Planning Board Meeting

Minutes

Wednesday, July 17, 2024 at 6:00 pm

Attendees: Chairman Albert Johnson, Vice Chairman Laura Bowen, Kyle Peterson, Linda Baird, Secretary Michelle Seeley

Guests

Bobby Jo Burdick, Bradley Burdick, Dawn Dobson, Melissa Melco, Molly Messenger, Martin Meriwether, Gale Harris, Jim Harris, Erika Smith, John Bailey, Linda Bailey, Thomas Hargrave, Jeff Horton, Donovan Smith, Derek Rule

1. **Pledge/ Call to Order/ Roll Call**

   Minutes:
   Chairman Johnson opened the meeting with the Pledge of Allegiance at 6:02 PM. The Clerk took Roll Call. All present.

2. **Prior Minutes**

   Minutes:
   A motion by Laura Bowen to accept the prior minutes was seconded by Denice Thompson
   Adopted by vote
   Vote results:
   Ayes: 5 / Nays: 0

3. **New Business**
4. **Old Business**
   a. **Public Hearing DRS Wixon Road Solar project**

      Minutes:
      Chairman Johnson opened the Public Hearing at 6:07 pm. Mollie Messenger spoke about the plans to build a 2.5 MW solar Farm on Wixon Road. Delaware River Solar has been working with the Town of Campbell since November of 2023 to build the project. The company is looking for final approval of the Site Plan contingent on the Variance before the Zoning Board being approved. If the Zoning Board denies the variance the project will drop from 2.5 MW to 1.5 MW, which is almost a 40% reduction in the proposed project. Currently Delaware River Solar is working with landscapers to figure out the best vegetation to plant for screening, and the maintenance of those plants. They have contacted 4 companies and are working with 2 of the 4. The reason the company is seeking setback relief is because there is only so many MW available until the lines are upgraded, there is a que for the available wattage and they would like to do one farm instead of 2. There will be an 8' deer

fence around the project. Kyle Peterson asked about the required cut outs at the bottom of any fencing because the site plan does not specify where they would be. Mollie Messenger stated that there would be a gate but no cut outs. Linda Baird questioned whether they had contacted Cornell to talk with a botanist. Mrs. Messenger stated that they had looked into it but had not found a specific person to work with. The company will do all fire training as discussed in other meetings, at the ZBA meeting they were provided with the correct information to contact E. Campbell FD. Erica Smith asked if this would be different than the project on Meads Creek. She asked why this location was chosen if Delaware River Solar knew that it would not comply with the setbacks in the law. This site was available for lease, and Delaware River Solar tries to max out what can be put on that site. Erica Smith then clarified that the property was not the right size for the project to begin with. Ms. Messenger stated that they knew they would need setback variances for the project, and that the original size of the project has already been decreased from 3.4MW to 2.5 MW. Erica Smith questioned if there were any more projects in the planning stages off Meads Creek Road. Mollie Messenger stated that these were the only two in the area that her company is working on. But there is a que for later projects as NYSEG upgrades the lines. Wherever there is availability on a transformer there is a solar company looking to fill it. Mrs. Dobson asked who decides how much the discount will be. DRS Representatives were not sure if it was NYSEG or Meadow who will decide the discount. Mrs. Dobson asked what happens when the panels go bad, or need repair, or the life expectancy has depleted in 30 or so years. Is there a plan for the disposal of the panels when they go bad? Mollie Messenger stated that there is a decommissioning plan to dispose of the panels, the panels last approximately 30 years and are 90% recyclable. They are made of glass and copper, mostly. There are recycling companies, popping up all around the Country, but none in operation yet. Some of the panels will be shipped to third-world countries and there is a bond in place to ensure the panels are removed and the land is restored to it's original condition. Dawn Dobson commented that this area is mostly grey all the time, so the panels wont be as effective. She also asked about burying the panels. Mollie Messenger stated that a PVSIST analysis was done on the area. That is how they determined that this would work in this area. The panels for this project will rotate with the sun and will get maximum exposure. The panels will be decommissioned and dismantled or sent to a third-world country for use, they will not be buried. Kyle Peterson questioned if they were willing to put the cutouts in the fence for the small animals, as required by the law. Molly Messenger stated that they would raise the fence 5" to allow small animals to move in and out of the field. Kyle Peterson asked what percentage of Prime Farm Land was being used on this property. The engineer for DRS stated 0.4 acres of Prime Farmland would be used, and 7.4 of not prime farmland would be used. Mollie Messenger made clear that the Wixon Road project was not up for approval at this meeting and that a final decision was expected at the September 18, 2024 meeting. The company is just seeking a Negative Declaration on the SEQR for the Wixon Road project at this meeting. Erica Smith asked about the length of the lease or if the land would be purchased. Mollie Messenger stated that on both the Meads Creek and Wixon Road projects, DRS would be purchasing the land and would then lease the land to a larger conglomerate who will purchase the project once it is completed.

