



## GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-02-PAV-4-22**  
Review Date **4/14/2022**

Municipality  
Board Name  
Applicant's Name  
Referral Type  
Variance(s)  
Description:

**PAVILION, T.**  
**ZONING BOARD OF APPEALS**  
**Suzanne and Douglas Waite**  
**Area Variance(s)**  
**Area Variance for a 19.6 acre, 4.275 MW ground mounted commercial solar energy system.**  
**Fence Height**  
**Maximum allowed: 6 ft.**  
**Proposed: 7 ft.**

Location  
Zoning District

**6464 Shepard Rd., Pavilion**  
**Agricultural Residential-1(AR-1) District**

### PLANNING BOARD RECOMMENDS:

**APPROVAL**

### EXPLANATION:

The proposed fence height is customary for such uses and should pose no significant county-wide or intercommunity impact.

Director

April 14, 2022

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

**SEND OR DELIVER TO:**

GENESEE COUNTY DEPARTMENT OF PLANNING  
3837 West Main Street Road  
Batavia, NY 14020-9404  
Phone: (585) , 9!+ \$%

**Clear Form**

**DEPARTMENT USE ONLY:**

GCDP Referral # T-02-PAV-4-22



**\* GENESEE COUNTY \*  
PLANNING BOARD REFERRAL**

**RECEIVED  
Genesee County  
Dept. of Planning  
4/7/2022**

Required According to:  
**GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N**  
(Please answer ALL questions as fully as possible)

**1. REFERRING BOARD(S) INFORMATION**

Board(s) Town of Pavilion ZBA  
Address One Woodrow Dr  
City, State, Zip Pavilion, NY 14525  
Phone (585) 584 - 3850 Ext. \_\_\_\_\_

**2. APPLICANT INFORMATION**

Name Suzanee and Douglas Waite  
Address 6464 Shepard Rd  
City, State, Zip Pavilion, NY 14525  
Phone (416) 953 - Ext. 3495 Email \_\_\_\_\_

**MUNICIPALITY:**  City  Town  Village of Pavilion

**3. TYPE OF REFERRAL:** (Check all applicable items)

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change         | <input type="checkbox"/> Subdivision Proposal |
| <input type="checkbox"/> Use Variance             | <input type="checkbox"/> Zoning Text Amendments    | <input type="checkbox"/> Preliminary          |
| <input type="checkbox"/> Special Use Permit       | <input type="checkbox"/> Comprehensive Plan/Update | <input type="checkbox"/> Final                |
| <input type="checkbox"/> Site Plan Review         | <input type="checkbox"/> Other: _____              |   |

**4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:**

- A. Full Address 6464 Shepard Rd Pavilion, NY 14525
- B. Nearest intersecting road Roanoke Rd
- C. Tax Map Parcel Number 15.-1-38.11
- D. Total area of the property 39.8 acres Area of property to be disturbed >20 acres
- E. Present zoning district(s) Agricultural/Residential

**5. REFERRAL CASE INFORMATION:**

- A. Has this referral been previously reviewed by the Genesee County Planning Board?  
 NO  YES If yes, give date and action taken 3/10/22 County recommended approval for site plan and special use
- B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law  
Town of Pavilion Zoning Code Section 614 Fences
- C. Please describe the nature of this request Applicant wants to apply for a variance to have a 7' fence to secure a proposed solar array. The Town Zoning only allows for a 6' fence, but do to regulations from NEC they are required to secure the solar array with a 7' fence

**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Local application | <input type="checkbox"/> Zoning text/map amendments             | <input type="checkbox"/> New or updated comprehensive plan |
| <input type="checkbox"/> Site plan                    | <input type="checkbox"/> Location map or tax maps               | <input type="checkbox"/> Photos                            |
| <input type="checkbox"/> Subdivision plot plans       | <input type="checkbox"/> Elevation drawings                     | <input type="checkbox"/> Other: _____                      |
| <input checked="" type="checkbox"/> SEQR forms        | <input checked="" type="checkbox"/> Agricultural data statement |  |

**7. CONTACT INFORMATION** of the person representing the community in filling out this form (required information)

Name Matthew Mahaney Title Code Enforcement Officer Phone (585) 343 - 1729 Ext. 238  
Address, City, State, Zip 3833 West Main St Rd Batavia, NY 14020 Email mmahaney@townofbatavia.com

# Building and Zoning Application Permit No. \_\_\_\_\_

Town of Pavilion PO Box 126 Pavilion, NY 14525 ph. (585)584-3850 fax (585)584-8533

Date 01 / 26 / 22 Zone AR-1 Flood Zone C Wellhead Protection \_\_\_\_\_ Corner Lot \_\_\_\_\_

New Construction  Fence  Pond  Sign  Alteration(s)  Addition  Demolition

Accessory Bldg.  Mobile Home  Fill Permit  Home Occupation  Land Separation  Site Plan Approval

Special Use Permit  Temporary Use  Subdivision  Zoning Variance Request  Other  Specify: \_\_\_\_\_

Tax Map No. 15.-1-38.11

Owners Name Suzanee and Douglas Waite Phone No. (\_\_\_\_) \_\_\_\_\_

Address 6464 Shepard Rd, Pavilion, 14525 Project Road Width \_\_\_\_\_ ft

Applicants Name NY CDG Genesee 4 LLC Project Address 6464 Shepard Rd, Pavilion, 14525

E Mail Address bogdan.dinu@bwsolar.com Phone No (416) 953-3495

Description of Project: NY CDG Genesee 4 LLC is proposing a 4.275 MW Solar Farm

Existing Use Agricultural Proposed Use Utility Solar

Estimated Cost Building \_\_\_\_\_ Plumbing \_\_\_\_\_ Mechanical \_\_\_\_\_ Miscellaneous \$6.5 million +/-

SEQR CLASSIFICATION Type 1  Type 2  Unlisted

Review completed by Planning Board  Zoning Board of Appeals

Permit Fee \$ \_\_\_\_\_ Application Date \_\_\_\_/\_\_\_\_/\_\_\_\_ Permit Expires On \_\_\_\_/\_\_\_\_/\_\_\_\_

Issuing Officer \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

IN SIGNING THIS DOCUMENT I HEARBY GIVE THE RIGHT OF AN ON SITE INSPECTION TO THE TOWN OF PAVILION CODE ENFORCEMENT OFFICIAL OR THEIR DESIGNE. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMACE OF CONSTRUCTION.

