



*DRAFT ENVIRONMENTAL IMPACT STATEMENT*  
Florida Wind 1, LLC YMCA Road Wind Turbine Project  
153 YMCA Road  
Town of Florida, New York 12010

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Project Location: 153 YMCA Road  
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Tax Parcel Number: 102.-1-19

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## I. EXECUTIVE SUMMARY

### A. Introduction

This Draft Environmental Impact Statement (DEIS) has been prepared pursuant to 6NYCRR Part 617 for actions associated with the proposed Florida Wind 1, LLC Wind Turbine Project (the "Project") in the Town of Florida, New York (the "Town"), proposed by Florida Wind 1, LLC (the "Applicant"). The DEIS fully characterizes the site, the proposed action, and all significant environmental impacts, and recommends mitigation measures where appropriate.

The DEIS has been prepared in accordance with the Final Scope adopted by the Town of Florida Planning Board (the "Lead Agency" and "the Planning Board") on April 6, 2023.

The DEIS conforms 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 impacts, cumulative impacts, and other associated environmental impacts;
- 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.

The Applicant for the Project, Florida Wind 1, LLC is a wholly owned subsidiary of New Leaf Energy, LLC ("New Leaf") which was formerly the development business under Borrego Solar Systems, Inc. ("Borrego"). All Borrego rights and obligations have been transferred to Florida Wind 1, LLC and any future owner will be bound by any conditions placed on the Project, including SEQRA mitigation requirements.

Approval of the Project by the Town, as proposed, requires two distinct components, or actions, under the State Environmental Quality Review Act ("SEQRA"):

- 1) *Special Use Permit Approval from the Town of Florida Planning Board* – The subject property is located within the Town's Agriculture (A) District. According to the Town of Florida Zoning Ordinance (the "Zoning Ordinance"), the proposed action is a wind energy conversion system ("WECS") that is classified as a 'WECS, Commercial,' which is defined as a "WECS that generat(es) original power on a site to be transferred to a transmission system for distribution to customers. According to Section 45.4 of the Town's Zoning Ordinance, *Wind Turbine Facilities Law, subsection (b)*, non-roof mounted WECS shall require a special use permit issued by the Town Planning

Board, pursuant to compliance with all special permit criteria and special permit application procedures listed in the Town Zoning Ordinance.

- 2) *Site Plan Approval from the Town of Florida Planning Board* – Article VII, Section 18, of the Town Zoning Ordinance, states that development projects “other than Single Family Residential in all Districts” as well as “Agricultural in the Agricultural District require site plan review.” Site plan review and special permit review are conducted jointly by the Town of Florida Planning Board.

The Town of Florida Planning Board will issue a special use permit approval and site plan approval for the Project. The Project received a height variance allowing construction of a 650-foot tower from the Town of Florida Zoning Board of Appeals on December 13, 2021. Additional approvals for various components of the Project are summarized in Section I.C below.

The Project is situated on a 135± acre property accessed from YMCA Road in the Town of Florida, New York. Full build-out of the Project is anticipated in 2024. When approved, the Project will include:

Temporary Features during Construction:

- Construction staging area;
- Stockpile;
- Blade lay down area;
- Truck route around the turbine.

Permanent Features:

- 4.5 MW, 650-foot-tall wind turbine;
- Gravel access road off YMCA Road;
- Turbine foundation;
- Electrical collection system (ground mounted electrical equipment and utility poles, the wind turbine, and a gravel pad around foundation and crane pad);
- Overhead utility lines;
- Utility poles.

The Project will accomplish the following objectives:

- Promote renewable energy in the region;
- Supply nearby residential and commercial areas with energy;
- Support the local economy;
- Create jobs;
- Generate revenue.

The Project will address the following needs:

- Put the property into productive use;
- Create new jobs;
- Energy from the project will be delivered into the local power grid and made available for purchase locally.

The need for the Project and the Applicant's objectives are clearly supported by Section 45.4 of the Town Zoning Ordinance as follows:

1. Meets increased demand for alternative energy sources;
2. Promotes the need for more inexpensive power that wind turbine facilities may provide;
3. Protects and promotes the community's safety, health, and welfare by properly siting wind turbine towers in a manner consistent with sound land use planning while also allowing private and commercial providers to meet their power generating objectives.

The proposed Project achieves the Town's planning objectives, as energy from the Project will be delivered into the local power grid and made available for purchase locally.

### **B. Description of the proposed Project**

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. Once approvals are obtained the Project will be transferred to an operator who will construct and operate the wind turbine in accordance with the conditions of the special permit and all other approvals. 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.

Permanent features of the Project include a wind turbine, turbine foundation, gravel pad around the foundation, crane pad, gravel access road off YMCA Road, overhead utility lines and utility poles. Temporary features needed during construction include a construction staging area, stockpile, blade lay down area and truck route around the turbine. The staging area and truck route will be constructed of gravel, but following the turbine installation, the stone will be removed and the area de-compacted and restored with topsoil and seeding. The remaining areas will remain pervious but will require de-compaction and reseeding following turbine construction.

The wind turbine and associated infrastructure will result in the conversion of approximately 4.9 acres of vacant, undeveloped land to productive energy generation use. The proposed gravel access drive and, crane pad, and turbine and foundation, will result in an increase in impervious area on the Project site and the potential for soil erosion. Mitigation measures include soil and erosion control measures installed pursuant to a Stormwater Pollution Prevention Plan (SWPPP) which has been prepared pursuant to the New York State Department of Environmental Conservation ("NYSDEC") General State Pollution Discharge Elimination System (SPDES) requirements. The anticipated loss of land for non-agricultural use is not a significant impact as there are approximately 176,000 acres in Agricultural Districts in Montgomery County which will not be impacted by the Project. In addition, the site will be restored to its original condition after the wind turbine facility is decommissioned. Although the property has not been in agricultural use since the 1950's, agricultural operations could commence in the future after the wind turbine is decommissioned.

With respect to potential impacts to subsurface and surface water resources, the Project access road will cross a Federally regulated wetland. Thus, a wetland delineation report was completed for the Project and a Federal Wetland Permit has been obtained. The Applicant purchased wetland mitigation credits to offset any potential impacts to wetlands.

With respect to potential impacts to vegetation and wildlife, Environmental Design & Research, D.P.C. (EDR) conducted avian field surveys in 2020 and 2021. While Bald Eagle and northern harrier were documented in the Project area, no occupied habitat was observed on site. The NYSDEC issued a letter on July 6, 2022, indicating that in the event that the Project results in the taking of a bald eagle, the Applicant has committed to work with the NYSDEC to develop appropriate mitigation actions that will result in a net conservation benefit to the species. In regard to the Northern long-eared bats, and to minimize impacts to the maximum extent practicable, the NYSDEC indicated in their letter dated July 6, 2022, that the facility must curtail operations at wind speeds less than 5.5 m/s between July 1 to October 1 every night from half an hour before sunset to half an hour after sunrise when ambient temperatures are greater than or equal to 50 degrees Fahrenheit (10 degrees Celsius). Remote operational controls will be used to facilitate this and to document speed reductions. This letter is part of the project record before the Town of Florida Planning Board but is not included in this DEIS because these issues were not deemed significant by the Town of Florida Planning Board in its role as SEQRA Lead Agency.

With respect to traffic, transportation, pedestrians and transit, temporary, short term impacts to ground transportation are anticipated during the construction of the wind turbine. The transportation of the wind turbine parts (i.e., blades) to the Project site will require minor improvements to the routes used to transport the large components of the turbine. Once operational, there will be no impacts to transportation routes. In addition, potential impacts to air transportation routes used by small airplanes, emergency medical transport helicopters, and drones may occur as a result of the proposed project. The Federal Aviation Administration (FAA) reviewed the potential impacts to flight patterns and routes as a result of the proposed wind turbine and has issued a Determination of No Hazard.

With respect to historic and cultural resources, Phase 1A and 1B Cultural Resource Surveys were conducted and no significant impacts to historic or cultural resources were identified. These studies are a part of the project record before the Town of Florida Planning Board but are not included in this DEIS because these issues were not deemed significant by the Town of Florida Planning Board in its role as SEQRA Lead Agency.

