

I move the following motion;

Resolved that an action to issue a Special Use permit for a proposed Tier 3 solar energy system will not have a significant adverse environmental impact for all the reasons listed in this resolution, and in the recommendation received from the Town Planning Board, the Town Board hereby issues a negative declaration for this project.

The Town Clerk is directed to complete the negative declaration section in part 3 of the full EAF and do attach this resolution and the recommendation from the Planning Board thereto, to cause copies of the completed Part 3 , this resolution and the recommendation of the Town Planning Board, to be filed in the office of the Town Clerk and distributed to the applicant, all involved agencies, the Town Supervisor and to publish a notice of Type 1 negative declaration in Environmental Notice Bulletin maintained by NYSDEC.

This motion was made by Cathy Goodwin, Town Board member and seconded by Chris Chapman, Town Board member and all members voted in the affirmative.

RESOLUTION THAT AN ACTION TO ISSUE A
SPECIAL USE PERMIT FOR A PROPOSED TIER 3
SOLAR ENERGY SYSTEM WILL NOT HAVE A
SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT

WHEREAS, pursuant to Town of Tully Local Law No. 1 of 2020, known as the Solar Energy System Law (the "Town Solar Law"), Tier 3 Solar Energy Systems are permitted within all zoning districts through the issuance of a Special Use Permit by the Town Board, following review of the application for completeness by the Code Enforcement Officer ("CEO"), referral to the County Planning Department pursuant to General Municipal Law § 239-m, review of the application and site plan by the Town Planning Board and delivery of an advisory report ("Advisory Report") to the Town Board by that body, and after holding a public hearing on the application; and

WHEREAS, NB Development, LLC (the "Applicant") submitted an application (the "Application") for a Special Use Permit for a Tier 3 Solar Energy System known as the "Potter North Solar System" ("Potter North" or the "Project"); and

WHEREAS, Potter North is an approximately five-megawatt ("MW") solar photovoltaic facility to be built on an approximately 33 acre portion of an approximately 117 acre parcel owned by James A. and Cheryl Potter, identified as Tax Parcel ID: 114-01-06.1, located at 705 North Road, Tully, New York (the "Site"); and

WHEREAS, the scope of the Project includes, in addition to installation of a ground-mounted solar photovoltaic energy production system, clearing and thinning of existing woodland, construction of a new gravel access road, and construction of a stormwater management system; and

WHEREAS, the Application was determined to be complete by the CEO, was referred by the Town Board to the County Planning Department pursuant to General Municipal Law § 239-m, and was duly referred to the Town Planning Board for review and submittal of an Advisory Report; and

WHEREAS, the Town Planning Board fully reviewed the Application over the course of several Special Meetings and delivered an Advisory Report recommending approval of the Application for Special Use Permit and advising that it found no significant adverse impacts relating to the Application; and

WHEREAS, issuance of a Special Use Permit requires review pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, following receipt of the complete Application, the Town Board declared itself to be lead agency for the SEQRA review of the Application in order to determine whether the Project may have a significant adverse environmental impact and require the preparation of an Environmental Impact Statement (the "Determination of Significance"); and

WHEREAS, to aid the Town Board in making its Determination of Significance, the Applicant has completed and submitted Part 1 of a Full Environmental Assessment Form (the "Full EAF") for the Project, a copy of which was presented to and reviewed by the Town Board, and submitted to the Town Planning Board for purposes of its advisory review; and

WHEREAS, the Town Board has examined the Application, Part 1 of the Full EAF, classified the Project as a Type 1 action under SEQRA, and coordinated review; and

WHEREAS, the Town Board having reviewed the proposed action, and the Town Planning Board's Advisory Report, and having completed a Full EAF Part 2, hereby makes the following findings and Determination of Significance with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF TULLY, as follows:

1. Based upon its independent examination of the Application, Part 1 of the Full EAF, and the Town Planning Board's Advisory Report, its completion of Part 2 of the Full EAF, and each member's general knowledge of the community generally and the specific area surrounding the proposed Facility, The Town Board makes the following SEQRA findings with respect to the Project:

- A. It is the position of the Town Board that the Applicant has satisfactorily addressed the advisory comments of the County Planning Department in its 239-m recommendation report.
- B. No potentially moderate to large impacts to the environment were identified by the Town Board on Part 2 of the Full EAF for the following reasons:
 - i. The Project conforms with the Town's zoning Code and is not inconsistent with its adopted local land use plan or with the character of the Town. Solar facilities are allowable uses by Special Use Permit;
 - ii. The Planning Board believes that the Project is appropriately sized and situated in a manner that will avoid or mitigate environmental impacts to the extent practicable;
 - iii. Stormwater impacts will be mitigated and controlled during construction through compliance with the State's SPDES General Permit for Construction Activities and a Stormwater Pollution Prevention Plan ("SWPPP") prepared by the applicant's consulting engineer;
 - iv. Portions of the work, fence and panel installation as well as non-mechanized tree overstory trimming and clearing are located within federal wetland areas. The Applicant will work with the U.S. Army Corps. of Engineers to ensure that the project complies with applicable

requirements of Nationwide Permit NWP-51 which allows minor disturbances in federal wetlands for the construction of land-based renewable energy facilities including solar facilities. The Board notes that no construction may be conducted within the wetland until required approvals are in place;

- v. The Project will not affect surface or groundwater quality and will not impact the Cortland-Homer Preble Sole Source Aquifer, as there will be no discharges and only limited excavation for two mechanical pads for system electric gear and equipment;
- vi. Project components will be located outside of the designated floodway and outside the 100- and 500-year floodplain;
- vii. The Project will not result in loss or degradation of habitat used by threatened or endangered species;
- viii. While the Project is being built in a certified agricultural district on land that is currently farmed, the Facility has been designed to minimize disruption to existing and future agricultural activities. Construction of the Facility will not result in a permanent loss of agricultural land because there will be only limited excavation of agricultural soil and the facility infrastructure will be removed on decommissioning in accordance with a decommissioning plan approved by the Town. Therefore, future agricultural operations on the property are not impacted. Additionally, the Town Board finds that the Facility has been positioned to maximize the amount of land that will continue to be farmed by the current landowner, thereby avoiding fragmentation of farmed fields. The Project has been sited in a corner of the farm field leaving the balance of the parcel available for continued agricultural use. The solar panel supports will be drilled or driven into the ground, thereby eliminating the need for footings which would cause more permanent disturbance;
- ix. Visual and aesthetic impacts from the Project will be limited for the following reasons: the Project will be located over 300 feet from the nearest residence; the applicant's landscaping plan provides for the installation of vegetative screening at locations that will reduce view impacts from the adjoining roadway and the closest residences, and such positioning will be selected following construction in consultation with Town officials; and the topography in the Project area and positioning of the solar arrays will minimize views of the solar arrays from the adjoining roadway and from private residences. Additionally, the panels will be limited to a maximum of fifteen feet in height and will be positioned near the crest of a topographic slope,

thereby minimizing the amount of panel surface area that will be visible to residences and North Road;

