



EAST POINT ENERGY CENTER

Case No. 17-F-0599

1001.4 Exhibit 4

Land Use

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Exhibit 4: Land Use

This Exhibit will track the requirements of proposed Stipulation 4, dated August 20, 2019, and therefore, the requirements of 16 NYCRR § 1001.4.

The Project has been sited to avoid and/or minimize impacts to land uses within the Study Area and Project Area to the maximum extent practicable as detailed in this Exhibit. Of the overall 1,313-acre Project Area assessed, only approximately 312.88 acres (23.8 percent) will be used for Facility Components within a fenced area of approximately 352 acres to generate 50 MW of renewable energy.

4(a) Map of Existing Land Use

Figure 4-1 depicts Project facilities in relation to existing land uses within Schoharie County. This figure was created using Land Use Classification codes from the Schoharie County Office of Community Development Services to classify land uses within the Study Area, which consists of approximately 20,278 acres of land (2-mile radius from the 1,313-acre Project Area boundary, including all of the Village of Sharon Springs). Land Use Classification Codes have been applied by the County to each parcel within the County to describe its primary use. These Land Use Classification Code descriptions and application are consistent throughout New York State.

(1) Land Use Classification Codes

Land use classifications developed by the New York State Office of Real Property Services (NYSORPS) that occur within the Study Area include agricultural, residential, vacant land, commercial, recreation and entertainment, community services, industrial, public services, and wild, forested, conservation lands and public parks. Each Land Use Classification Code identified within the Study Area is described below and shown on Figure 4-1.

Agricultural Land – 100

The NYSORPS describes agricultural land as property used for the production of crops or livestock. Approximately 6,894 acres within the Study Area are classified as Agricultural Land (Code 100). The New York State Department of Agriculture and Markets (NYSDAM) further classifies agricultural lands as state-certified Agricultural Districts pursuant to the New York Agricultural Districts Law (Article 25-AA of the Agriculture and Markets Law). According to the NYSORPS, approximately 65,653 acres are identified as Agricultural Land (Code 100) in Schoharie County and 118,083 in Montgomery County. Approximately

133,159 acres of land are mapped as an Agricultural District within Schoharie County, including 22,764 acres in the Town of Sharon. Approximately 175,980 acres of land are mapped as an Agricultural District within Montgomery County.

The Project Area was evaluated further to determine direct impacts on Agricultural Land, including mapped Agricultural Districts, as part of the Project. From this review, a total of 950 acres of NYSORPS-classified Agricultural Land (Code 100) is mapped within the Project Area. Of this, approximately 950 acres are also mapped as Agricultural Districts in Schoharie County (2018). Although the Project is sited within mapped Agricultural Districts, the Facility will only occupy 312.88 acres (0.23 percent) of all lands designated as mapped Agricultural Districts within Schoharie County. Furthermore, the Facility will only occupy 312.88 acres (1.37 percent) of all lands designated as mapped Agricultural Districts within the Town of Sharon. Facility impacts to designated agricultural districts and soils designated as prime farmland are further described in Table 4-1 below.

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

County	Agricultural District	Temporary Soil Impact	Soil Impact for Project Service Life	Percentage of Impact on Prime Farmland within Schoharie County
Schoharie	312.88(acres)/ 0.23% of all Agricultural Districts within the County	12.48 acres	300.40 acres	0.68%

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

Residential Land – 200

The NYSORPS describes residential land as property used for human habitation, excluding hotels, motels, and apartments. Approximately 7,416 acres within the Study Area are classified as Residential Land (Code 200), of the larger 158,739 acres of Residential Land in Schoharie County. Residential land within the Project Area consists of two residential properties, predominantly surrounded by agricultural land.

Vacant Land – 300

The NYSORPS describes vacant land as property that is not in use, is in temporary use, or lacks permanent improvement. Approximately 4,527 acres within the Study Area is classified as Vacant Land (Code 300), of the larger 108,401 acres of Vacant Land in Schoharie County. Vacant parcels within the Project Area were further evaluated from a review of aerial photography and it appears that a majority of the vacant land within the Study Area is composed of agricultural land and potential hunting land as a secondary use on vacant parcels. In addition, the Applicant has consulted with the participating landowners concerning the uses of land within the Project Area.

Commercial – 400

The NYSORPS describes commercial land as property used for the sale of goods and/or services. There are 66 parcels (comprising approximately 343 acres) classified as Commercial Land (Code 400) within the Study Area, which includes the Towns of Sharon, Carlisle, Canajoharie, and Seward. There are no parcels classified as Commercial within the Project Area. The nearest Commercial Land Use parcel is Land Use Code 411, located south of the southwest portion of the Project Area, occupying approximately 2.00 acres on Beech Road in the Town of Sharon. Commercial Land Use within the Study Area is primarily located within the more developed areas of the Towns listed above. Impacts to these areas are not anticipated as the Project avoids these Commercial Land Use designated areas.

Recreation and Entertainment – 500

The NYSORPS describes recreation and entertainment land as property used by groups for recreation, amusement, or entertainment. Review of the NYSORPS mapping indicated four parcels (approximately 90 acres) classified as Recreation and Entertainment Land Use (Code 500) within the Study Area, including property within the Village of Sharon Springs.

One of the properties classified as Recreation and Entertainment Land Use within the Study Area is sub-classified as Land Use Code 552 – Public Golf Courses. This 73.4-acre property is owned by M & M Stone House Inc. and is located approximately 1.6 miles west of the Project Area.

The second property classified as Recreation and Entertainment Land Use within the Study Area is classified as Land Use Code 554 – Outdoor Swimming Pools. This 1.1-acre property is owned by the Town of Sharon and is located approximately 1.7 miles west of the Project Area.

The third property classified as Recreation and Entertainment Land Use within the Study Area is classified as Land Use Code 544 – Health Spas. This 14.2-acre property is owned by Sharon Springs, Inc. and is located approximately 2.2 miles west of the Project Area.

The last property classified as Recreation and Entertainment Land Use within the Study Area is classified as Land Use Code 593 – Picnic Grounds. This 1.0-acre property is owned by the Village of Sharon Springs and is located approximately 2.2 miles west of the Project Area.

Community Service – 600

The NYSORPS describes community service land as property used for the well-being of the community. There are 26 Community Service Land Use (Code 600) properties within the Study Area of the Project. These properties comprise approximately 258 acres of the Study Area.

Two of the properties located within the Town of Sharon are classified as Land Use Code 695 – Cemeteries. These properties are owned by Slate Hill Cemetery Inc. and occupy 21.3 acres located approximately 0.6 miles south of the Project Area.

The next nearest property located within the Town of Sharon is classified as Land Use Code 682 – Recreational Facilities. This 54.50-acre property is owned by the Town of Sharon and is located approximately 1.5 miles west of the Project Area.

Industrial – 700

The NYSORPS describes industrial land as property used for the production and fabrication of durable and nondurable man-made goods. Review of the NYSORPS Land Use Classifications indicated that there are no Industrial (Code 700) properties within the Project Area. The nearest Industrial Land Use parcel is Code 710 – Manufacturing and

Processing and is located approximately 1.5 miles southwest of the Project Area boundary and occupies 3.5 acres. Nlt Enterprises is a privately held company located on this parcel.

Public Services – 800

The NYSORPS describes public services land as property used to provide services to the general public. Review of the NYSORPS Land Use Classifications indicated that there are 16 parcels (approximately 108 acres) classified as Public Service Land Use (Code 800) located in the Town of Sharon within the Study Area. Three of the parcels are classified as Land Use Code 844 - Air, located approximately 0.7 miles north of the southwest portion of the Project Area and occupies approximately 53.6 acres. These parcels serve to provide the community with the privately owned Sharon Air Park, Inc. airport facility that is located along Route 20 and is minimally used. Another parcel is classified as Land Use Code 872 – Electric Substation, located south of the northeast portion the Project Area, and occupies approximately 2.78 acres. This parcel serves to provide the community with electric utility services.

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

The NYSORPS describes Wild, Forested, or Conservation Lands and Public Parks property as parcels including reforested land, preserves, and private hunting and/or fishing clubs. Approximately 158 acres of Wild, Forested, or Conservation Lands and Public Parks Land Uses (Code 900) are located within the Study Area. None of these parcels are located within the Project Area.

