish hatcheries, and fishing reserves, home occupation in a previously existing principal residential structure, manure storage facilities as associated with a farming operation, farm labor housing associated with a farming operation, no more than two single-family dwellings on a farming lot where the residents of such dwellings are related as family and at least one family member from such dwelling serves as farm labor or management, one or more single-family detached dwellings on separate lots approved pursuant to an open space/conservation subdivision review, wildlife sanctuaries, woodland preserves, arboretums, and temporary produce stands for the sale of agricultural products grown principally by the operator during the harvest season. Uses requiring a special use permit in the AO district include: agricultural composting, animal day care, kennel, or shelter, bed-and-breakfast, butcher/meat shop, commercial bakery in home, farm equipment and repair, migrant labor housing for more than one family, milk processing for on and off-farm milk, nurseries, lawn/landscape services, orchards, greenhouses, vineyards, parks, permanent produce stands for the sale of agricultural products grown principally by the operator during the harvest season, portable saw mill, public stable, veterinary practice, welding assembly, farm wineries, farm breweries, farm cideries, and farm distilleries. All structures and uses in the district are subject to dimensional area and yard regulations.

The COMO District permits assembly, fabrication, or packing of previously prepared materials, bed-and-breakfast, business office, cemetery/crypt, construction services, day-care center, educational facility, emergency service facility, family day-care home, funeral home/mortuary golf course/country club, government facility, horticulture, landscape service, garden center, florist operation, hospital, clinic, health care and medical office, packaging of pharmaceutical and/or food products, private club, public utility, publishing, recreational and entertainment facility, religious use, sawmill, scientific and technical services, self-storage, public stable, private stable, transportation, veterinary practice, and warehousing. Uses requiring a special use permit in the COMO district include animal day care, kennel, or shelter, hotel and

motel, outdoor seating/assembly area, restaurant, retail sales north of Route 20, temporary outdoor sales, brewery, cidery, distillery, nursery or greenhouse, and winery. All structures and uses in the district are subject to dimensional area and yard regulations.

The WPO District is intended to accommodate the same uses and permitted uses as the underlying districts. All structures and uses in the district are subject to control for impervious coverage and stormwater management standards.

The VEO District is intended to accommodate the same uses and permitted uses as the RA District with the same lot area and yard regulations when there is no proposal for connection to a public sewer or water system. Uses requiring a special use permit in the VEO district include: those permitted in the RA District, administrative and management services, apartment complex and senior housing, business office, continuing-care and nursing home, day-care center, extended-care facility, funeral home/mortuary, home occupation in a previously existing residential structure, hotel and motel, recreational and entertainment facilities, retail sales, brewery, cidery, distillery, nursery or greenhouse, and winery. All structures and uses in the district are subject to special lot area and yard regulations for parcels with public sewer and water connections.

All uses not listed are prohibited, but may be allowed, with site plan approval and a use variance.

Town of Eaton

Zoning regulations were adopted by the Town of Eaton in 1997 and were most recently updated in 2021. The current zoning map is available on the Town's website. Existing zoning within the Town of Eaton is divided into the following three districts: Agricultural/Residential/Commercial (ARC), Agricultural/Residential/Commercial 2 (ARC2), and Residential District 2 (RD2). No portions of the Facility Site are located within the Town of Eaton. However, the ARC zoning district is located within 5 miles of the Facility Site.

The purpose of the ARC district is to preserve farmland, provide for separate residences of all kinds, and to invite all other uses under certain controls. Permitted uses in this district include single family dwellings, two-family dwellings, multifamily dwellings, mobile dwellings, and farms. Building permits are required for residential and commercial construction projects.

Town of Lenox

Zoning regulations were adopted in the Town of Lenox in 1972 with updates through 2022. The current zoning map is available on the Town's website. The Town is divided into the following 13 districts: Residential, Low-Density (RA); Residential, Medium-Density (RB); Residential, High-Density (RC); Residential/Mobile Homes (RM); Agricultural (AG); Agricultural/Residential (AR); Business/Commercial, Neighborhood (BN); Business/Commercial, General (BG); Business/Commercial, Recreational (BR); Industrial/Manufacturing (IM); Conservation/Outdoor Recreation (CR); Major Highway (HY); and Planned Development (PD). No portions of the Facility Site are located within the Town of Lenox. However, the RA, RC, RM, AG, AR, BN, BG, IM, and CR zoning districts are located within 5 miles of the Facility Site.

The principal uses of the RA district include single-family dwellings, farms and farm buildings, orchards, nurseries, reforestation areas, municipal recreation areas including parks, playgrounds, and play fields, public buildings, libraries, museums, and public and nonprofit private schools. The following accessory uses are permitted in the RA district: private garages, customary residential storage structures, tool houses, playhouses, greenhouses, animal shelters for domestic pets of the household, other customary residential structures such as private swimming pools, fireplaces, trellises, lampposts and the like, customary farm buildings for the storage of products or equipment located on the same parcel as the principal use, off-street parking, and ground-mounted solar energy systems. Uses requiring a special use permit in the RA district include home occupations, churches and other similar places of worship, and education institutions. Subdivisions (RA2 and RA3 districts) to the RA district have been added for the purpose of accommodating existing subdivisions that do not and cannot conform to the specific requirements, especially where severe limitation to building construction and land use may be encountered.

The principal uses of the RC district include single-family dwellings, two-family dwellings, multifamily housing, municipal recreation areas including parks, playgrounds, and play fields, public buildings, libraries, museums, and public and nonprofit private schools. The following accessory uses are permitted in the RC district: private garages, customary residential storage structures, tool houses, playhouses, greenhouses, animal shelters for domestic pets of the household, other customary residential structures such as private swimming pools, fireplaces, trellises, lampposts and the like, customary farm buildings for the storage of products or equipment located on the same parcel as the principal use, off-street parking, and ground-mounted solar energy systems. Uses requiring a special use permit in the RC district include churches and other similar places of worship, hospitals, colleges, day-care facilities, nursing and convalescent homes, and education institutions. This district allows for higher population density than other districts because public water and public sewers have been installed.

The principal uses of the RM district include mobile homes on individual lots and municipal recreation areas including parks, playgrounds, and play fields. The following accessory uses are permitted in the RM district: private garages, customary residential storage structures, tool houses, playhouses, greenhouses, animal shelters for domestic pets of the household, other customary residential structures such as private swimming pools, fireplaces, trellises, lampposts and the like, customary farm buildings for the storage of products or equipment located on the same parcel as the principal use, off-street parking, and ground-mounted solar energy systems. Uses requiring a special use permit in the RM district include mobile home parks, churches, and education institutions. There are additional requirements for mobile home parks and double-wide dwellings.

The principal uses of the AG district include farms, including residence of the operator and related agricultural activities, orchards, horticulture, forestry, and non-intensive outdoor recreation. The following accessory uses are permitted in the AG district: customary farm buildings for the storage of products or equipment located on the same parcel as the principal use and ground-mounted solar energy systems. Uses requiring a special use permit in the AG district include public utility uses, stables, riding academies, excavation operations, roadside stands for the sale of on-premises agricultural produce, guest or vacation farms, private airstrips, pet cemeteries, home occupation, facilities used for centralized bulk collection,

storage and distribution of agricultural products to wholesale and retail markets, mobile homes, transmission towers, churches, education institutions, and solar farms.

The principal uses of the AR district include single-family dwellings, farms, including residence of the operator and related agricultural activities, orchards, horticulture, forestry, and non-intensive outdoor recreation. The following accessory uses are permitted in the AR district: customary farm buildings for the storage of products or equipment located on the same parcel as the principal use, customary residential storage structures, tool houses, playhouses, greenhouses, garages, and ground-mounted solar energy systems. Uses requiring a special use permit in the AR district include public utility uses, commercial stables, riding academies, excavation operations, roadside stands for the sale of on-premises agricultural produce, guest or vacation farms, airfields, pet cemeteries, campgrounds, churches and other similar places of worship, parish houses, convents, cemeteries, home occupation, mobile homes, education institutions, commercial designed build and/or manufactured storage units, and solar farms.

The principal uses of the BN district include retail stores, business offices, personal services, stores and shops, restaurants, banks and financial institutions, hospitals, veterinary hospitals, and funeral homes. The following accessory uses are permitted in the BN district: off-street parking, private or public garage space for storage of commercial vehicles, and ground-mounted solar energy systems. Uses requiring a special use permit in the BN district include hotels, motels, tourist homes, motor vehicle service and gas stations, other neighborhood retail business as recommended by the Planning Board, pet cemeteries, churches, and education institutions. Site plan approval by the Planning Board is required for all uses in this zone.

The principal uses of the BG district include shopping centers, including department stores and retail shops, retail stores, business offices, personal services, store and shops, restaurants, banks and financial institutions, hospitals, veterinary hospitals, funeral homes, public utility offices and stations, hotels, motels, tourist homes, office buildings for executive , engineering and administrative purposes, scientific or research laboratories, enclosed warehouse or wholesale use, enclosed service and repair shops, enclosed recreational business facilities such as movie theaters, bowling alleys, and skating rinks. The following accessory uses are permitted in the BG district: off-street parking, private or public garage space for storage of commercial vehicles, and ground-mounted solar energy systems. Uses requiring a special use permit in the BG district include outdoor recreation businesses, such a miniature golf, motor vehicle service and gas stations, public garages, motor vehicle repair shops, other neighborhood retail business as recommended by the Planning Board, pet cemeteries, kennels, transmission towers, churches, education institutions, and home businesses. Site plan approval by the Planning Board is required for all uses in this zone.

The principal uses of the IM district include office buildings for executive, engineering, and administrative purposes, scientific or research laboratories, enclosed manufacturing industries, enclosed warehouse or wholesale use, enclosed service and repair shops, enclosed industrial processes and services, freight or trucking terminal, contractor's yards, public garages, veterinary hospitals, and gravel mining quarries. The following accessory uses are permitted in the IM district: off-street parking, accessory buildings or uses customarily incidental to any permitted use and which are located on the same lot, and ground-mounted solar energy systems. Uses requiring a special use permit in the IM district include junkyards, automotive

dismantlers, kennels, transmission towers, churches, education institutions, and solar farms. Site plan approval by the Planning Board is required for all uses in this zone.