- x. Project information has been uploaded to the online Cultural Resources Information System (CRIS) and OPRHP has indicated no archaeological survey for the project is necessary but requested a historical resources survey be performed to evaluate potential impacts on historic properties. A field survey was performed by the Applicant which indicates that no properties listed on, or eligible for listing on, the State or National Register of Historic Places (S/NRHP) within the established historic resources area of potential effect (APE) will be adversely impacted by the proposed project;
 - xi. No traffic will be generated as a result of the Project. A permit for vehicular access to North Road (County Route 111) will be obtained from the County DOT;
 - xii. Noise impacts from the Project will only be derived from enclosed pad-mounted mechanical equipment located more than 700 feet from the nearest residence and are not expected to exceed ambient noise levels at the property lines. Noise impacts during construction will be temporary and are adequately distanced from the nearest residential uses;
 - xiii. Lighting will be limited to a single pole mounted fixture located at each of two equipment pads. Such fixtures will be mounted approximately twelve feet high and will be shielded to direct light downward. Such fixtures will be located more than 700 feet from any occupied structure, and therefore, light impacts from the Project will be insignificant; and
 - xiv. There will be no air emissions from the Project.
2. For all the foregoing reasons, the Town Board hereby issues a negative declaration for this Project.
 3. The Clerk is hereby directed to complete the Negative Declaration section in Part 3 of the Full EAF and to attach this Resolution thereto, to cause copies of the completed Part 3 and this Resolution to be filed in the Town Office, and distributed to the Applicant, and to publish notice of a Type 1 negative declaration to be published in the Environmental Notice Bulletin maintained by NYSDEC.
 4. This Resolution shall take effect immediately.

POTTER NORTH SEQRA RECITALS

WHEREAS, pursuant to Town of Tully Local Law No. 1 of 2020, known as the Solar Energy System Law (the “Town Solar Law”), NB Development, LLC (the “Applicant”) submitted an application for a Special Use Permit for a Tier 3 Solar Energy System known as the “Potter North Solar System” (“Potter North” or the “Project”); and

WHEREAS, Potter North is an approximately five-megawatt (“MW”) solar photovoltaic facility to be built on an approximately 33 acre portion of the 117 acre parcel owned by James A. and Cheryl Potter, identified as Tax Parcel 114-01-06.1, located at 705 North Road, Tully, New York (the “Site”);; and

WHEREAS, the scope of the Project includes, in addition to installation of a ground-mounted solar photovoltaic energy production system, clearing and thinning of existing woodland, construction of a new gravel access road, construction of concrete utility pads, installation of solar arrays, installation of perimeter fencing and construction of a stormwater management system; and

WHEREAS, under the Town Solar Law, applications for a Tier 3 Solar Energy System require review by the Code Enforcement Officer for completeness, referral to the County Planning Department pursuant to General Municipal Law § 239-m, referral to the Town Planning Board for site plan review and submittal of advisory report (“Advisory Report”) prior to issuance of a Special Use Permit by the Town Board; and

WHEREAS, the Application was determined to be complete by the Code Enforcement Officer, was referred to County Planning for a § 239-m recommendation, and has undergone a full review by the Planning Board over the course of three separate meetings; and

WHEREAS, issuance of a Special Use Permit requires review pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Town Board is lead agency for purposes of the SEQRA review, and is required to issue a determination of significance for the Project; and

WHEREAS, the Planning Board is not an involved agency under SEQRA, but as part of its site plan review and in contemplation of this Advisory Report, has reviewed all application materials and plans regarding the Project, including Part 1 of the Full Environmental Assessment Form (“FEAF”) prepared by the Applicant, and as part of its Advisory Report will make its own findings as to the reasonably identifiable environmental impacts of the Project in order to assist the Town Board in making its determination of significance under SEQRA; and

WHEREAS, in its own assessment of such impacts, for purposes of delivering a recommendation to the Town Board, the Planning Board has reviewed Part 2 of the FEAF to identify any potentially moderate to large impacts from the Project; and

WHEREAS, the Planning Board has not identified any potentially moderate to large environmental impacts from the Project, for the following reasons:

1. The Project conforms with the Town's zoning Code and is not inconsistent with its adopted local land use plan or with the character of the Town. Solar facilities are allowable uses by Special Use Permit;
2. The Planning Board believes that the Project is appropriately sized and situated in a manner that will avoid or mitigate environmental impacts to the extent practicable;
3. Stormwater impacts will be mitigated and controlled during construction through compliance with the State's SPDES General Permit for Construction Activities and a Stormwater Pollution Prevention Plan ("SWPPP") prepared by the applicant's consulting engineer;
4. While limited work within a wetland may be necessary, it will be limited to minor non-mechanized tree and overstory clearing and installation of driven support structures for solar panels and fence that will not alter grade or require excavation. and the work will comply with U.S. Army Corps. of Engineers Nationwide Permit NWP-51 which allows minor disturbances in federal wetlands for the construction of land-based renewable energy facilities including solar facilities;
5. The Project will not affect surface or groundwater quality and will not impact the Cortland-Homer Preble Sole Source Aquifer;
6. Project components will be located outside of the designated floodway and 100- and 500-year floodplain;
7. The Project will not result in loss or degradation of habitat used by threatened or endangered species, or loss of such species;
8. While the Project is being built on property that is actively farmed, the Facility will not result in a permanent loss of agricultural land because there will be only limited excavation of agricultural soil and the facility will be removed on decommissioning and the area may be returned to agricultural use. Additionally, the Facility has been positioned to maximize the amount of land that will continue to be farmed by the landowner;
9. Visual and aesthetic impacts from the Project will be limited for the following reasons: the Project will be located over 600 feet from the nearest residence; the applicant's landscaping plan provides for the installation of vegetative screening at locations that will reduce view impacts on nearby residences, and such positioning will be selected following construction in consultation with Town officials; and the topography in the Project area and positioning of the solar arrays will minimize views of the solar arrays from the adjoining roadway and from private residences;
10. Project information has been uploaded to the online Cultural Resources Information System (CRIS) and OPRHP has indicated no archaeological survey for the project is necessary

but requested a historical resources survey be performed to evaluate potential impacts on historic properties. Results of the field survey indicate that no properties listed on, or eligible for listing on, the State or National Register of Historic Places (S/NRHP) within the established historic resources area of potential effect (APE) will be adversely impacted by the proposed project.

11. No traffic will be generated as a result of the Project;
12. Noise impacts from the Project are only derived from enclosed pad-mounted mechanical equipment located more than 700 feet from the nearest residence, and are not expected to exceed ambient noise levels at the property lines. Noise impacts during construction will be temporary and will be adequately distanced from the nearest residential uses;
13. Lighting will be limited to a single pole mounted fixture located at each of two equipment pads. Such fixtures will be mounted approximately twelve feet high and will be shielded to direct light downward. Such fixtures will be located more than 700 feet from any occupied structure, and therefore, light impacts from the Project will be insignificant; and
14. There will be no air emissions from the Project.