I, Bogdan Dinu, as Owner or Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge.

 \_\_\_\_\_ 2022-01-28 \_\_\_\_\_

Signature of Owner or Authorized Agent

Date

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Genesee 4 Solar Project		
Project Location (describe, and attach a general location map): Located at 6464 Shepard Road, Pavilion, NY, 14525 within Genesee County (See attached map)		
Brief Description of Proposed Action (include purpose or need): The proposed Project involves the construction of an approximately 4.275-Megawatt (MWAC) solar facility in a fallow agricultural field located at 6464 Shepard Road in the Town of Pavilion (see Project Location Map). The Project Boundary is approximately 31.03-acres of a 39.8-acre parcel (parcel id# 15.-1-38.11). The facility will include one (1) porous gravel access road, ground-mounted solar photovoltaic (PV) arrays a perimeter fence, and an equipment pad for inverters/transformers. PV panels will be mounted on racking systems that will be pile-driven into the ground and then the solar facilities will be connected to the NYSEG electric grid. Existing roads will also be utilized to access the site. No cutting of trees is proposed for this project. Landscaping with proposed trees/bushes will be installed in the northeast portion of the Project to reduce the view of panels from the adjacent residences and public roads. The 31.03-acres Project Boundary includes all of the ancillary features such as the panel/array area, the fenced area, the access road, vegetative buffer/landscaping area, and work areas. However, the solar array area which includes the panel the fence area and panel/array area is only 19.6-acres of that. This is under the Town zoning limit of 20.0-acres and so the Project would not need a variance. The Project will provide clean, emission-free, renewable energy to the adjacent high-voltage electricity transmission grid.		
Name of Applicant/Sponsor: NY CDG Genesee 4 LLC		Telephone: 416-953-3495 E-Mail: bogdan.dinu@bwsolar.com
Address: 850 New Burton Road, Suite 201		
City/PO: Dover	State: Delaware	Zip Code: 19904
Project Contact (if not same as sponsor; give name and title/role): Bogdan Dinu, Director of Corporate Development at BW Solar		Telephone: 416-953-3495 E-Mail: bogdan.dinu@bwsolar.com
Address: 850 New Burton Road, Suite 201		
City/PO: Dover	State: Delaware	Zip Code: 19904
Property Owner (if not same as sponsor): Douglas and Suzanne Waite		Telephone: E-Mail:
Address: 6464 Shepard Road		
City/PO: Pavilion	State: New York	Zip Code:14525



**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Planning Board- Site Plan Approval, SEQR Negative Declaration	February 2022
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Zoning Board of Appeals - Special Use Permit	February 2022
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Planning Board - Agricultural Statement	February 2022
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	General SPDES Permit; SHPO; NYSDAM;	February 2022
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. <p>i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No

If Yes, identify the plan(s):

Parcel is within Agricultural District Genesee 3 (GENE003) under the Genesee County Agricultural and Farmland Protection Plan.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C.3. Zoning**

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
The parcel is zoned as Agricultural Residential- 1 (AR-1)  
\_\_\_\_\_
- b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No
- c. Is a zoning change requested as part of the proposed action?  Yes  No  
If Yes,  
i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

- a. In what school district is the project site located? Pavilion Central School District
- b. What police or other public protection forces serve the project site?  
Le Roy Police Department
- c. Which fire protection and emergency medical services serve the project site?  
Pavilion Fire Department
- d. What parks serve the project site?  
Genesee County Park & Forest located approximately 3.5 miles from site

**D. Project Details**

**D.1. Proposed and Potential Development**

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commercial renewable solar energy utility project
- b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ 31.03 acres  
b. Total acreage to be physically disturbed? \_\_\_\_\_ 19.6 acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ 31.03 acres
- c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_
- d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
\_\_\_\_\_  
ii. Is a cluster/conservation layout proposed?  Yes  No  
iii. Number of lots proposed? \_\_\_\_\_  
iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_
- e. Will the proposed action be constructed in multiple phases?  Yes  No  
i. If No, anticipated period of construction: \_\_\_\_\_ months  
ii. If Yes:  
• Total number of phases anticipated \_\_\_\_\_  
• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No

If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No

If Yes,

i. Total number of structures \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No

If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
The Project has been designed to avoid all streams and wetlands. See Section F for more details.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres: The Project has been designed to avoid all streams and wetlands. See Section F for more details.

\_\_\_\_\_

\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No  
If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No  
If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No  
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No  
If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

- Do existing sewer lines serve the project site?  Yes  No
- Will a line extension within an existing district be necessary to serve the project?  Yes  No

 If Yes:
 

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

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iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:
 

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:
 

- i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or 0.02 acres (impervious surface)  
 \_\_\_\_\_ Square feet or 31.03 acres (parcel size)
- ii. Describe types of new point sources. Electrical equipment pads will be impervious.
- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 Existing drainage patterns will be retained for post-construct operations. Standard stormwater practices will be used (i.e. silt fence, all disturbed areas/soils will be stabilized according to the SWPPP) during construction. BMPs will be utilized.

- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_
- Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

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f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:
 

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

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g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:
 

- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No
- ii. In addition to emissions as calculated in the application, the project will generate:
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7:00am-7:00pm</li> <li>• Saturday: _____ 7:00am-7:00pm</li> <li>• Sunday: _____ None under normal circumstance</li> <li>• Holidays: _____ None</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 24 hours</li> <li>• Saturday: _____ 24 hours</li> <li>• Sunday: _____ 24 hours</li> <li>• Holidays: _____ 24 hours</li> </ul>
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration:  
 Increase of noise will be temporary during Project construction time-frames on weekdays. After construction the Project will not produce discernible noise. See Section F for more details.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: No tree clearing will be required for this Project. Additional landscaping of trees/bushes are proposed to be added in the site plan in the northeast corner of the Project.

---

n. Will the proposed action have outdoor lighting?  Yes  No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

---

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No

If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No

If Yes:

i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: \_\_\_\_\_  
 \_\_\_\_\_
- Operation: \_\_\_\_\_  
 \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: \_\_\_\_\_  
 \_\_\_\_\_
- Operation: \_\_\_\_\_  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 The project consists primarily of a fallow agricultural field located within the center of the parcel. Forested areas are located within the southeast and northwest corner, and a pond and wetland were observed on the overall parcel. The surrounding community is heavily agricultural with rural residential.

b. Land uses and coverytypes on the project site.

Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.0	0.02+/-	+0.02
• Forested	1.67+/-	1.67+/-	0.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	29.36+/-	29.08+/-	-0.28
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0	0.0	0.0
• Wetlands (freshwater or tidal)	0.0	0.0	0.0
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: porous gravel access road	0.0	0.26+/-	+0.26



c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ 6.6 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:	Burdett silt loam, 3 to 8 % slopes	<u>52.9</u> %
	Nunda silt loam, 8 to 15 % slopes	<u>18.3</u> %
	Burdett silt loam, 0 to 3 % slopes	<u>13.8</u> %

d. What is the average depth to the water table on the project site? Average: 0.5 - 2.0 feet

e. Drainage status of project site soils:  Well Drained: 0 % of site  
 Moderately Well Drained: 19.1 % of site  
 Poorly Drained 80.9 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: 80.9 % of site  
 10-15%: 19.1 % of site  
 15% or greater: 0 % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_  
 \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site? See Section F  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: See Section F. _____ _____ _____	_____ _____ _____
n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Species and listing: _____ See Section F. _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If yes, give a brief description of how the proposed action may affect that use: _____ _____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, provide county plus district name/number: <u>Genesee 003</u>	
b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> i. If Yes: acreage(s) on project site? <u>See Section F.</u> ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Bogdan Dinu Date 2022-01-28

Signature  Title Director of Corporate Development



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes

E.2.i. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	GENE003
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**F. Additional Information**

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- C.2. Adopted Land Use Plans..... 2
  - C.2.a. Comprehensive Plan..... 2
- C.3. Zoning..... 2
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**D. Project Details ..... 2**

- D.2. Project Operations..... 2
  - D.2.f. Air emissions and associated permits ..... 2
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**E. Site and Setting of Proposed Development..... 3**

- E.2. Natural Resources on or Near Project Site..... 3
  - E.2.a-f Bedrock, soils, water table, drainage, and slopes..... 3
  - E.2.h. Surface Water Features..... 5
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**Tables:**

Table 1: Soils Table

**Figures:**

- Figure 1: Project Location Map
- Figure 2: Agriculture Data Map
- Figure 3: NRCS Soils Map
- Figure 4: Wetland and Watercourse Map

**Agency Consultations:**

U.S. Fish and Wildlife Service, Information for Planning and Consultation  
NYSDEC & Natural Heritage Program (NHP), Environmental Resource Mapper  
NY State Historic Preservation Office (SHPO)

## **C. PLANNING AND ZONING**

### **C.2. Adopted Land Use Plans**

#### **C.2.a. Comprehensive Plan**

The Town of Pavilion adopted a new Comprehensive Plan in 2017, to address the long-range future of the community. According to the Zoning Map, the land use for this parcel is classified as Rural Agricultural. This Plan anticipates maintaining current levels of farming activity, support agricultural related businesses, and preserve open space and farmland throughout the Town. Additionally, as indicated in the Energy Section of the Plan, the Town encourages clean energy through the development of solar panels and wind technology. The Plan supports residents to install personal solar panels for personal use, and to take advantage of the is unique way of attaining clean energy.

Additionally, the Town of Pavilion has developed a specific Solar Policy. According to the Solar Policy, solar farms and solar energy systems may be allowed in Agricultural Residential 1 Zones with the issuance of a Special Use Permit. As mentioned previously the Project site is located within an Agricultural Residential 1 Zone, indicating that with an approval of a Special Use Permit, solar energy systems shall be allowed.

### **C.3. Zoning**

#### **C.3.c. Zoning Variance**

The parcel is zoned as Agricultural Residential 1 (AR-1). The proposed development is a permitted use pursuant to the Town's issuance of a Special Use Permit based on Town Solar Policy. No zoning variances or changes are anticipated to be needed.

The 31.03-acres Project Boundary includes all of the ancillary features such as the panel/array area, the fenced area, the access road, vegetative buffer/landscaping area, and work areas. However, the solar array area which includes the panel the fence area and panel/array area is only 19.6-acres of that. This is under the Town zoning limit of 20.0-acres and so the Project would not need a variance.

## **D. PROJECT DETAILS**

### **D.2. Project Operations**

#### **D.2.f. Air emissions and associated permits**

The proposed action will involve the use of mobile construction equipment and vehicles that will emit a small amount of air pollutants during construction. Any potential air quality impacts will be de minimis and localized to the area of construction equipment. Construction equipment will use ultra-low sulfur diesel and, where practicable, diesel exhaust filters will be utilized. Once the Project has been completed, there will not be additional air emissions. Due to the nature of construction, a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit will not be required.

#### **D.2.m. Noise**

The proposed action will include the creation of noise or noise sources during construction. Noise sources are expected to be generated from construction equipment and vehicles during the weekdays Monday through Saturday, 7am – 7pm, as needed. Due to the temporary nature of the proposed action, noise barriers



or screens are not practical. Existing trees around the edge of the property will remain to the best extent practicable to act as a noise and visual barrier.

**E. SITE AND SETTING OF PROPOSED DEVELOPMENT**

**E.1. Land Uses on and Surrounding the Project Site**

**E.2. Natural Resources on or Near Project Site**

**E.2.a-f Bedrock, soils, water table, drainage, and slopes**

Table 1 displays the soil types that occur within the proposed Project area. Information was gathered from the USDA National Resources Conservation Service (NRCS) Soil Survey Geographic (SSURGO) Database (see Figure 3 attached).