All the restrictions or conditions that are placed on the project will transfer to the new company and they will be responsible for decommissioning the farm and restoration of the property at the end of the project's life. Dawn Dobson asked what happens when the project is either abandoned or completed, does the solar company have to put the land back in the condition it was pre-project. Mollie Messenger stated that was the case. In addition to ending the project, if within an 18 month timeframe, the solar panels cease to work or something else happens, that is a trigger for decommissioning the project. There are three or four triggers in the decommissioning plan that would cause the solar farm to be removed and the land restored. Jim Harris asked if there were a chance that this project would be left in place if it failed. Mollie Messenger stated that there was no chance of that happening. Jeffrey Horton stated that there is a clause in the law that would prevent that from happening. Similar to the Dollar General, there is a decommissioning plan that would prevent it from becoming an empty building, even if it fails. The Solar Law was specifically designed to prevent that from happening. Mollie Messenger explained that the law is written with a specific amount to be bonded in the beginning, which escalates with time to keep up with the cost of inflation. Dawn Dobson asked about the release of nitrogen bichloride with the panels. Mollie Messenger stated that she had no knowledge of that happening. She would talk to the manufacturer of the panels to be sure. The panels have not yet been picked for this project, there are multiple manufacturers for the panels and it will depend on the timeline of the project as to which panels are chosen. There are 23 U.S. based factories building panels but not all of them are up and running. She expects that within 10 years they should be able to purchase U.S.A. built panels, but these particular ones will not be made in America. Kyle Peterson asked if the panels were built to order. Mollie Messenger stated that they are prebuilt but a year ago the output was 535 and it is now 650. The technology is improving quickly. Gale Harris asked about her water being tested before the project so that there would be a comparison if something happened to pollute it. Mollie Messenger said that could be done. Albert Johnson Closed the Public Hearing at 6:32 pm. As this is a type 1 action Derek Rule went through the SEQR process. It was determined that there is a negative declaration for this project. SEQR: NEGATIVE DECLARATION Determination of Non Significance Lead Agency: Town of Campbell Planning Board Date: July 17, 2024 This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act (“SEQRA”)).

The Town of Campbell Planning Board (“Planning Board”), as lead agency, has reviewed the application for one (1) 2.5 MW AC community solar farm proposed by NY Campbell II, LLC (“Applicant”) submitted to the Planning Board in October 2023, and has determined that issuance of site plan approval and a special use permit to the Applicant for the Project (“Action”) will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Consideration of the Applicant’s proposed solar project and issuance of a special use permit and site plan approval therefor. Location of Action: The Town of Campbell, New York (“Town”). SEQRA Status: Type I Action. Description of Action: The Planning Board has reviewed the application for the Project, which presents plans for a 2.5

MW AC project (“Application”). Reasons Supporting this Determination: The Planning Board has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by SEQRA. The Planning Board compared the Action with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR §§ 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Action will not have a significant adverse impact on the environment.

