

# New Leaf Energy YMCA Road Wind Turbine Project

Town of Florida, New York

## Draft Environmental Impact Statement (DEIS) Final Scoping Document

Name of Project:	New Leaf Energy Wind Turbine Project
Applicant:	New Leaf Energy
Project Location:	153 YMCA Road Florida, New York
Tax ID:	102.-1-19
SEQRA Classification:	Type I
Lead Agency:	Town of Florida Planning Board 214 Fort Hunter Road Amsterdam, New York 12010
Lead Agency Contact:	Steve Viele, Chair Florida Planning Board (518) 843-6372
Date of Scoping Meeting:	March 6, 2023
Date of Scope Adoption:	April 6, 2023

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Town of Florida, New York  
Draft Environmental Impact Statement (DEIS)  
Final Scoping Document

#### INTRODUCTION

This document identifies the issues to be addressed in the Draft Environmental Impact Statement (DEIS) for the proposed New Leaf Energy Wind Turbine Project (the "Project") in the Town of Florida, New York (the "Town"), proposed by New Leaf Energy (the "Applicant"). This Scope document contains the items described in 6 NYCRR Part 617.8 (e) (1) through (7). For purposes of this Scope, the term "Project" means the Project and all related implementing actions, such as approvals and permits.

#### REQUIRED ELEMENTS OF THE DEIS

The DEIS shall conform to requirements for preparation and content of environmental impact statements as stipulated in 6 NYCRR 617.9, which include but are not limited to the following:

- A description of the proposed Project and its environmental setting;
- A statement of the environmental impacts of the proposed Project as identified in the Positive Declaration adopted by the Lead Agency on December 5, 2022, including its short- and long- term effects, and typical associated environmental effects;
- An identification of any significant adverse environmental effects that cannot be avoided if the proposed Project is implemented;
- A description of mitigation measures proposed to minimize or avoid any significant adverse environmental impacts of the proposed Project;
- A discussion of alternatives to the proposed Project; and
- An identification of any irreversible and irretrievable commitments of resources that would be involved of the proposed Project should it be implemented.

All discussions of mitigation will consider at least the mitigation measures identified in this Scope. Where reasonable and necessary, such mitigation measures will be incorporated into the proposed Project if they are not already so included. If any mitigation measures listed in this Scope are not incorporated into the proposed Project, the rationale for not incorporating them will be discussed in the DEIS. The Applicant may suggest additional mitigation measures where appropriate. When no mitigation is provided, the rationale will be discussed in the DEIS.

#### PROPOSED PROJECT

New Leaf Energy proposes development of a 4.5 megawatt (MW), 650 foot tall wind turbine on a 135 +/- acre property accessed from YMCA Road in the Town of Florida, New York. Energy from the project will be delivered into the local power grid and made available for purchase locally. The property consists of tax parcel 102.1-1-19. The property is owned by Martin Milano and will be leased by Florida Wind 1, LLC.

The project will include construction of an access road, an electrical collection system to include ground mounted electrical equipment and utility poles, the wind turbine, and a gravel crane pad. The subject property is zoned A-Agriculture. Commercial Wind projects are an allowed use in this zone pursuant to a special use permit issued by the Planning Board. The history of the project submissions and reviews is as follows:

<u>Date</u>	<u>Action</u>
July 22, 2021	Application for Site Plan Review Submittal
September 13, 2021	Planning Board Issues Special Use Permit for Installation of a MET Tower on YMCA Road
October 28, 2021	Application to Zoning Board of Appeals for a Height Variance
November 8, 2021	Zoning Board of Appeals Schedules Public Hearing
December 13, 2021	Zoning Board of Appeals Holds Public Hearing and Issues Height Variance
January 14, 2022	Lead Agency Coordination Letters Sent
April 4, 2022	Barton & Loguidice Provides Comments on Site Plan Application
April 22, 2022	GHD Issues Response to Barton & Loguidice Comments
July 8, 2022	Barton & Loguidice Provides a Second Set of Comments
July 27, 2022	Saratoga Associates Responds to Visual Simulation Comments
September 12, 2022	Planning Board Meeting and Public Hearing
September 26, 2022	GHD Issues Response to Public Comments
October 24, 2022	GHD Issues Response to Draft FEAF Part 2 Form
November 28, 2022	Planning Board Special Meeting to Review FEAF Parts 2 and 3
December 5, 2022	Planning Board Issues a SEQR Positive Declaration
February 1, 2023	New Leaf Energy Provides DEIS Draft Scoping Document
March 6, 2023	Planning Board Public Hearing on Draft Scoping Document
April 3, 2023	Planning Board Review of Revised Draft Scoping Document

#### ORGANIZATION AND CONTENT OF THE DEIS

The DEIS will contain the following information.

