

**TOWN OF KIRKWOOD
RESOLUTION NO. _-2023**

**RESOLUTION ADOPTING STATE ENVIRONMENTAL QUALITY REVIEW
POSITIVE DECLARATION FOR THE PROPOSED SEIDEL SOLAR FARM PROJECT**

At a special meeting of the Planning Board of the Town of Kirkwood, held on the 28th day of June, 2023, at 70 Crescent Drive, Kirkwood, New York, the following resolution was offered and seconded:

WHEREAS, an application was made to the Planning Board of the Town of Kirkwood for site plan approval and the issuance of a special permit for the construction of a 2.55 MW ground-mounted solar farm to be constructed and located at 21 Trim Street in the County of Broome, Town of Kirkwood ("Project"); and

WHEREAS, the Planning Board of the Town of Kirkwood ("Planning Board") is the lead agency in the State Environmental Quality Review Act review for said Project; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act ("SEQR"), it has been determined by the Planning Board that the proposed action is an Unlisted Action as defined under said regulations; and

WHEREAS, the Planning Board has considered the possible environmental impacts of the action through its consideration of all information submitted by the Project applicant and the public, a consideration of the comments given from the public during the pendency of the public hearing on the Project, and a consideration of all factors in Part 1 and Part 2 of the SEQR forms as well as those contained in Part 617 of the implementing regulations of SEQR, and based on the same has concluded that the Project has the potential to cause significant adverse environmental impacts, pursuant to Part 617 of the implementing regulations of SEQR; and

WHEREAS, the Planning Board, after due deliberation, finds it is in the best interest of the Town to adopt a Positive Declaration in accordance with Part 617 of SEQR.

NOW THEREFORE, BE IT RESOLVED, that based upon the Planning Board's discussion, a consideration of all information submitted by the Project applicant and the public, a consideration of the comments given from the public during the pendency of the public hearing on the Project, and a consideration of all factors in Part 1 and Part 2 of the SEQR forms as well as those contained in Part 617 of the implementing regulations of SEQR, the Planning Board hereby identified that the Project has the potential to cause significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, that based upon the Planning Board's identification of potential significant adverse environmental impacts caused by the Project, the Planning Board does hereby adopt the attached Positive Declaration for the Project; and

BE IT FURTHER RESOLVED, that based upon the Planning Board's identification of

potential significant adverse environmental impacts caused by the Project and the Planning Board's adoption of the attached Positive Declaration, the Planning Board hereby determined that an Environmental Impact Statement ("EIS") must be prepared by the Project applicant pursuant to Part 617 of SEQR to evaluate the potential significant adverse environmental impacts the Project could cause and to investigate the feasibility and suitability of mitigatory actions or alternatives; and

BE IT FURTHER RESOLVED, that the Secretary to the Planning Board be and hereby is directed to enter said Positive Declaration in the minutes of this meeting; and

BE IT FURTHER RESOLVED, that the aforementioned attached Positive Declaration shall be published in the Environmental Notice Bulletin ("ENB") and that the notice of the Positive Declaration shall be incorporated into any other subsequent notice required by law; and

BE IT FURTHER RESOLVED, that the Planning Board Chairman, Attorney for the Town, and other Town Offices are authorized to take such additional and further action as is necessary to implement this resolution; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

CERTIFICATION

I, Mary Kay Sullivan, do hereby certify that I am the secretary of the Town of Kirkwood Planning Board and that the foregoing constitutes a true, correct, and complete copy of a resolution duly adopted by the Planning Board of the Town of Kirkwood at a meeting thereof held at 70 Crescent Drive, Kirkwood, New York on this 28th day of June, 2023. Said resolution was adopted by the following roll call vote:

Chairman Marchie Diffendorf Yes
Board Member Kevin Balachick Yes
Board Member James Bukowski Yes
Board Member Daniel Wasson Yes
Associate Board Member Mike Maciak Yes

The resolution was thereupon declared duly adopted by a vote of 5-0.

Town of Kirkwood Seal

Dated: July 5, 2023

Mary Kay Sullivan
Mary Kay Sullivan
Secretary of the Planning Board

State Environmental Quality Review (SEQR)

POSITIVE DECLARATION

Notice of Intent to Prepare a Draft Environmental Impact Statement (EIS)

Determination of Significance

Date: June 28, 2023

This notice is issued pursuant to Title 6, Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law.

On June 28, 2023, the Town of Kirkwood Planning Board ("Planning Board"), as the lead agency, determined that the proposed action described below has the potential to cause significant adverse environmental impacts and that a Draft Environmental Impact Statement (EIS) will be prepared.

Lead Agency: Town of Kirkwood Planning Board
70 Crescent Drive
Kirkwood, NY 13795

Name of Action: Seidel Solar Farm by Seidel Solar Farm LLC

Location of Action: 21 Trim Street
Tax Map No.: 179.03-4-6.2
Kirkwood, NY 13795

SEQR Classification: Unlisted

Description of Action:

The proposed action involves a request for site plan approval and the issuance of a special permit for the construction of a 2.55 MW ground-mounted solar farm to be constructed and located at 21 Trim Street in the County of Broome, Town of Kirkwood ("Project"). This site is located in the Town of Kirkwood's Residential (R) zoning district.