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems; The Action will not create a substantial change in existing air quality or ground or surface water quality or quantity, traffic or noise levels (beyond limited, temporary increased noise of operating work vehicles and equipment transportation and installation activities) during the temporary construction period), nor will there be any significant increase in solid waste production. Similarly, the Action will not result in any increased potential for erosion, flooding, leaching, or drainage concerns. The Applicant developed an erosion and sedimentation control plan and will implement best management practices to ensure that erosion does not occur during construction or after construction of the Project is complete. The Property will occupy approximately 10.78 acres of a larger 40.5-acre parcel, and only approximately 1.12 acres of impervious surface will be created by the Project. And in any case, the Project design minimizes impervious surfaces as much as possible and includes use of pervious materials for certain Project elements, like the access road, as well as stormwater management controls. (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources; There will not be any removal or destruction of large quantities of vegetation or fauna, nor will there be substantial interference with any wildlife or habitat or other natural resources. Tree clearing/removal will only occur to the extent necessary to construct the Project, and the Applicant has sought an area variance from the Town of Campbell Zoning Board of appeals with respect to the tree replacement requirements as noted in the Town of Campbell Zoning Law (“Zoning Law”). As noted in the tree survey provided by the Applicant to the Planning Board, construction of the Project requires that existing trees on the Property valued at $1,668 be removed. However, the Applicant plans to replant a minimum of 96 trees on the Property with an approximate value of $15,000 to $18,000. (iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part; There will be no impacts to Critical Environmental Areas as designated under 6 NYCRR § 617.14(g) as a result of the Action. The Property is not located in nor does it adjoin a Critical Environmental Area. (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted; and The Action does not present a significant material conflict with the Town’s plans or goals for development in the Town. Adoption of an amendment or addition to a zoning law by the

legislative body of a municipality must be in conformance with the comprehensive plan. The Town revised its Zoning Law to regulate the siting of solar projects in the Town and indicated its legislative intent to accommodate the use of solar energy systems and "tak[e] advantage of safe, abundant, renewable, and low-carbon emitting energy resources" and to "decreas[e] the cost of energy to the owners of commercial and residential properties, including single-family houses and farm operations." Zoning Law Section 12.1.
Moreover, the Zoning Law permits Community Solar energy systems (which the Project qualifies as) in the Agricultural Residential ("AR") zoning district, where the Property is located, pursuant to issuance of a special use permit and site plan approval. Zoning Law Section 12.7. When the Town amended the Zoning Law, it carefully contemplated where it was appropriate to permit Community Solar energy systems. The Town has made a legislative decision to permit Community Solar energy systems in all Town zoning districts, pursuant to site plan and special use permit approval. As such, the Town Board made a legislative determination that Community Solar energy systems, such as the Project, are in harmony with the Town's zoning and planning regulations and the character of the surrounding area. See North Shore Steak House, Inc. v. Bd. of Appeals of Inc. Vill. of Thomaston, 30 N.Y.2d 238, 243 (1972) ("The inclusion of the permitted use in the ordinance is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood."). Additionally, any purported "impacts" of specially permitted uses are presumed to have been considered by the municipality when such uses were deemed permissible in the zoning law. See WEOK Broadcasting Corp. v. Planning Bd. of Town of Lloyd, 79 N.Y.2d 373, 383 (1992) ("… the aesthetic visual impact of the [radio] towers, was, we presume, considered at the time that radio and television towers were included as permitted uses in the Designed Business zone."). Furthermore, given the rural and sparsely settled area surrounding the Project site, any temporary increase in noise associated with the construction phase of the Project will be minor in nature and will not result in any significant noise impacts. In addition, all solar panels part of the Project are manufactured with anti-reflective coatings, and the Project site will be sufficiently screened by existing vegetation and additional proposed plantings as indicated in the Project site plan design set. (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character; There will be no impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of community or neighborhood character as a result of the Project. As mentioned above, the Project is proposed to be sited in the AR zoning district, where such projects are permitted via the issuance of a special use permit and site plan approval, and the Project is therefore compatible with the character of the district. Further, as indicated on the updated site plans, the Project will be well screened by existing vegetative buffer and additional proposed plantings. (vi) a major change in the use of either the quantity or type of energy; There will be no such impacts. (vii) the creation of a hazard to human health; The Action does not create a hazard to human health. (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses; There will be only a minimal change in the use, or intensity of use, of