**Table 1: Soils Table**

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI	Depth to Bedrock (inches)	Depth to Water Table (inches)	Drainage Class	Slope%	Prime Farmland?
ApA	Appleton silt loam, 0 to 3 percent slopes	1.83	5.9%	>80"	6-18"	Somewhat poorly drained	0-3%	Prime Farmland if Drained
BuA	Burdett silt loam, 0 to 3 percent slopes	4.28	13.8%	>80"	6-18"	Somewhat poorly drained	0-3%	Prime Farmland if Drained
BuB	Burdett silt loam, 3 to 8 percent slopes	16.41	52.9%	>80"	6-18"	Somewhat poorly drained	3-8%	Prime Farmland if Drained
CaA	Canandaigua silt loam, 0 to 2 percent slopes	1.12	3.6%	>80"	0-6"	Poorly drained	0-2%	Farmland of Statewide Importance
CoC	Conesus silt loam, 8 to 15 percent slopes	0.25	0.8%	>80"	18-24"	Moderately well drained	8-15%	Farmland of Statewide Importance
DaA	Darien silt loam, 0 to 3 percent slopes	1.09	3.5%	>80"	6-18"	Somewhat poorly drained	0-3%	Prime Farmland if Drained
DaB	Darien silt loam, 3 to 8 percent slopes	0.34	1.1%	>80"	6-18"	Somewhat poorly drained	3-8%	Prime Farmland if Drained
NuC	Nunda silt loam, 8 to 15 percent slopes	5.66	18.3%	>80"	18-24"	Moderately well drained	8-15%	Farmland of Statewide Importance
Pd	Palms muck	0.03	0.1%	>80"	0-12"	Very poorly drained	0-6%	Not prime farmland
<b>Totals for Area of Interest</b>		<b>31.03</b>	<b>100.00%</b>					

Note: these are the soils within the Project Boundary area.

### **E.2.h. Surface Water Features**

Based on a review of the NYSDEC Environmental Resource Mapper there are no NYSDEC mapped wetlands and streams on the project parcel. There are two (2) USFWS National Wetland Inventory (NWI) wetlands mapped within the parcel (see Figure 4 attached). According to aerial image review and a field delineation conducted in September 2021 there is one (1) wetland and one (1) waterbody (pond) located on the parcel. None of the identified aquatic resources fall under NYSDEC jurisdiction. There are no recorded NYS water quality-impaired waterbodies on or within the vicinity of the Project parcel.

Even though, one wetland and one pond were delineated during the field survey on the parcel, the site plans show that the project boundary is excluding these areas thus there are no wetland nor streams within the project boundary. According to the Site Plans, there will be no impacts to the wetlands or streams.

### **E.2.m. Predominant wildlife species**

Wildlife species likely to occur within the Project include common mammals, amphibians, and birds found in forested and rural settings including eastern chipmunk (*Tamias striatus*), eastern cottontail (*Sylvilagus floridanus*), eastern gray squirrel (*Sciurus carolinensis*), northern raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), white-tailed deer (*Odocoileus virginianus*), woodchuck (*Marmota monax*), American toad (*Bufo americanus*), green frog (*Rana clamitans*), American crow (*Corvus brachyrhynchos*), American kestrel (*Falco sparverius*), American robin (*Turdus migratorius*), barn swallow (*Hirundo rustica*), blue jay (*Cyanocitta cristata*), Canada goose (*Branta canadensis*), downy woodpecker (*Picoides pubescens*), eastern bluebird (*Sialia sialis*), field sparrow (*Spizella pusilla*), northern cardinal (*Cardinalis cardinalis*), red-tailed hawk (*Buteo jamaicensis*), turkey vulture (*Cathartes aura*), and wild turkey (*Meleagris gallopavo*).

### **E.2.n. Significant Natural Community**

According to NYSDEC Environmental Resource Mapper there are no significant natural communities on or in the vicinity of the Project Boundary.

### **E.2.o-p. Endangered, Threatened and Rare Plants and Animals**

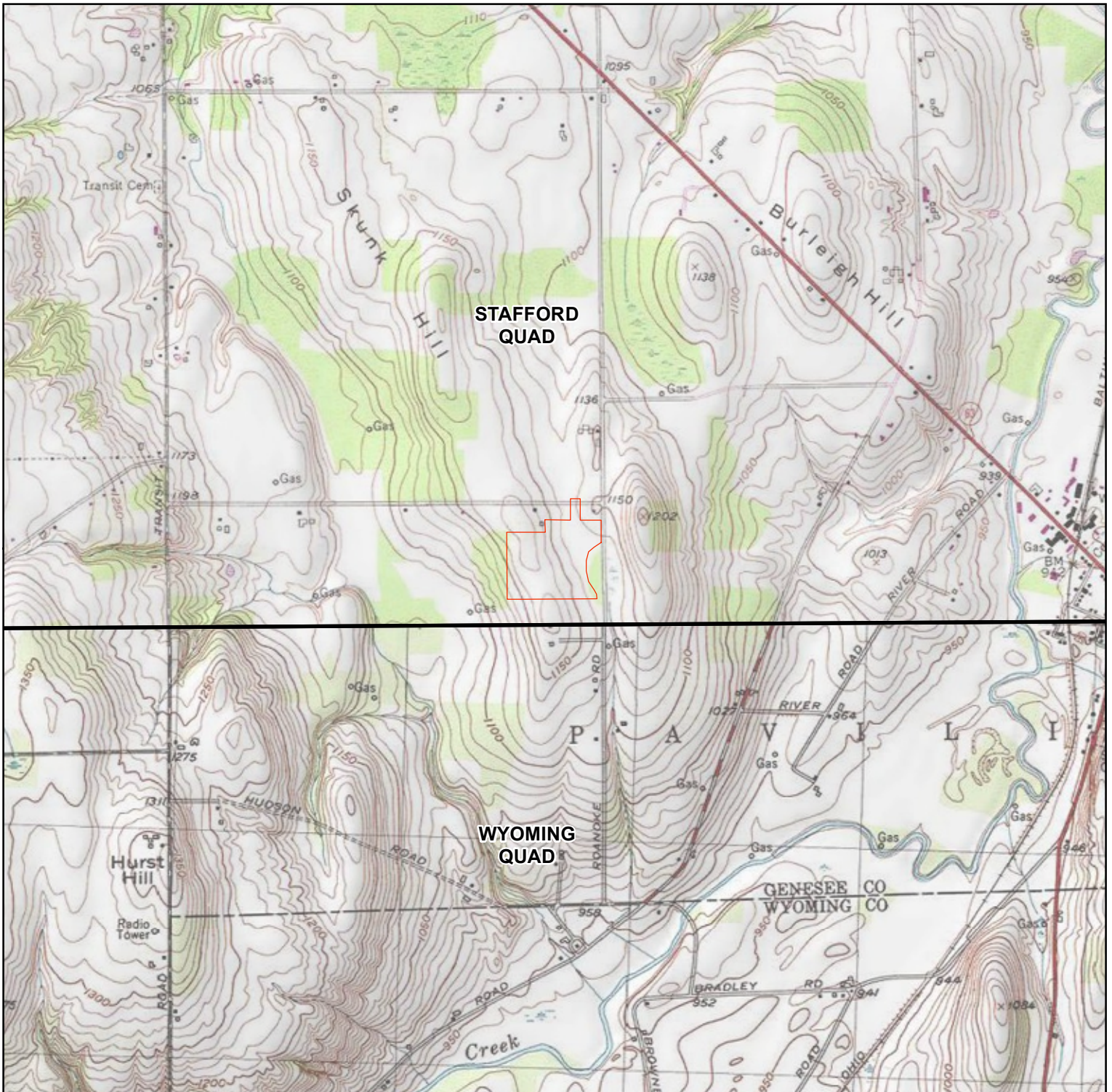
According to NYSDEC Environmental Resource Mapper there are no New York State rare or species of concern plants or animals in the vicinity of the Project Boundary. According to a review of the USFWS Information for Planning and Consultation (IPaC) on January 21, 2022, there are no federal endangered or threatened species in the vicinity of the Project Boundary.