The principal uses of the CR district include farms, including residence of the operator and related agricultural activities, orchards, horticulture, forestry, non-intensive outdoor recreation, and golf courses. The following accessory uses are permitted in the CR district: customary farm buildings for the storage of products or equipment located on the same parcel as the principal use and ground-mounted solar energy systems. Uses requiring a special use permit in the CR district include single-family dwellings, open space recreation, seasonal housing, churches, and education institutions. There are additional agricultural operation regulations in this district.

No restricted uses are listed in the Town of Lenox Zoning Code.

Town of Lincoln

The *Town of Lincoln Land Management Law* was adopted by the Town Board of Lincoln in 1999, updated in its entirety in 2011, and most recently amended in 2021. A zoning map is included in the 2009 *Town of Lincoln Comprehensive Plan* and was updated in 2018. The Town is divided into the following four districts: Agricultural Residential 1 (AR-1), Agricultural Residential 2 (AR-2), Industrial-Commercial (I-C), and Neighborhood Commercial (N-C). No portions of the Facility Site are located within the Town of Lincoln. All zoning districts are located within 5 miles of the Facility Site.

The permitted uses of the AR-1 district include farms and farm buildings for related agricultural activities, one-family residential use, home occupation, one private garage, and one accessory building. The following uses require a Special Permit in the AR-1 district: hobby farm use, additional accessory buildings, religious institution, school, community center, hospital, recreation area, cemetery, public utility substation, bed-and-breakfast, no more than two residence structures in addition to the principal residence structure on farms only, and private communications towers. Except as specifically provided for, mobile dwellings are not permitted in this district. All other uses are prohibited in this district.

The permitted uses of the AR-2 district include farms and farm buildings for related agricultural activities, one-family and two-family residential use, home occupation, mobile dwellings, one private garage, one accessory building, hobby farm use, wildlife refuges, and private stables. The following uses require a Special Permit in the AR-2 district: additional accessory buildings, religious institution, school, hospital, cemetery, multiple dwellings, utility substation, private aircraft landing strips, recreation areas, private membership clubs, no more than two residence structures in addition to the principal residence structure on farms only, private communications towers, kennels and catteries, public stables, bed-and-breakfast, veterinary hospitals, community center and mobile dwelling parks. All other uses are prohibited in this district.

The permitted uses of the N-C district are the same as those in AR-1. Additional permitted uses require site plan review and approval by the Planning Board and include area-limited retail convenience store, area-limited personal service, area-limited business office or financial institution, area-limited restaurant, daycare, inns and bed-and-breakfast, area-limited health club, religious institution, community center, health clinic, area-limited private membership club, and area-limited off-site parking. The following uses require a Special

Permit in the N-C district: gasoline station, car wash, public garage, drive-in service, funeral home, accessory buildings, private communication towers, off-site parking, and utility substation. All other uses are prohibited in this district.

The permitted uses of the I-C district are the same as those in AR-2 and N-C. Additional permitted uses require site plan review and approval by the Planning Board and include salvage yard, quarry, commercial use, other commercial and industrial uses, off-site parking, private energy facility, public aircraft landing strips, commercial communication towers, enclosed manufacturing industries, enclosed warehouse or wholesale use, public utility, enclosed service and repair, machinery and transportation equipment, sales, service, and repair, enclosed industrial processes and service, freight or trucking terminal, contractor's yard, garage, gasoline stations, and car washes, parking, accessory building use, and research laboratories. All other uses are prohibited in this district.

Town of Nelson

The current *Town of Nelson Land Use and Development Law* was adopted in 2011 with updates through 2021. The current zoning map is available on the Town's website. Existing zoning within the Town of Nelson consists of the following six districts: Rural (R), Neighborhood (N), Nelson Corridor (NC), Erieville Hamlet (EH), Waterfront (WF), and Business Commercial (BC). No portions of the Facility Site are located within the Town of Nelson. However, the R, N, NC, and BC zoning districts are located within 5 miles of the Facility Site. The Town's zoning regulations do not list restricted uses for any district.

The permitted uses of the R district include agricultural use, one and two-family residential use, home occupation, minor, agricultural roadside stand, two accessory buildings, farm use, if larger than 5 acres, and private wind energy facilities. The following uses require a Special Permit in the R district: home occupation major, wildlife refuge, stable, additional residential accessory buildings, religious institution, school, community center, hospital, private club, membership clubhouse, recreation area, cemetery, quarry, kennels, veterinary hospitals, campgrounds, more than one residential dwelling for family members and/or hired help on premises devoted to agricultural use, retail sales, farm use if under 5 acres, utility electric substation, bed-and-breakfast, commercial wind energy facility, aircraft landing strips, mobile home park, mobile home for housing of employees of agricultural operation.

The permitted uses of the N district include agricultural use, one-family residential use, home occupation, minor, two accessory buildings, and farm use, if larger than 5 acres. The following uses require a Special Permit in the N district: additional residential accessory buildings and two-family residential use.

The permitted uses of the NC district include one and two-family residential use, one accessory building, and home occupations, minor. The following uses require prior site plan approval by the Planning Board and the issuance of a Building Permit by the Code Enforcement Officer: bed-and-breakfast, area-limited retail stores, diners, restaurants, personal service establishments, professional service offices, religious institutions, and single-family dwellings in the same building. The following uses require a Special Permit in the NC district: convenience stores, automotive, farm machinery and recreational vehicle sales, service, and repair, light industrial uses, multiple family dwellings, one additional residential accessory building, home occupation, major, and recreation facility.

The permitted uses of the BC district require prior site plan approval by the Planning Board and the issuance of a Building Permit by the Code Enforcement Officer and include enclosed manufacturing industries, enclosed warehouse or wholesale use, public utility, vehicle sales, service and repair, machinery and transportation equipment, sales, service, and repair, enclosed industrial process and service, research laboratories, retail shops, retail stores, diners, restaurants, personal service establishments, professional services offices, convenience stores, automotive, farm machinery and recreational vehicle sales, service and repair, light industrial uses, multiple family dwellings, private and commercial wind energy facilities, and recreational facilities.

Town of Sullivan

Zoning regulations were adopted in the Town of Sullivan in 1979 with updates through 2022. The current zoning map is available on the Town's website. The Town is divided into the following eight districts: Agricultural (A), Low Density Residential (LR-40), Medium Density Residential (MR-12), Business (B), Industrial (I), Planned Development District (PDD), Manufactured Home Park District (MHPD), and Resource Management (RM). No portions of the Facility Site are located within the Town of Sullivan. However, the A, LR-40, B, and I zoning districts are located within 5 miles of the Facility Site.

The principal uses of the LR-40 district include one-family dwellings, two-family dwellings, and farm-related structures. Uses requiring a special use permit in the LR-40 district include medical facilities, multiple-family dwellings, orphanages, and accessory buildings. The Town's zoning regulations do not list any restricted uses.

The principal uses of the A district include those in the LR-40 district, agricultural, and agricultural associated low-impact storage/warehousing. Uses requiring a special use permit in the A district include medical facilities, multiple-family dwellings, orphanages, accessory buildings, tourist homes, veterinary, cemetery, hotel/motel, club, motor vehicle wrecking yard, riding stable, mobile dwellings for farm use, low-impact tree service businesses, and kennels. The Town's zoning regulations do not list any restricted uses.

All uses in the B district require a special use permit and include those in the LR-40 district, retail establishments, personal services, restaurants, professional offices, fast food restaurants, funeral homes, motor vehicle sales and service, gasoline stations, and kennels. The Town's zoning regulations do not list any restricted uses.

All uses in the I district require a special use permit and include those in the B district, agriculture, industrial, lumberyard, wholesale, laundry, and oil/gas storage. The Town's zoning regulations do not list any restricted uses.

Town of Smithfield

The Town of Smithfield has adopted a Building and Development Control Local Law, originally adopted in 1992. The Building and Development Control Local Law provides for the orderly growth of the Town, to encourage the most appropriate use of land, to promote compatible land uses, to protect and conserve the value of property, to prevent the overcrowding of land, and to promote the health, safety and general welfare of the public. The law does not provide for zoning districts but does regulate certain uses within the

town. Permitted uses in the town include, single family dwellings, farms and farm buildings, orchards, tree and plant nurseries, municipal buildings, parks, libraries, museums, schools and churches. Special Use Permit uses include, multifamily dwellings, all commercial uses, all industrial uses, and private clubs.

The Town's zoning regulations did not list any restricted uses.

No portions of the Facility Site are located within the Town of Smithfield. However, the Town is located within 5 miles of the Facility Site.

Town of Stockbridge

Zoning regulations were adopted in the Town of Stockbridge in 1989 with updates through 2003. The current zoning map is on file on the Town's website. The Village is divided into the following 3 districts: Residential (RD), Agricultural-Residential Commercial (ARC), and an Aquifer Protection Overlay (AP). No portions of the Facility Site are located within the Town of Stockbridge. However, the RD and ARC zoning districts are located within 5 miles of the Facility Site.

The principal uses of the RD district include single family housing, two family housing, accessory structures, and farms and farm buildings already present. Uses requiring a special use permit in the RD district include multifamily housing, cluster developments, planned developments, religious institutions, public recreation areas, public buildings, schools, medical facilities, post-secondary educational institutions, offices, public utility uses, and wind power facilities. The Town of Stockbridge's zoning regulations do not state restricted uses for this district.

The principal uses of the ARC district include all RD uses as well as farms, farm buildings, and accessory structures. Uses requiring a special use permit in the ARC district include those permitted in RD districts as well as animal housing, mobile home lots, businesses and industrial establishments, and commercial outdoor recreation facilities. The Town of Stockbridge's zoning regulations do not state restricted uses for this district.