the Property. The Property is currently vacant agricultural land, which will be converted to a passive solar facility. Once the Project is constructed, there will be little to no activity on the Property. The Project is only a temporary construction, which will be decommissioned completely at the end of its useful life, and the Property can be restored for agricultural use. The Project will similarly no present any impact to recreational resources or open space. (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action; There will be no such impacts, as after construction, the Project site will be visited only a few times a year for routine and preventative maintenance. (x) the creation of a material demand for other actions that would result in one of the above consequences; There will be no such impacts. (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or There will be no such impacts. (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision. There will be no such impacts. Laura Bowen introduced a Resolution Approving Negative Declaration for the Solar Project proposed by NY Campbell II, LLC Located on Wixon Road in the Town of Campbell, New York, which was seconded by Denice Thompson and was adopted by roll call vote : WHEREAS, on or about October 30, 2023, NY Campbell II, LLC (“Applicant”) submitted applications to the Town of Campbell Planning Board (“Planning Board”) for site plan approval and a special use permit to construct and operate one (1) 2.5 MW AC community solar farm (the “Project”) located on the east side of Wixon Road (Tax Map No. 266.00-01-053.112) (“Property”) in the Town of Campbell (“Town”) (together, “Application”); WHEREAS, the Application is a Type I action under the New York State Environmental Quality Review Act (“SEQRA”), thus a full Environmental Assessment Form (“FEAF”) Part 1 was prepared as part of the Application; and WHEREAS, the Planning Board declared its intent to be the Lead Agency under SEQRA, and following the required 30-day notice period with no objection from any involved agencies, the Planning Board was established as the Lead Agency for review of the Project on April 17, 2024; and WHEREAS, pursuant to Section 239-m of the New York General Municipal Law, the Application was referred to the Steuben County Planning Department (“County”) on May 29, 2024, and following the required 30-day review period, no response has been received from the County; and WHEREAS, the Planning Board, as the Lead Agency reviewing the Project, has considered the Application and the FEAF Part 1, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, and such other information deemed appropriate; and WHEREAS, the Planning Board has identified the relevant areas of environmental concern, taken a hard look at these areas, and made a reasoned elaboration of the basis for its determination; and NOW, THEREFORE, BE IT RESOLVED by the Town of Campbell Planning Board as follows: 1. Based upon a thorough review and examination of the known facts relating to the Action and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings relating to the Action, the Planning Board finds that the Action will not have a significant adverse impact on the

environment, subject to the conditions listed below, and that a Draft Environmental Impact Statement will not be prepared. a. The Applicant will ensure that tree screening will be correctly installed, as determined by a professional landscaper, and as approved by the Town Zoning Office; and b. To mitigate concerns related to Section 7 of the EAF Part 2, the bottom of the perimeter fence will be raised five (5) inches above ground level. 2. The attached Parts 2 and 3 of the FEAF and Negative Declaration are incorporated herein by reference, and a Negative Declaration is issued and adopted for the reasons stated therein. 3. This resolution is effective immediately. PASSED AND ADOPTED this 17 day of July, 2024 by the Town of Campbell Planning Board.

Vote results:

Ayes: 5 / Nays: 0

b. Public Hearing Meads Creek Road Solar Project.

Minutes:

Chairman Johnson opened the Public Hearing for the Meads Creek Solar Project at 7:21 pm. Mollie Messenger gave an overview of the proposed Solar Farm project on Meads Creek Road. This project will be double the size at 5 MW. This project will have double the panels, which will use the same materials as the Wixon Road project, and is the largest allowed in a community solar project. The majority of the project will be in the field, but some of it will be in the wetlands. This is mitigated by the posts being the only thing installed in the ground. Less than 10% of the ground will be disturbed, this will make it so DRS can install without an article 11 permit. There will be some trees cut in the wetland but they will not be stumped, because the ground cant be disturbed in that area. DRS was at the site property earlier in the day and is looking at more trees to screen the project so there is a better visual effect for the neighbors. A landscaper will be hired to install the trees to help with the unique issues with screening the property. Would ask that the proper screening be a condition of approval. DRS would ask the Zoning department to look over the screening before the project is turned on. Generally there is a 12- 18 month window for screening, so that if any issues arise they can be addressed. Trees that die will be replaced within that window of time as well. Kyle Peterson asked if DRS would be willing to raise the fence 5" as they will do on the Wixon Road Project. He also addressed the use of construction mats to mitigate damage to the wet lands. Mollie Messenger stated that the work would take place in the winter or construction mats would be used. Dawn Dobson asked if the plan was to remove any of the trees along the bank, she does not want to hear any noise from the project. Mollie Messenger assured her that the trees along the Creek will stay in place. The noise is almost inaudible at 200' which is less than the distance between the neighbors and the inverter. Bobbie Joe Burdick is concerned that the home they are remodeling is kitty corner from the project, she is concerned that the project will decrease the value of the home and she wont be able to sell it. When does DRS plan to begin the project and what is the projected completion time? Mollie Messenger stated that she would meet with Bobby Jo and her husband to take a look at the view from their house. If the project is approved the developer is looking to begin construction in the Fall of 2024, with a completion date of early to mid 2025. Bobby Jo brought up a concern about the narrow road and construction