There are no state forests or reforestation areas within the Study Area. Two of the nearest Wild, Forested, or Conservation Lands and Public Parks Land Use properties are located north and adjacent to the Project Area and are classified as Land Use Code 910 – Private Wild and Forest Lands except for Private Hunting and Fishing Clubs, occupying approximately 20.7 acres. Another cluster of properties are located approximately 0.3 miles to the west of the Project Area and are classified as Land Use Code 910 – Private Wild and Forest Lands except for Private Hunting and Fishing Clubs, occupying approximately 50.97 acres. The next nearest Wild, Forested, or Conservation Lands and Public Parks Land Use property is located approximately 1.0 miles to the northeast and is classified as Land Use Code 910 – Private Wild and Forest Lands except for Private Hunting and Fishing Clubs, occupying approximately 5.2 acres.

The Wild, Forested, or Conservation Lands and Public Parks Land Use properties are located within the Eastern Great Lowlands ecoregion. There are no New York State Department of Environmental Conservation (NYSDEC) wildlife management areas within the Study Area.

The National Conservation Easement Database (NCED) was reviewed by TRC to identify records of land trusts and conservation easements within the Study Area. The review indicated the presence of one conservation easement within the Study Area for the Project. There are no conservation easements within the Project Area. The easement identified within the Study Area is held by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and is located to the north and south of Onderdunk Road in the Town of Sharon, Schoharie County. The easement is part of the Wetlands Reserve Program (NCED 965126 NCED Site 129523) and is monitored by Ducks Unlimited. The easement was established in 2013 and is closed to the public. This establishment represents land to be conserved as permanent wetland and will support wetland communities within the Study Area. The Project will not impact this conservation easement.

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

Land Use Classification Code	Acreage within Study Area	Percentage of Study Area (%)
Agricultural (100)	6,893.7	34.1
Residential (200)	7,416.4	36.57
Vacant Land (300)	4,527.1	22.33
Commercial (400)	342.7	1.69
Recreation and Entertainment (500)	90.0	0.44
Community Services (600)	257.9	1.27
Industrial (700)	4.8	0.02
Public Services (800)	107.6	0.53
Wild, Forested, or Conservation Lands and Public Parks (900)	158.0	0.78
Roads and Non-Parcel Areas	479.4	2.36
No Data	0.4	0.00
<p>Note: land use calculations were derived from parcel boundary data obtained from the Applicant's land agent (CanAcre) in combination with land use classification data from the NYSORPS parcel boundary data. Any discrepancies among the two sources (totaling approximately 5 acres) was resolved using data from the Schoharie County GIS Viewer.</p>		

4(b) Existing Utility Facilities Map

Figure 4-2 illustrates known existing major electric, gas, and telecommunications facilities within the 2-mile Study Area. As indicated in Figure 4-2, there are no telecommunication fiber routes

within the 2-mile Study Area. These utility facilities include existing overhead or underground lines for gas, electric, or telecommunication companies.

4(c) Tax Parcel Map

Information on the current land use, tax parcel number, and owner of record for each property within the Project Area, as well as those adjacent parcels within 2,500 feet is depicted on Figure 4-3. This information is based on data obtained from Schoharie County.

4(d) Existing and Proposed Zoning Districts

The Towns of Sharon, Carlisle, Seward, and the Village of Sharon Springs(the Village is included solely for the purposes of Exhibit 4), Schoharie County, and the Towns of Canajoharie and Root, Montgomery County, encompass the entire Project Study Area, along with their respective zoning regulations and mapping. A scaled map of the existing zoning districts within the Study Area is included as Figure 4-2. There are currently no proposed zoning districts in the Town of Sharon.

A description of the zoning districts in each of the Towns located within the Study Area and the Village of Sharon Springs is presented below, including permitted and prohibited uses within each zone.

Town of Canajoharie

The Zoning Law of the Town of Canajoharie, adopted April 5, 2001, established seven zoning districts within the Town including the Residential District (R), Agricultural/Rural Residential District (A), Commercial District (C), Manufacturing District (M), Personal Wireless Service Facilities Overlay District (PWSF), Critical Environmental Overlay District (CE), and Scenic Resources Overlay District (SR). Three of the established Canajoharie zoning districts are located within the northwest portion of the Project Study Area including zoning districts A and R.

The A district has been designated to maintain and encourage the agricultural endeavors practiced in the rural areas of the Town; to protect, enhance and encourage the preservation of open space, scenic views, wildlife habitat, and other natural resources; and to provide the opportunity for residential development on properly serviced sites while maintaining the rural atmosphere and values of the community. Permitted uses within the A district include farm operations, farm stands, single-family dwellings, two-family dwellings or duplexes, customary accessory uses/buildings, nursery schools (of less than 10 children), personages/rectories, and caretaker houses.

The R district has been designated for the following reasons: to maintain and protect residential and neighborhood qualities while recognizing the importance of meeting the housing needs of Town residents, to provide for and encourage a mixture of housing types and opportunities, to provide for and encourage open spaces, to foster safe pedestrian and traffic circulation by establishing options for the provision of off-street parking, and to recognize the existence of non-conforming uses and to encourage their operation in an unobtrusive fashion. Permitted uses within the R district include single-family dwellings, two-family dwellings or duplexes, customary accessory uses/buildings, nursery schools (of less than 10 children), parsonages/rectories, and caretaker houses.

Prohibited uses within the Town of Canajoharie's R district includes the following:

- farm operations,
- accessory buildings for commercial purposes,
- farm stands,
- manure storage facilities,
- campsites or private camps,
- banks,
- freestanding drive-thru businesses,
- motels or hotels, restaurants,
- bars/taverns/nightclubs,
- coin-operated laundry,
- laundry or dry-cleaning plants,
- appliance repairs,
- motor vehicle repairs,
- agricultural equipment repairs,
- gasoline stations,
- new/used vehicle sales,
- mobile home sales,
- car washes,
- animal hospitals or kennels,
- antiques, crafts, or flea markets,
- golf courses,
- campgrounds/recreational vehicle camps,

- slaughterhouses or rendering plants,
- processing of agricultural or food products,
- quarrying/mining/topsoil removals,
- private storage units,
- airports or landing strips,
- wholesales/warehouses,
- music or arts festivals or other temporary public gatherings,
- outdoor recreational facilities,
- indoor theaters/auditoriums,
- fairgrounds,
- indoor recreational facilities,
- farm markets,
- stables,
- adult-oriented businesses,
- manufacturing,
- research laboratories,
- printing/binding/publishing,
- truck terminals/transfers, and
- cemeteries and crematoriums.

Prohibited uses within the Town of Canajoharie's A district includes:

- banks,
- freestanding drive-thru businesses,
- motels or hotels,
- bars/taverns/nightclubs,
- coin operated laundry,
- laundry or dry-cleaning plants,
- gasoline stations,
- new/used vehicle sales,
- mobile home sales,
- car washes, and
- indoor theaters/auditoriums.

All other land uses not previously mentioned as permitted or prohibited may be permitted subject to supplementary regulations or with a Special Use Permit.

Town of Root

Although the Town of Root, Montgomery County, has land use regulations in place, they are not available online or available for copy as they are currently in the process of being printed. As such, a description of the Town of Root regulations related to development of the Project has not been included in this Exhibit, however, there will be no impacts to any existing or proposed zoning within the Town of Root as a result of the Project.

Town of Carlisle

There are currently no zoning regulations set forth in the Town of Carlisle, Montgomery County, of which the eastern portion of the Project Study Area occupies approximately 1,100 acres.

Town of Seward

The Town of Seward Land Use Code, adopted August 4, 1997 and last amended February 2, 2009, established four zoning districts within the Town. These include Residential District (R), Residential-Agricultural District (R-A), Open-Space District (O-S), and Flood Hazard (Overlay) District (F-H). Two of the established zoning districts are located within the southern portion of the Project Study Area including O-S and R-A.

Permitted uses within the O-S district include one-family dwellings, two-family dwellings, seasonal dwellings, clubs, open space recreation, municipal reservoirs, farm structures, and forestry practices.

Permitted uses within the R-A district include one- and two-family dwellings, recreational farm structures/uses, and open space.

Nonconforming uses within the O-S and R-A districts of the Town of Seward may be carried out or located on any lot of record in any district if said lot is less than the minimum area required for said use in the district in which it is located, provided conditions 1 and 2 of section 15 within the Town of Seward Land Use Code exist or are met.

Town of Sharon

The Town of Sharon Zoning Law, adopted March 1, 2017, established seven zoning districts within the Town including Residential District (R), Residential-Highway District (R-H), Residential-Rural District (R-R), Residential-Agricultural District (R-A), Rural-Center District (R-C), Open-Space District (O-S), and Flood Hazard (Overlay) District (F-H).