## **E.3. Designated Public Resources on or Near Project Site**

### **E.3.b Agricultural lands consisting of highly productive soil.**

According to the USDA NRCS Soil Survey Geographic (SSURGO) Database, the Project Boundary consists of 31.00+/- acres (99.9%) of land with highly productive soils. These soils include farmland classifications of “all areas are prime farmland”, “farmland of statewide importance”, and “prime farmland if drained”. An Agricultural Data Statement has been completed for the Project.

# Figures



Project USGS Quad(s):  
Stafford

Project Watershed(s):  
Lower Genesee (HUC 04130003)

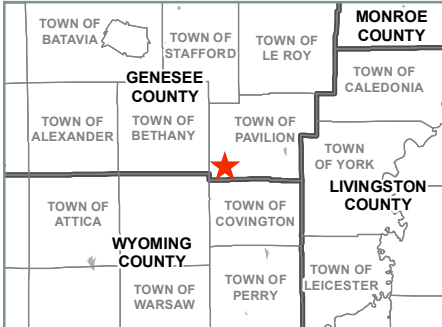
Center of Project Limits:  
42.877835 N, 78.053574 W  
North American Datum 1983



Project Area  
 USGS 24K Quad Boundary

Data Sources:  
United States Geological Survey 24k Topo Quad Map - usgs.gov

Author: CM      Revision Date: 1/25/2022



**FISHER**

ASSOCIATES

**NY CDG GENESEE 4 LLC  
GENESEE 4 SOLAR PROJECT  
PROJECT LOCATION MAP  
GENESEE COUNTY, NY**

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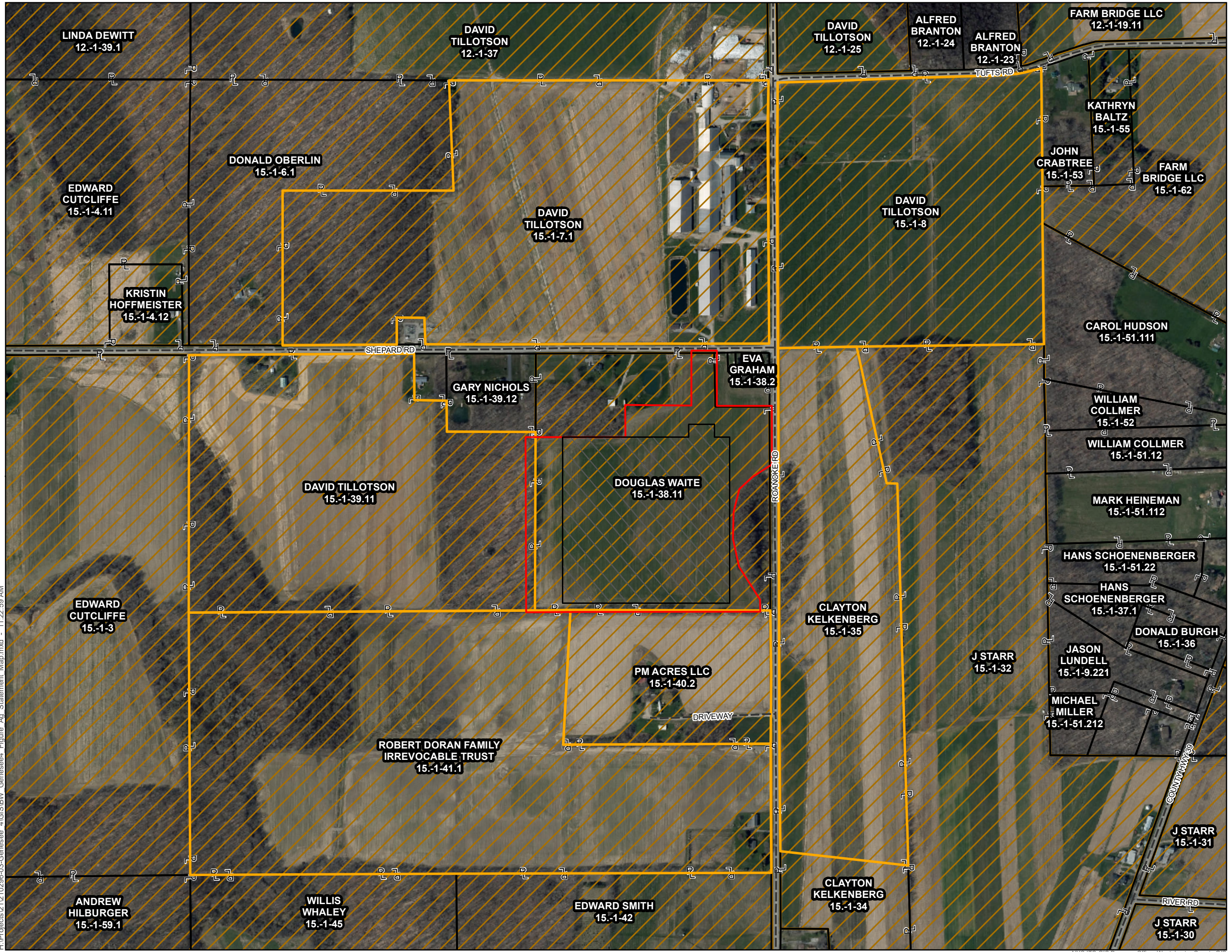
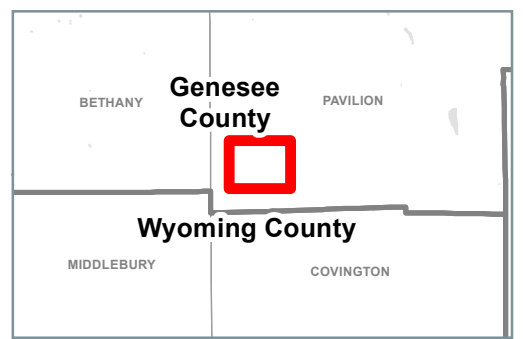
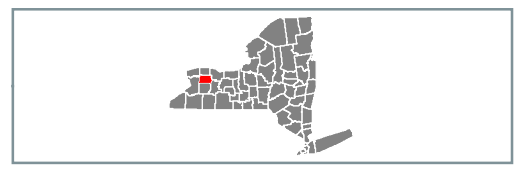