Reasons Supporting this Determination:

The Planning Board, as the lead agency, has considered the criteria for determining significance as set forth in SEQR regulations 6 NYCRR § 617.7, and evaluated the proposed action's potential significant adverse environmental impacts as identified in the Short Environmental Assessment Form (SEAF) Parts 2 and 3. Extensive analysis was provided through the preparation of a SWPPP, Market Study Analysis, Noise and Glare Report, and a Visual Impact Assessment, and through a full review of the application provided by the applicant. In addition, a public hearing has been continued across several meetings, at which hearings the public has provided verbal and written comments regarding the application and updates provided thereto.

Based on this record, the Planning Board has determined the potential significant adverse environmental impacts the Project could cause include:

- Potential creation of a substantial adverse change in noise levels (6 CRR-NY 617.7(c)(1)(i)).
 - The proposed action may result in noise levels and types that create a substantial adverse change in the current noise levels and sounds generated in the neighborhood and surrounding community. Noise, as defined by the DEC, is "any loud, discordant or disagreeable sound or sounds [and] more commonly, in an environmental context, noise is defined simply as unwanted sound."¹ In the instant case, the high-pitched noise generated from the Project creates a type of noise that may create a substantial adverse change to the noises generally experienced in the neighborhood in which the Project is proposed to be located.
- Impact on and/or impairment of the character of aesthetic resources or of existing community or neighborhood character (6 CRR-NY 617.7(c)(1)(v)).
 - The proposed action may substantially impact the aesthetic character of the surrounding community and neighborhood through the alteration of the visual character of the same due to (1) the construction of a five (5) pole cluster of utility poles for the electrical and power needs of the Project, and (2) the installation of an industrial style solar farm into a densely populated residential neighborhood. By way of example, the concern regarding the utility poles is evidenced as a primary one to the Town of Kirkwood based upon the provisions in the Town of Kirkwood Solar Law requiring the placement of all utility lines and equipment underground to the extent possible. Concerning the visual impact of the panels themselves, the selected location is in a densely populated residential area with residential houses on three out of four sides of the selected Project location.
 - The proposed action may create a substantial impact on the aesthetic, community, or neighborhood character of the surrounding community. Primarily, community and Planning Board members have expressed extensive concern regarding the negative impact this Project may have on nearby residential property values, including those directly neighboring the proposed Project location.
- Changes in two or more elements of the environment which together have the potential to result in significant adverse environmental impacts (6 CRR-NY 617.7(c)(1)(xi)).
 - While any one of the abovementioned concerns relating to noise and/or the character of aesthetic resources or of existing community or neighborhood character individually has the potential to cause significant adverse environmental impacts, in combination, these concerns relating to (1) noise, and particularly the type of noise generated by the Project, (2) the visual impact of

¹ *Assessing and Mitigating Noise Impacts* (New York State Department of Environmental Conservation, 2001), available from chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.dec.ny.gov/docs/permits_ej_operations_pdf/noise2000.pdf.

a five (5) pole utility cluster, (3) the visual impact of an industrial style solar farm in a densely populated residential area, and (4) the potential negative impact the Project may have on nearby residential property values, create a more significant concern based on the compounding of these potential significant adverse environmental impacts.

Further, the Planning Board has determined that the abovementioned potential significant adverse environmental impacts require the preparation of an Environmental Impact Statement (EIS).

Scoping:

A scoping process will be undertaken to develop a written document that outlines the topics and analyses of the potential significant adverse environmental impacts to be addressed in the Draft Environmental Impact Statement. The Project sponsor and applicant will provide the draft scope to the Planning Board within thirty (30) days of the date of this Positive Declaration. Once received, the draft scope will be circulated by the Planning Board to any involved and interested agencies and anyone requesting a copy. Once received, the draft scope will also be posted to the Town of Kirkwood website for viewing or downloading at: <http://www.townofkirkwood.org/> and sent to the NYSDEC Environmental Notice Bulletin for publication. The lead agency will accept comments on the draft scope from any involved and interested agencies and the public during a date range that will be publicized by the Planning Board upon receipt of the draft scope from the project sponsor and applicant. Written comments should be addressed to the Chairman of the Planning Board, Marchie Diffendorf, at the address below.

For Further Information:

Contact Person: Marchie Diffendorf
 Planning Board Chairman

Address: 70 Crescent Drive
 Kirkwood, New York 13795

Phone: (607) 775-1370

Copies of this Notice sent to:

Town of Kirkwood, Town Clerk
The Department of Environmental Conservation (625 Broadway, Albany, NY 12233)
Environmental Notice Bulletin (625 Broadway, Albany, NY 12233)
Project Applicant
Any Person Who Requests a Copy