Lastly, in regard to construction impacts, there is potential for temporary noise, dust, odors and traffic. Hence, a construction plan will be prepared which addresses such impacts.

The Project is a Type 1 SEQRA Action because, pursuant to 6 NYCRR Part 617.4(b)(8), it involves the physical alteration of more than 2.5 acres in an agricultural district. The Florida Zoning Board of Appeals conducted an uncoordinated SEQRA review pursuant to 6 NYCRR 617.6(b)(4) and issued a Negative Declaration for the height variance on December 13, 2021.

The Planning Board declared itself Lead Agency for the Action under its jurisdiction, issuance of the special use permit, on February 7, 2022, and on December 5, 2022, it issued a Positive Declaration requiring the preparation of this draft environmental impact statement.

Potentially significant impacts identified by the Planning Board in its Positive Declaration include:

- Aesthetic resources
- Visual (including shadow flickering)
- Radio and over-the-air TV communications services in the immediate and surrounding area
- Community plans
- Community character

**C. List of involved and interested agencies and identification of local, county, State, and other approvals required.**

Below is a list of all involved agencies and the required approvals and permits they are responsible for granting with respect to the Proposed Project.

<b>Table 1. INVOLVED AGENCIES, PERMITS AND APPROVALS</b>	
Involved Agency	Type of Approval
Town of Florida Planning Board	Special Use Permit Approval Site Plan Approval
Town of Florida Zoning Board of Appeals (ZBA)	Height Variance issued December 13, 2021
Montgomery County Highway Department	Possible improvements to county roadways
NYS Department of Environmental Conservation – Region 4	Stormwater Prevention Protection Plan (SWPPP) GP-0-10-001 General SPDES Permit
NYS Office of Parks, Recreation and Historic Preservation	Cultural Resources Consistency Determination
New York State Department of Agriculture and Markets (NYSAM)	Notice of Intent
New York State Department of Transportation	Possible improvements to state roadways
New York State Energy Research and Development Authority (NYSERDA)	NYSERDA Approval

The following agencies have been identified as interested agencies who may review and comment on the proposed Project:

**Montgomery County Sheriff's Office**  
 Jeffery T. Smith, Sheriff  
 Montgomery County Sheriff's Office and Jail  
 200 Clark Drive  
 P.O. Box 432  
 Fultonville, NY 12072  
 (518) 853-5500

**New York State Police**

Amsterdam City Hall, Floor 1  
61 Church Street  
Amsterdam, NY 12010  
(518) 843-3210

**Florida Volunteer Fire Department**

6252 NY-30,  
Amsterdam, NY 12010  
(518) 843-6286

**City of Amsterdam Planning Commission**

Elaine Santiago, Chair  
Amsterdam City Hall  
61 Church Street  
Amsterdam, NY 12010  
(518) 841-4319

**Montgomery County Planning Board**

Casey Anderson, Planning Board Chair  
9 Park Street  
Fonda, NY 12068  
(518) 853-8155

**United States Army Corps of Engineers**

Civil Works Office  
U.S. Army Engineer District, New York  
26 Federal Plaza  
New York, NY 10278-0090  
Contact: Mary Ann Miller  
General Number: (917) 790 – 8414

**United States Department of Interior**

US Fish and Wildlife Service  
David Stillwell  
Field Supervisor  
3817 Luker Road  
Cortland, NY 13045  
(607) 753 – 9334

**D. Statement of project purpose and need.**

The Project will accomplish the following objectives:

- Promote renewable energy in the region;
- Supply nearby residential and commercial areas with energy;
- Support the local economy;
- Create jobs;

- Generate revenue; and
- Put the property into productive use

E. Summary of potential significant adverse environmental impacts and mitigation measures identified in each subject area

The following table provides a summary of the significant adverse environmental impacts and mitigation measures as identified in each subject area of the DEIS.

<b>Table 2. SUMMARY OF POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS AND PROPOSED MITIGATION MEASURES</b>			
<i>DEIS Chapter</i>	<i>Potential Impact(s)</i>	<i>Mitigation Measure(s)</i>	
A.	<i>Visual/Aesthetic Impacts</i>	The proposed wind turbine will change the visual character of the surrounding area due to its appearance and height.	The wind turbine has been sited to minimize visual impacts. The nearest property line is more than 850' away and the nearest house is more than 1900' away. The wind turbine will be painted white to minimize visibility. Tree clearing will be minimized so that intervening vegetation will screen views of the tower to the maximum extent practicable.
B.	<i>Over the Air Radio and Television Communications</i>	An evaluation and comparative analysis of non-ionizing electromagnetic energy emissions on and around the wind turbine site was conducted. The analysis identifies and measures the existing electromagnetic environment so that over the air radio and telecommunications impacts can be measured once the wind turbine is operational.	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. Florida Wind 1, LLC will address valid complaints through strengthening signals and filtering technologies as applicable.
C.	<i>Community Character</i>	The proposed wind turbine will change the character of the surrounding area. Although the Town's 1996 Comprehensive Plan (the "Comprehensive Plan") does not address renewable energy, the proposed wind turbine is consistent with the Town's goals of improving	The Project complies with the goals and requirements of the Town of Florida Wind Turbine Facilities Law, with the exception that the Applicant is seeking a waiver from the fencing requirement.

		employment opportunities for residents and preserving the town's rural character and open spaces. Additionally, the proposed wind turbine is consistent with the intent and purpose of the Wind Turbine Facilities Law specified in the Town's Zoning Ordinance, as the proposed turbine will satisfy the increased demand for alternative energy sources, the need for more inexpensive and affordable power, and will be properly sited in a manner consistent with sound land use planning while allowing private and commercial providers to meet their power generating objectives.	
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**F. Description of alternatives analyzed and a table comparing the impacts of the proposed Project with the impacts of the various alternatives.**

- 1.) The "No Action" Alternative – The no action alternative would leave the property in its current condition. While visual, site disturbance and temporary transportation impacts would be eliminated, the benefits of the Project such as increased renewable energy contributions to the local grid, would not occur. Under this alternative, the parcel would be left as a vacant and underutilized site.
  
- 2.) Alternative tower height (400 feet) – 400-foot turbines are no longer available due to advances in technology in wind turbines and the increased efficiency of longer blades. If a 400-foot tower were available, it may reduce, but would not significantly change, the visual impact of the proposed wind turbine, a conclusion with which the Town of Florida Zoning Board of Appeals agreed when issuing the height variance. All other impacts would also be nearly identical.
  
- 3.) Alternative location – There no other sites under the control of the Applicant that could be used as an alternative location to the project site. Therefore, this is not a viable alternative as there is no other site to evaluate for the purpose of situating the proposed wind turbine facility.

Table 3 Summarizes the impacts of each of the alternatives.

Table 3  
 Comparison of Alternatives

	The No-Action Alternative	400' Turbine Height Alternative	Alternative Site
Production of Renewable Energy	No renewable energy would be produced	Less renewable energy would be produced	Not a viable alternative
Site Disturbance/Stormwater Management	No impacts to the site and no additional stormwater runoff	Impacts would be identical to the proposed Project	Not a viable alternative
Visual Impacts	No impact	Slightly less visual impact	Not a viable alternative
Wetland Impacts	No impact	Impacts would be identical to the proposed Project	Not a viable alternative
Impacts to Microwave Transmission	No impact	Impacts would be identical to the proposed Project	Not a viable alternative
Noise Impacts	No impact	Impacts would be identical to the proposed Project	Not a viable alternative
Impacts to RF Transmission	No impact	Impacts would be identical to the proposed Project	Not a viable alternative
Transportation Impacts	No impact	Impacts would be identical to the proposed Project	Not a viable alternative

## II. DESCRIPTION OF THE PROPOSED PROJECT

This section describes the proposed project including its location and context.

### A. Description of Project Location

#### 1. Identification of regional and area location

The Project is a proposed 4.5-Megawatt (MW), 650-foot-tall wind turbine on a +/- 135-acre property accessed from YMCA Road in the Town of Florida, Montgomery County, New York (the "Project Site").