Village of Canastota

Zoning regulations were adopted in the Village of Canastota in 1976 with updates through 2021. The current zoning map is on file at the Village Clerk's office. The Village is divided into the following 15 districts: Planned Development (PD), Agricultural (AG), Residential 1 (R1), Residential 2 (R2), Multiple Residential (RM), Commercial (CM), Industrial (IN), Mobile Home (MH), Floodway (FW-1), Floodway Fringe Over-Zone (FF-O), Historic Preservation (HP), Mobile Home Park/Development (MH-P), Industrial Park Development A (INP-A), Industrial Park Development B (INP-B), and Mixed Use Industrial Residential (MUIR). No portions of the Facility Site are located within the Village of Canastota. However, the INP-A, INP-B, CM, R1, R2, IN, and AG zoning districts are located within 5 miles of the Facility Site.

The principal uses for the INP-A district include industrial facilities, warehouses and wholesale businesses, public utilities, and offices associated with the listed uses.

The principal uses for the INP-B district include those permitted in the INP-A district, as well as retail sales as accessory uses to those listed as principal uses.

The principal uses for the CM district include retail stores and services, personal services, business offices, restaurants and bars, hotels and motels, indoor recreation facilities, religious institutions, community centers, dormitories, clubs, mortuaries and funeral homes, parking, and accessory uses. Uses requiring a special use permit in the CM district include motor vehicle sales, drive-in service, public utilities, other commercial uses, bachelor apartments, and solar farms.

The principal uses for the R1 district include single-family dwellings, schools, religious institutions, community centers, and accessory uses. Uses requiring a special use permit in the R1 district include home occupations, professional office-residences, public utilities, outdoor recreation facilities, savings and loan associations and banks, not-for profit, community-oriented services, and two-unit homes.

The principal uses for the R2 district include single-family dwellings, two-family dwellings, schools, religious institutions, community centers, and accessory uses. Uses requiring a special use permit in the R2 district include two-unit townhouses, home occupations, professional offices, public utilities, outdoor recreation facilities, bachelor apartments, savings and loan associations and banks, funeral homes, and adult day cares.

The principal uses for the IN district include industrial facilities, enclosed warehouses or wholesale facilities, public utilities, service and repair facilities, machinery and transportation equipment, sales, service and repair facilities, produce packaging facilities, freight or trucking terminals, contractor's yards, public garages, parking facilities, and accessory uses. Uses permitted under a special use permit include car washes, retail stores and services, business offices, restaurants and bars, hotels and motels, religious institutions, community centers dormitories, clubs, mortuaries and funeral homes, indoor recreation facilities, other industrial uses, and solar farms.

The principal uses for the AG district include agricultural uses, single-family dwellings, two-family dwellings, schools, religious institutions, community centers, hospitals, clubs, wildlife refuges, stables, parking facilities, enclosed storage facilities, and accessory uses. Permitted uses under a special use permit in the AG district include home occupations, professional residence-offices, public utilities, and quarries.

Landfills and living spaces in basements of multi-family dwellings are prohibited in all districts. Ground mounted solar energy systems are prohibited in all other districts not specified.

Village of Cazenovia

Zoning regulations were adopted in the Village of Cazenovia in 1993 with updates through 2019. The current zoning map is available on the village's website. The village is divided into the following 17 districts: Conservation Area (AC), Residential (R-30), Residential (R-20), Residential (R-10), Residential (R-6), Residential Multifamily (RM), College 1 (C-1), College 2 (C-2), General Business 1 (B-1), General Business (B-2), Village Edge North (VEN), Village Edge South Residential (VES-R), Village Edge South Mixed Use (VES-MU), Western Gateway (WG), Light Manufacturing (LM), Planned Development (PD), Creekside Development (CD), and Historic (HPO) and Wellhead Protection (WPO) overlay districts. No portions of the Facility Site are located within the Village of Cazenovia. However, the AC, R-30, R-20, R-10, R-6, RM, C-1, C-2, B-1, B-2, VEN, VES-R, VES-MU, LM, PD, and CD zoning districts as well as HPO and WPO overlay districts are located within 5 miles of the Facility Site.

The principal uses of the AC district include agriculture, public outdoor recreation, wildlife refuges, cemeteries, and accessory buildings. Uses requiring a special use permit in the AC district include religious institutions, schools, and post-secondary educational institutions, community centers, and private clubs.

The principal uses of the R-30 district include one-family dwellings and accessory structures. Uses requiring a special use permit in the R-30 district include bed-and-breakfasts, group residences, private and public schools, religious facilities, public outdoor recreation, post-secondary educational institutions, community centers, owner-occupied and non-owner-occupied transient occupancy lodging.

The principal uses and those requiring a special use permit of the R-20 district include those in the R-30 district.

The principal uses and those requiring a special use permit of the R-10 district include those in the R-30 district.

The principal uses and those requiring a special use permit of the R-6 district include those in the R-30 district.

The principal uses of the RM district include one-family dwellings, two-family dwellings, multifamily dwellings, and accessory buildings. Uses requiring a special use permit in the RM district include medical facilities, clubs, public and private schools, public and private outdoor recreation, indoor recreation, community centers, funeral homes, religious facilities, post-secondary educational institutions, day-care facilities, group residences, bed-and-breakfasts, and owner-occupied and non-owner-occupied transient occupancy lodging.

The permitted uses of the C-1 district require site plan approval by the Planning Board and include religious facilities, post-secondary educational purposes, and public and private schools.

The permitted uses of the C-2 district require site plan approval by the Planning Board and include religious facilities, post-secondary educational purposes, and public and private schools.

The permitted uses of the B-1 district include retail businesses, offices, restaurants, taverns, motels and hotels, indoor recreation, community centers, and clubs. Uses requiring a special use permit in the B-1 district include parking facilities, bank facilities, medical facilities, dwellings, and animal day care facilities.

The permitted uses of the B-2 district include offices, warehouses and service businesses, retail businesses, utility structures, restaurants, motels and hotels, public outdoor recreation. Uses requiring a special use permit in the B-2 district include convenience stores, car washes, establishments with drive-in facilities, parking facilities, multifamily dwellings, private outdoor recreation, indoor recreation, medical facilities, community centers, clubs, animal day care facilities, and owner-occupied and non-owner-occupied transient occupancy lodging.

The permitted uses of the VEN district may be subject to Planning Board and/or Historic Preservation Commission review and include one family dwellings, two family dwellings, and accessory structures. Uses

requiring a special use permit in the VEN district include establishments with drive-in facilities, vehicles servicing facilities, multifamily dwellings, convenience stores, car washes, animal care facilities, planned developments, and owner-occupied and non-owner-occupied transient occupancy lodging.

The permitted uses of the VES-R district include one family dwellings, two family dwellings, residential accessory structures, and multifamily dwellings. Uses requiring a special use permit in the VES-R district include religious institutions, bed-and-breakfasts, public outdoor recreation, educational facilities, and owner-occupied transient occupancy lodging.

The permitted uses of the VES-MU district include day-care centers, offices, hotels and motels, nurseries and greenhouses, restaurants, retail businesses, theaters, multifamily dwellings, residential accessory structures, senior care facilities, fitness centers and spas, education facilities, libraries, lodges and clubs, religious institutions, and medical centers. Uses requiring a special use permit in the VES-MU district include light manufacturing, retreats or conference centers, indoor recreation, public outdoor recreation, establishments with drive-in facilities, and owner and non-owner-occupied transient occupancy lodging.

The permitted uses of the LM district include offices, light manufacturing, motor vehicle services, accessory buildings, and public outdoor recreation. Uses requiring a special use permit in the LM district include private outdoor recreation, indoor recreation, and adult businesses.

Uses requiring a special use permit in the CD district include offices, multifamily dwellings, medical facilities, senior care facilities, museums, community centers, outdoor public recreation, conservation areas, and owner and non-owner-occupied transient occupancy lodging.

The permitted uses of the PD district will be compatible with existing and allowed uses in adjacent districts. Combinations of uses are permitted, excluding those uses that are prohibited in adjoining districts.

To create areas within an HPO district, the Cazenovia Preservation/Architectural Review Committee may recommend to the Village Board and Planning Board the designation of individual or groups of properties as historical landmarks meeting designations for landmarks.

WPO districts are limited to areas in which contaminants are likely to move towards and reach water wells operated by the Village of Cazenovia. Restricted uses in WPO districts include airports, bulk water facilities, vehicle washing facilities, cemeteries or crematories, commercial nurseries, concentrated animal feeding operations, convenience stores, cleaning and servicing of industrial containers, facilities with exterior storage or loading/unloading of hazardous substances, fleet storage areas, fuel oil dealers, golf courses, high intensity uses as defined in the Town's Zoning Law, industrial or manufacturing facilities, laundry or cleaning services, junkyards or vehicle salvaging/recycling facilities, maintenance and repair shops, marina or boat service facilities, motor freight transportation, motor vehicle service or commercial garages, municipal facilities, municipal or industrial sewage treatment facilities, pest control services, pet cemeteries or crematories, pipelines that carry petroleum (other than natural gas), quarries, coal stores, manure stores, surface land application of sewage, oil/gas wells, and any use that involves on-site disposal of solid or hazardous waste.

All uses not outlined in a zoning district, including that subject to Planning Board approval, are prohibited.

Village of Chittenango

Zoning regulations were adopted in the Village of Chittenango in 1990 with updates through 2021. The current zoning map is available online. The village is divided into the following nine districts: Special Residential (SR), Low-Density Residential (LR), Medium-Density Residential (MR), High-Density Residential (HR), General Business (GB), Special Business (SB), Light Industrial (LI), Downtown Design Overlay (DDOD), and Gateway Design Overlay (GDOD). No portions of the Facility Site are located within the Village of Chittenango. However, the LR zoning district is located within 5 miles of the Facility Site.