vehicles impeding traffic. Mollie Messenger stated that the vehicles will not be on the road and all of the materials will be delivered at the same time to cut down on traffic. The only vehicles that will be there during the project will be the workers vehicles and they will be parked on-site. Construction will be between 7 am and 7 pm. This will address concerns about noise levels at night. The goal is to cover the project with the screening. Bobbie Joe questioned whether her property values would be affected when she went to sell the home. Mollie Messenger stated that there is no evidence that property values have been affected by these projects. The project will only affect traffic minimally and will only be for 6 months. Karen Smith commented that the solar farm would impact the amount of people who are interested in the property. She asked where the entrance to the property would be in the relation to the bridge. Mollie Messenger stated that the entrance would be 400' away from the bridge. There is a driveway already established. The new driveway will be just South of that one. The Board can stipulate that there are under construction signs with-in 700' of the project for traffic reasons. Dawn Dobson ask if the land was still environmentally protected like it was when her aunt owned it. Mollie Messenger stated that there is nothing in the deed that has that distinction. Kyle Peterson clarified that she may be referring to the wetland portion that is protected by the Army Corps of Engineers. Erica Smith asked if construction would be done on the holidays? Mollie Messenger, stated that they generally don't work on major Holidays, summer holidays will not be affected because they hope to be finished with the project by then. Kyle Peterson asked for a breakdown on the percentage of farmland, prime farmland, and statewide importance. Martin Meriwether stated that it is a 20 acre project of that 17.6 acres are prime, 0.79 acres will be disturbed by posts, pad, and access road. Kyle Peterson referred to the email from Steuben County that stated that 38.4 acres of this property is prime farmland, and 6.3 acres is farmland off Statewide importance. According to the Zoning Law if both are present no more than 30% of the property can be developed for Solar Farms. According to the law and the letter from the county, this project exceeds the allotted amount. Derek Rule stated that this was discussed in a meeting with the Town lawyer he believes that the conclusion was that the law is vague and needed more clarification through the Planning Board. It is the opinion of Richard Buck the Town attorney that this project does not exceed the threshold of this law. This is a question that needs to be sent back to the lawyer. Kyle Peterson reiterated that he understood that it was the total area being disturbed. Mollie Messenger said that the disturbance of the land is the H-Posts not the panels. which is a significantly smaller area. With the decommissioning plan the only permanent disturbance would be the pads and the road. The lawyer is in agreement that there would be no need for additional variances. DRS has been working with local landscapers to ensure the property will be maintained , mowing, and plowed so that it is accessible all year. Dawn Dobson asked what would be done with the hill part of the property. She wants to make sure that the hill will not be clear cut. Mollie Messenger said the hill was not appropriate for solar panels, and that the hill may log the hill, but it will not be clear cut. The company may put someone in the house that will be in charge of maintenance for the property.

Mrs. Dobson restated her concerns about property values, taxes, and damage done if there is a problem at the solar farm. Albert Johnson closed the public hearing on the Solar Project

on Meads Creek Road at 8:00 pm. Derek Rule went through the SEQR resulting in a negative declaration. NEGATIVE DECLARATION Determination of Non Significance Lead Agency: Town of Campbell Planning Board

Date: July 17, 2024

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act ("SEQRA")). The Town of Campbell Planning Board ("Planning Board"), as lead agency, has reviewed the application for one (1) 5 MW AC community solar farm proposed by NY Campbell I, LLC ("Applicant") submitted to the Planning Board in October 2023, and has determined that issuance of site plan approval and a special use permit to the Applicant for the Project ("Action") will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Consideration of the Applicant's proposed solar project and issuance of a special use permit and site plan approval therefor.