COVER SHEET identifying:

- (1) The proposed Project and its location;
- (2) The name, address, email and telephone number of the Lead Agency and contact person;

- (3) The name, address, email and telephone number of the preparer and other organizations that contributed to the DEIS; the date of DEIS submission and acceptance;
- (4) The name, address, email and telephone number of the Applicant/Owner;
- (5) Public hearing date and DEIS comment period; and
- (6) Website where the DEIS and Final Environmental Impact Statement (FEIS) will be posted.

Following the cover sheet, a list (name, address, email and telephone numbers) of all of the Applicant's consultants, and a list of all interested and involved agencies will be provided, with names, address, email and phone numbers for each agency provided.

TABLE OF CONTENTS, indicating the chapters of the DEIS and page numbers as well as lists of exhibits, tables and appendices.

The text of the DEIS will include the following:

- I. EXECUTIVE SUMMARY
  - A. Introduction;
  - B. Description of the proposed Project;
  - C. List of all involved and interested agencies and identification of local, county, State and other approvals required;
  - D. Statement of Project purpose and need;
  - E. Summary of significant adverse environmental impacts identified in each subject area;
  - F. Summary of mitigation measures proposed for significant adverse environmental impacts; and
  - G. Description of alternatives analyzed and a table comparing the impacts of the proposed Project with the impacts of the various alternatives.
  
- II. DESCRIPTION OF THE PROPOSED PROJECT
  - A. Description of Project Location
    - 1. Identification of regional and area location (including mapping/descriptive graphics).
    - 2. Narrative and mapping of tax parcels, and total parcel area.
    - 3. Description of present and historical ownership and use.
    - 4. Describe the nature and location of any known covenants and easements on the Project Site.
    - 5. Narrative and mapping of existing access indicating the routes to and from the proposed Project on both the local and on the regional roadway network.
    - 6. Description of on- and off-site utilities serving the Project Site.
    - 7. Description of surrounding land uses and existing zoning in narrative and graphic form.
    - 8. Description of all existing uses and structures currently on the Project Site.
    - 9. Description of topography of site.
  - B. Description of the Proposed Project
    - 1. Site plan at a scale of 1" = 100' including topography, roadways, grading and stormwater management facilities.

2. Description of the Wind Turbine, including height and appearance. Include manufacturer's schematics for the proposed wind turbine. (If various wind turbine models are being considered, provide schematics for all possible options).
3. Discussion of compliance with the design requirements of Town of Florida Zoning Ordinance Article VIII, Section 45.4. Submit data pertaining to the wind turbine safety and stability, including safety results from test facilities, in accordance with Special Permit Application procedures, A (6).
4. Discussion of site access, including construction access routes and methods for the transport and delivery of the wind turbine components. Describe the mitigation steps for residents located on YMCA road to be able to safely access their home during the construction phase.
5. Discussion of site access road, wetlands crossings and proposed mitigation. Conduct an updated wetland study on Wetlands E, F, and J identified in the Wetland Delineation Report. In the updated wetland study, describe the temporary and permanent impacts to the aforementioned wetland areas due to the construction and installation of the wind turbine, including the impacts associated with use of concrete during the construction process.
6. Discussion of tree clearing, landscaping and screening. Prepare a Stormwater Pollution Prevention Plan (SWPPP) specifically for the construction phase of the project (i.e. Construction SWPPP). The Construction SWPPP must account for all construction-related aspects of the project, i.e. access road, crane platforms, tower foundation, and any other land disruption activities that could affect the amount and direction of surface water runoff and the potential for the surface water runoff to enter and disrupt wetland areas.
7. Discussion of electrical connections.
8. Description of ancillary facilities
9. Description of security provisions.
10. Description of operations and maintenance plan. Include all data received from the Met tower that was installed at the location of the proposed wind turbine location.
11. Description of emergency response provisions. Detailed description of emergency procedures for wind turbine stoppage and who the maintenance and ownership of the turbine would be to contact.
12. Description of construction process, including phasing and duration and provisions for emergency response during construction. Conduct a traffic study of the Town roads that will be utilized during the construction phase of the project.
13. Project Purpose and Need
  - a. Discussion of Project purpose and need.
  - b. Discussion of objectives of the Applicant.
  - c. Description of benefits of the proposed Project.
  - d. Discuss future ownership and management.
14. Description of required permits and approvals, including a description of the approval process.

### III. EXISTING CONDITIONS, POTENTIAL IMPACTS AS A RESULT OF THE PROPOSED PROJECT AND PROPOSED MITIGATION

This section will discuss only those impacts identified as potentially significant in the Town's Positive Declaration. Potentially significant impacts identified by the Planning Board include: aesthetic resources, visual (including shadow flickering), radio and over-the-air TV communications services in the immediate and surrounding area, community plans, and community character.