Figures 1 and 2 illustrate the local context of the Project Site. The Project Site is located in the Town of Florida, a town just south of the Mohawk River in Montgomery County, New York. It is located in the eastern end of Montgomery County and is south of the City of Amsterdam, which it borders. The subject Project Site is located within the Town's Agriculture (A) District and is located in Montgomery County's Agricultural District 3.

#### 2. Narrative and mapping of tax parcels and total parcel area

The Project Site is 135 ± acres, comprised of a single parcel identified as Montgomery County tax map parcel number 102.-1-19. The Project Site will occupy approximately 4.9 acres of vacant, undeveloped land.

#### 3. Description of present and historical ownership and use

The property is currently owned by Martin Milano and will be leased by Florida Wind 1, LLC. It will be transferred to an owner/operator who will be required to comply with all conditions of the special permit as well as all other relevant permit conditions. As noted above, the property is currently vacant. Prior to the 1990's the property was in agricultural use; it has been vacant since that time. Historical aerials from 1952, show a utility easement cutting diagonally through the site from YMCA Road. Figure 3, Land Use Map, illustrates land uses on and around the Project Site.

#### 4. Describe the nature and location of any known covenants and easements on the project site

A gas line runs through the property and the easement is recorded as follows:

*"STEPHEN AND LOTTIE PAVLAK TO NIAGARA MOHAWK POWER CORP STELLA MATTAS TO NIAGARA MOHAWK POWER CORPORATION."*

See Figure 4, Overall Site Plan, for the location of the easement and Appendix 1, Land Title Survey, for easement details.

**5. Narrative and mapping of existing access indicating the routes to and from the proposed Project on both the local and the regional roadway network**

As shown in Figure 4, the site is served by a Town road known as YMCA Road. Access to the site will primarily be through the County Route 142 Thruway, via the US-88 Thruway, NYS Route 30, and County Road 145.

**6. Description of on- and off-site utilities serving the Project Site**

There are no existing utilities serving the site. A 13.2 Kv electric power line is located along YMCA Road. As part of the Project, a pole farm consisting of six poles will be erected near the entrance to transmit electricity. A pole farm refers to the point where the project connects to the utility's electrical distribution lines (called the Point of Interconnection). The poles are needed to bring the project's electrical line (which is underground) above the ground so that it can connect to the utility's overhead lines. Switches, utility meters and other utility equipment are also installed on the poles.

**7. Description of surrounding land uses and existing zoning in narrative and graphic form**

The Project Site is characterized by flat, rural, vacant land, located within the Town of Florida's Agricultural Zoning District. As illustrated by Figure 3, land uses within ½ mile of the site include vacant, agricultural, and residential land. The surrounding area is generally vacant and agricultural, or forested in nature. The remaining land surrounding the Project Site is low-density, suburban housing or farms. The nearest building to the Project Site is a farm building with multiple sheds, located approximately 650 feet to the west of the project site. The nearest residence is located 1904 feet northeast of the wind turbine. There is a honeybee farm, Rulison Honey Farms, located approximately one mile south from the project site.

Commercial wind projects are a permitted use in the A-zoning district pursuant to a special use permit issued by the Planning Board. Land surrounding the site is also zoned A and surrounding uses are low-density residential, commercial, and active farmland. Figure 4 illustrates area zoning.

**8. Description of all existing uses and structures currently on the Project Site**

The +/- 135-acre parcel is vacant and unused land and It has not been farmed since the 1990's. There is a collapsed barn structure on the property approximately 1300' from the proposed turbine site.

**9. Description of topography of site**

The Town of Florida is physically situated on a high topographic ridge in Montgomery County where windy conditions are common in areas with little tree cover. Because of frequent windy conditions and a large amount of developable agricultural land, the Town is attractive to developers of wind turbines as a source of electricity. The proposed wind turbine is located in a relatively flat portion on top of a hill, where the

northwestern, northeastern, southwestern, and southeastern portions of the project site are steeply sloped.

**B. Description of the Proposed Project**

1. Site Plan at a scale of 1"=100' including topography, roadways, grading and stormwater management facilities

An overall site plan is included as Figure 5. Detailed site plans are found in Appendix 2.

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.)

Two turbines are being considered: a Vestas V150-4.3 and a GE 3.4-140. In either case the turbine will be a single tower, painted white with three blades attached to the hub via a nacelle. Table 4 provides information for each of the turbines being considered. Appendix 3 contains further details. Note that the total height incorporates the hub height plus the rotor radius (blade length plus nacelle radius). Per the recommendations of the wind turbine manufacturers, the total height is denoted as 650 feet for purposes of permitting.

**Table 4. Wind Turbine Specifications**

Proposed Turbine	Vestas V150-4.3	GE 3.4-140
Color	White	White
Hub Height (ft)	394	384
Blade Length (ft)	240	230
Total Height (ft)	640	614

3. Discussion of compliance with the design requirements of Town of Florida Zoning ordinance Article VII, 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).

The turbine will comply with all design requirements in the Town of Florida Zoning Ordinance with the exception of the fencing requirement for which a waiver is requested. See Section III.1.b for a detailed discussion of compliance with these requirements.

With regard to safety and stability, the turbine provided will receive a Type Certification. The Type Certification is the industry-standard and demonstrates conformity under the International Electrotechnical Commission's (IEC) standard 61400 denoting a fully independent assessment of the completeness, correctness, and safe functioning of a wind turbine for its design lifetimes. It also provides the traceability for the application documentation for design, testing, and manufacturing. The certification will confirm that the turbine will be

operated in accordance with all industry standards and safety requirements. This shall be provided prior receipt of the building permit.

4. Discussion of site access, including construction access routes and methods for the transport and delivery of the wind turbine components. Describe mitigation steps for residents located on YMCA Road to be able to safely access their homes during the construction phase.

- a. Site Access

The 0.5-mile site access road will be gravel with a minimum depth of 13". The road will be 20' wide except for the wetland crossing where it will narrow to 18' to reduce impacts, and at the base of the turbine where it will be widened to 40'. See site plan sheet C-8.0 in Appendix 2 for additional detail about the gravel road.

Transportation routes and mitigation are discussed in Section II.4.b below.

- b. Transport and Delivery

A Transport Study was conducted by Creighton Manning Engineers to determine the optimal delivery route of the wind turbine and accompanying blades. The analysis identifies load capacities and restrictions of roads, bridges and culvert crossings. Temporary improvements to intersections are identified and quantified. The selected route will be driven by certified professionals prior to the turbine delivery to confirm safe and effective access. The turbine and blades will be delivered by specialized drivers and vehicles.

Three routes were identified.

Route A utilizes I-88 to Exit 24, then NY-7, NY-395 (Main Street), NY-20 (Western Turnpike), NY-30, CR-147 (Eaton Corners Road), CR-149 (Mill Point Road), CR-140 (Peck Road), McKinney Road, CR-142 (Millers Corners Road), Bean Hill Road and YMCA Road.

Route B utilizes I-90 to Exit 27, NY-161 (Mill Point Road), CR-143 (Youngs Corners Road), Bean Hill Road and YMCA Road.

Route C utilizes I-90 to Exit 28, NY-920P (Riverside Road), NY-5S, CR-164 (Noelfner Road), NY-161 (Mill Point Road), CR-143 (Youngs Corners Road), Bean Hill Road and YMCA Road.

See Appendix 4, Transport Study, for detailed information on the potential routes for turbine delivery and road improvements necessary for delivery on each route.

- c. Maintaining Safe Access for Residents

YMCA Road will remain accessible by residents at all times during construction. Delivery times on YMCA Road will be coordinated with residents if such delivery

will result in temporary obstruction due to the delivery. Throughout the operation of the facility, routine upkeep of YMCA Road including snow removal and periodic maintenance will be provided for the life of the facility operation.

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 the use of concrete during the construction process.

The wetlands in question are under the jurisdiction of the US Army Corps of Engineers ("ACOE"). A wetland delineation was conducted by GEI Consultants in 2020. They validated the delineation and that validation is good for five years.