NOW, THEREFORE, be it resolved by the Town of Tully Planning Board, as follows:

RESOLVED that the Planning Board advises the Town Board as follows: This project will result in no significant adverse impact on the environment , and, therefore, an environmental impact statement need not be prepared and it is recommended that a negative declaration be issued.

S/6/20

④ Potter North

Agency Use Only [If applicable]
 Project: _____
 Date: _____

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1, D.1)

If "Yes", answer questions a - i. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)
If "Yes", answer questions a - c. If "No", move on to Section 3.

NO YES

Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
E2g	<input type="checkbox"/>	<input type="checkbox"/>
E3c	<input type="checkbox"/>	<input type="checkbox"/>
a. Identify the specific land form(s) attached: _____	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____	<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)
If "Yes", answer questions a - l. If "No", move on to Section 4.

NO YES

Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. The proposed action may create a new water body.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____

4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
 If "Yes", answer questions a - h. If "No", move on to Section 5.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)
 If "Yes", answer questions a - g. If "No", move on to Section 6.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

e. Other impacts: _____

6. Impacts on Air

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g)

If "Yes", answer questions a - f. If "No", move on to Section 7.

NO YES

Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____	<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

If "Yes", answer questions a - j. If "No", move on to Section 8.

NO YES

Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) If "Yes", answer questions a - h. If "No", move on to Section 9.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	
The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) If "Yes", answer questions a - g. If "No", go to Section 10.		Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
		E3h	<input type="checkbox"/>	<input type="checkbox"/>
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.		E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.		E3h	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round		E3h E2q, E1c	<input type="checkbox"/>	<input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities		E3h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.		D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile			<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____			<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	
The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) If "Yes", answer questions a - e. If "No", go to Section 11.		Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.		E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.		E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____		E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	Relevant Part I Question(s) D2e, E1b E2h, E2m, E2o, E2n, E2p	No, or small impact may occur <input type="checkbox"/>	Moderate to large impact may occur <input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	Relevant Part I Question(s) E3d	No, or small impact may occur <input type="checkbox"/>	Moderate to large impact may occur <input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems.
 (See Part 1. D.2.j) NO YES
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy.
 (See Part 1. D.2.k) NO YES
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1g, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting.
 (See Part 1. D.2.m., n., and o.) NO YES
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q, E.1. d. f. g. and h.)
 If "Yes", answer questions a - m. If "No", go to Section 17.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<p>The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i></p>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d, D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
<p>The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i></p>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f, D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3, E1a, E1b, E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

Recommendation of the Tully Planning Board
dated 5/6/20

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

- A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.
- B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

- C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Potter North Solar Application

Name of Lead Agency: Tully Town Board

Name of Responsible Officer in Lead Agency: Catherine Goodwin

Title of Responsible Officer: Town Board Member

Signature of Responsible Officer in Lead Agency:

Date: 5-13-20

Date: 5-20-20

Signature of Preparer (if different from Responsible Officer): Susan Vaccaro, Town Clerk

For Further Information:

Contact Person: Robert S. DeMore, Esq.

Address: Box 145, Fabius, NY 13063

Telephone Number: 315 683-1042

E-mail: robertsdemore@gmail.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

I move the following motion;

Resolved that an action to issue a Special Use permit for a proposed Tier 3 solar energy system will not have a significant adverse environmental impact for all the reasons listed in this resolution, and in the recommendation received from the Town Planning Board, the Town Board hereby issues a negative declaration for this project.

The Town Clerk is directed to complete the negative declaration section in part 3 of the full EAF and do attach this resolution and the recommendation from the Planning Board thereto, to cause copies of the completed Part 3 , this resolution and the recommendation of the Town Planning Board, to be filed in the office of the Town Clerk and distributed to the applicant, all involved agencies, the Town Supervisor and to publish a notice of Type 1 negative declaration in Environmental Notice Bulletin maintained by NYSDEC.

This motion was made by Cathy Goodwin, Town Board member and seconded by Frank Speziale, Town Board member and all members voted in the affirmative.

RESOLUTION THAT AN ACTION TO ISSUE A
SPECIAL USE PERMIT FOR A PROPOSED TIER 3
SOLAR ENERGY SYSTEM WILL NOT HAVE A
SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT

WHEREAS, pursuant to Town of Tully Local Law No. 1 of 2020, known as the Solar Energy System Law (the “Town Solar Law”), Tier 3 Solar Energy Systems are permitted within all zoning districts through the issuance of a Special Use Permit by the Town Board, following review of the application for completeness by the Code Enforcement Officer (“CEO”), referral to the County Planning Department pursuant to General Municipal Law § 239-m, review of the application and site plan by the Town Planning Board and delivery of an advisory report (“Advisory Report”) to the Town Board by that body, and after holding a public hearing on the application; and

WHEREAS, NB Development, LLC (the “Applicant”) submitted an application (the “Application”) for a Special Use Permit for a Tier 3 Solar Energy System known as the “Drumm Solar System” (“Drumm” or the “Project”); and

WHEREAS, Drumm is an approximately five-megawatt (“MW”) solar photovoltaic facility to be built on an approximately 35 acre portion of an approximately 61 acre parcel owned by Drumm Farms LLC, identified as Tax Parcel ID: 115-02-03.0, located at 340 Route 11 South, Tully, New York (the “Site”); and

WHEREAS, the scope of the Project includes, in addition to installation of a ground-mounted solar photovoltaic energy production system, clearing and thinning of existing woodland, construction of a new gravel access road, and construction of a stormwater management system; and

WHEREAS, the Application was determined to be complete by the CEO, was referred by the Town Board to the County Planning Department pursuant to General Municipal Law § 239-m, and was duly referred to the Town Planning Board for review and submittal of an Advisory Report; and

WHEREAS, the Town Planning Board fully reviewed the Application over the course of several Special Meetings and delivered an Advisory Report recommending approval of the Application for Special Use Permit and advising that it found no significant adverse impacts relating to the Application; and

WHEREAS, issuance of a Special Use Permit requires review pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, following receipt of the complete Application, the Town Board declared itself to be lead agency for the SEQRA review of the Application in order to determine whether the Project may have a significant adverse environmental impact and require the preparation of an Environmental Impact Statement (the “Determination of Significance”); and

WHEREAS, to aid the Town Board in making its Determination of Significance, the Applicant has completed and submitted Part 1 of a Full Environmental Assessment Form (the "Full EAF") for the Project, a copy of which was presented to and reviewed by the Town Board, and submitted to the Town Planning Board for purposes of its advisory review; and

WHEREAS, the Town Board has examined the Application, Part 1 of the Full EAF, classified the Project as a Type 1 action under SEQRA, and coordinated review; and

WHEREAS, the Town Board having reviewed the proposed action, and the Town Planning Board's Advisory Report, and having completed a Full EAF Part 2, hereby makes the following findings and Determination of Significance with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF TULLY, as follows:

1. Based upon its independent examination of the Application, Part 1 of the Full EAF, and the Town Planning Board's Advisory Report, its completion of Part 2 of the Full EAF, and each member's general knowledge of the community generally and the specific area surrounding the proposed Facility, The Town Board makes the following SEQRA findings with respect to the Project:
 - A. It is the position of the Town Board that the Applicant has satisfactorily addressed the advisory comments of the County Planning Department in its 239-m recommendation report.
 - B. No potentially moderate to large impacts to the environment were identified by the Town Board on Part 2 of the Full EAF for the following reasons:
 - i. The Project conforms with the Town's zoning Code and is not inconsistent with its adopted local land use plan or with the character of the Town. Solar facilities are allowable uses by Special Use Permit;
 - ii. The Planning Board believes that the Project is appropriately sized and situated in a manner that will avoid or mitigate environmental impacts to the extent practicable;
 - iii. Stormwater impacts will be mitigated and controlled during construction through compliance with the State's SPDES General Permit for Construction Activities and a Stormwater Pollution Prevention Plan ("SWPPP") prepared by the applicant's consulting engineer;
 - iv. While limited work within a wetland may be necessary, it will be limited to minor non-mechanized overstory clearing and installation of driven support structures for solar panels and fencing that will not alter grade or require excavation. The Applicant will work with the U.S.

Army Corps. of Engineers to ensure that the project complies with applicable requirements of U.S. Army Corps. of Engineers Nationwide Permit NWP-51 which allows minor disturbances in federal wetlands for the construction of land-based renewable energy facilities including solar facilities;

v. The Project will not affect surface or groundwater quality and will not impact the Cortland-Homer Preble Sole Source Aquifer, as there will be no discharges and only limited excavation for two mechanical pads for system electric gear and equipment;

vi. Project components will be located outside of the designated floodway. Panel supports and chain link fence will be located within portions of the 100- and 500-year floodplain but the work will not result in topographical changes and the proposed structures will not impact flow or measurably increase flooding;

vii. The Project will not result in loss or degradation of habitat used by threatened or endangered species;

viii. While the Project is being built in a certified agricultural district on land that is currently farmed, the Facility has been designed to minimize disruption to existing and future agricultural activities. Construction of the Facility will not result in a permanent loss of agricultural land because there will be only limited excavation of agricultural soil and the facility infrastructure will be removed on decommissioning in accordance with a decommissioning plan approved by the Town. Therefore, future agricultural operations on the property are not impacted. Additionally, the Town Board finds that the Facility has been positioned to maximize the amount of land that will continue to be farmed by the current landowner, thereby avoiding fragmentation of farmed fields. The solar panel supports will be drilled or driven into the ground, thereby eliminating the need for footings which would cause more permanent disturbance;

ix. Visual and aesthetic impacts from the Project will be limited for the following reasons: the Project will be located over 400 feet from the nearest residential structure to the north whose views of the array are screened by an existing tree line along the railroad right of way situated between the property and the Project. The Project is over 600 feet from the closest residential structures to the west whose views are also screened by an existing tree line which will be supplemented with additional screening per the approved landscape plan to further reduce view impacts. Such positioning will be selected following construction in consultation with Town officials; and the topography in the Project area and positioning of the solar arrays will minimize

views of the solar arrays from the adjoining roadway and from private residences. Additionally, the panels will be limited to a maximum of fifteen feet in height and will be positioned near the crest of a topographic slope, thereby minimizing the amount of panel surface area that will be visible to residences and Route 11;

- x. Project information has been uploaded to the online Cultural Resources Information System (CRIS) and OPRHP has indicated no archaeological survey for the project is necessary but requested a historical resources survey be performed to evaluate potential impacts on historic properties. A field survey was performed by the Applicant which indicates that no properties listed on, or eligible for listing on, the State or National Register of Historic Places (S/NRHP) within the established historic resources area of potential effect (APE) will be adversely impacted by the proposed project;
 - xi. No traffic will be generated as a result of the Project. A permit for vehicular access to Route 11 will be obtained from NYSDOT;
 - xii. Noise impacts from the Project will only be derived from enclosed pad-mounted mechanical equipment located more than 700 feet from the nearest residence and are not expected to exceed ambient noise levels at the property lines. Noise impacts during construction will be temporary and are adequately distanced from the nearest residential uses;
 - xiii. Lighting will be limited to a single pole mounted fixture located at each of two equipment pads. Such fixtures will be mounted approximately twelve feet high and will be shielded to direct light downward. Such fixtures will be located more than 700 feet from any occupied structure, and therefore, light impacts from the Project will be insignificant; and
 - xiv. There will be no air emissions from the Project.
- C. The Board finds that the Applicant's requested waiver of the 100-foot setback and imposition of a 10-foot setback for each project, along the common boundary between the Applicant's developments resulting in a combined 20-foot setback between the Project and the Applicant's Potter South project immediately to the south will not create additional impacts and will reduce the combined footprint of the two projects, thereby further minimizing impacts to adjacent landowners. The area encompassing the requested setback is already disturbed by large overhead electrical transmission lines. The Board also finds that the Applicant's requested waiver of the 100-foot setback and imposition of a 20-foot setback along the Project's eastern boundary will not create additional impacts and will result in the reduction of panels at locations

closer to and more visible from Route 11, thereby minimizing visual impacts. A substantial vegetated buffer exists between the area encompassing the requested setback and adjacent residential dwellings which are more than 900 feet away. Both waivers have been endorsed by the Planning Board.

2. For all the foregoing reasons, the Town Board hereby issues a negative declaration for this Project.
3. The Clerk is hereby directed to complete the Negative Declaration section in Part 3 of the Full EAF and to attach this Resolution thereto, to cause copies of the completed Part 3 and this Resolution to be filed in the Town Office, and distributed to the Applicant, and to publish notice of a Type 1 negative declaration to be published in the Environmental Notice Bulletin maintained by NYSDEC.
4. This Resolution shall take effect immediately.

DRUMM SEQRA RECITALS

WHEREAS, pursuant to Town of Tully Local Law No. 1 of 2020, known as the Solar Energy System Law (the “Town Solar Law”), NB Development, LLC (the “Applicant”) submitted an application for a Special Use Permit for a Tier 3 Solar Energy System known as the “Drumm Solar System” (“Drumm” or the “Project”); and

WHEREAS, Potter South is an approximately five-megawatt (“MW”) solar photovoltaic facility to be built on an approximately 35 acre portion of an approximately 61 acre parcel owned by Drumm Farms LLC, identified as Tax Parcel ID: 115-02-14.0, located at 340 Route 11 South, Tully, New York (the “Site”); and

WHEREAS, the scope of the Project includes, in addition to installation of a ground-mounted solar photovoltaic energy production system, clearing and thinning of existing woodland, construction of a new gravel access road, and construction of a stormwater management system; and

WHEREAS, under the Town Solar Law, applications for a Tier 3 Solar Energy System require review by the Code Enforcement Officer for completeness, referral to the County Planning Department pursuant to General Municipal Law § 239-m, referral to the Town Planning Board for site plan review and submittal of advisory report (“Advisory Report”) prior to issuance of a Special Use Permit by the Town Board; and

