

State Environmental Quality Review Act (SEQRA)

FINDINGS STATEMENT

Date: October 11, 2024

Pursuant to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Florida Planning Board, as the lead agency, makes the following findings.

Name of Action: New Leaf Energy YMCA Road Wind Energy Project

153 YMCA Road

Town of Florida, Montgomery County, New York

Description of Action: New Leaf Energy plans to construct a 4.3 MW 650-foot wind turbine on a 4.9 acres parcel. The project includes the installation of a concrete foundation with a surrounding gravel pad, a gravel crane pad, a gravel access road, as well as overhead utility lines and utility poles. The construction of the access road will result in approximately .45 acres of temporary impact and .13 acres of permanent impact to federally regulated wetlands.

Project Location: 153 YMCA Road

Town of Florida, Montgomery County, New York

Agency Jurisdiction:

Town of Florida Planning Board, Lead Agency

214 Fort Hunter Road

Amsterdam, New York 12010

Contact: Mr. Stephen Viele, Planning Board Chairman

(518) 901-9595

SEQRA Status – Type I Action

SEQRA Public Scoping – Public Scoping was completed for Project.

Draft Environmental Impact Statement (DEIS) Acceptance Date:

February 8, 2024

DEIS Public Hearing and Comment Period:

March 4, 2024, to March 15, 2024

Final Environmental Impact Statement (FEIS) Acceptance Date:

September 11, 2024

Facts and Conclusions in the FEIS Relied Upon to Support the Decision:

The Town of Florida Planning Board has reviewed the DEIS and FEIS for the New Leaf Energy Wind Turbine Project. As the Lead Agency, the Town of Florida Planning Board (Planning Board) has concluded that after thorough analysis and community consultation, the Proposed Action does not minimize or avoid adverse environmental impacts to the maximum extent practicable. Specifically, the Town of Florida Planning Board's decision to deny the application is based on the significant adverse environmental impacts of the Proposed Action related to Visual / Aesthetic Impacts, Over the Air Radio and Television Communications, and Community Character. The Planning Board has determined that the proposed mitigation measures set forth by New Leaf Energy for Visual / Aesthetic Impacts, Over the Air Radio and Television Communications, and Community Character do not minimize or avoid adverse environmental impacts to the maximum extent practicable. The supporting rationale for this decision is summarized below:

1. The Proposed Wind Turbine

The proposed wind turbine as described in the DEIS is a 4.5 MW 650-foot-tall wind turbine. It includes several components, including temporary construction features such as stockpiles, construction staging areas, blade lay down area, and truck routes. Permanent features include a 4.5 MW 650-foot-tall wind turbine, gravel access road, turbine foundation, electrical collection system, overhead utility poles, and utility poles.

Consistent with SEQRA's requirements, a complete discussion of Project alternatives, including no-action alternative, was presented in Section F of the DEIS. Among the alternatives considered in the DEIS were Alternative tower heights. This section of the alternative discussion focused on the potential use of a smaller wind turbine at the site rather than the projected 650-foot-tall turbine. The advantages of a smaller turbine would reduce the visual impact vs the proposed wind turbine. However, New Leaf Energy stated that 400-foot-tall turbines are no longer available due to advances in technology in wind turbines and the increased efficiency of longer blades.

After review of the potential adverse environmental impacts identified by the Planning Board for the Proposed Action, including public comments, and consistent with the requirements of SEQRA, New Leaf Energy evaluated the potential adverse environmental impacts and developed mitigation measures to try to address the Planning Board's concerns, including those expressed by the community, while satisfying company goals. However, the Planning Board concluded that the mitigation measures proposed by New Leaf Energy do not minimize or avoid potential adverse environmental impacts to the maximum extent practicable.

2. Project Purpose and Need

Florida Wind 1, LLC proposes development of a 4.5 MW, 650-foot-tall wind turbine on a +/- 135-acre vacant and undeveloped 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.-1-19.

The property is owned by Martin Milano and will be leased by Florida Wind 1, LLC. The Project will accomplish the following objectives:

- Promote renewable energy in the region;
- Supply nearby residential and commercial areas with energy if they sign up;
- Support the local economy during the construction phase;
- Create jobs during the construction phase;
- Generate tax revenue; and
- Put 4.9 acres of the property into productive use.

3. Review Pursuant to the State Environmental Quality Review Act

The project was extensively reviewed over more than a two (2) year review process, during which time the Planning Board reviewed documents submitted at each stage thoroughly, the Applicant mostly provided necessary information and revisions, and the public provided comment and input. Part 1 of SEQRA Full Environmental Assessment Form (EAF) for the proposed Project was initially filed by New Leaf with the Town of Florida Planning Board on January 14, 2022. By resolution of the same date, the Planning Board declared notice its intent to establish itself as lead agency. The Planning Board sent letters declaring its intent to act as lead agency on January 14, 2022. No involved agency objected to the Planning Board becoming lead agency.

4. Potential Environmental Impacts and Proposed Mitigation Measures

The FEIS, which incorporates the DEIS by reference, addresses in detail potential environmental impacts and proposed mitigation measures associated with the proposed project. A summary of potential environmental impacts is presented below, along with a review of various mitigation measures that are included as part of the proposed Project.