Permitted uses in the LR district include single family dwellings, residential storage structures and religious institutions. Uses requiring a special use permit in the LR district include private recreation facilities and home occupations. Automobile wrecking yards, other junkyards, and dog kennels are prohibited in this district.

Village of Wampsville

Zoning regulations in the Village of Wampsville were updated in their entirety in 2021. The current zoning map is available on the Village of Wampsville's website. The village is divided into the following nine districts: One and Two Family Residential (R-30), One Family Residential (R-20), Commercial (C), Village Center (VC), Industrial (Ind.), Agricultural (A-1), Mobile Home Park (M), Neighborhood/Commercial (NC), and a Multi Family Overlay (M-F). No portions of the Facility Site are located within the Village of Wampsville. However, the A-1 zoning district is located within 5 miles of the Facility Site.

The permitted uses of the A-1 zoning district include one family detached dwellings, farms and farm structures, roadside stands, private swimming pools, and accessory uses and structures.

Uses requiring a special use permit in the A-1 district include nursery schools, religious institutions, libraries, cemeteries, community centers, golf courses, stables, riding academies, accessory farm help housing, mobile homes, bed and breakfasts, schools, parks, playgrounds, recreation areas, and ground-mounted solar energy systems. All other uses are prohibited.

In addition, the Village of Wampsville has adopted an amendment to the Zoning Law and Subdivision Regulations specifically citing solar energy facilities. According to the regulations, the Facility is defined as a "solar farm," an area where principal land use consists of converting solar energy to electricity through photovoltaics. According to the amended town regulations, solar farms are allowed in the A-1 district, subject to issuance of a building/zoning permit, site plan application, and special issue permit by the Planning Board.

City of Oneida

The City of Oneida adopted zoning regulations in 1979 with amendments through 2021. The current zoning map is on file in the office of the County Clerk. The city is divided into the following 10 districts: Agricultural (A), Residential-1 (R-1), Residential-2 (R-2), Residential-3 (R-3), Neighborhood Commercial (N-C), Downtown Commercial (D-C), General Commercial (C), Community Services (C-S), Light-Industrial (L-I), and

Manufacturing Industrial (M-I). No portions of the Facility Site are located within the City of Oneida. However, C-S and R-1 zoning districts are located within 5 miles of the Facility Site.

Permitted uses in the C-S zoning district include business offices, cultural facilities, dry-cleaning services, financial institutions, funeral homes, government structures, hospitals, hotels, medical facilities, open spaces and greenways, personal care services, offices, and retail establishments.

Uses requiring a special use permit in the C-S district include day care facilities, animal hospitals, bed-and-breakfasts, religious institutions, community centers, community residential centers, drive-through facilities, entertainment facilities, large-scale solar systems, laundromats, membership clubs, nursing homes, parking lots, public utility facilities, public and private recreational facilities, restaurants, and public and private schools.

All other uses are prohibited in the C-S district.

Permitted uses in the R-1 zoning district include single family dwellings, government structures, and open spaces and greenways.

Uses requiring a special use permit in the R-1 district include religious institutions, community centers, public utility and recreational facilities, and public and private schools.

All other uses are prohibited in the R-1 district.

(h) Comprehensive Plans

The proposed Facility was reviewed for consistency with existing comprehensive plans adopted by municipalities where Facility components are located. As previously stated, all Facility components are located within the Town of Fenner, Madison County, New York. The Town of Fenner has adopted a comprehensive plan, and Madison County has adopted an economic development strategy. These plans and the Facility's consistency with each plan are discussed in detail below.

Town of Fenner Comprehensive Plan Adopted 2023⁴

The Town of Fenner's 2023 Comprehensive Plan (available in Appendix 3-A) was prepared by the Comprehensive Plan committee with guidance from the Madison County Planning Department who determined an updated plan to be in the best interest of the Town. The 2023 plan was developed to review and analyze published data regarding land use, population, and demographic trends to compile a factual basis for potential recommendations that would preserve the rural and scenic character of the township.

The Town of Fenner Comprehensive Plan was adopted in 2023. The plan includes in-depth goals, objectives, and actions for anticipated future commercial renewable energy development, including a goal for adopting a solar ordinance that creates local guidelines for the siting of commercial/large-scale solar facilities.

⁴ The Town of Fenner Comprehensive Plan can also be found at:
http://www.townoffenner.com/uploads/4/4/3/3/44331881/fenner_2010final_comprehensive_plan.pdf

To achieve the overarching goal stated within the Comprehensive Plan of preserving the rural and scenic character of the township while enhancing the quality of residential and agricultural life in the town, the town identified a number of actions and goals including the following:

- Ensure that town regulations guide the siting process to encourage the preservation of farmland and agricultural uses.
- Work with solar developers to use co-utilization technology to produce both energy and farm products like grain and corn.
- Provide local renewable energy regulations to ensure the safety of residents and the environment are met and to preserve the rural and scenic character.
- Create solutions that provide compensation to residents for electricity produced by potential large-scale commercial solar in the town.
- Consider revisions of zoning provisions to promote on-farm alternative and supplemental agricultural business enterprises to support the rural economy.

The proposed Facility is consistent with the intent of the actions and policies stated above as it would preserve farm and agricultural uses by promoting on-farm alternative business enterprises by providing supplemental income to local farmers through lease payments to continue agricultural production on other lands. These lease payments, as well as the payments provided to the Town in lieu of taxes, would support the overall rural economy (see Exhibit 18 for discussion of socioeconomic effects). In addition, the proposed Facility has developed a Site Security Plan (Appendix 6-A) and Safety Response Plan (Appendix 6-B) to ensure the safety of residents throughout operation of the Facility. The Applicant is also exploring options of agricultural co-utilization (see Appendix 15-C) to produce both energy and farm products. Lastly, the Facility is not expected to negatively impact a significant amount of agricultural land in the Town or regionally (see Exhibit 15 for a discussion of agricultural resources). Moreover, the Facility has been designed to comply with the Article VIII regulations and Uniform Standards and Conditions (USCs). The USCs ensure that potential adverse environmental impacts are avoided and minimized to the greatest extent practicable, including agricultural impacts, thus balancing the need for renewable energy facilities while protecting farmland.

Several landowners participating in the Project have explained to the Applicant that lease payments will make existing agricultural operations on remaining land less onerous. These lease payments will enable the landowners to continue or experiment with new agricultural operations on other lands outside the Facility Site, as identified through agricultural landowner surveys and further described in Exhibit 15. Agricultural lands within the Facility Site will be able to return to their current agricultural use following decommissioning and restoration of the site at the end of the useful life of the Facility (approximately 40 years). Further information regarding potential agricultural impacts is provided in Exhibit 15.

2013 Madison County Comprehensive Economic Development Strategy⁵

The 2013 Madison County Comprehensive Economic Development Strategy (MCCEDS) established an overarching goal necessary to address the economic problems and capitalize on the resources of the region. This goal is as follows:

- Madison County must direct its efforts to the growth of a diverse economic base that will provide employment opportunities for a broad cross section of citizens across the entire county.

The MCCEDS identifies a broad set of recommendations and strategies to fulfill this goal including a business attraction strategy to, “develop a target industry business recruitment plan based in part on certain industry sectors and employment clusters that currently exist in CNY, including renewable energy...” Further, the MCCEDS explicitly mentions renewable energy as a target industry. The energy section of the plan also states that, “the development of alternative fuel sources whose costs are less volatile and impacts on the environment less intrusive can be a spur to economic development.” The proposed Facility would be consistent with the overarching goal of the MCCEDS, as well as the business attraction and energy recommendations, because it brings a target industry into the County and its associated socioeconomic benefits. Based upon Job and Economic Development Impact photovoltaics model (Release Number: PV05.20.21) computations, it is anticipated that construction of the proposed Facility will generate employment of an estimated 332 full time employees onsite Project Development and Onsite Labor positions for New York State residents, 248 of which will be for Construction and Installation Labor and 84 of which will be Construction-Related Services. Exhibit 18 details further information on the socioeconomic benefits provided by the Project.

(i) Map of Proposed Land Uses

The Applicant has identified proposed land uses within the 5-mile Study Area through discussions and consultation with State and local planning officials (including the Town of Fenner and Madison County) and through conducting a review of Town meeting minutes within the Study Area. In addition, municipalities within the 5-mile Study Area were sent a consultation letter with copies provided to the Town Supervisor/Village Mayor, and Code Enforcement Officer of each municipality, requesting local feedback regarding any proposed land uses in the vicinity of the proposed Facility.

Figure 3-7 illustrates all publicly known proposed land uses within the 5-mile Study Area.

In a meeting with the Town of Fenner, the Town informed the Applicant of the recently approved Cody Road Wind Farm located at 3633 Cody Road in the Town of Cazenovia. In addition, a response from the City of Oneida was received on August 31, 2023, indicating a proposed renewable land use project under review consisting of a community wind facility consisting of one turbine using less than 5 acres. The Village of Cazenovia also responded to the land use consultation letter to inform the Applicant of two housing developments approved within the 5-mile Study Area, the Burke Meadows housing development and the

⁵ The 2013 Madison County Comprehensive Economic Development Strategy can be found at: <https://www.madisoncounty.ny.gov/DocumentCenter/View/897/2013-Economic-Development-Strategy-for-Madison-County-PDF>

Cazenovia Barns Apartment Complex. Both projects are currently in the construction phase. Also currently proposed in Cazenovia is a mixed use residential/retail redevelopment project that is under preliminary review located at 99 and 103 Albany Street. As of the date of this Application, no other Towns or Villages have provided a response to the letter. The above correspondence is included in Appendix 2-A on local consultations.

The Applicant's review of publicly available meeting minutes for local planning and zoning board meetings for the Towns and Villages in the 5-mile study area also identified potential new land use plans which might warrant consideration in this Application. The most recent six months of meeting minutes were reviewed, to the extent available, for references to large development projects, residential subdivisions or other land use projects of note. A total of nine proposed development projects were identified through this review (see Table 3-1). Proposed land uses are shown as points, or by the property level, on Figure 3-7 where locational information was publicly available.