The R district has been designated to allow for one-and-two-family dwellings, agriculture, and limited commercial uses in a denser development pattern adjacent to the Village of Sharon Springs in a manner that is consistent with the land use pattern in the Village. Permitted principal uses within the R district include one-family dwellings, two-family dwellings, existing farm structures, farm use and farm worker housing, and small-scale solar energy collectors.

The R-H district has been designated to “allow for a mix of lower density residential use and highway-oriented commercial and light industrial use along some sections of Route 20.” Permitted principal uses within the R-H district include one-family dwellings, two-family dwellings, farm structures and use and farm worker housing, small-scale solar energy collector, and existing commercial structures use. Utility-Scale Solar Energy Collector use is allowed by Special Permit in the R-H zoning district.

The R-R district has been designated to “allow for a low density of one- and two-family dwellings, mobile homes, multifamily homes, agriculture, and certain commercial uses in a manner consistent with the rural environment north of Route 20.” Permitted principal uses within the R-R district include one-family dwellings, two-family dwellings, mobile homes, farm structures and use and farm worker housing, and small-scale solar energy collectors. Utility-Scale Solar Energy Collector use is allowed by Special Permit in the R-R zoning district.

The R-A district has been designated to “allow for a moderately low density of one-and-two-family dwellings, mobile homes, farms, multifamily dwellings, and certain commercial uses in a manner consistent with the rural environment south of Route 20.” Permitted principal uses within the R-A district include one-family dwellings, two-family dwellings, mobile homes, farm structures and use and farm worker housing, farm stands, and small-scale solar energy collectors. Utility-Scale Solar Energy Collector use is allowed by Special Permit in the R-A zoning district.

The R-C district has been designated to “allow for a mix of higher density residential use and certain commercial uses consistent with the hamlet character and environment of the hamlets of

Leesville and Sharon.” Permitted principal uses within the R-C district include one-family dwellings, existing mobile homes, retail commercial structures and use, rural service shops and use, public and semi-public structures and use, and small-scale solar energy collectors.

The O-S district has been designated to “allow for a very low density of one-and-two-family dwellings, seasonal dwellings, agriculture, forestry operations, and open space recreation uses in areas that are mostly forested and with environmental sensitivities such as steep slopes.” Permitted principal uses within the O-S district include one-family dwellings, two-family dwellings, seasonal dwellings, clubs, municipal reservoirs, farm structures, farm use and farm worker housing, and forest practices. Utility-Scale Solar Energy Collector use is allowed by Special Permit in the O-S zoning district.

The F-H district has been designated to “protect persons and structures from flooding in flood hazard areas.” Permitted uses within the F-H (overlay) district include agriculture, open space, forestry, and open space recreation.

The Project Area is primarily located within the R-A and R-R zoning districts with portions of the Project Area located in the O-S and R-H zoning districts (see Figure 4-4). Utility-Scale Solar Energy Collector use is allowed by Special Permit in each of these zoning districts. Attachment I of the Town of Sharon Land Use Code & Zoning Law (2017) identifies prohibited uses in the Town of Sharon. Solar Farms/Utility-Scale Solar Energy Systems are not included in the Town of Sharon’s list of prohibited uses. Article VI, section 24 (E) includes standards for solar farms/utility-scale solar energy systems. Refer to Exhibit 31 Local Laws and Ordinances for a consistency determination for each of the applicable substantive local laws and ordinances of the Town of Sharon.

Village of Sharon Springs

The Village of Sharon Springs Zoning Law, adopted January 2007, established seven zoning districts within the Village including R, Residential Transition District (R-T), Main Street District (M-S), Commercial-Business District (C-B), Commercial-Industrial District (C-I), O-S, and F-H.

The R district has been designated to “promote residential development at higher densities consistent with the traditional and historical residential core of the Village.” Permitted uses within the R district include farm structure, farm uses, one-family dwellings, and customary accessory uses.

The R-T district has been designated to “provide for a mix of residential uses and multi-family and tourist-oriented residences consistent with existing development patterns.” Permitted uses within the R-T district include one-family dwellings, two-family dwellings, and customary accessory uses.

The M-S district has been designated to “provide a focal point for commercial activities in the Village and to develop and promote a traditional Main Street corridor that is protective of the historic character and architectural heritage of the area.” Permitted uses within the M-S district includes single-family dwellings.

The C-B district has been designated to “allow for more highway-oriented commercial uses in other concentrated locations in the Village.” Permitted uses within the C-B district include existing single-family dwellings, existing two-family dwellings, retail business, personal services, offices, and banks.

The C-I district has been designated to “allow additional commercial uses that are more automobile-dependent or that need larger lot sizes than may be available in the MS District at several concentrated nodes within the village.” Permitted uses within the C-I district include warehousing and storage facilities, farm and lawn equipment, garden supplies, feed supplies, lumber and building supplies, gasoline filling stations, office, automobile service garages, customary accessory uses, and car washes.

The O-S district has been designated to “protect sensitive environmental lands and open space, promote low-density residential and compatible open space uses by discouraging large-scale residential or commercial development.” Permitted uses within the O-S district include single-family dwellings, open space recreation, customary accessory uses, and clustered subdivision.

The F-H district has been designated to “preserve the natural function of a flood plain, to protect general health and welfare, prevent flood damage, preserve open space and minimize public and private losses due to flood conditions in specific areas.” Permitted uses within the F-H district include uses that are in accord with the process and standards established for the F-H district.

Section 3.1 of the Village of Sharon Springs Land Use Code (2007) identifies prohibited uses as any use not listed as permitted or allowable by a special use permit in sections 3.2 through 3.10. Per section 3.1, Public Utility Structures are not considered prohibited uses in the Village of Sharon Springs.

4(e) Adopted Comprehensive Plan

The Project Area is proposed in the Town of Sharon in Schoharie County. The Town of Sharon adopted the Town of Sharon Comprehensive Plan in September 2009, available on the Schoharie County website: <http://www4.schohariecounty-ny.gov/government/town-of-sharon/compplan/>. The comprehensive plan goal is to “protect and maintain the rural character and small town atmosphere of the Town of Sharon while promoting appropriate economic development.” The Project will be consistent with this comprehensive plan goal. Electric generation by a solar energy center is a passive use in that it generates little to no noise, no air emissions or water discharges, does not generate traffic, can be visually screened from adjacent residential land uses and does not result in an incremental cost increase to municipal infrastructure and services. As such, this use is compatible with and does not negatively impact the rural character and small-town atmosphere. To the contrary, the payments provided to the participating landowners should help them maintain their current ownership of the land, rather than selling it off for other purposes that could be inconsistent with the rural character of the of the Town of Sharon. The Project will also be consistent with the plan’s “appropriate economic development” goal as it will have significant positive socioeconomic impacts in the Town, in Schoharie County, and beyond through employment opportunities, specifically by generating temporary development and construction employment. In addition, payments to the municipality are being negotiated through development of a payment in lieu of taxes (PILOT) agreement and/or Host Community Agreement. Accordingly, the proposed development is consistent with the comprehensive plan goal.

Amendments to the 2009 Comprehensive Plan, dated March 7, 2012, include an updated set of maps (Appendix D of the 2009 Comprehensive Plan) to depict the following resources within the Town of Sharon: agricultural districts, cemeteries – public and private, a composite of environmental resources – overlay, empire zone, floodplain, forested/public service, gas leases, karst, national historic inventory, pipelines, priority water listings, property classifications, scenic roads, soils, steep slopes, streams and waterbodies, water quality classification, water wells unconsolidated aquifers, watersheds and sub-watersheds, wetlands and hydric soils, zoning, and zoning with aerial photo. From a review of these map sets, the majority of the Study Area, with the exclusion of the Village of Sharon Springs, is located within Agricultural District #3 in the Town of Sharon. Three cemeteries were identified within the Project Area including the Ball Cemetery Site, Van Volkenburgh Cemetery, and Fritcher Cemetery. No impacts will occur to these cemeteries during Project construction or operation. Twenty-one cemeteries are located within

the Study Area (inclusive of the three identified within the Project Area) and they will not be impacted either.