Location of Action: The Town of Campbell, New York ("Town").

SEQRA Status: Type I Action.

Description of Action: The Planning Board has reviewed the application for the Project, which presents plans for a 5 MW AC project ("Application").

Reasons Supporting this Determination:

The Planning Board has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by SEQRA. The Planning Board compared the Action with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR §§ 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Action will not have a significant adverse impact on the environment.

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems; The Action will not create a substantial change in existing air quality or ground or surface water quality or quantity, traffic or noise levels (beyond limited, temporary increased noise of operating work vehicles and equipment transportation and installation activities) during the temporary construction period), nor will there be any significant increase in solid waste production. Similarly, the Action will not result in any increased potential for erosion, flooding, leaching, or drainage concerns. The Applicant developed an erosion and sedimentation control plan and will implement best management practices to ensure that erosion does not occur during construction or after construction of the Project is complete. The Property will occupy approximately 20 acres of a larger 101.1-acre parcel, and only approximately 0.79 acres of impervious surface will be created by the Project. And in any case, the Project design minimizes impervious surfaces as much as possible and includes use of pervious materials for certain Project elements, like the access road, as well as storm water management controls. (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on

a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources; There will not be any removal or destruction of large quantities of vegetation or fauna, nor will there be substantial interference with any wildlife or habitat or other natural resources. Tree clearing/removal will only occur to the extent necessary to construct the Project, and the Applicant will comply with the tree replacement requirements as noted in the Town of Campbell Zoning Law ("Zoning Law"). Specifically, the Applicant will be installing three times the number of trees on the Property that are required to be removed to accommodate the Project.
(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part; There will be no impacts to Critical Environmental Areas as designated under 6 NYCRR § 617.14(g) as a result of the Action. The Property is not located in nor does it adjoin a Critical Environmental Area. (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted; an The Action does not present a significant material conflict with the Town's plans or goals for development in the Town. Adoption of an amendment or addition to a zoning law by the legislative body of a municipality must be in conformance with the comprehensive plan. The Town revised its Zoning Law to regulate the siting of solar projects in the Town and indicated its legislative intent to accommodate the use of solar energy systems and "tak[e] advantage of safe, abundant, renewable, and low-carbon emitting energy resources" and to "decreas[e] the cost of energy to the owners of commercial and residential properties, including single-family houses and farm operations." Zoning Law Section 12.1. Moreover, the Zoning Law permits Community Solar energy systems (which the Project qualifies as) in the Rural Residential ("R-1") zoning district, where the Property is located, pursuant to issuance of a special use permit and site plan approval. Zoning Law Section 12.7. When the Town amended the Zoning Law, it carefully contemplated where it was appropriate to permit Community Solar energy systems. The Town has made a legislative decision to permit Community Solar energy systems in all Town zoning districts, pursuant to site plan and special use permit approval. As such, the Town Board made a legislative determination that Community Solar energy systems, such as the Project, are in harmony with the Town's zoning and planning regulations and the character of the surrounding area. See North Shore Steak House, Inc. v. Bd. of Appeals of Inc. Vill. of Thomaston, 30 N.Y.2d 238, 243 (1972) ("The inclusion of the permitted use in the ordinance is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood."). Additionally, any purported "impacts" of specially permitted uses are presumed to have been considered by the municipality when such uses were deemed permissible in the zoning law. See WEOK Broadcasting Corp. v. Planning Bd. of Town of Lloyd, 79 N.Y.2d 373, 383 (1992) ("… the aesthetic visual impact of the [radio] towers, was, we presume, considered at the time that radio and television towers were included as permitted uses in the Designed Business zone."). Furthermore, given the rural and sparsely settled area surrounding the Project site, any temporary increase in noise associated with the construction phase of the Project will be minor in nature and will not result in any significant noise impacts. In addition, all solar panels part of the Project are manufactured with anti-reflective coatings, and the Project site

will be sufficiently screened by existing vegetation and additional proposed plantings as indicated in the Project site plan design set. (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character; There will be no impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of community or neighborhood character as a result of the Project. As mentioned above, the Project is proposed to be sited in the Rural Residential zoning district, where such projects are permitted via the issuance of a special use permit and site plan approval, and the Project is therefore compatible with the character of the district. Further, as indicated on the updated site plans, the Project will be well screened by existing vegetative buffer and additional proposed plantings. (vi) a major change in the use of either the quantity or type of energy; There will be no such impacts.