Table 3-1. Proposed Land Uses within 5-Miles of the Facility Site

Assigned Map ID	Municipality	Proposed Use	Status Identified in Meeting Minutes
0	Village of Cazenovia	Burke Meadows Housing Development	Proposed
1	Village of Cazenovia	Cazenovia Barns Apartment Complex	Proposed
2	Town of Cazenovia	Solar Farm	Proposed
3	Town of Cazenovia	Self Storage Expansion	Proposed
4	City of Oneida	Wind Turbine	SEQRA Review
5	Town of Sullivan	Solar Farm	SEQRA – Negative Declaration
6	Towns of Fenner, Nelson, Eaton, and Smithfield	Hoffman Falls Wind Energy Project	Article VIII Permitting Process
7	Town of Fenner	Cody Road Wind Farm	Approved by the Town
8	Town of Cazenovia	Mixed Uses Residential/Retail Redevelopment Project	Proposed

The Applicant examined NYSDEC data on installed and proposed utility-scale solar projects to estimate potential land use changes from projects like the Fenner Wind Farm (NYSDEC, 2021). The NYSDEC maintains a database of existing and proposed solar projects across New York State by cataloging project review requests submitted to the New York Natural Heritage Program (NYNHP). The database records provide a

relatively complete inventory of projects across New York; however, the database contains duplicate data for projects that have submitted multiple review requests to the NYNHP and the project footprints (i.e., areal extent) are not current in most cases. The other limitation of the project records in this database is that they do not necessarily indicate the current project status for many solar projects. However, it is the only centralized source of solar project information in the state. In addition, the Applicant reviewed utility-scale renewable energy project locations documented by the New York State Department of Public Service (NYSDPS) or ORES for which a case number has been issued in the analysis. Hoffman Falls Wind (Permit Application Number 23-00038) filed an Article VIII Application with ORES in February of 2024, and the application is currently being reviewed for completeness.

There are two known constructed energy facilities that are operational within 5-miles of the Facility Site which include the Fenner Wind Farm in the Town of Fenner and the Madison County Solar Array, in the Town of Canastota. The Fenner Wind Farm has a generating capacity of 30 MW and is co-located with the proposed Oxbow Hill Solar Project. The Madison County Solar Array referenced in the NYSDEC database, is approximately 3.5 miles northeast of the proposed Facility Site. The generating capacity of the array is 2-MW. The Cody Road Wind Farm is the only proposed renewable energy project recently approved that is yet to be constructed within the 5-mile Study Area. The generating capacity of the Facility is approximately 12.6 MW.

The Applicant performed an analysis of the existing/approved renewable energy projects within the 5-mile Study Area to examine the comparative land use impact potential (see Table 3-2) with the proposed Facility. The 2021 National Land Cover Database (NLCD) was queried to determine the approximate land uses present within the project area for existing and proposed facilities. The analysis determined that the existing/approved renewable energy projects occupy approximately 3.92% of the 5-mile Study Area. This includes approximately 1.59% of lands classified as cultivated crops, 1.14% of forestland, 0.89% of pasture and hay lands, 0.11% of wetlands and other vegetative communities, and 0.11% developed lands (USGS, 2021).

The Oxbow Hill Solar Facility Site has been proposed on approximately 1.93% of the 82,826.8-acre 5-mile Study Area. This includes approximately 0.81% of lands classified as cultivated crops, 0.05% of developed lands, 0.54% of forested communities, 0.45% of pasture/haylands, and 0.05% of wetlands and other vegetative communities (USGS, 2021). These land use types are prevalent throughout the 5-mile Study Area. The greatest impact to land use is related to cultivated croplands, which are primarily classified as row crops of corn and soybeans (USDA, 2021). These crop cover types are prevalent regionally and throughout New York State, and therefore no significant impact to land use is anticipated. Impacts to agricultural lands are further discussed in Exhibit 15.

Table 3-2. Land Use Associated with Renewable Energy Projects Within 5 miles

Project Name	Proposed Generating Capacity (MW) ¹	Current Permitting Phase	Town	County	Approximate Facility Site (Acres) ¹	Developed Lands within Facility Site (Acres) ^{1,2}	Cultivated Crop Lands within Facility Site (Acres) ¹	Pasture and Hay Lands within Facility Site (Acres) ¹	Forestland within Facility Site (Acres) ^{1,4}	Wetland and Other Vegetative Communities within Facility Site (Acres) ^{1,3,5}
Oxbow Hill Solar	140	Article VIII Pre-Application	Fenner	Madison	1,600.4	43.3	670.2	369.5	444.5	44.4
Fenner Wind Farm	30	Constructed, in operation	Fenner	Madison	1,487.0	43.3	629.6	334.7	409.1	36.7
Cody wind Farm	10	Approved locally	Fenner	Madison	91.7	1.4	0	19.4	62.7	2.2
Madison County Solar Array	2	Constructed, in operation	Canastota	Madison	69.3	1.3	17.0	14.1	25.2	9.6
Percentage of 5-Mile Study Area					3.92%	0.11%	1.59%	0.89%	1.14%	0.11%

1. As identified in the NYSDC dataset or publicly available documents for each project or calculated by the Applicant.

2. Includes developed land classes of open space, low, medium, and high intensity (NLCD, 2021).

3. Includes grassland/herbaceous, shrub/scrub, and emergent herbaceous wetlands (NLCD, 2021).

4. Includes deciduous forest, woody wetlands, mixed forest, and evergreen forest (NLCD, 2021).

5. Includes open water (NLCD, 2021).

(j) Map of Specially Designated Areas

Figure 3-8 illustrates specially designated areas, including designated agricultural districts and flood-prone areas within the 5-mile Study Area. Table 3-3 summarizes the sources of data used to prepare this map and whether the specially designated areas listed in the Article VIII regulations are found within the 5-mile Study Area. Within the 5-mile Study Area, there are Federal Emergency Management Agency (FEMA) 100-year flood zones, agricultural districts, and numerous waterways. Located in the southwest corner of the 5-mile Study Area is a critical environmental area.

Table 3-3. Sources of Data Used to Prepare Mapping of Specially Designated Areas

Mapping Requirement	Source	Specially Designated Area Present within 5-mile Study Area
Designated coastal areas	NYS GIS Clearinghouse, NYS Department of State	No
Inland waterways	NYS GIS Clearinghouse, NYS Department of State	Yes (See Figure 3-8)
Local waterfront revitalization program areas – approved plans	NYS GIS Clearinghouse, NYS Department of State	No
Groundwater management zones	NYS GIS Clearinghouse	No
Agricultural districts	NYS GIS Clearinghouse	Yes (See Figure 3-8)
Flood hazard areas	NYS GIS Clearinghouse, FEMA	Yes (See Figure 3-8)
Critical Environmental Areas	NYSDEC	Yes (See Figure 3-8)
Coastal Erosion Hazard Areas	NYSDEC	No

There are no designated coastal areas or erosion zones, groundwater management zones, or local waterfront revitalization program areas within the 5-mile Study Area (NYSDEC 2016a). According to the FEMA Flood Map, several Flood Zone A areas are within the 5-mile Study Area.

The New York Coastal Management Program (CMP) was approved by the National Oceanic and Atmospheric Administration (NOAA) in 1982 as part of the state's participation in the Coastal Zone Management Act (CZMA) of 1972. The CZMA was developed to address development in coastal areas and to increase state involvement in comprehensive coastal planning and protection. The CZMA and associated programs are administered through NOAA. Inland waterways, which are designated through the NYS CMP, include the state's major inland lakes and rivers. Local municipalities that exist along a designated inland waterway or coastal area may participate in the CMP by voluntarily preparing and adopting a Local Waterfront Revitalization Program (LWRP). The LWRP is a planning document outlining how the municipality will adhere to and implement the goals of the CMP within their coastal zone boundary, or beyond. The LWRP is also meant to be used as a plan to guide development and revitalization efforts in participating communities. The Town of Clay has the closest LWRP to the proposed Facility (NYSDOS, 2019). It is located approximately 20 miles to the northeast of the Facility Site. The Town of Clay LWRP is a locally prepared comprehensive land and water use plan for the Town's natural, public, and developed waterfront resources along the Seneca River, Oneida River, and Erie Canal (NYSDOS, 2013). Exhibit 13 provides further information regarding surface waters and potential impacts from the Facility.

Figure 3-8 depicts agricultural district land within and adjacent to the Facility Site. Approximately 1,112 acres (70%) of parcels in the Facility Site are enrolled in a New York State Certified Agricultural District, established pursuant to Article 25-AA of the New York Agriculture and Markets Law. Within 5-miles of the Facility, approximately 41,659 acres of land are enrolled in an agricultural district, or approximately 52% of all lands within the Study Area. The purpose of agricultural districting is to encourage the continued use of farmland for agricultural production by providing a framework to limit local regulation on farm practices, modify public agencies' ability to acquire land through eminent domain, modify the right to advance public funds to construct facilities that encourage development, require state agencies to modify regulations to encourage farming, and to provide Right to Farm provisions for protection from private nuisance suits. The Agricultural Districts Law also allows reduced property tax bills for land in agricultural production by limiting the property tax assessment of such land to its prescribed agricultural assessment value. Depending on the design and construction plans, projects such as the Facility can be consistent with and supportive of agricultural land uses and districts and allow the site to return to prior agricultural use following decommissioning. A detailed discussion of agricultural resources and impacts is provided in Exhibit 15.

Three agricultural districts are located within the 5-mile Study Area: Madison County Agricultural District 1, which has 7,999 acres within the Study Area, Madison County Agricultural District 2, which has 17,682 acres within the Study Area, and Madison County Agricultural District 3 which has 15,977 acres within the Study Area. New York State Agriculture and Markets Law Section 303b allows land to be added to agricultural districts through an annual process; however, land can only be removed from districts as part of a mandatory 8-year review. Madison County Agricultural Districts 1, 2, and 3 were last reviewed in 2017 (Madison County Planning Department, 2017).