According to the Composite of Environmental Resources Map, the Study Area encompasses environmental resource overlap values zero to five. This range reveals that the Study Area is primarily within an area with a low to moderate environmental resource value. Environmental resource values are rated on a scale of zero to eight, with eight being the highest designated environmental resource value. The only Empire Zone (designated by the State under the Empire Zones Program) within the Study Area is located within the Village of Sharon Springs, which is too distant from the Project to be affected by its construction or operation. According to the Gas Leases Map, the Study Area includes eight parcels designated as gas lease parcels, none of which are located within the Project Area. A majority of the Project Area and Study Area includes land located within the karst area designated by the Town of Sharon. As the Project involves minimal ground disturbance, land located within the karst area will not be significantly impacted as discussed in Exhibit 21. From a review of the Archaeologic Site National Historic Registry map, no National Historic Register sites or Sensitive Archaeologic Areas were identified within the Project Area. One National Historic Register site is located within the Study Area within the Village of Sharon Springs. Three Sensitive Archaeologic Areas were identified within the western, southern, and southeast portions of the Study Area. Refer to Exhibit 20 for a detailed assessment of historic and archaeological resources.

From a review of the Pipelines Map, no pipelines were identified within the Project Study Area. Exhibits 21, 22, and 23 include information provided in the floodplain, priority water listings, soils, steep slopes, streams and waterbodies, water quality classification, water wells unconsolidated aquifers, watersheds and sub-watersheds, wetlands and hydric soils updated map sets, as applicable to the Project. The remaining resources included in the updated map sets are addressed in 4(a) and 4(h) of this Exhibit. No significant impacts are anticipated to occur to the resources discussed above as a result of the Project. With the inclusion of Best Management Practices and Department of Public Service Staff-approved Certificate Conditions, together with the careful design of the Project to avoid impacts, the Project will minimize impacts to these resources to the maximum extent practicable.

Additional Amendments to the 2009 Comprehensive Plan, dated March 7, 2012, included the provision of Appendix E.- Detailed Inventory of Unique and Critical Resources. Appendix E

describes the resources evaluated above in greater detail and highlights the Town's desire to advance their goals:

- Goal 1: Protect and maintain the rural character and small-town atmosphere of the Town of Sharon while promoting appropriate economic development.
- Goal 2: Improve pedestrian and traffic safety.
- Goal 3: Protect the surface and groundwater supplies, protect the integrity of mapped floodplains, preserve the integrity of unique physical environments, and preserve wildlife habitats.
- Goal 4: Secure safety from all hazards in Sharon.

The Project acknowledges the importance of these goals within the Town and does not intend to inhibit progression of efforts made to achieve these goals. The following plans prepared for the Project will assist in preserving the Town's goals and highlight the Applicant's effort to construct and operate the Project in kind with preservation of the Town's rural character and environmental resources, and provide safe construction and reduce hazardous risks related to development of the Project:

- Site Security Plan (Appendix 18-1),
- Invasive Species Management and Control Plan (Appendix 22-6), and
- Stormwater Pollution Prevention Plan (Appendix 23-3).

The U.S. Route 20 Byway Strategy

The U.S. Route 20 Byway Strategy (the Strategy) provided by the New York State Department of Transportation (NYSDOT) (2004), describes the importance of this scenic and historic route that traverses through the central portion of the Project Area. The byway encompasses over 120 miles, seven counties, and 29 municipalities including the Town of Sharon and Village of Sharon Springs. Strategy goals include the development of the following components: public participation, stewardship, tourism development, marketing and promotion, resource interpretation, financial resources, support and implementation, and transportation safety. The Strategy recognizes the historic and cultural sites available along the route, such as the Tepee included as part of Scenic Tour M – Historic Sharon Springs described in Section 4(h) of this Exhibit.

Land uses vary along Route 20 within the Study Area. There is a mix of uses including residential, agriculture, and commercial/industrial. Commercial/industrial uses include the Walmart

Distribution Center #6041, Dollar General, Sharon Springs Garage, Inc. (tractor dealership), an existing solar facility, Stewarts, MacFadden & Sons, Inc. (tractor supply), and other commercial uses.

Route 20 will be used during construction to transport Project Components to the Project Area. It will also serve as a passageway for Project personnel to perform maintenance activities as necessary during operations throughout the useful economic life of the Project. In response to the Town of Sharon's expressed concern, the design of the Project was revised and the Project is now proposed such that there will be limited to no visibility from Route 20 and therefore, will not impact the scenic byway nor result in a hindrance to the Strategy goals mentioned above. Approximately 1.8 miles of Route 20 bisects the Project Area of the larger 108 miles spanning across central New York. The Applicant has sited the Project to avoid placing Project Components within portions of the Project Area with unobstructed views of Route 20 as documented in the viewshed assessment in Exhibit 24: Visual Impacts.

4(f) Publicly Known Existing and Proposed Land Uses Map

Figure 4-1 identifies all publicly known existing land uses within the Study Area. However, there are no specific proposed land use plans publicly available for Schoharie County and therefore, no proposed land use map has been included as part of the Application. Upon coordination with the Town of Sharon, the only proposed land uses include residential building permit applications. Therefore, no publicly known proposed land uses map has been prepared. Alternatively, Montgomery County currently has two proposed Projects, announced to the public in 2019 and pending local approval, including the Mary to New Scotland Electric Transmission Upgrade Project, and Mohawk Solar, LLC solar electric-generating facility, neither of which are located within the Study Area. Interviews with the Town and County officials did not indicate any proposed new land uses or plans.

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

Areas of special designation such as agricultural districts, flood-prone zones, critical environmental areas, and recreational/sensitive areas are depicted on Figure 4-5. This figure was prepared using the NYSDAM Agricultural Districts Mapping for Schoharie County (2019) and Montgomery County (2019), as well as data from the Federal Emergency Management Agency Flood Insurance Rate Maps. There are no designated inland waterways, coastal areas, local

waterfront revitalization program areas, critical environmental areas, or groundwater management zones within the Study Area.

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

Figure 4-6 includes recreational and other land uses reviewed within the Study Area that might be affected by the sight, sound, or odor of the construction or operation of the Project, or the on-site interconnection and related facilities. Table 4-3 identifies the sources used to populate Figure 4-6, as well as whether or not those land use types were identified within the Study Area.

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

Land Use	Sources Reviewed	Within Study Area?
Wild, Scenic and Recreational River Corridors	NYSDEC List of Wild, Scenic and Recreational Rivers (Accessed 2019) National Wild and Scenic Rivers Mapping (Accessed 2019)	No
Open Space	NYS Department of State, Office of Planning & Development GIS Database (Accessed 2019) NYSDEC GIS Database (Accessed 2019) Schoharie County Office of Community Development Services GIS Services (Accessed 2019)	Yes
Known Archaeological, Geologic, Historic, or Scenic Area	NYS Historic Preservation Office Cultural Resources Information System (CRIS) (Accessed 2019) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2019) USDA NRCS Web Soil Survey (Accessed 2019)	Yes

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

Land Use	Sources Reviewed	Within Study Area?
Parks	Available Mapping for the Town of Sharon and Village of Sharon Springs (Accessed 2019) Schoharie County Office of Community Development Services GIS Services (Accessed 2019) NYS Office of Parks, Recreation and Historic Preservation (OPRHP; Accessed 2019) NYSDEC State Lands Mapping (Accessed 2019) National Park Service Mapping (Accessed 2019)	Yes
Designated Wilderness, Forest Preserve Lands, Designated Scenic Byways and Nature Preserves	NYSDEC GIS Database (Accessed 2019) National Wilderness Preservation System (Accessed 2019)	Yes
Conservation Easement Lands	NYSDEC GIS Database (Accessed 2019) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2019) National Conservation Easement Database (Accessed 2019)	Yes
Designated Scenic Byways	NYSDEC GIS Database (Accessed 2019) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2019)	Yes
Nature Preserves	NYSDEC GIS Database (Accessed 2019)	No
Designated Trails	NYS OPRHP (Accessed 2019) NYSDEC GIS Database (Accessed 2019)	Yes

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

Land Use	Sources Reviewed	Within Study Area?
Public-Access Fishing Areas	NYSDEC GIS Database (Accessed 2019)	No

Potential impacts to each of the sensitive land uses within the Study Area have been evaluated and avoided to the maximum extent practicable. Scaled maps that show these designated areas, recreational, and other sensitive land uses are evaluated in detail in Exhibit 24 and the Visual Impact Assessment (VIA). The VIAs include potential impacts of the Project within 2 miles of the Project (the Study Area), and also within a 5-mile Visual Study Area (VSA). Local, state, and federal sensitive visual resource areas were investigated per 16 NYCRR §1001.24. An inventory of publicly available and accessible visual resources was explored through the acquisition of GIS data, review of town, county, and agency reports, topographic data, and site visits. Visual resources within 5 miles of the Project are listed in Table 24-1 of Exhibit 24.