A. Visual / Aesthetic Impacts

The visual and aesthetic impacts of the Project have been extensively studied and evaluated throughout the Town's review process. The Project site is located on rural land that was last used for agricultural purposes in the 1990's. There are no residential structures on the Project site. The only structure is a collapsed barn. The surrounding areas consist of agricultural land and low density rural residential land. The closest residences to the Project are located approximately 1,900 feet to the east on YMCA Road, and 2,100 feet to the north on Bean Hill Road. The primary mitigation method employed by the Project Sponsor to minimize visual impacts is the Project siting. The Project location is sited as far from the nearest residences as is feasible.

To assess potential visual impacts, photo simulations were presented from 27 viewpoints surrounding the Project Site (see Section III.A and Appendix 9 of the Draft EIS). The viewpoint locations were selected by the Planning Board to be generally representative of a majority of the potential views from the surrounding area. Figure 1 (Viewshed/Photo Location Map) included in Appendix illustrates the locations where the Project will be visible within a five-mile radius of the Study Area, including those locations where the

existing topography and/or vegetation will either partially or fully block or obscure the view of the proposed wind turbine. The photo-simulations included in Appendix 9 show leaf off conditions from public-accessible viewpoint locations within and surrounding the Study Area. As noted in Section III.A.2.a. of the Draft EIS, the Project will be fully visible from 11 of the viewpoint locations, partially visible from 8 viewpoint locations, and not visible from 8 of the viewpoint locations. In addition, the Project Site was minimally visible from two (2) areas of local significance within the study area which consisted of the Erie Canalway Trail (refer to viewpoint location VP13) and the Mohawk Valley Gateway Overlook (refer to viewpoint location VP14). These two areas of local significance are situated nearly five miles from the project site, and the proposed single wind turbine is expected to be minimally visible from these 2 locations due to distance and topography. the proposed wind turbine was also visible from neighboring towns. In addition to the above, the shadow flicker study presented in the Draft EIS revealed significant concerns regarding the visual impacts of shadow flicker on two or more residences. The Project Sponsor has indicated that tree clearing for the Project will be minimal so that intervening vegetation will screen views to the maximum extent practicable for nearby residents. This will reduce the visibility of the turbine, especially for nearby residents whose line of sight to the turbine will be screened by intervening vegetation and may provide some screening effect depending on viewpoint and topography.

The mitigation measures proposed by the Project Sponsor consist of planting of trees to minimize visual impacts, and providing residents with window shades to avoid shadow flicker and the view of the wind turbine from their residence. The project sponsor also intends to paint the wind turbine white to minimize visual impacts.

Based on an evaluation of the proposed mitigation measures, the Planning Board has determined that the Project does not meet the Town of Florida standards for approval with respect to visual and aesthetic resources. Specifically, Section 45.4 of the Town Code requires that “No Wind Energy Conversion System (WECS) shall be installed in any location that would substantially detract from or block view of a portion of a recognized scenic view shed, as viewed from any public road right-of-way, public body of water or publicly owned land within the Town of Florida or beyond”. Consequently, the Planning Board finds that the elements of the proposed 650-foot tall wind turbine will be fully or partially visible from 19 off-site locations, and that the potential adverse visual impacts have not been mitigated to the maximum extent practicable. The Planning Board has concluded that the proposed project would significantly alter the scenic views and disrupt the natural beauty of the landscape. The visual impacts of a 650-foot-tall wind turbine on the Town of Florida and its residents will be substantial and unavoidable.

In addition to the above, the shadow flicker study presented in the Draft EIS revealed significant concerns regarding the visual impacts of shadow flicker on two or more residences. The Project Sponsor project fails to adequately address this issue or

provide adequate mitigation measures to compensate for the shadow flicker impacts on the affected residents.

B. Community Character

As described in the Draft EIS, Montgomery County and the Town of Florida are characterized by their traditional agricultural history and land uses. Within the Town of Florida, land located south of the NY Thruway is primarily within the Town's Agricultural zoning district. Near the Project, most of the land is current or former farmland. Other nearby land uses include vacant woodland and low-density single-family residences. Commercial business and local government facilities occur along the NYS Route 30 and County Route 145 corridors, approximately 1-2 miles to the north and east. More intensive land use development occurs along NYS Interstate I-90 and within the City of Amsterdam, approximately 4 miles to the north. To the southwest and southeast are state forests Lost Valley State Forest, Charleston State Forest, and Featherstonehaugh State Forest, within approximately 4 to 8 miles of the Project site.

The Project site property is vacant and is a mix of open and wooded land. It is agricultural land currently not in use and has not been since the 1990's. There is a collapsed barn on the property. The nearest building to the Project Site in use is a farm building with multiple sheds, located approximately 650 feet to the west of the Project Site. The nearest residence is 1904 feet to the northeast. Rulison Honey Farms, is approximately one mile south of the Project site.