The proposed wind turbine, pad and equipment laydown areas have all been sited outside of wetland resources. The proposed access road avoids wetlands to the greatest extent possible considering the extent of the wetlands, areas of extremely steep terrain, and minimum road curve radii. A total of 0.229 acres of wetland will be impacted by the access road; 0.014 acres will be temporarily impacted and 0.215 acres will be permanently impacted. Impacts will be associated with a wetland crossing and widening the existing access gravel road.

A Nationwide General Permit Number 14 for impacts to the wetlands from the access road was sought and obtained from the ACOE. The original permit application proposed 0.27 acres of impacts to wetlands. This was reduced to 0.215 acres by narrowing the access road from 20' to 18' in width. It was concluded that an in-lieu fee would be the best approach for mitigation for the minor impacts proposed. The Applicant purchased wetland credits from Ducks Unlimited, a conservation organization dedicated to the conservation of wetlands. A copy of the wetland permit is attached at Appendix 5.

There will be no impacts to the wetlands from the use of concrete because concrete will not be used in or immediately adjacent to any wetlands.

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.

Tree clearing is proposed for a total of 1.95 acres in two sections, one section measuring 1.32 acres and one section measuring 0.63 acres. See Site Plan Sheet C-2.0 in Appendix 2 for these locations. Trees along the Project Site's YMCA Road right-of-way will be trimmed as needed for truck clearance. No landscaping or screening is proposed.

A full construction SWPPP has been prepared by GHD Consultants and is found at Appendix 6. The SWPPP is fully compliant with the NYSDEC General Stormwater

Permit for Construction Activities GP-0-~~15-00220-001~~. The project has been designed to limit disturbance of natural resources, reduce impervious cover and reduce runoff. Major elements of the SWPPP are as follows:

- The Project will be constructed in a single phase of approximately three months.
- The SWPPP outlines a typical construction sequence to be followed.
- Best management practices to be followed during construction include: construction of a stabilized construction entrance; installation of a silt fence, check dams and ripraps; stockpile stabilization, and; soil stabilization.
- Pollution prevention controls to be implemented will include dust control, sanitary facilities, waste and construction debris disposal areas, concrete truck washout areas, spill containment areas for vehicle fueling and spill containment and control for hazardous materials. (Note that no hazardous materials are expected on site, but if hazardous materials are unexpectedly encountered, provisions have been included for proper handling.)
- Regular inspections will be conducted throughout the life of construction to ensure that the erosion and sediment control measures are being effectively maintained and until the site is stabilized and closed pursuant to the General SPDES stormwater permit.

#### **7. Discussion of electrical connections**

The project consists of the installation of one wind turbine. The rotor will be connected to a gearbox, followed by an inverter, which converts the mechanical output to power from DC to AC current. The electrical system will be connected to National Grid's transmission system via a transformer. The system will be protected by disconnect switches in accordance with the applicable electrical code and National Grid requirements.

#### **8. Description of Ancillary Facilities**

No ancillary facilities are proposed.

#### **9. Description of Security Provisions**

The tower will be fully self contained and will be locked and thus inaccessible to unauthorized personnel. Furthermore, there will be no rungs or climbing apparatus on the outside of the tower. Due to its location and significant distance (1493 feet) from the nearest public roadway the Applicant is requesting that the Planning Board waive the requirement at Section 45.4 of the Town Zoning Ordinance for a 6-foot fence around the wind turbine. The Applicant proposes as an alternative that a gate be installed across the access road at a location to be determined in consultation with the landowner and National Grid in order that it not interfere with access to the power poles.

#### **10. Description of Operations and Maintenance Plan. Include all data received from the Met Tower that was installed at the proposed wind turbine location.**

Wind turbine generators require semi-annual preventive maintenance. This includes replacement consumables, torque checks, equipment testing and housekeeping.

Scheduled maintenance is performed outside of the high-wind season (usually spring and fall). The turbine operator will be responsible for monitoring security and safety lighting.

Access road maintenance will include vegetation management, preventive maintenance to avoid erosion, including monitoring of stormwater swales and culverts, and unclogging culverts if required. Stormwater facilities will be checked after major storms for obstructions, erosion and structural integrity. Winter maintenance will include plowing of the access road to the turbine. No deicing chemicals will be used.

A summary of the wind measurement data is included at Appendix 7

**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**

The Draft Emergency Action Plan for the facility is found at Appendix 8. The Draft Emergency Action Plan contains procedures in case of field injury (including, medical emergencies), fire, earthquake, adverse weather (severe thunderstorms, flooding, tornados and cold weather), hazardous materials, or crime/violent behavior/civil disturbance. The Draft Emergency Action Plan includes an Emergency Management Hierarchy, key personnel contacts and responsibilities and an emergency contact list. The Emergency Action Plan will be finalized with specific contacts and details prior to building permit issuance once the owner/operator is known.

The turbine is equipped with emergency stop buttons in the nacelle, hub, and bottom of the tower. The turbine is also equipped with breakers to allow for disconnection from all power sources during inspection or maintenance. The switches are marked with signs and are located in the nacelle and bottom of the tower.

**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.**

**a. Construction Process and Phasing**

The construction process is expected to take ~~three~~ approximately six to twelve months. The construction sequence will be as follows:

- Preconstruction. A building permit will be applied for with the local Building Department. Any conditions of the projects Special Permit that are required to be addressed prior to construction will be submitted to the town during this phase. Additionally, this time will be used to survey and inventory the turbine delivery route. This will document the existing conditions of the roadway to allow for remediation/repair as needed upon completion of construction. This is expected to take approximately one (1) month. This consists of application for a building permit and compliance with the

~~conditions of the Special Permit. The turbine delivery route will be surveyed and inventoried.~~

- Site Mobilization and Environmental Controls Installation. ~~Prior to any earth disturbances, erosion control measures will be installed on site. These will initially consist primarily of silt fence and silt sock, which not only serve as erosion control measures, but also denote limits of work as well as wetland features. Wetlands will also be re-flagged as needed and limits of work will be established in order to protect environmental resources. This is expected to take approximately two (2) weeks. Limits of work will be established, wetlands re-flagged as needed and erosion control measures installed.~~
- Tree clearing. ~~The site will be cleared of trees as outlined in the site construction plans, beginning with the access road area. A temporary logging access will be installed in the location of the proposed access road. This will provide access to the main turbine area while tree clearing continues. This is expected to take approximately two (2) weeks.~~
- Access Road Construction. ~~Once trees and stumps are cleared, the access road will be installed. This is expected to take approximately one (1) month.~~
- Earthwork. ~~Once the site has been cleared of trees, earthwork will commence. The turbine area will be leveled as needed to provide the slopes and grades shown on the construction plans. Additionally, road grading and stormwater features will be shaped and installed early in the project construction. This is expected to take approximately one (1) month and may occur concurrently with the access road construction. Earthwork will include leveling the turbine area, road grading and shaping/installation of stormwater features.~~
- Foundation Work and Conduit Installation. ~~As the final grades of the turbine area and road are completed the excavation and concrete work for the turbine foundation will begin. Rebar work, construction of the foundation forms, and concrete placement will likely partially overlap with the previous phase and last approximately one (1) month. This phase will commence when rough grading is complete and will overlap with finish grading.~~
- Delivery and Installation of Turbine. ~~Upon completion of civil site work, the turbine delivery will commence. Components will be delivered, including delivery of the primary crane to be utilized for construction. With the crane completed and turbine components delivered, the actual installation of the turbine will begin. The turbine assembly is anticipated to be performed in two (2) months. Turbine components will be delivered once site work is complete. Turbine assembly will take approximately one month.~~
- Electrical Wiring Including Installation of Transformers and Inverters. ~~As electrical equipment is installed, the various electrical connections and wiring will be pulled. This includes utility poles and associated interconnection equipment located off YMCA Road. This phase will be the final significant construction on site and will last approximately one (1) month.~~
- Final Site Seeding and Stabilization. ~~Throughout construction, the site will be stabilized to ensure no sediment is transported offsite. Upon completion of~~

major site work, the site will be seeded with the permanent seed mix, as designated on the site plans. This will take approximately one (1) week.