There are no landmark landscapes, wild, scenic, or recreational rivers, or forest preserve lands found within 5 miles of the Project. There are ten federal conservation easements held by the NRCS including two easements within the Town of Canajoharie, three easements within the Town of Root, two easements within the Town of Roseboom, two easements within the Town of Seward, and one easement within the Town of Sharon. An approximate 12.1-mile segment of one scenic byway, Route 20, was identified within the 5-mile VSA. No other state-designated scenic districts, scenic roads, or scenic areas of statewide significance were found within 5 miles of the Project Area. There is one local county designated scenic tour in Schoharie County: Scenic Tour M – Historic Sharon Springs. This tour includes the Town of Sharon Springs, the American Hotel, and the Tepee. There are no state parks managed by the OPRHP within 2 miles of the Project. No state forests are found within 5 miles of the Project Area. There are several public parks and recreation areas within 5 miles of the Project Area including the Sharon Springs Recreation Center (approximately 1.8 miles northwest of the Project), the Bowman Pond within the Town of Sharon (approximately 2 miles west of the Project), the Honey Hill State Forest within the Towns of Roseboom and Sharon on Edwards Road (approximately 3.5 miles southwest of the Project), various, and two local conservation easements held in the Schoharie County Land Trust within the Town of Sharon. There are no designated trails (aside from various, unnamed snowmobile trails), state bikeways, or NYSDEC Public Fishing Rights easements within 5 miles of the Project

Area. The Project will have no impact on these sensitive resources. For more information regarding VIAs performed in relation to these resources, see Exhibit 24.

Exhibit 20 includes details of known archaeological and historic resources in the Study Area, as well as the results of the studies performed to evaluate the location and extent of known resources within the Study Area. The Phase I archaeological survey of the Project Area included 12 prehistoric sites, 2 prehistoric isolated finds, and 1 historic isolated find. These resources will not be directly impacted as part of the Project. According to the CRIS, there are several National or State Registers of Historic Places within 5 miles including eight eligible historic sites. Two are between 0.5 and 2 miles of the Project, and the remaining six are more than 2 miles from the Project. Please refer to Table 24-1 of Exhibit 24 for a detailed view. There are no scenic districts or overlooks in the 5-mile VSA. The previously listed and eligible historic sites were determined through CRIS. The Applicant also conducted a survey of newly identified architectural resources 50 years of age or older located within the Project Area of Potential Effect (APE) along Pomella Road, as requested by OPRHP. TRC identified a farm and its associated outbuildings. In consultation with OPRHP, the farm was determined not eligible for National Register of Historic Places (NRHP) listing. Refer to Exhibit 20 for more discussion of cultural resources.

The Project Facilities will have no impact on recreational resources and other sensitive land uses including the snowmobile trail located in the southern portion of the Project Area, south of Route 20, as identified in Table 24-1 of Exhibit 24 and shown on Figures 4-5 and 4-6. Also, the Applicant does not expect any adverse impacts on major communications and utility uses as discussed in Exhibit 26 and shown on Figure 4-2.

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

A qualitative assessment was completed for the Project to determine the level of compatibility with existing, proposed, and allowed land uses. The qualitative assessment evaluates short- and long-term effects of Project-generated noise, odor, traffic, and visual impacts on the use and enjoyment of areas within 1 mile of Project facilities. This assessment includes evaluation of the compatibility of the Project's above-ground structures including commercial-scale solar arrays, access roads, inverters, and fencing, as well as any aboveground and underground interconnections, with surrounding land uses. The Project Area totals 1,313 acres. The total area of the Limit of Disturbance (LOD) for the Project is 408.34 acres, and the area within the Project fence line is 352 acres. Of the 352-acre Project fence line area, the Facility will only physically

occupy 312.88 acres of land. The assessment specifically addresses impacts to nearby land uses that may be of particular concern to the community, including residential areas, schools, civic facilities, recreational facilities (including snowmobile trails), and commercial areas.

As described above, the Town of Sharon adopted the Town of Sharon Zoning Law on March 1, 2017 and the Town of Sharon Comprehensive Plan in September 2009. Existing land uses have been described in the sections above according to the Town of Sharon’s local regulations and comprehensive plan in addition to the NYSORPS land use classification codes. Project facilities are proposed to be located on Agricultural and Residential Land, according to the NYSORPS land use type definitions.

Table 4-4. Impacts to Land Use Types				
Land Use Type	Facility Components Area (acres)	Access Roads (acres)	Collection Lines (miles)	Substation (acres)
Agricultural	234.31	5.23	1.51	N/A
Residential	77.79	3.13	0.96	0.91
Roads	0.78	0.11	0.67	N/A
Total	312.88	8.47	3.14	0.91

As shown in Table 4-4 above, the majority of Project Components are located on land classified as Agricultural Land. As noted in section 4(a) above, Agricultural Land is described as “property used for the production of crops or livestock.” Project Components on Agricultural Land include 93 percent of the proposed solar arrays, 2.23 percent of the access roads, and 0.64 percent of collection lines. Collection lines sited within Agricultural Land will be located underground. Residential Land, which is “property used for human inhabitation, excluding hotels, motels, and apartments” is the second most abundant land use type on which the Project Components are proposed. Project Components on Residential Land include 91.3 percent of the proposed solar arrays, 4.0 percent of the access roads, and 1.2 percent of collection lines. The substation is also proposed on Residential Land and will cover approximately 0.91 acres.

The NYSORPS description of Agricultural Land includes both active and inactive agricultural land. Active and inactive agricultural land were treated the same in this evaluation, as future land uses could require agricultural practices and contribute to the rural character of the Project Area and its surrounding community. A total of 218.00 acres of Agricultural Land is occupied by the proposed solar arrays. This accounts for approximately 75.4 percent of the total amount of land occupied by solar arrays proposed for the Project. As Agricultural Land is one of the prime land use types in the region, the placement of Project solar arrays on this land use type is expected; however, as described below, the Project is compatible with continued agricultural use of these properties, based on consultation with participating landowners.

Although the solar arrays will occupy a portion of active farmland, this impact on active farmland will be insignificant when considering farmland at both the town and county levels. The total area of solar arrays to be located on active agricultural land (262.80-acres) represents a total of 3.81 percent of all land identified as agriculture land by the NYSORPS within the Study Area and 0.40 percent of all land identified as agriculture land within Schoharie County.

A large amount of active farmland existing within the Project Area will remain unoccupied to allow for sufficient spacing between the solar arrays, which limits direct impacts of Project Components to surrounding agricultural operations. Of the overall 1,313-acre Project Area, only approximately 312.88-acres (23.8 percent) will be used for Facility Components. No off-site staging and/or storage is proposed as part of the Project, further reducing the potential impact to active farmland. This allows for the majority of existing land uses, including those that are used for agriculture, to continue with limited interruption. Through the use of tracking solar arrays, the Applicant is able to limit the ground cover required to achieve its objectives of a 50-MW generating capacity. Additionally, solar farms typically result in a minimal amount of ground disturbance for the installation of racking and mounting posts, thereby preserving the ability to utilize the land for agricultural purposes in the future following decommissioning. In support of its Clean Energy Standard, the New York State Public Service Commission (PSC) noted that even if 100 percent of the utility-scale solar projects installed in New York contributing to the then 50 percent renewables mandate were sited on New York agricultural lands, only about 0.16 percent of such lands would be converted to utility-scale solar (PSC, Appendix G at 20).

In addition, significant payments will be provided to landowners during development and over the useful life of the Project. These payments will be provided to help stabilize revenues for local participating farms (as crop and dairy prices often fluctuate from year to year) and revenues paid

to landowners are typically reinvested in the community, helping to create jobs and improve the local economy. This diversified income helps support the agricultural community base in the area.

A total of 5.23 acres of access roads is proposed on land classified as Agricultural Land by the NYSORPS. Access roads will be used to access the Project during construction and operation phases. Access roads will be gravel and have an infiltration trench located adjacent to them to allow for the infiltration of stormwater runoff.