(vii) the creation of a hazard to human health; The Action does not create a hazard to human health. (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses; There will be only a minimal change in the use, or intensity of use, of the Property. The Property is currently vacant agricultural land, which will be converted to a passive solar facility. Once the Project is constructed, there will be little to no activity on the Property. The Project is only a temporary construction, which will be decommissioned completely at the end of its useful life, and the Property can be restored for agricultural use. The Project will similarly no present any impact to recreational resources or open space.

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action; There will be no such impacts, as after construction, the Project site will be visited only a few times a year for routine and preventative maintenance.

(x) the creation of a material demand for other actions that would result in one of the above consequences; There will be no such impacts. (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or There will be no such impacts. (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision. There will be no such impacts. A motion to declare a negative declaration was made by Linda Baird and seconded by Denice Thompson was adopted by vote 5-0 A motion to approve the site plan was made by Laura Bowen and seconded by Linda Baird as follows:

Resolution Approving Negative Declaration for the Solar Project proposed by NY Campbell I, LLC Located at 4480 Meads Creek Road in the Town of Campbell, New York

WHEREAS, on or about October 30, 2023, NY Campbell I, LLC (“Applicant”) submitted applications to the Town of Campbell Planning Board (“Planning Board”) for site plan approval and a special use permit to construct and operate one (1) 5 MW AC community solar farm (the “Project”) located at 4480 Meads Creek Road (Tax Map No. 244.00-01-051.000) (“Property”) in the Town of Campbell (“Town”) (together, “Application”); and

WHEREAS, the Application is a Type I action under the New York State Environmental

Quality Review Act (“SEQRA”), thus a full Environmental Assessment Form (“FEAF”) Part 1 was prepared as part of the Application; and WHEREAS, the Planning Board declared its intent to be the Lead Agency under SEQRA, and following the required 30-day notice period with no objection from any involved agencies, the Planning Board was established as the Lead Agency for review of the Project on April 17, 2024; and WHEREAS, pursuant to Section 239-m of the New York General Municipal Law, the Application was referred to the Steuben County Planning Department (“County”) on May 29, 2024, and following the required 30-day review period, no response has been received from the County; and WHEREAS, the Planning Board, as the Lead Agency reviewing the Project, has considered the Application and the FEAF Part 1, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, and such other information deemed appropriate; and WHEREAS, the Planning Board has identified the relevant areas of environmental concern, taken a hard look at these areas, and made a reasoned elaboration of the basis for its determination; and NOW, THEREFORE, BE IT RESOLVED by the Town of Campbell Planning Board as follows: 1. Based upon a thorough review and examination of the known facts relating to the Action and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings relating to the Action, the Planning Board finds that the Action will not have a significant adverse impact on the environment, subject to the conditions listed below, and that a Draft Environmental Impact Statement will not be prepared: a. The Applicant will ensure that tree screening will be correctly installed, as determined by a professional landscaper, and as approved by the Town Zoning Office; b. To mitigate concerns related to Section 7 of the EAF Part 2, the bottom of the perimeter fence will be raised five (5) inches above ground level; and c. To mitigate concerns related to Section 3 of the EAF Part 2, timber mats will be used in the wetland areas during construction. 2. The attached Parts 2 and 3 of the FEAF and Negative Declaration, are incorporated herein by reference, and a Negative Declaration is issued and adopted for the reasons stated therein. 3. This resolution is effective immediately. PASSED AND ADOPTED this 17th day of July, 2024 by the Town of Campbell Planning Board. 4-0 Peterson absent.

Vote results:

Ayes: 5 / Nays: 0

5. **Other Business before the Board**
6. **Announcements**
7. **Adjournment**

Minutes:

On motion of Albert Johnson and seconded by Laura Bowen to close the meeting at 8:40 pm was adopted by vote- Peterson absent.

Vote results:

Ayes: 4 / Nays: 0