#### A. Visual/Aesthetic Impacts

##### 1. Existing Conditions

- a. Document, with photographs and narrative the visual character of the Project Site and the area located within a five-mile radius of the Project Site.
- b. Describe and provide photographs of the appearance of the Project Site from the following locations: 1) Town Hall offices / Veterans Park, 2) Remsen Bush Cemetery, 3) Chuctanunda Cemetery, 4) Mariaville Lake / Indian Lookout Club, 5) Langley / Schuyler Road Split, 6) Route 161 / Route 30 Split, 7) Market Street / Prospect Street Intersection, 8) Hollow Rd / Route 161 intersection, 9) Meadowbrook Rd, 10) Round Barn Rd / Lang Drive intersection, 11) Egelston Road, 12) Round Barn Road / Route 161 Split, 13) Hughes Rd / Korona Rd intersection, and representative view points from neighboring towns and communities within a five-mile radius of the Project Site.

##### 2. Potential Impacts as a Result of the Proposed Project

- a. Provide visual photo simulations for each of the above identified photo locations for those specific locations from which the proposed wind turbine will be visible. The visual simulations must assume "leaf-off" conditions.
- b. Based on the findings of the previously completed Shadow Flicker Study, identify mitigation measures for residence affected by shadow flicker.
- c. Discuss the FAA required lighting for the proposed wind turbine. Submit field testing for the required FAA lighting per Section 45.4 of the Zoning Regulation.
- d. Describe the structural design, including materials, colors and dimensions, of the proposed wind turbine. Conduct a Geotechnical Investigation of the area where the proposed wind turbine will be located. Provide an engineering detail/schematic of the proposed foundation design based on the field data collected during the Geotechnical Investigation. If blasting will be required to install the foundation, provide a Blasting Plan with mitigation measures that will be put in place during the blasting period.

##### 3. Proposed Mitigation

- a. Discuss appropriate mitigation measures for identified impacts.

#### B. Over the Air Radio and Television Communications

##### 1. Existing Conditions

- a. Conduct an RF spectrum study to record and document pre- and post-construction RF spectrum measurements (as detailed by the Applicant in its October 2022 Proposal to the Planning Board) to determine the effects the turbine may have on the RF environment.

##### 2. Potential Impacts as a Result of the Proposed Project

- a. Study and identify potential interference with microwave and over-the-air radio and television signals.
3. Proposed Mitigation
  - a. Provision of alternative service for over-the-air radio and television signals that may be affected by the project. In the event that an alternative radio service is unavailable, establish a fund to provide negatively affected users monetary compensation for the loss of service.
  - b. Determine appropriate mitigation measures for identified impacts.
- C. Community Plans and Character
  1. Existing Conditions
    - a. Discuss the Town of Florida Comprehensive Plan as it relates to wind power generally, and the project site specifically.
    - b. Discuss the provisions of the Town of Florida Zoning Ordinance as they relate to wind power.
    - c. Discuss any regional plans relevant to the site.
    - d. Discuss State of New York renewable energy goals.
    - e. Describe land uses on and in the vicinity of the site.
  2. Potential Impacts as a result of the Proposed Project
    - a. Discuss consistency with the Town of Florida Comprehensive Plan.
    - b. Discuss consistency with the Town of Florida Zoning Ordinance.
    - c. Discuss changes to land uses, including any loss of land in agricultural production. In addition, a honey bee farm has existed in the Town of Florida since 1893, and it is situated near the location of the proposed wind turbine. Therefore, conduct a study of the honey bee population in the immediate and surrounding area of the project site and assess the potential impacts of the proposed wind turbine on the existing honey bee population.
  3. Proposed Mitigation
    - a. Discuss mitigation measures and plans that will be implemented if it is determined that the honey bee farm will be impacted by the operation of the proposed wind turbine.

## ALTERNATIVES

- A. The “No Action” Alternative.
- B. Alternative tower height.
- C. Alternative location.

## SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED

Identification of significant long term and short-term operations and construction impacts that cannot be avoided.

## GROWTH INDUCING ASPECTS

A description and analysis of potential growth-inducing aspects, including short and long term, and primary, secondary and indirect impacts, will be provided and mitigation measures discussed if necessary.

## EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

A description of the effect of the proposed Project on the short and long term use and conservation of energy resources will be provided

## IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Identification of those natural and man-made resources consumed, converted or otherwise made unavailable for future use as a consequence of the proposed Project.

## APPENDICES

- A. SEQRA Notices and Filings
- B. Scoping Document
- C. Letters of Record
- D. Visual Study
- E. Shadow Flicker Study
- F. Others as required.