As previously noted in section 4(a) above the NYSORPS describes Residential Land as “property used for human habitation.” A total of 70.99 acres of land occupied by solar arrays, (approximately 24.6 percent of the Project Area occupied by the solar arrays) is proposed on land classified as Residential Land. However, the solar arrays have been sited to comply with the Town of Sharon Land Use Code setback specified for Utility Scale Solar Energy Systems requiring a 100-foot minimum buffer between any Component of the utility-scale solar energy system and a parcel boundary line. Numerous studies and countless hours went into the design of the Project to maximize the effectiveness of the solar arrays as well as to ensure that they are located at sites that are safe and that pose no harmful effects to landowners in the area. A total of 3.13 acres of access roads and 1.97 miles of collection lines are proposed on land designated as Residential Land.

The compatibility of Project Components within existing land uses was evaluated based on the NYSORPS and through review of the Town of Sharon Zoning Law (March 1, 2017) and the Town of Sharon Comprehensive Plan (September 2009). Of the 288.99 acres of solar arrays, 218.00 acres are located on land classified as Agricultural and 70.99 acres of land occupied by the proposed solar arrays are located on land classified as Residential. Collection circuits for the Project Facilities cross 2.85 miles of Agricultural Land and 1.97 miles of Residential Land. Access roads cover 5.23 acres of Agricultural Land and 3.13 acres of Residential Land.

As indicated above, additional recreational facilities within 1 mile of the Project Area were considered as part of the qualitative assessment including residential areas, schools, civic facilities, recreational facilities (including snowmobile trails), and commercial areas. Although the Project Area is composed of 362.03 acres of Residential Land, 64.7 percent of the Project facilities are proposed within Agricultural Land. Additionally, as part of the assessment, it was determined that the Project Area in its entirety and most of the Study Area are located within the Sharon Springs Central School District. Sharon Springs Central School is located more than 1 mile west

of the Project Area boundary. From a review of the New York State Snowmobile Association Snowmobile WebMap, one snowmobile trail (Trail C7F) was identified within the southern portion of the Project Area, south of Route 20. Trail C7F will not be impacted as a result of the Project. The remaining three trails located within the Study Area (S70, CFH, and C7F) also will not be impacted as a result of the Project. No other recreational facilities, civic facilities, or commercial areas are located within 1 mile of Project Components, therefore, no significant impacts are anticipated to occur as a result of the Project.

Project Components are not proposed on land classified as Vacant, Commercial, Recreation and Entertainment, Community Service, Industrial, Public Service, or Wild, Forested, Conservation Lands and Public Parks according to the NYSORPS. These land use types generally have higher levels of human presence and a larger opportunity for direct effects and potential impacts to land use types. Avoidance of these areas increases the compatibility of the Project with the Project Area and decreases direct effects to specific land uses. Although there are no planned proposed land uses, the Applicant has reviewed development plans for the Town of Sharon outlining several proposed key areas of growth and expansion, including agricultural, commercial (along Route 20), and economic. The Town of Sharon encourages farms and viable farmland to enter the Agricultural District program developed by the NYSDAM serving to “encourage and promote the continued use of farmland for agricultural production.” As explained above, the Project is in line with the Town of Sharon Comprehensive Plan’s goal to “protect and maintain the rural character and small-town atmosphere of the Town of Sharon while promoting appropriate economic development.”

At the request of the Town and local community groups, other events considered during the qualitative assessment of the Project with respect to the Town and Village included the following:

- Walmart Distribution Center: The Applicant anticipates minimal impacts to occur to the flow of traffic at or near the Walmart Distribution Center during construction of the Project. Once operational, limited traffic to and from the Facility for routine maintenance and any necessary upgrades or repairs to maintain safe operation of the Facility and all related Components.
- Concert Series: The Applicant does not anticipate any direct impacts to occur to the concert series held by the Sharon Springs Citizens Council of the Arts as this is held in the lower portion of the Village and outside the Project Area boundary.

- Proposed Spa Project: The Applicant does not anticipate any direct impacts to occur to the spa project currently under construction in the Village as this project is located outside of the Project Area boundary.
- Increased tourism: The Applicant anticipates minimal impacts to occur to the flow of traffic near the Project Area, and as such does not anticipate any adverse impact to increased tourism in the area.
- Economic Development Grants – The Applicant does not anticipate any adverse impacts associated with local economic development grants. Development of renewable energy in New York State may stimulate economic growth in the area.
- Garden Party Weekend: The Applicant does not anticipate any significant adverse impacts to occur to the number of attendees at this event beyond potential temporary traffic-related impacts during construction. Additionally, to the extent that this event occurs on a Sunday, no work is planned during this day of the week and therefore, the Applicant anticipates no construction-related or operational impact to this event.
- Harvest Festival: The Applicant does not anticipate any significant adverse impacts to occur to the number of attendees at this event beyond potential temporary traffic-related impacts during construction. Additionally, to the extent that this event occurs on a Sunday, no work is planned during this day of the week and therefore, the Applicant anticipates no construction-related or operational impact for this event.
- Victorian Festival: The Applicant does not anticipate any significant adverse impacts to occur to the number of attendees at this event beyond potential temporary traffic-related impacts during construction. Additionally, to the extent that this event occurs on a Sunday, no work is planned during this day of the week and therefore the Applicant anticipates no construction-related or operational impact for this event.
- School events: The Applicant does not anticipate any significant adverse impacts to occur to the number of attendees at these events beyond potential temporary traffic-related impacts during construction. Additionally, to the extent that these events occur on a Sunday, no work is planned during this day of the week and therefore, the Applicant anticipates no construction-related or operational impact.
- Tractor and Machinery Auctions: The Applicant does not anticipate any significant adverse impacts to occur to the number of attendees at these events beyond potential temporary traffic-related impacts during construction. Additionally, to the extent that these events occurs on a Sunday, no work is planned during this day of the week and therefore, the Applicant anticipates no construction-related or operational impact to these events.

- Tractor Pull: The Applicant does not anticipate any significant adverse impacts to occur to the number of attendees at this event beyond potential temporary traffic-related impacts during construction. Additionally, to the extent that this event occurs on a Sunday, no work is planned during this day of the week and therefore, the Applicant anticipates no construction-related or operational impact to this event.
- Garlic Festival: The Applicant does not anticipate any significant adverse impacts to occur to the number of attendees at this event beyond potential temporary traffic-related impacts during construction. Additionally, to the extent that this event occurs on a Sunday, no work is planned during this day of the week and therefore, the Applicant anticipates no construction-related or operational impact to this event.
- Airport: The Applicant does not anticipate any direct adverse impacts to occur to community use of the small airport located in Sharon Center as this airport is publicly owned and minimally used.
- Cemeteries: Section 4(e) addresses the potential impacts related to cemeteries located within the Project Area.
- Archaeological Sites and Historic Markers: Archaeological and historic areas of concern are further evaluated in Exhibit 20.
- Snowmobile Trails: Section 4(h) addresses the potential impacts related to snowmobile trails located within the Project Area.
- Community-Wide Garage Sale: The Applicant does not anticipate any significant adverse impacts to occur to the number of attendees at this event beyond potential temporary traffic-related impacts during construction. Additionally, to the extent that this event occurs on a Sunday, no work is planned during this day of the week and therefore, the Applicant anticipates no construction-related or operational impact to this event.
- Habitat, endangered species: Terrestrial ecology and any species of concern and their associated habitats are further evaluated in Exhibit 22.
- 4th of July Parade: The 4th of July Parade will not undergo any impacts as this holiday will be observed during construction of the Project.
- Memorial Day Parade and Ceremony: The Memorial Day Parade and Ceremony will not undergo any impacts as this holiday will be observed during construction of the Project.

Proposed land uses within the Town of Sharon Comprehensive Plan are not specifically addressed, however, the region contains commercially viable solar resources. The small economic centers within the County are located within the rolling hills of the area, which can limit

economic growth. As such physical constraints exist, and economic expansion and growth in this region may be difficult. The Project provides a renewable, clean, and economically stimulating opportunity for benign commercial development throughout its useful life and is compatible with the goals presented in the Town of Sharon Comprehensive Plan.

According to zoning regulations set forth in the Town of Sharon Zoning Law (March 1, 2017), the Project is also considered an allowable use and its consistency with the substantive provisions of local laws and regulations is described in Exhibit 31.

No unusual odors will be generated by the Project Facilities. The construction phase of the Project will generate noise-related impacts mostly in relation to heavy equipment and machinery in the Project Area and will be typical of construction projects. Heavy machinery must be used in relation to access road construction, material and Component delivery, installation of electrical interconnect components, racking and mounting post construction, and site restoration. The impacts from construction noise will be mitigated by operating only during daylight hours. Detailed analyses of the noise impacts of the Project can be found in Exhibit 19.