WHEREAS, the Application was determined to be complete by the Code Enforcement Officer, was referred to County Planning for a § 239-m recommendation, and has undergone a full review by the Planning Board over the course of three separate meetings; and

WHEREAS, issuance of a Special Use Permit requires review pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Town Board is lead agency for purposes of the SEQRA review, and is required to issue a determination of significance for the Project; and

WHEREAS, the Planning Board is not an involved agency under SEQRA, but as part of its site plan review and in contemplation of this Advisory Report, has reviewed all application materials and plans regarding the Project, including Part 1 of the Full Environmental Assessment Form (“FEAF”) prepared by the Applicant, and as part of its Advisory Report will make its own findings as to the reasonably identifiable environmental impacts of the Project in order to assist the Town Board in making its determination of significance under SEQRA; and

WHEREAS, in its own assessment of such impacts, for purposes of delivering a recommendation to the Town Board, the Planning Board has reviewed Part 2 of the FEAF to identify any potentially moderate to large impacts from the Project; and

WHEREAS, the Planning Board has not identified any potentially moderate to large environmental impacts from the Project, for the following reasons:

1. The Project conforms with the Town's zoning Code and is not inconsistent with its adopted local land use plan or with the character of the Town. Solar facilities are allowable uses by Special Use Permit;
2. The Planning Board believes that the Project is appropriately sized and situated in a manner that will avoid or mitigate environmental impacts to the extent practicable;
3. Stormwater impacts will be mitigated and controlled during construction through compliance with the State's SPDES General Permit for Construction Activities and a Stormwater Pollution Prevention Plan ("SWPPP") prepared by the applicant's consulting engineer;
4. While limited work within a wetland may be necessary, it will be limited to minor non-mechanized overstory clearing and installation of driven support structures for solar panels and fencing that will not alter grade or require excavation. The work will comply with U.S. Army Corps. of Engineers Nationwide Permit NWP-51 which allows minor disturbances in federal wetlands for the construction of land-based renewable energy facilities including solar facilities;
5. The Project will not affect surface or groundwater quality and will not impact the Cortland-Homer Preble Sole Source Aquifer;
6. Project components will be located outside of the designated floodway. Panel supports and chain link fence will be located within portions of the 100- and 500-year floodplain but the work will not result in topographical changes however and the proposed structures will not impact flow or increase flooding;
7. The Project will not result in loss or degradation of habitat used by threatened or endangered species, or loss of such species;
8. While the Project is being built in a certified agricultural district on land that is currently farmed, the Facility has been designed to minimize disruption to existing and future agricultural activities. Construction of the Facility will not result in a permanent loss of agricultural land because there will be only limited excavation of agricultural soil and the facility will be removed on decommissioning and the area may be returned to agricultural use. Therefore, future agricultural operations are not impacted. Additionally, the Facility has been positioned to maximize the amount of land that will continue to be farmed by the landowner, avoiding fragmentation of farmed fields. The solar systems will be drilled or driven into the ground, thereby eliminating the need for footings which would cause more permanent disturbance;
9. Visual and aesthetic impacts from the Project will be limited for the following reasons: the Project will be located over 700 feet from the nearest residence; the applicant's landscaping plan provides for the installation of vegetative screening at locations that will reduce

view impacts on nearby residences, and such positioning will be selected following construction in consultation with Town officials; and the topography in the Project area and positioning of the solar arrays will minimize views of the solar arrays from the adjoining roadway and from private residences. Additionally, the panels will be limited to a maximum of fifteen feet in height and will be positioned near the crest of a topographic slope, thereby minimizing the amount of panel surface area that will be visible to residences and Route 11;

10. Project information has been uploaded to the online Cultural Resources Information System (CRIS) and OPRHP has indicated no archaeological survey for the project is necessary but requested a historical resources survey be performed to evaluate potential impacts on historic properties. Results of the field survey indicate that no properties listed on, or eligible for listing on, the State or National Register of Historic Places (S/NRHP) within the established historic resources area of potential effect (APE) will be adversely impacted by the proposed project.

11. No traffic will be generated as a result of the Project. A permit for vehicular access to Route 11 will be obtained from NYSDOT;

12. Noise impacts from the Project are only derived from enclosed pad-mounted mechanical equipment located more than 1,000 feet from the nearest residence and are not expected to exceed ambient noise levels at the property lines. Noise impacts during construction will be temporary and are adequately distanced from the nearest residential uses;

13. Lighting will be limited to a single pole mounted fixture located at each of two equipment pads. Such fixtures will be mounted approximately twelve feet high and will be shielded to direct light downward. Such fixtures will be located more than 1,000 feet from any occupied structure, and therefore, light impacts from the Project will be insignificant; and

14. There will be no air emissions from the Project.

15. The Applicant's requested waiver of the 100 foot setback and imposition of a 10 foot setback for each project, resulting in a combined 20 foot setback between the Project and the Applicant's Potter South project immediately to the south will not create additional impacts and will reduce the combined footprint of the two projects, thereby further minimizing impacts to adjacent landowners. The area encompassing the requested setback is already disturbed by large overhead electrical transmission lines.

NOW, THEREFORE, be it resolved by the Town of Tully Planning Board, as follows:

RESOLVED that the Planning Board advises the Town Board as follows: This project will result in no significant adverse impact on the environment, and, therefore, an environmental impact statement need not be prepared and it is recommended that a negative declaration be issued.

5/6/20

④ Drum

Agency Use Only [If applicable]

Project: _____
 Date: _____

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) If "Yes", answer questions a - i. If "No", move on to Section 2.	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)
If "Yes", answer questions a - c. If "No", move on to Section 3.

NO YES

Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
E2g	<input type="checkbox"/>	<input type="checkbox"/>
E3c	<input type="checkbox"/>	<input type="checkbox"/>
a. Identify the specific land form(s) attached: _____	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____	<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)
If "Yes", answer questions a - l. If "No", move on to Section 4.

NO YES

Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. The proposed action may create a new water body.

b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.

c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.

d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.

e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.

f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.

g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).

h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.

i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.

j. The proposed action may involve the application of pesticides or herbicides in or around any water body.

k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.

1. Other impacts: _____

		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
4. Impact on groundwater			
The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) If "Yes", answer questions a - h. If "No", move on to Section 5.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
5. Impact on Flooding			
The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____

6. Impacts on Air NO YES
 The proposed action may include a state regulated air emission source.
 (See Part 1. D.2.f., D.2.h, D.2.g)
 If "Yes", answer questions a - f. If "No", move on to Section 7.

Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____	<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals NO YES
 The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)
 If "Yes", answer questions a - j. If "No", move on to Section 8.

Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) If "Yes", answer questions a - h. If "No", move on to Section 9.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	
The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) If "Yes", answer questions a - g. If "No", go to Section 10.		Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a.	Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b.	The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c.	The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d.	The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2g, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e.	The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f.	There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g.	Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	
The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) If "Yes", answer questions a - e. If "No", go to Section 11.		Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a.	The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____	<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:		
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.	<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2o, E2m, E2o, E2n, E2p	No, or small impact may occur <input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	Moderate to large impact may occur <input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	No, or small impact may occur <input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	Moderate to large impact may occur <input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems.
 (See Part 1. D.2.j) NO YES

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy.
 (See Part 1. D.2.k) NO YES

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1g, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting.
 (See Part 1. D.2.m, n, and o.) NO YES

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
f. Other impacts: _____		<input type="checkbox"/> NO	<input type="checkbox"/> YES

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q, E.1. d. f. g. and h.)
If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1. C.1, C.2, and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur
	C2, C3, D1a, E1a, E1b	<input type="checkbox"/>
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2, C2, C3	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C4, D2c, D2d, D2j	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C2a	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)		<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur
	E3e, E3f, E3g	<input checked="" type="checkbox"/>
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	C4	<input checked="" type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C2, C3, D1f, D1g, E1a	<input checked="" type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, E3	<input checked="" type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, C3	<input checked="" type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3, E1a, E1b, E2g, E2h	<input checked="" type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.		<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>

Upon review of the information recorded on this EAF, as noted, plus this additional support information:
Recommendation of the Tully Planning Board
dated 5/6/20

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

- A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.
- B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Drumm Solar Application
Name of Lead Agency: Tully Town Board
Name of Responsible Officer in Lead Agency: Catherine Goodwin
Title of Responsible Officer: Town Board Member

* Signature of Responsible Officer in Lead Agency: _____ Date: 5-13-20

Signature of Preparer (if different from Responsible Officer): Surenbayan Date: 5-20-20
Town Clerk

For Further Information:

Contact Person: Robert S. Demore Esq.
Address: Box 145, Fabius, NY 13063
Telephone Number: 315-683-1042
E-mail: robertsdemore@gmail.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

I move the following motion;

Resolved that an action to issue a Special Use permit for a proposed Tier 3 solar energy system will not have a significant adverse environmental impact for all the reasons listed in this resolution, and in the recommendation received from the Town Planning Board, the Town Board hereby issues a negative declaration for this project.

The Town Clerk is directed to complete the negative declaration section in part 3 of the full EAF and do attach this resolution and the recommendation from the Planning Board thereto, to cause copies of the completed Part 3 , this resolution and the recommendation of the Town Planning Board, to be filed in the office of the Town Clerk and distributed to the applicant, all involved agencies, the Town Supervisor and to publish a notice of Type 1 negative declaration in Environmental Notice Bulletin maintained by NYSDEC.

This motion was made by Cathy Goodwin, Town Board member and seconded by John Masters, Town Board member and all members voted in the affirmative.

RESOLUTION THAT AN ACTION TO ISSUE A
SPECIAL USE PERMIT FOR A PROPOSED TIER 3
SOLAR ENERGY SYSTEM WILL NOT HAVE A
SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT

WHEREAS, pursuant to Town of Tully Local Law No. 1 of 2020, known as the Solar Energy System Law (the “Town Solar Law”), Tier 3 Solar Energy Systems are permitted within all zoning districts through the issuance of a Special Use Permit by the Town Board, following review of the application for completeness by the Code Enforcement Officer (“CEO”), referral to the County Planning Department pursuant to General Municipal Law § 239-m, review of the application and site plan by the Town Planning Board and delivery of an advisory report (“Advisory Report”) to the Town Board by that body, and after holding a public hearing on the application; and

WHEREAS, NB Development, LLC (the “Applicant”) submitted an application (the “Application”) for a Special Use Permit for a Tier 3 Solar Energy System known as the “Potter South Solar System” (“Potter South” or the “Project”); and

WHEREAS, Potter South is an approximately five-megawatt (“MW”) solar photovoltaic facility to be built on an approximately 32 acre portion of a 214 acre parcel owned by James A. and Cheryl Potter, identified as Tax Parcel ID: 11.5-02-14.0, located at 254 Route 11 South, Tully, New York (the “Site”); and

WHEREAS, the scope of the Project includes, in addition to installation of a ground-mounted solar photovoltaic energy production system, clearing and thinning of existing woodland, construction of a new gravel access road, and construction of a stormwater management system; and

WHEREAS, the Application was determined to be complete by the CEO, was referred by the Town Board to the County Planning Department pursuant to General Municipal Law § 239-m, and was duly referred to the Town Planning Board for review and submittal of an Advisory Report; and

WHEREAS, the Town Planning Board fully reviewed the Application over the course of several Special Meetings and delivered an Advisory Report recommending approval of the Application for Special Use Permit and advising that it found no significant adverse impacts relating to the Application; and

WHEREAS, issuance of a Special Use Permit requires review pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, following receipt of the complete Application, the Town Board declared itself to be lead agency for the SEQRA review of the Application in order to determine whether the Project may have a significant adverse environmental impact and require the preparation of an Environmental Impact Statement (the “Determination of Significance”); and

WHEREAS, to aid the Town Board in making its Determination of Significance, the Applicant has completed and submitted Part 1 of a Full Environmental Assessment Form (the "Full EAF") for the Project, a copy of which was presented to and reviewed by the Town Board, and submitted to the Town Planning Board for purposes of its advisory review; and

WHEREAS, the Town Board has examined the Application, Part 1 of the Full EAF, classified the Project as a Type 1 action under SEQRA, and coordinated review; and

WHEREAS, the Town Board having reviewed the proposed action, and the Town Planning Board's Advisory Report, and having completed a Full EAF Part 2, hereby makes the following findings and Determination of Significance with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF TULLY, as follows:

1. Based upon its independent examination of the Application, Part 1 of the Full EAF, and the Town Planning Board's Advisory Report, its completion of Part 2 of the Full EAF, and each member's general knowledge of the community generally and the specific area surrounding the proposed Facility, The Town Board makes the following SEQRA findings with respect to the Potter South Project:

- A. It is the position of the Town Board that the Applicant has satisfactorily addressed the advisory comments of the County Planning Department in its 239-m recommendation report.
- B. No potentially moderate to large impacts to the environment were identified by the Town Board on Part 2 of the Full EAF for the following reasons:
 - i. The Project conforms with the Town's zoning Code and is not inconsistent with its adopted local land use plan or with the character of the Town. Solar facilities are allowable uses by Special Use Permit;
 - ii. The Planning Board believes that the Project is appropriately sized and situated in a manner that will avoid or mitigate environmental impacts to the extent practicable;
 - iii. Stormwater impacts will be mitigated and controlled during construction through compliance with the State's SPDES General Permit for Construction Activities and a Stormwater Pollution Prevention Plan ("SWPPP") prepared by the applicant's consulting engineer;
 - iv. While limited work within a wetland may be necessary, it will be limited to minor non-mechanized overstory clearing that will not alter grade or require excavation. The work will comply with applicable sections of U.S. Army Corps. of Engineers Nationwide Permit NWP-

51 which allows minor disturbances in federal wetlands for the construction of land-based renewable energy facilities including solar facilities;