NY CDG GENESEE 4 LLC  
 GENESEE 4 SOLAR PROJECT  
 AGRICULTURAL DATA MAP  
 GENESEE COUNTY, NY

--- Road  
 [Red Outline] Project Boundary  
 [Black Outline] Parcel Boundary  
 [Yellow Outline] Parcels with Agriculture within 500' of Project  
 [Diagonal Hatching] Array Workspace  
 [Orange Hatching] Agricultural District (GENE003)

Map Revision Date: 1/25/2022 | Map Author: CM










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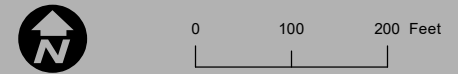
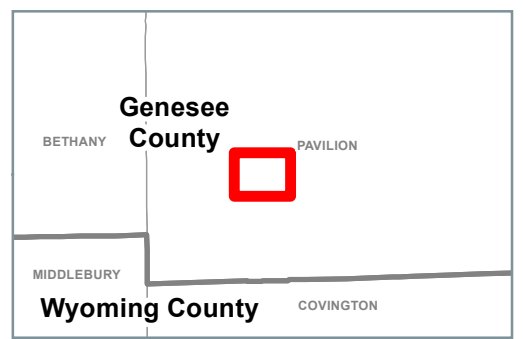
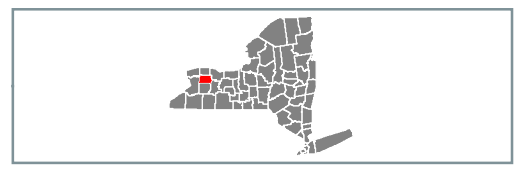
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**NY CDG GENESEE 4 LLC  
GENESEE 4 SOLAR PROJECT  
NRCS SOILS MAP  
GENESEE COUNTY, NY**

-  Local Road
-  County Route
-  State Highway
-  Interstate Highway
-  NRCS Soils
-  Project Boundary
-  Towns
-  Villages
-  Counties

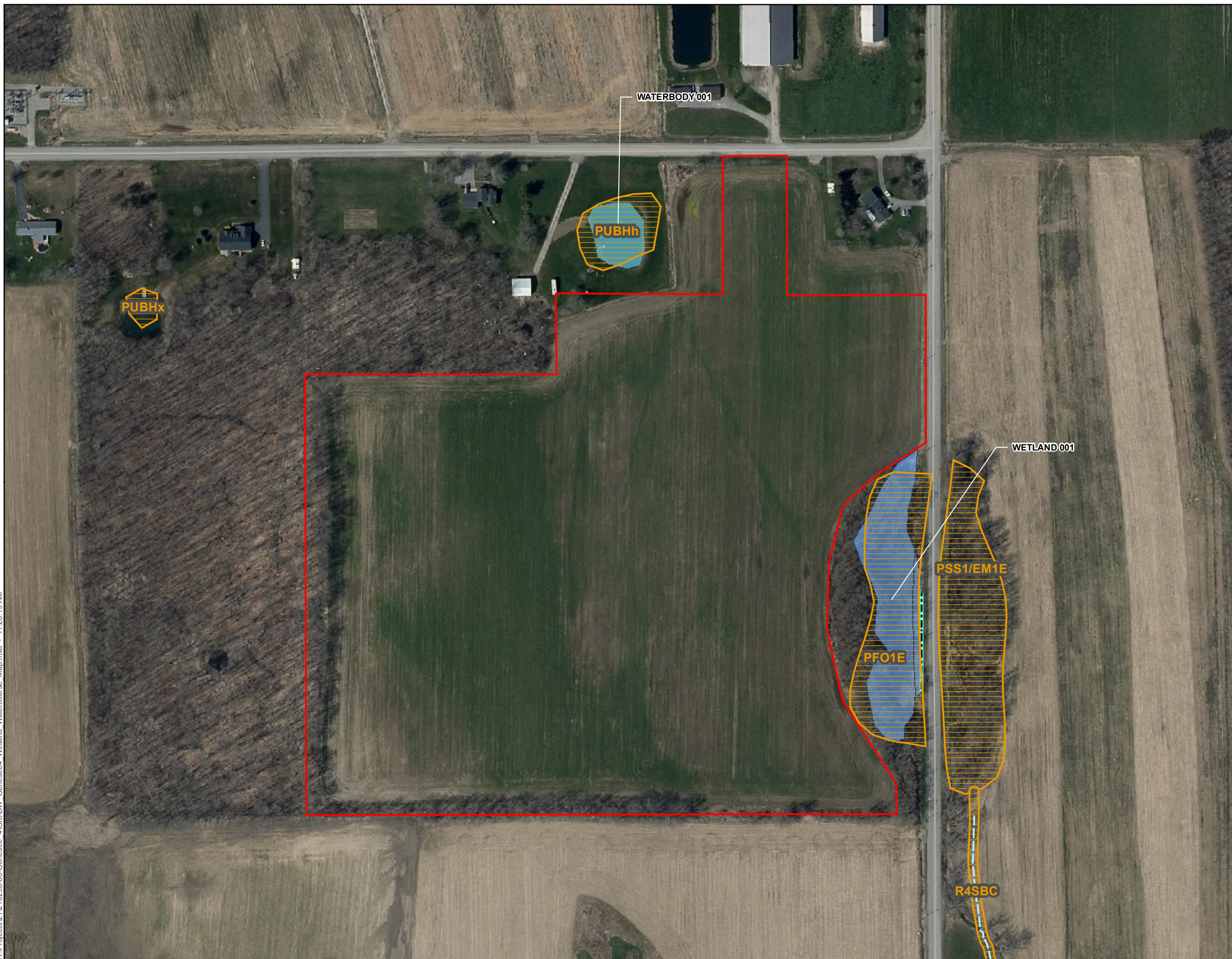
Map Revision Date: 1/25/2022    Map Author: CM