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

The collection lines will be placed underground for the entirety of their length and installed primarily via direct trenching with some portions to be proposed via horizontal direction drill (HDD) in order to avoid wetland resources and roadways. The only aboveground interconnection line proposed consists of a short span, approximately 145 feet (44.2 meters), from the proposed switchyard to the existing transmission line. The installation of the collection lines will be via HDD and the only impacts will be temporary and located at the entry and exit pits of the HDD equipment. Once built, the Project will not have any adverse impacts to existing or proposed land uses.

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

Collection lines from the inverters to the collection substation will be placed underground within the Project Area. Approximately 2.85 miles of collection lines are sited within land designated as Agricultural Land, 1.81 miles within Residential Land, and 1.32 miles overlapping roadways. The collection circuit will be underground and will only require temporary impacts to land uses as part of the installation.

4(l) Conformance with the Coastal Zone Management Act

This section is not applicable as the Project 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 required.

4(m) Aerial Photographs of All Properties

Figure 4-7 represents aerial photographs of properties within the 2-mile Study Area. No significant changes in land use have occurred since these photographs were taken except for progress related to construction of the spa currently occurring in the Village of Sharon Springs.

4(n) Aerial Photograph Overlays

Figure 4-7 represents aerial photography overlaid with proposed Project facilities and access roads to show the relationship with existing structures and vegetation cover types. Appendix 11-1 also depicts the proposed Project facilities, access roads, and limits of clearing overlaid on aerial photographs at a larger scale and with additional detail.

4(o) Aerial Photograph Information

Aerial photographs reflect the current Project Area conditions and indicate the photographer and date photographed.

4(p) Community Character of the Study Area

As shown on figures included with this Exhibit, the Study Area for the Project encompasses the Town of Sharon and Village of Sharon Springs (the Village for Exhibit 4 purposes only) in a rural area of Schoharie County located in the central region of New York State. As described in the sections above, the Project Area is located within R-H, R-R, R-A, and O-S Districts. The Town of Sharon describes its community as being “rich in its scenic, agricultural, and rural character.” The Applicant has designed this Project to best take advantage of the available solar resources and bulk power transmission system in Schoharie County, New York. The Town of Sharon currently has one 15-acre solar facility constructed by Onyx Renewables, as this area of the State has portions of flat land with suitable solar resource for commercial-scale solar energy projects in addition to sufficient and reliable transmission grid capacity. Additionally, the Project has been sited away from higher population areas of the Town of Sharon and areas with denser residential presence. As indicated in the viewshed assessment included as part of Exhibit 24, views of the

Project from outside the Project Area are minimal and where it is visible from residential uses, landscaping buffers have been proposed.

As indicated in Appendix A of the Comprehensive Plan, the results of the Sharon Community Survey (conducted in January 2008 by the Southern Tier East Regional Planning Development Board in conjunction with the Schoharie County Department of Planning and Economic Development for the Town of Sharon Comprehensive Plan Board) show that over half of survey respondents believe alternative energy sources should be encouraged within the Town. This contributes to the community character in the Town, which is consistent with the Project as proposed.

The Village of Sharon Springs is located west of the Project Area and primarily consists of residential and community services land, as classified by the NYSORPS. The Village of Sharon Springs Comprehensive Plan (2002) was prepared to “encourage protection and restoration of existing structures to maintain the historic character of the Village and to allow adaptive reuses.” The Village focus is to ensure consistency among new development with the Village’s historic environment and promote development in such a way that preserves its natural environment and surrounding resources. The Village of Sharon Springs Land Use Code also emphasizes its commitment to ensure community safety and minimize dangers that may pose a threat to necessities of the village community and general public. As the Project will not be visible from the Village, no impacts to its character are anticipated.

The Applicant has consulted with the local municipalities, landowners, and stakeholders to identify specific characteristics of the community that are of particular importance to the region. Agriculture serves as the primary land use within the Town of Sharon and consists of agricultural fields, residences, farm buildings, farm ponds, outbuildings, secondary roads, small paved roads, and unimproved farm roads. While the Study Area occupies more than 20,000 acres, the amount of topical land used for the solar arrays and access roads is minimal, thus the Project will have no adverse impact on existing land uses in the area. Additionally, the Applicant reviewed the surrounding Project Area, including the Erie Canalway National Heritage Area Corridor, and determined the Project will not have direct adverse impacts on the corridor as it is located within a minor portion of the 2-mile Study Area and passes through the Towns of Root and Canajoharie within Montgomery County. The primary impacts will be during construction, which is temporary and will be minimized to the maximum extent practicable. Thereafter, current recreational,

cultural, and other concurrent uses, such as farming, and those activities identified in Section 4(i) can resume as usual.

According to the Town of Sharon Comprehensive Plan (2009), agricultural productivity in the Town is an important aspect of the local economy in the region as active farms have been reduced over the recent years and expansion has occurred for larger-scale (commercial) farms. As a result, the Comprehensive Plan emphasizes its support for active farms and viable farmland to enter into the Agricultural District program. As described in the Town of Sharon Comprehensive Plan (2009), “by parcel count, residential land as a category has the greatest land use at 53 percent (over 13,200 acres). Single-family residential is the single most predominant land use in the Town of Sharon at over 28 percent (over 7,000 acres). The next two largest categories are vacant land at 27 percent (over 6,700 acres) and agriculture at just under 10 percent (over 2,500 acres).” Additionally, commercial development is most concentrated along Route 20 within the Town of Sharon.

The Project will not hinder the ability of agricultural operations within the Study Area to expand or continue current operations. As described above, approximately 234.31 acres of agricultural land will be lost for the useful life of the Project as part of its construction and operation due to racking and mounting posts, ancillary features, and access roads. As explained above, this amount is a small fraction of the agricultural land within the region. They can be restored to agricultural use, if the landowners so choose, following decommissioning and restoration. Facilities were sited with the rural community character in mind, and the importance of agriculture to both local farmers and the overall economic health of the region were taken into account, considering the payments to be made to the participating landowners and payments in lieu of taxes.

Per 16 NYCRR §1000.24(b)(1), the NYSORPS classifications are further divided into Landscape Similarity Zones (LSZs) to categorize the visual character and quality of the landscape. As described in Exhibit 24, LSZs are areas of similar landscape/aesthetic character based on patterns of landform, vegetation, water resources, land use, and user activity. The LSZs serve to provide a more in-depth evaluation of viewer circumstances and visual experiences. The LSZs were developed using land cover classification datasets from the 2016 United States Geological Survey (USGS) National Land Cover Dataset (NLCD) (Homer et al., 2015) to provide distinct and usable landscape categories. These NLCD land cover groupings were then refined based on aerial photo interpretation and general field review of the 5-mile VSA. This effort resulted in the

definition of three final LSZs within the full 5-mile VSA, and include Agricultural/Open field, Forested, and Developed. These LSZs are described further below.

- Zone 1 – Agricultural/Open Field – Agricultural and open fields predominantly consist of cultivated crops, hay, or pasture or general open land that may include small ponds. This LSZ contributes significantly to the rural community character of the area. Views from this zone are typically from larger open areas along roadsides. Frequently there are hedgerows or small tree groups at field edges or riparian zones that provide intermittent screening.
- Zone 2 – Forested – Views of the Project from inside the Forest Zone are highly limited because it is assumed that tree canopy precludes outward views unless there are intermittent gaps in trees. Forested areas may include roadway segments where there are permanent residents.
- Zone 3 – Developed – Generally, residential housing consists of single-family dwellings or a larger farm complex within the VSA. The Developed Zone also includes small villages or local roadways where residential development is intermittently established along the existing road network. This accounts for roadway travelers. Adjacent buildings, as well as roadside vegetation, can be visual impediments for views in this zone. Table 24-1 summarizes the percentage of LSZs in the VSA.

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

As discussed in Exhibit 9 (Alternatives), Project location, design, technology, scale, and timing have been considered to minimize impacts to the maximum extent practicable and otherwise promote the public health and welfare.

Several of the avoidance and minimization measures used in Project siting are directly correlated with the community character in the area. The selected technology, consisting of monocrystalline solar tracking panels systems, is one of the most efficient models. This model decreases the amount of land required for the Project and the potential for community character impacts. Additionally, collection lines have been entirely sited underground to decrease visual impacts typically associated with aboveground impacts. This configuration allows continued use of the land within the Project Area and will not impede the land uses that have created the rural character of the Study Area.