Many of the above phases may overlap with each other. The most probable non-construction period will occur between the foundation work and the delivery of the turbine based on coordination between the turbine manufacturer and the contractor. The maximum expected period of non-construction is six months. We anticipate the construction to start in September 2025 provided all necessary permits are obtained.

#### b. Traffic Study of Town Roads

Creighton Manning Engineering was retained to assess road conditions. Their findings are found in Appendix 4 and are summarized in Section II.4.b. The purpose of this assessment was to analyze and recommend a feasible delivery route for delivery of oversize turbine and other components. Creighton Manning's charge was to select a delivery route that prioritized New York State roadways, avoids underpasses and overhead obstructions, and minimizes acute angle turns. Based on this evaluation, the only Town road expected to be used during construction is Bean Hill Road. The remainder of the roads are maintained at the county or state level.

Creighton Manning conducted a field evaluation to confirm the feasibility of the route, identify potential road obstructions or features that could interfere with transport, and document potential temporary roadway improvements and/or widening required to accommodate large delivery vehicles. The memo in Appendix 4 provides insight into the required temporary improvements.

Florida Wind 1, LLC will enter into a Road Use Agreement with the Town of Florida. The Road Use Agreement will ensure that the Town will not incur any costs for road usage related to the Project.

### 13. Project Purpose and Need

#### a. Discussion of Project purpose and need

~~This small scale wind project will generate locally grown clean energy. The energy will stay in the community for local subscribers. Local residents and businesses will have access to affordable clean energy and will have the freedom to choose the source and manner of generation of their energy.~~

As stated above in the Executive Summary, the need for the Project and the Applicant's objectives are clearly supported by Section 45.4 of the Town Zoning Ordinance as follows:

1. The project will mMeets increased demand for alternative energy sources;
2. The project will pPromotes the need for more inexpensive power that wind turbine facilities may provide;

3. The project will protect and promote the community's safety, health, and welfare by properly siting the wind turbine towers in a manner consistent with sound land use planning while also allowing this private/and commercial providers to meet their power generating objectives.

The property is owned by Martin Milano and will be leased by Florida Wind 1, LLC. Once approvals are obtained the Project will be transferred to an operator who will construct and operate the wind turbine in accordance with the conditions of the special permit and all other approvals. Once operational, this small-scale wind project will generate clean energy and local subscribers will receive clean energy at a discounted rate. Local residents and businesses will have access to affordable clean energy by opting in to the Owner's Customer Retention Option at the time of interconnection, keeping the clean energy in their community. Once the turbine is interconnected to the grid, customers will be offered credits from the system according to the Public Service Commission's mandated value of distributed energy resources (VDER) program. For further details on how Community Distributed Energy is managed, see the following overview from NYSERDA:  
<https://www.nysERDA.ny.gov/-/media/Project/Nyserda/Files/Programs/NY-Sun/value-stack-overview.pdf>. This information is also found in Appendix 18.

The wind turbine and associated infrastructure will result in the conversion of approximately 4.9 acres of vacant, undeveloped land to productive energy generation use.

**b. Discussion of objectives of the Applicant**

The Applicant seeks a Special Use Permit from the Town of Florida Planning Board in order to construct the Project.

**c. Description of benefits of the proposed Project**

The community will benefit from increased tax revenue from the Project, the creation of construction employment and of jobs associated with long-term operation and the production of locally sourced clean energy. The public will have the opportunity to purchase discounted clean energy credits after enrolling in the community wind program. In addition, the host community agreement will provide an annual payment to the Town of Florida that can be used at the Town's discretion. The amount will be approximately \$30,000 per year at an escalation rate of 2% for the life of the project.

**d. Discuss future ownership and management**

Florida Wind 1, LLC will be sold by New Leaf Energy to a future owner prior to construction. The owner will build and maintain the Project throughout its lifespan. The new owner will be legally bound to all conditions agreed upon between Florida Wind 1, LLC and the Town of Florida, including all SEQRA mitigation requirements and any approval conditions.

The future owner is not known at the time of this document. Once approvals are obtained for the Project, the Project will be marketed and sold. No project conditions can be changed as part of the sale. The sale is expected to be completed in late 2024. Once the sale is final, the buyer will obtain the building permit and construct the project.

The Table below, which repeats Table 1 in the Executive Summary, is a list of all involved agencies and the required approvals and permits for the Project

<b>Table 1. INVOLVED AGENCIES, PERMITS AND APPROVALS</b>	
<b>Involved Agency</b>	<b>Type of Approval</b>
Town of Florida Planning Board	Special Use Permit Approval Site Plan Approval
Town of Florida Zoning Board of Appeals (ZBA)	Height Variance issued December 13, 2021
Montgomery County Highway Department	Possible improvements to county roadways
NYS Department of Environmental Conservation – Region 4	Stormwater Prevention Protection Plan (SWPPP) GP-0- <del>1020</del> -001 General SPDES Permit
NYS Office of Parks, Recreation and Historic Preservation	Cultural Resources Consistency Determination
New York State Department of Agriculture and Markets (NYSAM)	Notice of Intent
New York State Department of Transportation	Possible improvements to state roadways
New York State Energy Research and Development Authority (NYSERDA)	NYSERDA Approval

### 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 and visual (including shadow flickering) impacts in the immediate and surrounding area.

#### A. Visual/Aesthetic Impacts

A Visual Impact Study was prepared by Saratoga Associates and is found at Appendix 9. The following summarizes the results of that study. See Appendix 9 for the complete study.

##### 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.

The Project Site is rural land which was last used for agricultural purposes in the 1990's. There are no residential structures on the site; there is a collapsed barn. Surrounding areas consist of agricultural land and low density rural residential land. The closest residential structures are located 1904 feet to the east on YMCA Road and approximately 2100 feet to the north on Bean Hill Road.

The site is not located in any designated Scenic Resources of Statewide Significance. Areas of local significance within five miles are the Erie Canalway Trail and the Mohawk Valley Gateway Overlook. These resources are nearly five miles from the site and the turbine is expected to be minimally visible from them due to distance and topography.

- 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.

Existing condition photographs are also found in Appendix 9.

##### 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.

A visual simulation study was conducted by Saratoga Associates and is found in Appendix 9. The following summarizes the results of each simulation.

VP1 – Barber Road. The blades as well as the top of the turbine tower will be partially visible from Barber Road but will be obscured by existing vegetation.

VP2 – District School 6. The top of the turbine will be just barely visible through the existing vegetation from District School #6.

VP3 – 6714 Route 30. The turbine will be screened by existing buildings and vegetation from the viewpoint around 6714 Route 30.

VP4 – 6266, 6256 and 6255 Route 30. Approximately half of the turbine tower as well as the blades will be partially visible from the viewpoint in the vicinity of 6266 Route 30, 6256 Route 30 and 6255 Route 30 but the tower is obscured by existing vegetation.

VP5 – 6266 Route 30. The turbine will not be visible from 6266 Route 30. It will be screened by existing buildings.

VP6 – 339 Dunlap Road. The turbine will be almost entirely screened by existing vegetation from the viewpoint in the vicinity of 339 Dunlap Road.

VP7 – 305 Young Corners Road. The turbine will be fully visible from 305 Young Corners Road.

VP8 – 629 Mill Point Road. The turbine will be partially visible from 629 Mill Point Road but is mostly obscured by existing vegetation.

VP9 – Chuctanunda Cemetery Viewpoint 1. The turbine blades and a portion of the tower will be partially visible from Chuctanunda Cemetery.

VP10 – Rene Goupil Memorial Chapel. The turbine will be visible in the far distance from Rene Goupil Memorial Chapel.

VP11 – Martyrs Shrine Visitor Center. The turbine will be completely screened by existing vegetation from Martyrs Shrine Visitor Center.

VP12 – Schoharie Crossing-Yankee Hill Lock. The turbine will be completely screened by existing vegetation from the Schoharie Crossing-Yankee Hill Lock.

VP13 - Erie Canalway Trail. The turbine will be completely screened by existing topography and vegetation from the Erie Canalway Trail.

VP14 – Mohawk Valley Gateway Overlook. The turbine will be screened by existing vegetation from the Mohawk Valley Gateway Overlook.