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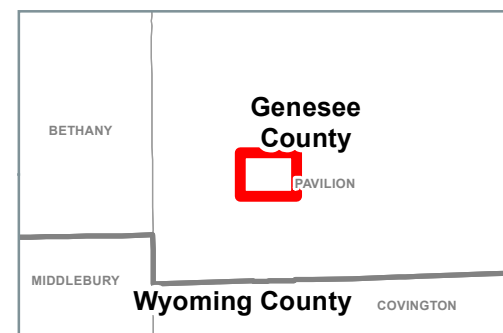
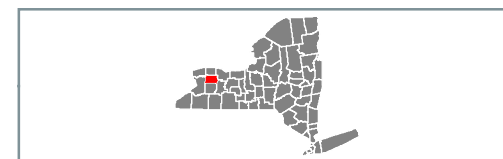
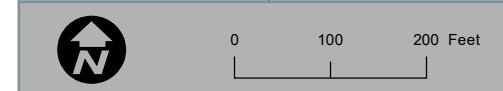


**NY CDG GENESEE 4 LLC  
GENESEE 4 SOLAR PROJECT  
WETLAND AND WATERCOURSE MAP  
GENESEE COUNTY, NY**



	Local Road
	County Route
	State Highway
	Interstate Highway
	Delineated Continuation Line
	NWI Wetland
	NYSDEC Wetland
	NYSDEC Wetland 100' Adjacent Area
	Delineated Waterbody
	Delineated Wetland
	Project Boundary
	Towns
	Villages
	Counties

Map Revision Date: 1/25/2022 | Map Author: CM



**Notes:**

1. Project located in the Lower Genesee (HUC 04130003)
2. Parcel was delineated in September 2021

**Data Sources:**

Aerial: NYSGIS Clearinghouse Othoimagery, 2021



# **Agency Consultations**

**U.S. Fish and Wildlife Service,  
Information for Planning and Consultation**



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

January 21, 2022

Consultation Code: 05E1NY00-2022-SLI-1019

Event Code: 05E1NY00-2022-E-03869

Project Name: BW Genesee 4 Solar

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the Services wind

energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

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## Project Summary

Consultation Code: 05E1NY00-2022-SLI-1019

Event Code: Some(05E1NY00-2022-E-03869)

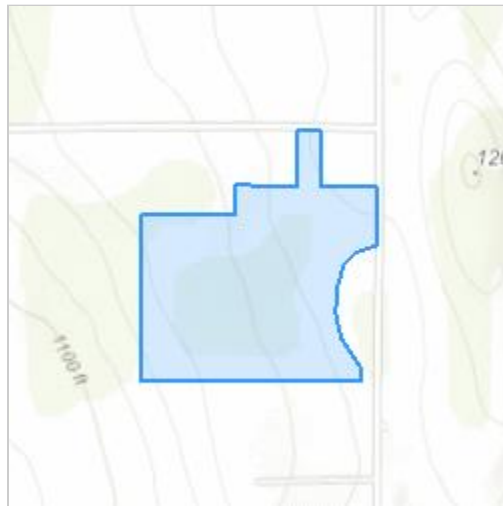
Project Name: BW Genesee 4 Solar

Project Type: \*\* OTHER \*\*

Project Description: The project area is located in the Town of Pavilion, in Genesee County, NY. The project involves the construction of a new solar array. The existing site consists of agricultural lands. Proposed improvements include the installation of the solar arrays, and associated electrical equipment, gravel access roads, and perimeter fencing.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.8780101,-78.05375584237737,14z>



Counties: Genesee County, New York

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## Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

### Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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# **Agency Consultations**

**NYSDEC & Natural Heritage Program (NHP),  
Environmental Resource Mapper**

**BW Genesee 4 Solar Project**  
**Town of Pavilion, Genesee County, NY**

NYSDEC Environmental Resource Mapper  
Review of Rare Plants or Animals, Significant Natural Communities, and Imperiled Mussels





# **Agency Consultations**

**NY State Historic Preservation Office (SHPO)**

# BW Solar Genesee 4 Solar Project (Project)

## NY SHPO Cultural Resources Inventory System (CRIS)

CRIS  
Cultural Resource Information System

HOME SUBMIT **SEARCH** COMMUNICATE

- Buildings
- LPC Landmarks
- Cemeteries
- DOT BINS
- Building Footprints
- National Register Building Listings
- Building Districts
- Archaeology Surveys
- Building Surveys
- Consultation Projects
- LPC Historic Districts
- Archaeological Sensitive Areas
- Certified Local Governments
- Qualifying Census Tracts
- State Park Land
- Adirondack Forest Preserve NHL Boundary
- Bedrock Geology
- 117th Congressional Districts
- Minor Civil Divisions

300'

New York State, Maxar | Esri, HERE, Garmin, iPC

POWERED BY **esri**



TOWN VILLAGE CITY OF Pavilion

Application # \_\_\_\_\_

# Agricultural Data Statement

Date 01/28/2022

**Instructions:** This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Applicant	Owner if Different from Applicant
Name: <u>NY CDG Genesee 4 LLC</u> Address: <u>850 New Burton Road, Suite 201</u> <u>Dover, Delaware 19904</u>	Name: <u>Douglas and Suzanne Waite</u> Address: <u>6464 Shepard Road</u> <u>Pavilion, NY 14525</u>

1. Type of Application:  Special Use Permit;  Site Plan Approval;  Use Variance;  
(circle one or more)  Subdivision Approval

2. Description of proposed project: The proposed Project involves the construction of an approximately 4.275-Megawatt (MWAC) solar facility in a fallow agricultural field located at 6464 Shepard Road in the Town of Pavilion. The Project Boundary is approximately 31.03-acres, of the total 39.8-acre parcel. The facility will include one (1) porous gravel access road, ground-mounted solar photovoltaic (PV) arrays a perimeter fence, and an equipment pad for inverters/transformers.