- v. The Project will not affect surface or groundwater quality and will not impact the Cortland-Homer Preble Sole Source Aquifer, as there will be no discharges and only limited excavation for two mechanical pads for system electric gear and equipment;
- vi. Project components will be located outside of the designated floodway and the 100- and 500-year floodplain.;
- vii. The Project will not result in loss or degradation of habitat used by threatened or endangered species;
- viii. While the Project is being built in a certified agricultural district on land that is currently farmed, the Facility has been designed to minimize disruption to existing and future agricultural activities. Construction of the Facility will not result in a permanent loss of agricultural land because there will be only limited excavation of agricultural soil and the facility infrastructure will be removed on decommissioning in accordance with a decommissioning plan approved by the Town. Therefore, future agricultural operations on the property are not impacted. Additionally, the Town Board finds that the Facility has been positioned to maximize the amount of land that will continue to be farmed by the current landowner, thereby avoiding fragmentation of farmed fields. The solar panel supports will be drilled or driven into the ground, thereby eliminating the need for footings which would cause more permanent disturbance;
- ix. Visual and aesthetic impacts from the Project will be limited for the following reasons: the Project will be located over 600 feet from the nearest residence; the applicant's landscaping plan provides for the installation of vegetative screening at locations that will reduce view impacts from nearby residences, and such positioning will be selected following construction in consultation with Town officials; and the topography in the Project area and positioning of the solar arrays will minimize views of the solar arrays from the adjoining roadway and from private residences. Additionally, the panels will be limited to a maximum of fifteen feet in height and will be positioned near the crest of a topographic slope, thereby minimizing the amount of panel surface area that will be visible to residences and Route 11;
- x. Project information has been uploaded to the online Cultural Resources Information System (CRIS) and OPRHP has indicated no archaeological survey for the project is necessary but requested a

historical resources survey be performed to evaluate potential impacts on historic properties. A field survey was performed by the Applicant which indicates that no properties listed on, or eligible for listing on, the State or National Register of Historic Places (S/NRHP) within the established historic resources area of potential effect (APE) will be adversely impacted by the proposed project;

- xi. No traffic will be generated as a result of the Project. A permit for vehicular access to Route 11 will be obtained from NYS DOT;
- xii. Noise impacts from the Project will only be derived from enclosed pad-mounted mechanical equipment located more than 900 feet from the nearest residence and are not expected to exceed ambient noise levels at the property lines. Noise impacts during construction will be temporary and are adequately distanced from the nearest residential uses;
- xiii. Lighting will be limited to a single pole mounted fixture located at each of two equipment pads. Such fixtures will be mounted approximately twelve feet high and will be shielded to direct light downward. Such fixtures will be located more than 900 feet from any occupied structure, and therefore, light impacts from the Project will be insignificant; and

xiv. There will be no air emissions from the Project.

C. The Board finds that the Applicant's requested waiver of the 100-foot setback and imposition of a 10-foot setback for each project along the common boundary between developments, resulting in a combined 20-foot setback between the Project and the Applicant's Drumm project immediately to the north will not create additional impacts and will reduce the combined footprint of the two projects, thereby further minimizing impacts to adjacent landowners. The area encompassing the requested setback is already disturbed by large overhead electrical transmission lines. The Board also finds that the Applicant's requested waiver of the 100-foot setback and imposition of a 20-foot setback along the remaining portion of the Project's northern property boundary will not create additional impacts and will result in the reduction of panels at locations more visible from Route 11, thereby minimizing visual impacts. A substantial vegetated buffer and existing overhead electrical transmission lines exist between the area encompassing the requested setback and adjacent residential dwellings which are more than 800 feet away. Both waivers have been endorsed by the Planning Board

2. For all the foregoing reasons, the Town Board hereby issues a negative declaration for this Project.
3. The Clerk is hereby directed to complete the Negative Declaration section in Part 3 of the Full EAF and to attach this Resolution thereto, to cause copies of the completed Part 3 and this Resolution to be filed in the Town Office, and distributed to the Applicant, and to publish notice of a Type 1 negative declaration to be published in the Environmental Notice Bulletin maintained by NYSDEC.
4. This Resolution shall take effect immediately.

POTTER SOUTH SEQRA RECITALS

WHEREAS, pursuant to Town of Tully Local Law No. 1 of 2020, known as the Solar Energy System Law (the “Town Solar Law”), NB Development, LLC (the “Applicant”) submitted an application for a Special Use Permit for a Tier 3 Solar Energy System known as the “Potter South Solar System” (“Potter South” or the “Project”); and

WHEREAS, Potter South is an approximately five-megawatt (“MW”) solar photovoltaic facility to be built on an approximately 32 acre portion of the 214 acre parcel owned by James A. and Cheryl Potter, identified as Tax Parcel ID: 115-02-14.0, located at 254 Route 11 South, Tully, New York (the “Site”);; and

WHEREAS, the scope of the Project includes, in addition to installation of a ground-mounted solar photovoltaic energy production system, clearing and thinning of existing woodland, modification and extension of an existing gravel access road (spr....deleted things that I would consider part of the “system”) and construction of a stormwater management system; and

WHEREAS, under the Town Solar Law, applications for a Tier 3 Solar Energy System require review by the Code Enforcement Officer for completeness, referral to the County Planning Department pursuant to General Municipal Law § 239-m, referral to the Town Planning Board for site plan review and submittal of advisory report (“Advisory Report”) prior to issuance of a Special Use Permit by the Town Board; and

WHEREAS, the Application was determined to be complete by the Code Enforcement Officer, was referred to County Planning for a § 239-m recommendation, and has undergone a full review by the Planning Board over the course of three separate meetings; and

WHEREAS, issuance of a Special Use Permit requires review pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Town Board is lead agency for purposes of the SEQRA review, and is required to issue a determination of significance for the Project; and

WHEREAS, the Planning Board is not an involved agency under SEQRA, but as part of its site plan review and in contemplation of this Advisory Report, has reviewed all application materials and plans regarding the Project, including Part 1 of the Full Environmental Assessment Form (“FEAF”) prepared by the Applicant, and as part of its Advisory Report will make its own findings as to the reasonably identifiable environmental impacts of the Project in order to assist the Town Board in making its determination of significance under SEQRA; and

WHEREAS, in its own assessment of such impacts, for purposes of delivering a recommendation to the Town Board, the Planning Board has reviewed Part 2 of the FEAF to identify any potentially moderate to large impacts from the Project; and

WHEREAS, the Planning Board has not identified any potentially moderate to large environmental impacts from the Project, for the following reasons:

1. The Project conforms with the Town's zoning Code and is not inconsistent with its adopted local land use plan or with the character of the Town. Solar facilities are allowable uses by Special Use Permit;
2. The Planning Board believes that the Project is appropriately sized and situated in a manner that will avoid or mitigate environmental impacts to the extent practicable;
3. Stormwater impacts will be mitigated and controlled during construction through compliance with the State's SPDES General Permit for Construction Activities and a Stormwater Pollution Prevention Plan ("SWPPP") prepared by the applicant's consulting engineer;
4. While limited work within a wetland may be necessary, it will be limited to non-mechanized overstory clearing that will not alter grade or require excavation. The work, if applicable, will comply with U.S. Army Corps. of Engineers Nationwide Permit NWP-51 which allows minor disturbances in federal wetlands for the construction of land-based renewable energy facilities including solar facilities;
5. The Project will not affect surface or groundwater quality and will not impact the Cortland-Homer Preble Sole Source Aquifer;
6. Project components will be located outside the designated floodway and 100- and 500-year floodplain;
7. The Project will not result in loss or degradation of habitat used by threatened or endangered species, or loss of such species;
8. While the Project is being built in a certified agricultural district on land that is currently farmed, the Facility has been designed to minimize disruption to existing and future agricultural activities. Construction of the Facility will not result in a permanent loss of agricultural land because there will be only limited excavation of agricultural soil and the facility will be removed on decommissioning and the area may be returned to agricultural use. Therefore, future agricultural operations are not impacted. Additionally, the Facility has been positioned to maximize the amount of land that will continue to be farmed by the landowner, avoiding fragmentation of farmed fields. The solar systems will be drilled or driven into the ground, thereby eliminating the need for footings which would cause more permanent disturbance;
9. Visual and aesthetic impacts from the Project will be limited for the following reasons: the Project will be located over 700 feet from the nearest residence; the applicant's landscaping plan provides for the installation of vegetative screening at locations that will reduce impacts on views from nearby residences, and such positioning will be selected following construction in consultation with Town officials; and the topography in the Project area and positioning of the solar arrays will minimize views of the solar arrays from the adjoining

roadway and from private residences. Additionally, the panels will be limited to a maximum of fifteen feet in height and will be positioned near the crest of a topographic slope, thereby minimizing the amount of panel surface area that will be visible to residences and Route 11;

10. Project information has been uploaded to the online Cultural Resources Information System (CRIS) and OPRHP has indicated no archaeological survey for the project is necessary but requested a historical resources survey be performed to evaluate potential impacts on historic properties. Results of the field survey indicate that no properties listed on, or eligible for listing on, the State or National Register of Historic Places (S/NRHP) within the established historic resources area of potential effect (APE) will be adversely impacted by the proposed project.

11. No traffic will be generated as a result of the Project. A permit for vehicular access to Route 11 will be obtained from NYSDOT;

12. Noise impacts from the Project are only derived from enclosed pad-mounted mechanical equipment positioned near the center of the Facility, which will help ensure that ambient noise levels at the property lines will not be exceeded. Noise impacts during construction will be temporary and are adequately distanced from the nearest residential uses;

13. Lighting will be limited to a single pole mounted fixture located at each of two equipment pads. Such fixtures will be mounted approximately twelve feet high and will be shielded to direct light downward. Such fixtures will be located more than 1,000 feet from any occupied structure, and therefore, light impacts from the Project will be insignificant; and

14. There will be no air emissions from the Project.

15. The Applicant's requested waiver of the 100 foot setback and imposition of a 10 foot setback for each project, resulting in a combined 20 foot setback between the Project and the Applicant's Drumm project immediately to the north will not create additional impacts and will reduce the combined footprint of the two projects, thereby further minimizing impacts to adjacent landowners. The area encompassing the requested setback is already disturbed by large overhead electrical transmission lines.

NOW, THEREFORE, be it resolved by the Town of Tully Planning Board, as follows:

RESOLVED that the Planning Board advises the Town Board as follows: This project will result in no significant adverse impact on the environment, and, therefore, an environmental impact statement need not be prepared and it is recommended that a negative declaration be prepared.

5/6/20

Potter South

Agency Use Only [if applicable]

Project: _____

Date: _____

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) If "Yes", answer questions a - i. If "No", move on to Section 2.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____	<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)
 If "Yes", answer questions a - c. If "No", move on to Section 3.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)
 If "Yes", answer questions a - l. If "No", move on to Section 4.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____

4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
 If "Yes", answer questions a - h. If "No", move on to Section 5.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)
 If "Yes", answer questions a - g. If "No", move on to Section 6.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____

6. Impacts on Air

The proposed action may include a state regulated air emission source.
(See Part 1. D.2.f., D.2.h, D.2.g)

If "Yes", answer questions a - f. If "No", move on to Section 7.

NO YES

Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
D2g D2g D2g D2g D2g	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
D2h	<input type="checkbox"/>	<input type="checkbox"/>
D2g	<input type="checkbox"/>	<input type="checkbox"/>
D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
D2g	<input type="checkbox"/>	<input type="checkbox"/>
D2s	<input type="checkbox"/>	<input type="checkbox"/>
D2g	<input type="checkbox"/>	<input type="checkbox"/>

a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:

- i. More than 1000 tons/year of carbon dioxide (CO₂)
- ii. More than 3.5 tons/year of nitrous oxide (N₂O)
- iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)
- iv. More than .045 tons/year of sulfur hexafluoride (SF₆)
- v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions
- vi. 43 tons/year or more of methane

b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.

c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.

d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.

e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.

f. Other impacts: _____

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m-q.)
If "Yes", answer questions a - j. If "No", move on to Section 8.

NO YES

Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.

b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.

c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.

d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) If "Yes", answer questions a - h. If "No", move on to Section 9.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	
The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) If "Yes", answer questions a - g. If "No", go to Section 10.		Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a.	Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b.	The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c.	The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d.	The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2g, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e.	The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f.	There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g.	Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	
The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) If "Yes", answer questions a - e. If "No", go to Section 11.		Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a.	The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems.
 (See Part 1. D.2.i)
 If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

NO YES

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy.
 (See Part 1. D.2.k)
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MW/hrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

NO YES

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting.
 (See Part 1. D.2.m, n., and o.)
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

YES NO

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q, E.1. d. f. g. and h.)
 If "Yes", answer questions a - m. If "No", go to Section 17.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans
 The proposed action is not consistent with adopted land use plans.
 (See Part 1. C.1, C.2, and C.3.)
 If "Yes", answer questions a - h. If "No", go to Section 18.

	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1e, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2e, D2d, D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character
 The proposed project is inconsistent with the existing community character.
 (See Part 1. C.2, C.3, D.2, E.3)
 If "Yes", answer questions a - g. If "No", proceed to Part 3.

	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f, D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3, E1a, E1b, E2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

PRINT FULL FORM

Project: _____

Date: _____

***Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF as noted, plus this additional support information:

Recommendation of the Tully
Dated 5-6-20 Planning Board

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

- A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.
- B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

- C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Potter South Solar Application
 Name of Lead Agency: Tully Town Board
 Name of Responsible Officer in Lead Agency: Catherine Goodwin
 Title of Responsible Officer: Town Board Member
 Signature of Responsible Officer in Lead Agency: _____ Date: 5-13-20
 Signature of Preparer (if different from Responsible Officer): Susan Vaccaro Date: 5-20-20
Town Clerk

For Further Information:

Contact Person: Robert S. DeMore, Esq.
 Address: Box 145, Fabius, NY 13063
 Telephone Number: 315-683-1042
 E-mail: robertsdemore@gmail.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
 Other involved agencies (if any)
 Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>