VP15 – Mariaville Lake/Indian Lookout Club. The turbine will be mostly not visible from the Mariaville Lake/Indian Lookout Club; it will be screened by vegetation.

VP16 – Chuctanunda Cemetery Viewpoint 2. The turbine blades and a portion of the tower will be partially visible from Chuctanunda Cemetery.

VP17 – Remsen Bush Cemetery. The turbine will be visible in the distance from the Remsen Bush Cemetery.

VP18 – Langley/Schugler Road Split. The turbine will be visible in the distance from the Langley/Schugler Road Split.

VP19 – Town Hall offices/Veterans Park. The turbine blades and a portion of the tower will be visible from the Town Hall offices/Veterans Park.

VP20 – Hollow Road/Route 161. The turbine will be visible in the distance from the Hollow Road/Route 161 intersection.

VP21 – Hughes Road/Korona Road. The turbine will be visible in the distance from the Hughes Road/Korona Road intersection.

VP22 – NY 30/Route 161. A majority of the turbine will be visible from the Route 161/Route 30 Split.

VP23 – Market Street/Prospect Street. The turbine blades as well as a small portion of the tower will be visible in the far distance from the intersection of Market Street and Prospect Street.

VP24 – Egelston Road. A majority of the turbine will be visible in the far distance from Egelston Road.

VP 25 – Meadowbrook Road. The turbine will be screened by foreground vegetation and will not be visible from Meadowbrook Road.

VP26 Round Barn Road/Route 161. The turbine will be screened by existing vegetation from the Round Barn Road/Route 161 split.

VP27 – Round Barn Road north of Long Drive. The turbine will be visible in the far distance from Round Barn Road north of Long Drive.

**b. Based on the findings of the previously completed Shadow Flicker Study, identify mitigation measures for residence affected by shadow flicker.**

A Shadow Flicker Study was completed by Epsilon Associates, Inc. and is found at Appendix 10. Shadow flicker is expected at a maximum of five residences. The maximum expected shadow flicker is less than 19 hours per year. The majority of the flicker would occur in February between 3:30 pm and 4:30 pm and also in October/November between 3:00 pm and 5:00 pm.

The Applicant does not consider this to be a significant impact because of the minimal time duration and therefore no mitigation measures are proposed.

- 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.**

The Federal Aviation Administration (FAA) provides wind turbine lighting standards to increase the visibility of turbine towers for pilots. Systems must consist of aviation red (FAA L-864) obstruction lights that are pulsed. Since this project consists of only one turbine, there will be a single red light at the top of the nacelle on the turbine to comply with FAA standards. No other lighting is proposed.

Field testing is not practical at this stage of the SEQRA process since the turbine has not been constructed. As a proxy, line-of-site profiles were developed from the top of the turbine to the nearest residences on YMCA Road and Bean Hill Road. These profiles are found in Figures 6 and 7. They illustrate that in both instances the view of the top of the tower will be blocked by intervening vegetation.

Note also that the Federal Aviation Administration (FAA) has determined that the wind turbine will not constitute a hazard to air navigation. See Appendix 11 for the FAA Determination of No Hazard Letter.

- 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.**

- i. **Structural Design**

Appendix 3 contains specifications and details for the two types of turbines under consideration. In either case, the turbine will be constructed of steel and will be painted white to minimize visibility. Dimensions are found in Table 3 in Section II.B.2.

- ii. **Geotechnical Design**

A geotechnical investigation was conducted by LaBella Associates and the results are found at Appendix 12. Foundation plans follow this page. Hoe-ramming and/or blasting will likely be required to excavate the foundations down to the proposed bearing elevations.

### 3. Proposed Mitigation

#### a. Discuss appropriate mitigation measures for identified impacts.

The following mitigation measures are proposed.

##### i. Visual

The primary method to minimize visual impacts is by careful siting of the turbine. The turbine will be sited as far from the nearest residences, 1904 feet, as is feasible. The turbine will be painted white to reduce visibility as much as possible. Although vegetation screening has little effect because of the height of the tower, tree clearing will be minimized. This will reduce the visibility of the turbine, especially for nearby residents whose line of site to the turbine will be screened by intervening vegetation and may provide some screening effect depending on viewpoint and topography.

##### ii. Blasting

Blasting is likely to be required to construct the turbine foundation. The following mitigation measures will be employed:

- The blasting contractor shall possess a valid New York State Explosives License and Blaster Certificate of Competence.
- Prior to any blasting, a Blasting Plan shall be prepared and filed with the Town, as well as any relevant parties or agencies. The plan shall provide contractor license information, and the location and details on any wells to be monitored.
- Blasting shall be limited to the hours of 7:00 am to 8:00 pm Monday through Friday.
- The Town of Florida and property owners within 4,000 feet of the blast area shall be notified of blasting activities at least 10 but not more than 30 days prior to the commencement of blasting. This notice shall contain, at a minimum:
  - The name, address and telephone number of the operator.
  - Notice of how to sign up for optional pre and post-blasting well water testing.
  - Identification of the specific area in which blasting will take place.
  - Dates and time periods when explosives are to be detonated.

- Methods to be used to control access to the blasting areas.
- Types and patterns of audible warning and all-clear signals to be used before and after blasting.
- Any landowner within 4,000 feet of the blast site may request pre and post well water testing be performed at the project owner's expense.
- If property owners identify delayed well impacts within three months of blasting, the project proponent shall perform an additional water well test.

If testing reveals that blasting has negatively impacted water quantity, quality or well structure, the project owner shall work with the landowner and the Town of Florida in good faith to ensure the affected property is returned to equal or better condition.

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

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 in this Chapter include radio and over-the- air TV communications services in the immediate and surrounding area.

**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.

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 was initially completed in June, 2023 and revised in November, 2023 in response to Planning Board comments.](#) The study, found in Appendix 13, 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 results are summarized in Table 5 below.

**Table 5. Radio Frequency Measurement Results**

<b>Measurement Paths/Locations</b>	<b>Signal Strength (V/m)</b>
1 → 2	1.62
1 → 3	3.25
3 → 4	3.13
4 → 5	3.78
5 → 6	3.47
6 → 7	3.78
7 → 8	2.13
9	3.83
10	2.13
11	3.93
12	3.68
13	5.49
YMCA Road	2.75
Bean Hill Road	3.53

After the initial report was submitted to the Planning Board, it was requested that some high resolution measurements be taken at two of the previous locations. There were two frequencies that were above the noise floor but were found to have very weak signals. These were found at 225 MHz with an amplitude of -118 dBm (in both AM and FM mode) at location 2 and -117 dBm (in both AM and FM mode) at location 13 and at 7.25 MHz with an amplitude of -107 dBm. The rest of the measurements were below the pre-amplified noise floor between -156 dBm and -136 dBm.

## 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.

The wind turbine has the potential to generate 60 Hz alternating current (AC) energy with a 600V output. With the produced voltage being fed into the step-down transformers, there exists a possibility for the generation of RF noise from the turbine. Once the turbine is operational, the RF spectrum will be analyzed at the same locations as the existing conditions analysis to determine the nature and magnitude of interference, if any.

An obstruction analysis of potential impacts to microwave transmission was conducted by Comsearch and is found in Appendix 14. The analysis found that the proposed turbine will not obstruct microwave signals and that no impacts to microwave transmission will occur as a result of the project.

## 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.

No impacts to radio frequencies or satellite television reception are anticipated. However, if the proposed turbine emits unwanted RF energy, it will first be detected in the broadband measurements captured by the recording meter. A spectrum analyzer would then be used to determine the specific frequency and amplitude of the undesired signal in a post-construction measurement survey. These measurements will guide any mitigation measures should any interference be reported. Measures, if required, would likely include filtering for frequencies at televisions and radios that require it.

## C. Community Plans and Character

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 in this Chapter include community plans, and community character.

1. Existing Conditions

- a. Discuss the Town of Florida Comprehensive Plan as it relates to wind power generally, and the project site specifically.

The Town adopted its first Master Plan in 1965, a Zoning Ordinance in 1976 which was last revised in 1989, and a Comprehensive Plan in 1996. Most recently, amendments to the Town of Florida Comprehensive Plan were made in 2011.