3. Location of project: Address: 6464 Shepard Road, Pavilion, NY 14525  
Tax Map Number (TMP) 15.-1-38.11

- 4. Is this parcel within an Agricultural District?  NO  YES (Check with your local assessor if
- 5. If YES, Agricultural District Number Genesee 3 you do not know)
- 6. Is this parcel actively farmed?  NO  YES
- 7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: <u>See Attached</u> Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES
Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if other than applicant)

Reviewed by: \_\_\_\_\_  
Signature of Municipal Official

\_\_\_\_\_  
Date

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

*Agricultural Data Statement  
Additional Information*

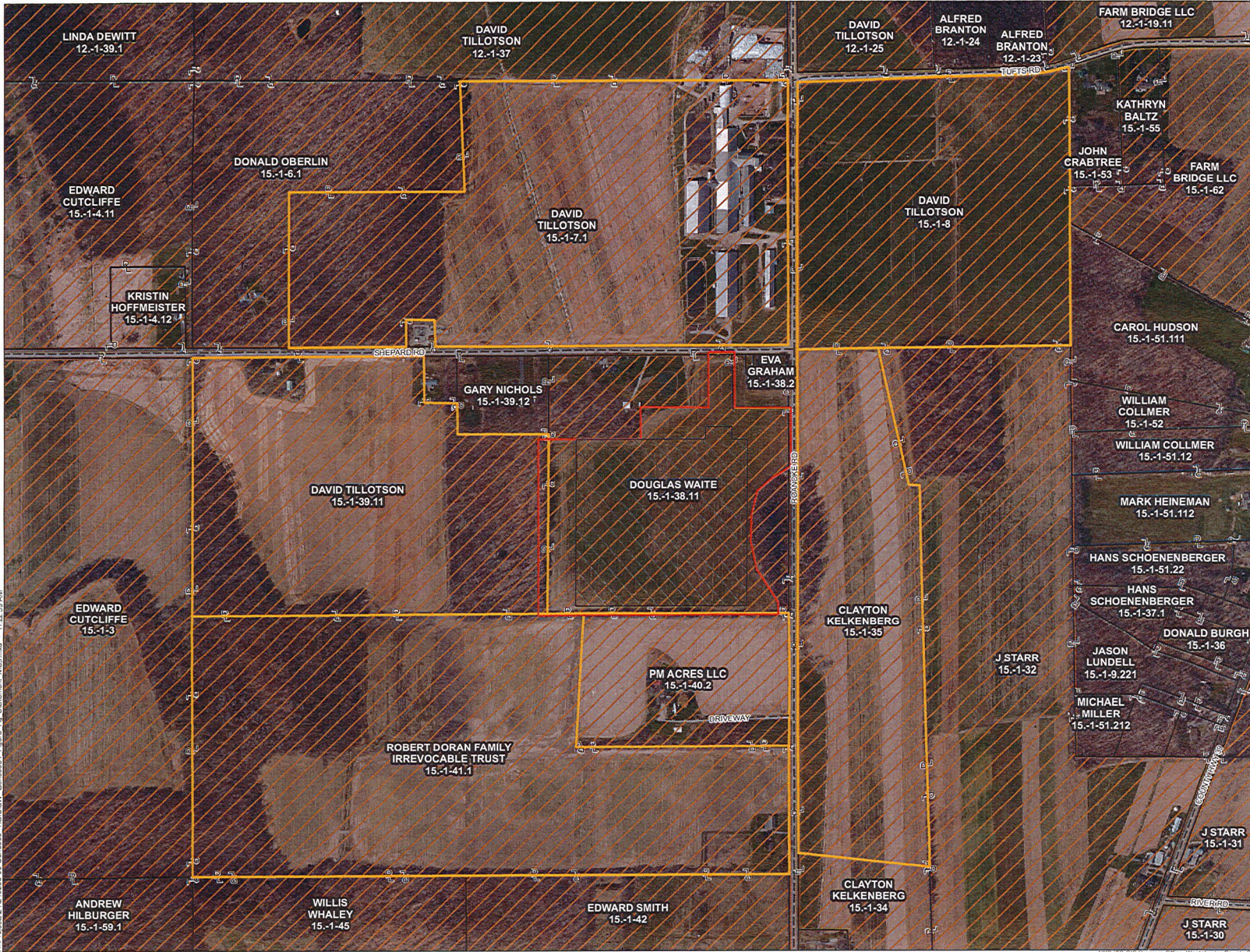
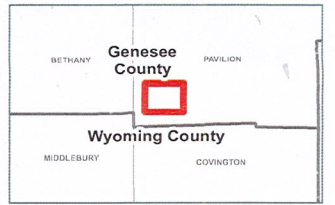
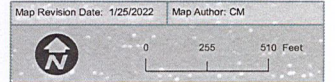
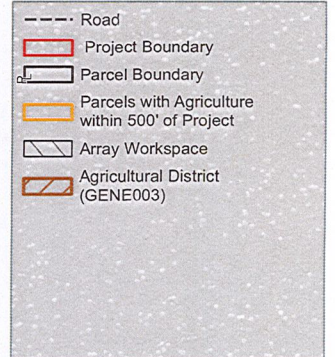
**Question 7: List all farm operations within 500-feet of your parcel.**

<b>Parcel Id #</b>	<b>Property Owner Name</b>	<b>Parcel Street Address</b>	<b>Owner Mailing Address</b>	<b>Parcel Acres</b>
15.-1-35	Clayton Kelkenberg	Roanoke Rd	11304 Starr Rd Wyoming, NY 14591	41.1
15.-1-39.11	David Tillotson	6360 Shepard Rd	11129 River Rd Pavilion, NY 14525	54.6
15.-1-7.1	David Tillotson	10972 Roanoke Rd	11129 River Rd Pavilion, NY 14525	75.1
15.-1-8	David Tillotson	Roanoke Rd	11129 River Rd Pavilion, NY 14525	49.4
15.-1-40.2	PM Acres LLC	11132-36 Roanoke Rd	3825 Tuttle Rd Piffard, NY 14533	19.1
15.-1-41.1	Robert Doran Family Irrevocable Trust	11184 Roanoke Rd	5866 North Byron Rd Byron, NY 14422	87.3

# **Agricultural Data Statement Figure**



NY CDG GENESEE 4 LLC  
GENESEE 4 SOLAR PROJECT  
AGRICULTURAL DATA MAP  
GENESEE COUNTY, NY





# T-02-PAV-4-22



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