The Town of Florida's 1996 Comprehensive Plan and 2011 Comprehensive Plan Amendments recognize the importance of supporting agricultural character within the Town. These planning documents also address the challenge of balancing environmental concerns and economic development, although they do not provide guidance specific to renewable energy within the Town

As previously noted, the mitigation measures proposed by the Project Sponsor include the planting of trees to minimize visual impacts. The Project Sponsor also proposes to provide residents with window shades to avoid shadow flicker and to block the view of the wind turbine from their residence, in addition to painting the wind turbine white to minimize visual impacts.

After detailed review and consideration of public comments and the findings of the visual impact studies, the Planning Board has concluded that the proposed project will have an adverse environmental impact and significantly alter the community character of the Town of Florida. Furthermore, the proposed mitigation measures do not minimize or avoid potential adverse environmental impacts to the maximum extent practicable for the following reasons. The proposed 650-foot-tall wind turbine is inconsistent with the current landscape, and residents and the Planning Board have expressed concerns that the presence of a 650-foot tall wind turbine will detract from the town's historical cultural identity, in addition to overshadowing local landmarks. The proposed project will be visible from considerable distances, leading to dissatisfaction among residents regarding their visual preference.

The proposed 650-foot-tall wind turbine is not consistent with any other neighboring communities or the Town of Florida's character. The proposed New Leaf project will permanently change the existing character of the community by altering the visual landscape and aesthetic appearance throughout much of the Town, including its Viewsheds and Scenic Vistas. As such, the Town of Florida Planning Board concludes that the mitigation measures proposed by the Project Sponsor are insufficient to offset the adverse environmental impacts associated with this project.

The public record gathered by the Town of Florida clearly indicates that the installation of a large-scale industrial wind energy turbine will change the existing quiet and scenic environment of the Town, thereby altering a fundamental aspect of the community's character.

C. Over the Air Radio and Television Communications

As described in the Draft EIS, the proposed wind turbine could create radio frequency (RF) interference with surrounding communications towers that are both civilian and commercially operated. Specifically, the proposed 650-foot tall wind turbine could interfere with antenna reception of the community as well as cell phone service. In order to evaluate the potential RF impacts, Smith and Fisher, LLC conducted an "Evaluation and Comparative Analysis of Non-ionizing Energy Emissions from New Leaf Energy Wind Turbines (sic) in the Town of Florida, Montgomery County, New York." The study, found in Appendix 13 of the Draft EIS, establishes the radio frequency ("RF") environment on and around the project site through a series of field measurements. The RF environment consists of transmissions from television stations, FM radio stations, AM radio stations, cellular base stations, land mobile communications, airport communications and ground radar. Measurements were conducted at 13 locations over three days on and around the Project site. The evaluation focused on the RF spectrum from 2MHz to 200 MHz.

The above-referenced study conducted by Smith and Fisher, LLC could not definitely determine or conclude the proposed [650-foot-tall](#) wind turbine will cause RF interference. Therefore, as mitigation measures, the Project Sponsor proposed that once the wind turbine is operational, the operator will be required to conduct follow-up measurements of the non-ionizing electromagnetic environment at the same locations as the existing conditions analysis. Any complaint received regarding RF interference will be made in writing to the current owner of the wind turbine with a copy of the correspondence addressed to the Town of Florida Planning Board. A response from the turbine owner will be made within 30 days of the initial complaint. The evaluation of complaints regarding RF interference to wireless radio communications will be made by a third-party contractor with all costs being borne by the current owner of the wind turbine.

Based on an evaluation of the proposed mitigation measures, the Planning Board has determined that the Project does not meet the Town of Florida standards for approval

with respect to the Town of Florida Zoning Ordinance provision that a wind turbine cannot be installed in a location where its operation would produce electromagnetic interference with signal transmission or reception. Specifically, Section 45.4 of the Town Code requires that “The applicant must provide proof that no WECS shall be installed in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interferences in the link’s operation.

Section 45.4 of the Town Code further states that “The application must provide proof that no WECS shall be installed in any location where its proximity with existing fixed broadcast, retransmission or reception antenna (including residential reception antenna) for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception”.

Based on the above Town Code provision, the Planning Board concluded that the mitigation measures proposed by the Project Sponsor do not minimize or avoid potential adverse electromagnetic interference impacts to the maximum extent practicable.

Certification To Deny:

Having considered the draft and final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that.:

1. The requirements of 6 NYCRR Part 617 have not been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that does not avoid or minimize adverse environmental impacts to the maximum extent practicable, and that adverse impacts will not be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.
3. Having weighed and balanced the relevant environmental impacts with social, economic, and other considerations consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR Part 600.5, the Town Planning Board determined that this action will not achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.
4. Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the action is one that does not avoid or minimize adverse environmental

impacts to the maximum extent practicable and the applicant has failed to consider or offer other reasonable mitigation measures to address the significant adverse impacts of the action as proposed.

5. The amenities and benefits proposed as part of New Leaf's proposed project are not adequate and do not substantially and significantly outweigh the adverse impacts that are likely to result from the proposed project.

Town of Florida Planning Board

Signature of Responsible Official

Planning Board Chairman
Title of Responsible Official

214 Fort Hunter Road
Amsterdam, New York
Address of Agency

Stephen Viele
Name of Responsible Official

October 11, 2024
Date