The Town's location, adjacent to both the New York State Thruway Exit 27 and the City of Amsterdam, has made it a candidate for potential new industrial activity. However, the Town is concerned about rapid development and the subsequent loss of both its rural character and its farming community.

The 1996 Comprehensive Plan stated the primary land use in the Town was agricultural. At that time, the Town had 39 dairy farms, 99 crop farms, and one honeybee farm located approximately one mile away from the Project Site. The town is completely located within Montgomery County Agricultural District seven, established in accordance with Article 25AA of the New York State Agriculture and Markets Law. This program is designed to protect farmers from anti-nuisance ordinances, limiting promotion of non-farm development, limiting the acquisition of land by eminent domain, and protecting farmers from excessive real property taxation.

The purpose of the Town's 2011 Comprehensive Plan Amendments to the 1996 Comprehensive Plan was to allow the Town to plan for its future growth, development and preservation, as the Town had experienced a change in both its economic and demographic conditions. This change was reflected by a reduction of small farms and agricultural production, an increased demand for undeveloped land, the loss of local job opportunities and the loss of younger generations of Town residents to more urban areas with more opportunities for education and employment. In only a twenty-year period, between 1980 to 2000, the Town experienced a 60% reduction in the number of its residents employed in the Agricultural and Forestry Industry. Like many rural communities, the Town of Florida is faced with how best to balance environmental preservation with economic development.

- b. Discuss the provisions of the Town of Florida Zoning Ordinance as they relate to wind power.

According to Section 45.4 of the Town Zoning Ordinance, the proposed action is defined as a Wind Energy Conversion Systems (WECS), specifically a "WECS, Commercial," that generates original power on site to be transferred to a transmission system for distribution to customers. The proposed WECS required a special use permit, issued by the Town of Florida Planning Board.

Compliance with the standards in Section 45.4 is discussed in Section III.C.2.b below.

c. Discuss any regional plans relevant to the site.

The County's Farmland Protection Plan states that most of the Town of Florida, south of the NYS Thruway, is zoned for agriculture with the exception of some commercial districts along State highways 30 and 161 in the central portion of the Town. Although the project site is location in the A-Agricultural Zoning District, the soils are not prime soils for farmland or agricultural activity.

d. Discuss State of New York renewable energy goals.

On December 18, 2022, Governor Kathy Hochul announced a new framework for New York State to achieve a nation-leading six gigawatts of energy storage by 2030, which represents at least 20% of the peak electricity load of New York State. The roadmap, submitted by the New York State Energy Research and Development Authority and the New York State Department of Public Service to the Public Service Commission for consideration, proposes a comprehensive set of recommendations to expand New York's energy storage programs to cost-effectively unlock the rapid growth of renewable energy across the state and bolster grid reliability and customer resilience. Governor Hochul's roadmap supports the Climate Leadership and Community Protection Act goals as follows:

- 70% of State's electricity from renewable sources by 2030;
- 100% carbon free electricity consumption by 2040;
- 9,000 megawatts of offshore wind by 2035;
- Reduce greenhouse gas emissions by 85% from 1990 levels by 2050;
- At least 35% with a goal of 40% of the benefits of clean energy investments are directed to disadvantaged communities, and advance progress towards the state's 2025 energy efficiency target of reducing on-site energy consumption by 185 trillion BTUs of end-use energy savings.

~~The 2015 State Energy Plan ("SEP") establishes the State's renewable energy goals. The Biennial Report to the 2015 State Energy Plan includes goals for 2030 that were established in the 2015 SEP. They are:~~

- ~~• 50% renewable electricity consumption;~~
- ~~• 40% reduction in greenhouse gas (GHG) emissions from 1990 levels;~~
- ~~• 600 trillion British thermal unit (Tbtu) increase in statewide energy efficiency.~~

The proposed Project is consistent with these goals because it will provide renewable energy and thereby result in a reduction in greenhouse gasses.

e. Describe land uses on and in the vicinity of the site.

The Project Site is vacant and is a mix of open and wooded land. It is not currently in agricultural use and has not been since the 1990's. Land surrounding the Project Site is low-density, housing and farms. 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. There is a honeybee farm, Rulison Honey Farms, approximately one mile south of the project site.

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

### a. Discuss consistency with the Town of Florida Comprehensive Plan.

Although the 1996 Town of Florida Comprehensive Plan and the Town's 2011 Comprehensive Plan Amendments do not speak about renewable energy goals, both documents address the challenges of an evolving community and how to properly balance environmental preservation with economic development. Although the proposed wind turbine facility does not contribute towards the agricultural character and farming goals of the Town, the proposed facility will revitalize an otherwise underutilized piece of land, be properly setback and situated away from environmental resources, and create a sustainable revenue stream for the Town.

### b. Discuss consistency with the Town of Florida Zoning Ordinance

Consistency with the Town of Florida Zoning Ordinance is as follows.

*(1). No WECS shall be allowed without documentation by the application of their maximum probable blade throw distance in the event of failure and appropriate setback distances on the basis of that documentation.*

Blade throw from turbines is similar to ice throw, approximately 1.1 times the turbine height, or 715 feet for turbines of the proposed design. The turbine is located 1493 feet from the nearest road and thus complies with this requirement.

*(2). The minimum required, setback distance between each WECS and all surrounding property lines, centerlines of public roads, overhead utility lines, other WECS end above ground generation facilities shall be no less than 1.5 times the proposed structure height plus the rotor radius.*

The turbine setback calculation is:  $(120M \times 1.5) + 75M = 255M = 837'$ . The nearest property line is 858' from the turbine. The Project complies with this requirement as well as all other requirements with regard to setbacks to roads and overhead utility lines. There are no other WECS or above ground generation facilities in the vicinity of the proposed Project.

*(3). The minimum required setback distances between each WECS and any dwelling or other buildings for occupancy shall be no less than 1,000 feet without written permission of the owner and the granting of a waiver, by the Town Planning Board.*

There is no other WECS, dwelling or any other buildings for occupancy within 1,000 feet of the proposed wind turbine facility. The nearest occupied structure is 1904 feet to the northeast.

*(4). 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.*

The proposed WECS is not installed in any location along the major axis of an existing microwave communication link. See Appendix 14, Microwave Study.

*(5). 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.*

See Section IIB. 1, 2 and 3 of this DEIS for a discussion of this issue.

*(6). Use of nighttime and overcast daytime condition stroboscopic lighting to satisfy WECS lighting requirement for the FAA is subject to on-site field testing for the Planning Board as a prerequisite to that Board's approval with specific respect to glare to existing residential uses within 2,000 feet of each tower for which such strobe lighting is proposed. Any additional lighting shall be downward directed and will be installed in a manner to prevent casting glare from the site or spillage of light off the site.*

The proposed project will be in compliance with FAA lighting standards. Strobe lighting is not proposed. The proposed wind turbine facility is located 1904 feet from the closest residence. The line of sight profiles in Figures 6 and 7 demonstrate that intervening vegetation is likely to block views of the top of the tower from the nearest residences.

*(7). No 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.*

See Section I and Appendix 9 of this DEIS. The wind turbine will not substantially detract from or block a view from a recognized scenic viewpoint.

*(8). The applicant must provide proof that all WECS shall be located with relation to property lines so that the level of noise produced during wind turbine operation shall not exceed 50 decibels (db) measured at the boundaries of all of the closest panels that are owned by non-site owners and, that abut either the site parcel(s) or any other parcels adjacent to the site parcel held in common by the owner of the site parcel as those boundaries exist at the time of the issuance of any special permit for such facilities.*

Epsilon Associates, Inc. conducted a Sound Level Monitoring Report found at Appendix 15, which demonstrates compliance with this requirement.

*(9). No WECS shall be permitted that lacks an automate braking, governing or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades, and turbine components.*

The proposed turbine will have such features.

*(10). The minimum distance between the ground and any part of the rotor blade system shall be 30 feet.*

The closest part of the blade will be 198 feet above the ground.

*(11). All power transmission lines from the WECS to on-site substations shall be underground. A substation is defined as a structure at which electricity from various WECS locations is collected and sent to existing transmission line.*

All power transmission will be underground to the point of the pole farm required to connect the underground transmission line to the overhead utility transmission line.