(k) Recreational and Other Land Uses

Figure 3-9 illustrates recreational areas and other Sensitive Land Uses known to the Applicant within the 5-mile Study Area.

Aside from the existing snowmobile trails, no other recreational or sensitive resources are present within the Facility Site. No impacts to resources identified in Figure 3-9 are anticipated as a result of Facility construction or operation.

Table 3-4 summarizes the sources of data used to prepare Figure 3-9 and identifies whether the respective land use is found within the 5-mile Study Area.

Table 3-4. Mapping of Recreational and Sensitive Areas

Mapping Requirement	Source	Recreational and Sensitive Areas Present within 5-mile Study Area
Wild, Scenic and Recreational River Corridors	National Wild and Scenic Rivers System	No
Open Space	NYS GIS Clearinghouse, NY Protected Areas Database	Yes (See Figure 3-9)
Archaeological and Historic Resources	On-Site Survey, State and National Registers of Historic Places	Yes (See Figure 3-9)

Mapping Requirement	Source	Recreational and Sensitive Areas Present within 5-mile Study Area
Geologic Resources	New York State Museum	No
Wildlife management lands	NYS GIS Clearinghouse, NYSDEC, U.S. Fish and Wildlife Service	Yes (See Figure 3-9)
Parks	NYS GIS Clearinghouse, NY Protected Areas Database, Local Consultation	Yes (See Figure 3-9)
NYSDEC Lands	NYS GIS Clearinghouse, NYSDEC	Yes (See Figure 3-9)
Conservation easement lands	National Conservation Easement Database; NYS GIS Clearinghouse	Yes (See Figure 3-9)
State and federal scenic areas and byways	NYSDOT; NYS GIS Clearinghouse	Yes (See Figure 3-9)
Nature preserves	NYS GIS Clearinghouse, NY Protected Areas Database	Yes (See Figure 3-9)
Designated trails	NYS GIS Clearinghouse	Yes (See Figure 3-9)
Public access fishing areas	NYS GIS Clearinghouse, NYSDEC	Yes (See Figure 3-9)
Major communication and utility use and infrastructure	Windstream Holdings Inc., Charter Communications Inc., d.b.a. Spectrum	Yes (See Figure 3-4 and 20-1)
Institutional, community and municipal uses and facilities	ESRI; TIGER/line files; NYS GIS Clearinghouse	Yes (See Figure 3-9)

No Wild, Scenic and Recreational River Corridors identified by the National Park Service (NPS), or Geologic Resources are within the 5-mile Study Area. Scenic Route 20 is within the 5-mile Study Area, approximately 3.5 miles south of the Facility Site. Two NYSDEC regulated lands, the Nelson Swamp Unique Area and Stoney Pond State Forest are both located within the 5-mile Study Area, south of the Facility Site.

Areas identified in the New York Protected Areas Database (NYPAD) include local, state, and federally owned and/or protected lands, some of which are included in the New York State Open Space Plan (2016). Within the 5-mile Study Area, 42 local/municipal parks and state recreation areas are present. Three NYSDEC land and three state parks or forests are present within the 5-mile Study Area. None of these features are within the Facility Site. To determine the location of conservation program lands in the Facility Site and the 5-mile Study Area, the Applicant reviewed the National Conservation Easement Database, an initiative of the U.S. Endowment for Forestry and Communities to compile records from land trusts and public agencies throughout the United States. There are 12 conservation easements within the 5-mile Study Area.

The State and National Registers of Historic Places (S/NRHP) provide a dataset of historic and archaeological resources within the 5-mile Study Area. NRHP-listed resources within the Study Area include twenty-seven houses/buildings of historical importance (including churches, a schoolhouse, a station, and a few bed and breakfasts). Nineteen of the NRHP-listed houses and buildings are located in the City of Cazenovia, approximately 5 miles to the southwest of the Facility Site. Additionally, two historic districts in the City of Cazenovia are included as NRHP-listed resources (Cazenovia Village Historic District, Albany Street Historic District). The National Historic Preservation Act, the New York State Historic Preservation Act, and the New York State Historic Preservation Office (SHPO) policy all recommend protecting archaeological site locations from public disclosure to ensure preservation of important archaeological resources. The Applicant

conducted on-site surveys for archaeological and historic resources in consultation with the SHPO. Resources found on site are not included in the mapping for this Exhibit and are further described in Exhibit 9 (Cultural Resources).

The New York State Museum maintains a dataset of geology, lithology, and related structures throughout the state. According to this dataset, bedrock within the 5-mile Study Area can be described as sandstone, shale, limestone, siltstone, mudrock or mudstone. More information regarding geology of the Facility Site is presented in Exhibit 10 (Geology, Seismology and Soils).

Throughout the 5-mile Study Area, several recreational trails are present including the Finger Lakes Trail and the National Parks Service's North Country National Scenic Trail. These trails follow a similar path that bisect the western portion of the 5-mile Study Area. The Snow Valley Riders and Chittenango Polar Bears maintain three snowmobile trails throughout the Study Area. There is a network of eleven other trails throughout the 5-mile Study Area that are maintained by the above-mentioned snowmobile clubs as well as the Tri Valley Trail Riders and Moonlight Riders. There are two public fishing sites on Chittenango Creek within the 5-mile Study Area, one of which is located on NYSDEC land.

The Applicant consulted with owners of major communication and other utilities within the 5-mile Study Area. Figures 3-4 and Figure 20-1 show the locations of major fiberoptic, electric, and gas infrastructure within the Study Area. Section (e) above provides more information regarding major utilities in the Facility Site and the 5-mile Study Area.

Several institutional, community and municipal uses and facilities are present within the 5-mile Study Area. These include three public schools (Cazenovia High School, Burton Street Elementary School, Morrisville Middle School High School), four Hamlets (Peterboro, Nelson, Perryville, and Clockville), a U.S. Air Force Research Laboratory (Stockbridge Test Annex), and several other municipal buildings.

(I) General Compatibility with Existing Land Use Within 1-Mile

According to NYSORPS, the majority of the 1-mile Study Area (36.1%) can be categorized as Residential, which is defined as "property used for human habitation." Approximately 35% of the 1-mile Study Area is characterized as Agricultural land and is defined as "property used for the production of crops or livestock." Vacant Land, which is defined as "property that is not in use, is in temporary use, or lacks permanent improvement," constitutes 24.7% of the 1-mile Study Area. Unclassified land, which is primarily associated with public roads and utility rights-of-way comprises 2.3% of the Study Area. Community Services, defined as "property used for the wellbeing of the community," is 1.6% of the Study Area. All other present categories (Commercial, Recreation and Entertainment, Public Services, Wild, Forested, Conservation Lands, and Public Parks) each comprise less than 1% of the 1-mile Study Area. Table 3-5 summarizes land use within 1 mile of the Facility Site.

Table 3-5. Land Use within 1 Mile of the Facility Site

Land Use	Acres within the Facility Site	Acres within 1-Mile Study Area
100 - Agricultural	703	3,960

Land Use	Acres within the Facility Site	Acres within 1-Mile Study Area
200 - Residential	540	4,070
300 - Vacant Land	351	2,783
400 - Commercial	0	3
500 – Recreation and Entertainment	0	5
600 - Community Services	<1	183
700 - Industrial	0	0
800 - Public Services	0	2
900 - Wild, Forested, Conservation Lands and Public Parks	0	8
Unknown	6	263
Total	1,600	11,277

No substantial permanent changes in land use are anticipated as a result of Facility construction and operation, and no changes are predicted outside the Facility Site. The fenced PV arrays and racking support systems, access roads, collection substation, and POI switchyard will result in the conversion of approximately 733 acres, or approximately 46% of the Facility Site, from its current use to built facilities and/or maintained areas during Facility operation. Additional impacts to land associated with Facility operation will be temporary, infrequent, and minimal. Aside from occasional maintenance and repair activities, Facility operation will not interfere with ongoing land use (e.g., farming and forestry activities, recreational facilities, schools and civic facilities, or commercial areas) immediately adjacent to the Facility or within 1 mile of the Facility. Overall, construction and decommissioning of the Facility are not anticipated to substantively affect the capacity for current land use practices, including agriculture, to resume following decommissioning.

The Applicant has conducted a study of the anticipated noise, traffic, and visual effects produced by the Facility, both during construction and operation. As described in Exhibit 7 (Noise and Vibration), noise levels at the Facility will not exceed the design goals (45 dbA) and will not have a negative effect on non-participating landowners or nearby sensitive receptors, such as schools, recreational and civic facilities. Any noise impacts of the Facility will be primarily experienced in the immediate vicinity of construction operations and are not expected to have an impact at the perimeter of the Facility. Traffic impacts of the Facility will be negligible following the commencement of Facility operation. Traffic impacts during construction are anticipated to be minimal and primarily associated with component deliveries. Exhibit 16 (Effect on Transportation) provides more information regarding the anticipated traffic during construction and operation of the Facility as well as efforts to minimize and mitigate such impacts.

A Visual Impact Assessment (VIA; see Appendix 8-A of the Article VIII Application) was completed to evaluate potential visibility and visual impact of the proposed Facility. This assessment includes the identification of landscape similarity zones (LSZs) based on the similarity of various landscape characteristics, including existing land uses. In addition, locations that are sensitive to changes in the visual environment were identified as visually sensitive resources (VSRs). The results of the VIA indicate that the greatest potential for visibility of the proposed PV panels occurs in the Agricultural/Rural Residential LSZ

within 0.5 miles of the Facility Site due to the abundance of open agricultural land on rolling topography that occurs throughout the study area, and is more limited from the Wetland, Forest, and Hamlet LSZs and greater distances. The viewshed results indicate that 18 of the 28 VSRs identified in the VSA could have potential visibility of the proposed Facility. However, visual contrast of the Facility in views from areas with visibility will be variable and based on viewing distance, amount of existing vegetative screening, and several other factors. Visual contrast evaluation by the rating panel indicates that greater levels of visual contrast can be anticipated where open views of PV panels are available from close distance and/or where the PV panels present changes to the existing horizon line. Conversely, contrast is reduced when the PV panels are partially screened, viewed at greater distances, viewed in a setting with low scenic quality or significant existing visual clutter. From the majority of VSRs with potential visibility, visual effects are expected to be minor to moderate, and significant visual effects are limited to three of the 28 identified resources. For additional information on visual impacts to existing and proposed land uses, see the VIA. As discussed in the Visual Impact Minimization and Mitigation and Mitigation Plan (Appendix 8-B- Revision 1) Measures proposed to avoid, minimize, and mitigate potential adverse visual impacts associated with the proposed Facility include extensive vegetative screening, undergrounding of electrical collection systems, and the use of non-specular conductors and non-reflective finishes.