The Project has been sited away from the population centers in the Study Area in order to minimize impacts. Additionally, glare and visual impacts to the rural residential landscape were considered in the siting of the solar arrays (see Exhibit 24). In order to minimize impacts to normal community transportation operations during the construction of the Project, the Applicant has coordinated, and will continue to coordinate, with local emergency service providers and schools to reduce travel related restrictions during construction. During operation, the Project is not anticipated to impede on the existing travel regimes in the Study Area.

The natural environment is also an important part of the character of the Project Area and larger Study Area. In order to avoid and minimize impacts to the natural environment, the Applicant has sited access roads to avoid sensitive habitats (wetlands, waterbodies, high quality habitat) to the maximum extent practicable and avoid sensitive areas.

The studies and evaluations that have been prepared as part of this Application are described in further detail in the specific exhibits and associated appendices to the Application. Specific exhibits to reference include Exhibit 24 (Visual Impacts), Exhibit 19 (Noise Impacts), Exhibit 20 (Cultural Resources), and Exhibit 22 (Terrestrial Ecology and Wetlands). Each exhibit provides additional information related to how the studies and evaluations were performed and provide details that pertain to the community character of the Study Area, as well as how unavoidable impacts will be mitigated.

4(q) Photographic Representations of the Project and Surrounding Areas

Photographic representations of the Project Area and Study Area are included in Appendix 24-1 to depict existing characteristics of the Project and surrounding setting.

4(r) Farmland Classification Mapping

A scaled map of the existing farmland classifications (e.g., All Areas of Prime Farmland, Prime Farmland if Drained, etc.) within the Town of Sharon is included as Figure 4-8.

4(s) Farmland Classification within the Limit of Disturbance

As represented on Figure 4-8, the Project Area comprises approximately 42.76 percent of land classified as Prime Farmland, 11.78 percent as Prime Farmland if Drained, 9.97 percent as Farmland of Statewide Importance, and 35.48 percent as Not Prime Farmland. The LOD for the Project consists of two specific farmland classifications. The first classification is 112- Dairy Products: milk, butter, and cheese. The second classification is 120- Field Crops: potatoes, wheat,

hay, dry beans, corn, oats, and other field crops. Additionally, as identified during a series of field surveys for the Project, including ecological cover type assessments, habitat assessments, bird surveys, and wetland delineations, agricultural land, active agricultural land within the Project Area primarily consists of hay fields, pastureland, and cultivated crops. Active agricultural land within the Project Area is dominated by Canada bluegrass (*Poa compressa*), orchard grass (*Dactylis glomerata*), red clover (*Trifolium pretense*), timothy-grass (*Phleum pratense*), and common dandelion (*Taraxacum officinale*). Agricultural land is further described in Exhibit 22.

4(t) Impacts to Prime Farmland

As it is understood, agricultural land is an important part of the Town of Sharon's community character and serves as a valuable resource within Schoharie County. The total area of LOD for the Project is 408.34 acres, and the area within the Project fence line is 352 acres, of which, 287.94 acres of disturbance will occur on land classified as Prime Farmland, which is 4.1 percent of all Prime Farmland within the Town of Sharon. The Applicant acknowledges the importance of preserving land classified as prime farmland and has made significant efforts to site Project Components to minimize impacts to the maximum extent practicable, an approximate 0.68 percent impact on prime farmland located within Schoharie County, for existing and future use of agricultural lands within the Project Area. The Applicant will also comply with the NYSDAM Guidelines for Agricultural Mitigation for Solar Energy Projects, revised in April of 2018, to the maximum extent practicable for requirements specific to construction, restoration, monitoring, and decommissioning. As stated in the NYSDAM guidelines, an Environmental Monitor will coordinate with the NYSDAM, Division of Land and Water Resources to develop an inspection schedule and solution if any such goal included in the guidelines cannot be met.

The type of solar panels selected for the Project were selected primarily for efficiency and effectiveness to harness the maximum amount of solar power at any given time (with consideration to limiting factors including shading, cloud cover, etc.), which concurrently minimizes the amount of land required for generation. The solar technology was selected to avoid concrete foundations and will instead be installed via driven posts. Additionally, monocrystalline solar tracking panel systems were selected for the Project as they are one of the most the efficient models available for large scale solar generation facilities in the renewable energy market. While the solar panel arrays are primarily sited on agricultural lands within the Project Area, the proposed solar panels will be mounted on racking systems supported by driven posts and result in minimal ground disturbance because no excavation will be required for their installation. Newly

proposed access routes will be sited in areas that are not actively used by the farmers to the maximum extent practicable. Additionally, the Applicant will make improvements to and maintain the conditions of existing access intended for use during the operational lifetime of the Project. Top soil will be stripped, stockpiled, and returned to reduce impacts during decommissioning of the Project. The Applicant will also work with the agricultural landowners to understand any concerns related to impacts to highly productive soils and work with them to identify areas of concern and methods to further reduce impacts to these lands. As noted above, decommissioning and restoration will include restoring the land to substantially its pre-construction condition, thereby allowing for the resumption of agricultural use if the landowners so choose.

4(u) Agricultural Impacts and Local Planning

The Agricultural and Farmland Protection Plan adopted by Schoharie County on March 17, 2017 was developed to prioritize agriculture and agribusiness as part of economic development within the County. The Agricultural and Farmland Protection Plan also emphasizes the desire to expand upon diversity among farming operations, increase training and support for farmers, reduce costs associated with farming operations, promote knowledge of the agricultural industry and agritourism, and advance Schoharie County as a “unique place for lifestyle farming.” The proposed Project particularly supports two strategies of the Agricultural and Farmland Protection Plan:

- Increase environmental sustainability of farms; and
- Mitigate climate change.

The Agricultural and Farmland Protection Plan, adopted by Montgomery County in October of 2017, was developed to promote farming and agriculture within the County and provide guidance for the farming community to assist in decisions that may affect farming and agriculture. Similar to Schoharie County, Montgomery has a history that highlights agriculture with the Mohawk River, serving as a major source of water for the surrounding agricultural community. The Project will not impact Montgomery County’s ability to uphold the four goals identified in the Agriculture and Farmland Protection Plan (Montgomery County Agriculture and Farmland Protection Board and Plan Advisory Committee, 2017):

1. Promote Economically Viable Agriculture;
2. Encourage Farmland Protection;
3. Increase Agricultural Economic Development; and

4. Expand Agricultural Awareness.

Solar projects, such as the East Point Energy Center, contribute to environmental sustainability of farms through harnessing solar energy within the Study Area and providing clean energy to surrounding communities. The Project will contribute to climate change mitigation by providing utilities clean energy for distribution and consequently reducing the need for other fossil fuel technology operation to meet energy demands within the region. Although the solar panels will cover 218.00 acres of agricultural land, only 0.28 acres of permanent ground disturbance for the installation of mounting posts will occur on these lands. Ground disturbance for the Project will be limited to the installation of footings for equipment in the collection substation and POI switchyard and construction of access roads. The useful economic life of the Project is estimated to be 30 years. As detailed in the Decommissioning Plan, the Applicant will strive to substantially return lands within the Project Area to their original condition through reseeding and careful mobilization of equipment. Additional efforts will be made to further reduce impacts associated with decommissioning of the Project including ample notice to impacted landowners and the Town of Sharon, de-energization, and developing stormwater pollution prevention plans prior to commencement of decommissioning. The Applicant will also provide for safe and secure disassembly, recycling and/or removal of major Project Components. As such, agricultural land sited within the Project Area will be able to return to its primary purpose (before Project construction) following decommissioning of the Project.

4(v) Map of Publicly Known Existing and Proposed Land Uses

Figure 4-1 identifies all publicly known existing land uses within the Study Area. Publicly known proposed land uses have not been included on Figure 4-1 as there are no publicly known proposed land uses within the Project Area or Study Area, described in Section 4(f) above.

4(w) Avoidance or Minimization of Impacts to Existing Land Uses

The Applicant acknowledges the importance of preserving land for agricultural use and other undeveloped land and has made significant efforts to the site Project Components to minimize impacts to the maximum extent practicable for existing and future use of agricultural lands within the Project Area. The Applicant will also comply with the NYSDAM Guidelines for Agricultural Mitigation for Solar Energy Projects, revised in April of 2018, to the maximum extent practicable for requirements specific to construction, restoration, monitoring, and decommissioning. Eventual

decommissioning of the Project including proposed agricultural restoration will follow the Decommissioning & Restoration Plan, provided as Appendix 29-1.

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