As noted in Section (h), the proposed Facility aligns with and supports several of the goals outlined in the comprehensive plans of the surrounding communities. In addition to furthering the realization of renewable energy and sustainability goals outlined in the plans, the Facility will contribute significantly to the economic goals for local host communities. Through Payment in Lieu of Taxes agreements (described in detail in Exhibit 18, Socioeconomic Effects), the Applicant will contribute a significant sum of funding to taxing jurisdictions associated with lands where the Facility is proposed. Landowners participating in the Project will also receive a benefit for hosting the Facility on leased lands, allowing them to continue agricultural operations in the area and possibly contribute in other substantial ways to their community.

Compliance with NYSAGM Guidelines for Agricultural Mitigation for Solar Energy Projects

The New York State Department of Agriculture and Markets (NYSAGM) has promulgated a guidance document that applies to solar energy generating facilities sited on agricultural lands. The NYSAGM's October 2019 *Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands* (NYSAGM, 2019) include construction requirements, restoration requirements, and postconstruction monitoring and remediation requirements. To minimize and/or mitigate impacts to active agricultural land and farming operations, Facility construction will comply with NYSAGM agricultural protection guidelines to the maximum extent practicable (see Exhibit 15 [Agricultural Resources] for a full analysis of the Facility's impacts to agricultural land). The Applicant and/or a designated third-party Environmental Monitor will consult with NYSAGM during construction if deviation from the approved plans is necessary. In addition, the Applicant will continue to consult with landowners and NYSAGM throughout the Article VIII process and during construction and operation of the Facility to ensure impacts to active agricultural land and farming operations are minimized and/or mitigated to the extent practicable.

Facility Consistency with Regional Planning Documents

In addition to the regional Comprehensive Plans discussed in Section (h), the Facility is consistent with the statewide plans outlined in Table 3-6 and state energy policies. See Exhibit 17 (Consistency with Energy

Planning Objectives) for more information regarding consistency with statewide energy plans and policies. As shown in Table 3-6, the proposed Facility is generally consistent with the goals and objectives outlined in the statewide plans.

Table 3-6. Facility Consistency with Statewide Planning Documents

Plan	Relevant Goals and Objectives	Facility Consistencies	Facility Inconsistencies
New York Open Space Conservation Plan (2016b)	- Maintain critical natural resource-based industries such as farming, forest products, commercial fishing, and tourism. - Address global climate change (through various means). - Preserve, restore, and/or create a matrix of natural systems sufficiently complex and interconnected to be self-sustaining while performing the critical natural functions necessary to sustain us.	- The Facility utilizes a renewable resource to generate electric power without contributing to global climate change. - The Facility enhances the economic viability of participating farms, enabling them to maintain operations on lands not utilized for the Facility.	None
New York State Historic Preservation Plan (2021-2026)	- Enhance collaboration to advance preservation. - Integrate preservation into local and regional decision making.	- The Applicant has coordinated with New York State Office of Parks, Recreation and Historic Preservation to develop site-specific work plans. - The Applicant has adapted the design of the Facility to avoid impacts to cultural resources (see Exhibit 9)	None
New York State Statewide Comprehensive Outdoor Recreation Plan (2020-2025)	- Reconnect children and adults with nature and recreation by improving access to outdoor recreation opportunities. - Continue to develop a comprehensive, interconnected recreation-way, water trails, greenway and blueway trail system. - Continue efforts to restore, conserve and protect the biodiversity of state lands.	- The Facility will interfere with a network of snowmobile trails. The Applicant is aware of these locations and will work with local clubs and the landowners to reroute the trails to accommodate continuation of the trail system to make available this recreational resource. - There are no other direct impacts on known public recreational resources within the Facility.	None

Plan	Relevant Goals and Objectives	Facility Consistencies	Facility Inconsistencies
New York State Office of Parks, Recreation and Historic Preservation Sustainability Plan (2009)	- Advance a new agency-wide sustainability initiative to adopt green practices - Outline a plan to reduce impacts that the agency's daily activities have on natural resources - Adopted a goal of reducing greenhouse gases 30% by 2030	- The Facility is aligned with the plan's stated goal of reducing greenhouse gases 30%.	None

(m) Compatibility of Above-Ground Interconnections with Existing and Proposed Land Uses

The Applicant intends to install collection lines underground and no overhead collection lines will be used. However, the Facility's interconnection will include three parallel 115 kV overhead transmission lines, each approximately 150 feet in length, that will run from the proposed substation to the Fenner Substation point of interconnection. The collection substation and POI switchyard will be constructed to meet applicable regulations and standards and will be similar to other electrical infrastructure in the area including the adjacent Fenner Substation. The VIA results indicate that visibility of the transmission lines will be very limited and will not significantly contribute to the visual contrast of the Facility with the existing visual environment. Potential visibility and visual effects associated with the overhead transmission lines are described in Exhibit 8 and the VIA (Appendix 8-A).

(n) Compatibility of Underground Interconnections with Existing and Proposed Land Uses

The Facility will include approximately 15.1 miles of underground collection lines. The ROW for collection lines would be approximately 15 feet on either side of where the collection line is installed, encompassing approximately 51.5 total acres. A total of approximately 950.2 acres will be located within 300 feet on either side of the centerline of underground collection lines and related facilities, of which land use has been classified by the NYSORPS as follows: Agriculture, approximately 384.1 acres (41.4%); Residential, approximately 312.7 acres (33.7%); Vacant Land, approximately 231.7 acres (24.9%). Approximately 582.8 acres (61.3%) of the land within 300 feet of an underground collection line is currently enrolled in an NYS Certified Agricultural District. The Facility's proposed underground collection lines will not prohibit or interfere with the continued use of the current and proposed land uses within 300 feet of these components.

The construction of the collection line will result in a temporary disturbance. As discussed in Section (l), in agricultural fields, construction will generally be conducted in accordance with the NYSAGM *Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands* (NYSAGM, 2019) by installing underground lines 48 inches or more below ground on agricultural lands. Otherwise, underground lines will be installed at least 36 inches below ground. At these depths, permanent land use impacts associated with underground interconnects are not anticipated. Buried underground electrical collection lines have been

planned in areas of existing disturbance (e.g., existing farm roads and forest logging roads) and/or co-located with new access roads to the maximum extent practicable. The Applicant has also developed a Drainage Remediation Plan (Appendix 15-B) to address any impacts to surface and subsurface drainage infrastructure within agricultural areas where Facility construction is planned. Where impacts to important environmental resources would otherwise be unavoidable (e.g., stream crossings), trenchless technologies (e.g., horizontal directional drilling and subsurface boring) will be used to minimize impacts.

(o) Compliance with New York State Coastal Management Program Policies and Local Waterfront Revitalization Plans

The Facility Site is not located within a designated coastal area or in direct proximity of a designated inland waterway. Therefore, conformance with the Coastal Zone Management Act is not applicable.

(p) Aerial Photographs

Figure 3-10 contains aerial photographs within the 5-mile Study Area. This mapping was prepared using New York State Digital Orthoimagery Program (NYSDOP) 2022 orthoimagery map service basemap with the most recent statewide orthoimagery coverage. This basemap combines multiple years of orthoimagery encompassing 2017, 2018, 2020, 2021, and 2022 (partial) and provides a natural color view at approximately 12-inch resolution.

(q) Aerial Photograph Overlays

Figure 3-11- Revision 1 illustrates the Facility component layout, including access roads, along with the proposed limits of construction activity, clearing, and grading, overlaid on NYSDOP 2022 orthoimagery basemap.

(r) Source of Aerial Photographs

Figures 3-10 and 3-11 – Revision 1 were prepared using NYSDOP 2022 orthoimagery basemap.

(s) Description of Community Character

Rolling hills, open spaces, conservation easement areas, waterbodies, and recreational resources contribute to the character of the surrounding area as acknowledged in the goals of the Town of Fenner's Comprehensive Plan. The Applicant has evaluated the Facility's consistency with local comprehensive plans in Section (h) above, and an analysis of the land use of the surrounding community is presented below. In addition, the Applicant has identified landscape similarity zones, viewer/user groups, and visually sensitive resources in order to assess the extent of visibility and visual impacts associated to communities within the 2-mile visual study area.

Community Land Use Classifications

The Facility is proposed to be located in a rural portion of Madison County, which is characterized by a mix of agriculture and rural residences in the Town of Fenner. According to the 2017 Census of Agriculture, 171,865 acres are used for farmland within Madison County (USDA, 2017).

Based on NYSORPS land use classification data from 2021 and parcel data for Madison County, land use is dominated by agricultural (25,459 acres, 36.0%), residential (20,562 acres, 29.1%), and vacant lands (17,065 acres, 24.1%). The most common land uses in Madison County include rural residences with acreage (11,715 acres), agricultural vacant land (productive) (11,540 acres), dairy products: milk, butter and cheese (8,006 acres), one family year-round residence (5,552 acres), and field crops (3,729 acres). Additionally, vacant lands within the county are generally classified by NYSORPS as 323 – other rural vacant lands (40% of vacant lands), 322 – residential vacant land over 10 acres (20% of all vacant land), 312 – residential land including a small improvement (not used for living accommodations) (16% of vacant lands) or one of thirteen other less prevalent vacant land use codes (24%). These vacant parcels are scattered throughout the county.

Approximately 1,112 acres of the Facility Site (70%) are enrolled in an NYSAGM certified agricultural district. These areas account for less than 1% of all lands enrolled in an agricultural district within Madison County. Within 1 mile of the Facility, land use is predominantly agricultural (49%) and residential (26%) (see Section (I) for more information on land use within 1 mile of the Facility). Although it will add industrial visual elements to the surrounding area, the surrounding area does already contain renewable energy development in the form of wind turbines. In addition, the area contains farms that are commercial scale operations with several industrial buildings and facilities associated with them. Lastly, host landowner payments will allow farmers in the area to continue active operations on other lands in the vicinity of the Project, as further described in Exhibit 15, helping to preserve the area's agricultural character in the future.

Community Character and Landscape Similarity Zones

As described in the VIA and summarized in Section (I), landscape similarity zones were defined within the 2-mile visual study area based upon the similarity of various landscape characteristics including landform, vegetation, land use patterns, water, and sensitivity to visual change. Lands within the 2-mile visual study area are dominated by a mix of open agricultural land with low-density residential development (the Agricultural/Rural Residential LSZ) and large, contiguous areas of forest vegetation (the Forest LSZ). Higher density residential and commercial development occurs in or near the Hamlets of Perryville and Peterboro (the Hamlet LSZ). However, visual impacts to these communities are expected to be negligible due to the limited extent of visibility, distance from the Facility, and screening provided by existing topography and/or vegetation. In addition, visually sensitive resources, many of which contribute to the character of the community, were identified. A total of 28 visually sensitive resources were identified in the 2-mile visual study, six properties of historic significance, 20 public lands and recreational resources, and two high-use public areas. Public lands and recreational resources are more likely to be sensitive because they are publicly accessible and attract local and out-of-town visitors who are engaged in a variety of recreational activities that may be enhanced by the scenery quality of the surrounding landscape. From the majority of VSRs with potential visibility, visual effects are expected to be minor to moderate, and significant visual effects are limited to three of the 28 identified resources. For additional information on potential Facility visibility and visual impacts to landscape similarity zones and visually sensitive resources, see the VIA (Appendix 8-A of the Article VIII Application).

Potential Impacts and Proposed Avoidance, Mitigation, and/or Minimization Methods

The proposed Facility will convert approximately 529.6 acres (approximately 33%) of the certified agricultural district land within the Facility Site to built facilities and maintained areas necessary for Facility

operation. The remainder of the land can continue to be farmed, preserving the character of the towns as farming communities. Moreover, the lease payments made to farmers will supplement their income, potentially preserving their ability to continue farming long-term and enhancing the opportunity to protect the agricultural nature of the communities hosting the Facility. Further information regarding agricultural resources is presented in Exhibit 15.

As discussed in Exhibit 7 (Noise and Vibration), construction and operation of the Facility will have noise impacts. However, these impacts will be minor and will not affect the character of the community. Operational noise levels of the Facility will comply with Article VIII requirements and noise levels recommended by World Health Organization guidelines (the Facility design goals). In addition, the Facility has been designed to avoid and minimize noise impacts by adhering to established setbacks.

As discussed in the Visual Impact Minimization and Mitigation and Mitigation Plan (Appendix 8-B) Measures proposed to avoid, minimize, and mitigate potential adverse visual impacts associated with the proposed Facility include extensive vegetative screening, undergrounding of electrical collection systems, and the use of non-specular conductors and non-reflective finishes.

Avoidance or mitigation measures that will minimize adverse impacts on community character include, but are not limited to, the following:

- Site the Facility away from population centers and areas of dense residential development.
- Locate access roads and PV arrays to avoid or minimize disturbance of wetlands, streams, and cultural/historic resources.
- Follow setback requirements outlined in the Article VIII regulations to site the Project away from non-participating boundary lines, structures, and public roadways.
- Burying electrical collection lines between PV arrays and along access roads.
- Implement agricultural protection measures to avoid, minimize, or mitigate impacts on agricultural land and farm operations.
- Site the Facility within the footprint of the existing Fenner Wind Farm.

There are also numerous Facility-specific studies attached to this Application, such as a Visual Impact Assessment (see Appendix 8-A), Pre-Construction Noise Impact Assessment (see Appendix 7-A), and Cultural Resources Studies (see Appendices to Exhibit 9). In addition to evaluating potential effects on their respective resources, these studies can also be used to evaluate the Facility's potential effects on community character. These exhibits also outline the various mitigation measures that are being implemented to minimize and avoid impacts on the environment and the community where the Facility is proposed.

(t) Historical Environmental Contamination

The Facility Site does not have a history of environmental contamination according to data from the NYSDEC Environmental Remediation Databases; therefore, this section is not applicable (NYSDEC, 2023).

(u) Oil, Gas, and Mining Solution Wells within 500-feet of Proposed Facility

The NYSDEC maintains data on active, inactive, and abandoned oil, gas, and mining wells in New York State. The Applicant reviewed the NYSDEC's Oil and Gas Well database⁶ for existing wells within 500 feet of the proposed Facility. According to the NYSDEC database, there are no oil, gas, or mining solution wells within 500 feet of the Facility Site. The nearest NYSDEC-regulated well (API Well No. 31053095780000) is located approximately 2.0 miles southwest of the Facility in the Town of Fenner (see Figure 3-4). This dry wildcat well was drilled in 1973 and was plugged and abandoned later that same year.

(1) Description of Magnetometer Survey

The proposed Facility is located in NYSDEC Region 7. Pursuant to 16 NYCRR Section 1100-2.4(u), any proposed facility located in NYSDEC regions 7, 8, or 9 need to conduct a magnetometer survey or other method authorized by the Office to identify oil, gas, or mining solution wells within 500 feet of the Facility's proposed limits of disturbance. Aletair LLC conducted a magnetometer survey consistent with 16 NYCRR Section 1100-2.4(u) requirements in September 2022.

The geophysical survey utilized a multi-phase approach to collect, process, interpret, and confirm magnetic data to locate potential wells. The survey was conducted using an unpiloted aerial system consisting of an unpiloted aerial vehicle (UAV) and integrated microfabricated atomic magnetometer array. Acquired datasets were processed and interpreted to effectively denoise the data and highlight any features of interest. The results of the magnetometer survey identified geophysical evidence indicating the possible presence of a single orphaned well at the north end of the Facility Site (Anomaly D). Please see the Magnetometer Survey Report, included as Appendix 3-B, for additional information on the methodology and results.

The Applicant conducted a site reconnaissance visit on December 2, 2022, for the purpose of ground truthing the magnetometer survey results in the areas of Anomaly D. The site reconnaissance identified brush, trees, and large rock piles, as well as some trash and debris. No orphaned well was identified. A photolog from the site reconnaissance visit is included as Appendix 3-C. Regardless, Anomaly D is located more than 100 feet from the closest PV array fence line.

All additional anomalies identified in the Magnetometer Survey Report were thoroughly examined in the field to identify and evaluate potential hazards by Aletair, the consultant conducting the magnetometer survey. Aletair employed similar approaches for these sites, including ground truthing, with full results detailed in Appendix 3-B (Magnetometer Survey Report). Specifically, Aletair confirmed in the field that Anomalies A, B, and C shown on Supplemental Figure 3-12 (Magnetometer Survey Area) were associated with the existing wind turbines, large concentrations of metallic farm and automotive equipment, and a metal communication tower, respectively.

⁶ New York State Department of Environmental Conservation, Division of Mineral Resources. 2014. Oil & Gas Database. Available at: <https://giservices.dec.ny.gov/gis/maw/>.

Based on the magnetometer survey and site reconnaissance visit, no known oil, gas, or mining solution wells exist within 500 feet of the proposed Facility Site. Due to Facility Site layout updates in 2023, EDR's GIS team examined the original magnetometer survey area to see if it covered the 500-foot buffer for the new layout. Figure 3-12 Magnetometer Survey Area - Supplement illustrates the Applicant's magnetometer survey Study Area and the prescribed 500-foot buffer from the Facility's limit of construction activity (LOCA) required to be surveyed by 16 NYCRR Section 1100-2.4(u)(1), highlighting any un-surveyed areas. Though EDR found additional un-surveyed areas outside the original magnetometer survey area, these areas were limited and largely located outside the Facility Site boundaries where the Applicant did not have approved access or were located more than 100-feet from proposed Facility components. In addition, a few of the gaps are adjacent to existing wind turbines which obstruct unpiloted aerial vehicle flight and interfere with magnetic datasets, so surveying near them is problematic. Similarly, there are un-surveyed areas that overlap with existing Fenner Wind Farm developed areas, or other Fenner Wind Farm facility component disturbance corridors, which would have essentially been cleared through its original construction. The larger un-surveyed area on parcel 70.-1-23.11 owned by Scott Griffin is in close proximity to the landowner's residence. The Applicant is in ongoing communication with this landowner and has confirmed there are no wells on their property. Therefore, despite these deviations, the Applicant's magnetometer survey Study Area is comprehensive for all accessible areas and provides sufficient data to assess potential hazards and effectively complies with the intent of 16 NYCRR Section 1100-2.4(u)(1). As such, the Applicant does not plan to conduct additional surveys of the un-surveyed areas.

(2) Map of Identified Wells

As described above, the results of the magnetometer survey and site reconnaissance visit indicated that no oil, gas, or mining solution wells exist within 500 feet of the proposed Facility Site. Figure 3-4 depicts the plugged and abandoned NYSDEC-regulated well (API Well No. 31053095780000) located approximately 2.0 miles southwest of the Facility in the Town of Fenner.

(3) Explanation of Setbacks

As described above, the results of the magnetometer survey and site reconnaissance visit indicated that no oil, gas, or mining solution wells exist within 500 feet of the proposed Facility Site and therefore the setbacks outlined in 16 NYCRR Section 1100-2.4(u)(2) are not applicable.

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