*(12). Procedures acceptable to the Planning Board for emergency shutdown of power generation units shall be established and posted prominently and permanently on at least one location on the road frontage of each individual unit site.*

Emergency shutdown procedures will be supplied to all emergency responder entities, and they will be posted on the access gate at the entrance way.

*(13). Access to the WECS shall be limited by means of a fence no lower than six (6) feet high around its base with a locking gate on the fence. The Planning Board may waive this if it deems the applicant has provided an alternative that provides public safety.*

The applicant is requesting a waiver from this requirement because the turbine will be fully enclosed and locked and far from the nearest road. The Applicant instead proposes to install a locked gate across YMCA Road.

*(14). Commercial WECS shall not exceed 400 feet, which is the height of the tower plus the radius of the blade.*

The proposed project received a height variance from the Town of Florida Zoning Board of Appeals on December 13, 2021, allowing the construction of a 650-foot wind turbine facility.

*(15). Use existing roads to provide access to the facility site, or, if new roads are needed, minimize the amount of land used for new roads and locate them so as to minimize adverse environmental impacts.*

Existing roads will be used to provide access. The new access road has been sited to minimize environmental impacts. It avoids all sensitive environmental resources but for a small wetland crossing which has been permitted by the ACOE and for which appropriate compensatory mitigation has been provided.

*(16). Any construction involving agricultural land should be done in accordance with the NYS Department of Agriculture and Markets "Guidelines for Agricultural Mitigation for Wind Power Projects."*

These guidelines apply to construction affecting agricultural land. They are intended to ensure that construction occurs in a manner that will not adversely impact agricultural operations. Although the Project site is located in an agricultural district, it is not active agricultural land and has not been since the 1990's and these guidelines therefore do not apply. The Project will comply with all applicable agricultural construction guidelines.

*(17). WECS shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the WECS. The design of the WECS and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the facility into the natural setting and existing environment. WECS shall be designed and located to minimize adverse visual impacts from neighboring residential areas to the greatest extent feasible.*

The turbine will not display advertising. It will be painted white to blend into the landscape. Because of its height, vegetative screening is of limited value; however, clearing will be kept to a minimum to take advantage of vegetative screening where possible.

*(18). WECS shall be set back at least 2,500 feet from Important Bird Areas as identified by Audubon New York and at least 1,500 feet from state-identified wetlands. These distances may be adjusted to be greater or lesser at the discretion of the Planning Board based on topography, land cover, land uses and other factors that influence the flight pattern of resident birds.*

There are no important bird areas or state regulated wetlands within the specified distances.

- c. Discuss changes to land uses, including any loss of land in agricultural production [conduct a study of the honeybee population in the immediate and surrounding area of the project site and assess the potential impacts of the proposed wind turbine on the existing honeybee population]

There will be no loss of land in agricultural production. The property has not been in agricultural use since the 1990's.

An evaluation of the site's habitat value for honeybees was conducted by LaBella Associates and is found in Appendix 16. The study found that the site

constitutes poor quality habitat for honeybees and that no honeybees were captured at collection points. The study further found honeybees from managed colonies would be unlikely to use the site for habitat resources and would therefore not be physically impacted by the turbine blade.

At the request of the Planning Board, a follow-up study was conducted and is found in Appendix 17. The study consisted of a survey of honeybee use of the site during the first week of October 2023 when the weather was warm and bees were foraging. The study concluded that while suitable habitat exists on the site to attract honeybees, the site does not appear to have greater habitat value for honeybees than the habitat available to and immediately surrounding the locations of honeybee colonies within the four-mile range of concern around the project site, resulting in a reduced proportion of honeybees to other bees in the surveys. European honeybees are efficient foragers and tend to seek out the closest and most abundant sources of nectar and pollen available with approximately 96% of foraging areas located within 2000 meters of the hive and 75% within 1000 meters. Foraging distances range widely depending on landscape structure, resource availability and season. Large fields of flowering plants often reduce foraging distances while shrub lands and forest tracts often increase foraging distances, thus reducing foraging efficiency. If honeybees from nearby managed colonies are using the Project Site for habitat resources, it is not likely in high numbers.

Wind turbine development may provide greater access to larger tracks of open fields at the Project Site, and disturbed areas can be reseeded with a plant composition more valuable to pollinators which may increase the potential for habitat use by local managed honeybee colonies. While this may be a positive increase to habitat value, there may still be concerns with the effects of wind turbines on bee health and mortality in proximity to the infrastructure as well as possible modifications or impairments to their dance-based communication methods.

As discussed in Appendix 17, several studies have noted effects of electromagnetic frequencies (EMFs) on honeybee navigation, foraging and reproduction (references for this section are provided in Appendix 17), with negative influences being identified at varying levels of exposure. Wind turbines, however, produce very little EMFs relative to powerlines, computer monitors and cell phones, with lower levels that diminish rapidly within a short distance. Research on direct effects of renewable energy turbines on honey production and hive health, however, have shown no impact on mortality, navigation, reproduction, or hive functions.

LaBella Associates contacted a honeybee farm that maintains approximately 1500 honeybee colonies many of which are located within a half mile of a wind farm that has been operational for 15 years. The farm's owners report there has been no difference between hives located near the turbines and those at further distance, and no difference since wind farm installation in regards to honey production or on hive health.

### 3. Proposed Mitigation

- a. Discuss mitigation measures and plans that will be implemented if it is determined that the honeybee farm will be impacted by the operation of the proposed wind turbine.

There is no established research on the impacts of wind turbine operation on honey bees. The honey bee evaluation concluded that the site is poor habitat for honey bees and that managed colonies are unlikely to use it and therefore would not be physically impacted by the turbine blade. The Applicant will reseed disturbed areas with a pollinator mix to provide improved habitat for bees.

## IV. ALTERNATIVES

The New York State Environmental Quality Review Act ("SEQRA") calls for the evaluation of reasonable alternatives to a proposed action that are feasible, considering the objectives and capabilities of the Applicant. The following alternatives were evaluated.

### A. The No-Action Alternative

The no action alternative would leave the property in its current condition. While impacts such as site disturbance, geology/soils, stormwater management, vegetation and wildlife, traffic, and other environmental impacts would be eliminated, benefits of the Project such as increased renewable energy contributions to the local grid, would not occur. Under this alternative, the parcel would be left as a vacant and underutilized site.

### B. Alternative Tower Height (400 feet)

400-foot turbines are no longer available due to advances in technology in wind turbines and the increased efficiency of longer blades. If a 400-foot tower were available, it may reduce, but would not significantly change, the visual impact of the proposed wind turbine, a conclusion with which the Town of Florida Zoning Board of Appeals agreed when issuing the height variance. All other impacts would also be nearly identical as identified in the table below:

	<u>400-foot wind turbine</u>	<u>650-foot wind turbine</u>
<u>Land Disturbance</u>	<u>Disturbance to 4.9 acres of the site for grading, tree clearing, and construction.</u>	<u>Disturbance to 4.9 acres of the site for grading, tree clearing, and construction.</u>
<u>Noise, Dust, Odors</u>	<u>There may be associated construction noise, dust and odors for a short period of time</u>	<u>There may be associated construction noise, dust and odors for a short period of time</u>
<u>Stormwater</u>	<u>Alteration of on-site stormwater runoff patterns, however, there will be no increase in the amount or decrease in the quality of stormwater leaving the site</u>	<u>Alteration of on-site stormwater runoff patterns, however, there will be no increase in the amount or decrease in the quality of stormwater leaving the site</u>
<u>Truck Traffic</u>	<u>Short term interference with vehicle traffic during the transport of oversized turbine components.</u>	<u>Short term interference with vehicle traffic during the transport of oversized turbine components.</u>
<u>Vegetation &amp; Wildlife</u>	<u>Approximately 4.9 acres of tree clearing and disturbance to wildlife using the site.</u>	<u>Approximately 4.9 acres of tree clearing and disturbance to wildlife using the site.</u>
<u>Community Character</u>	<u>The proposed wind turbine will change the character of the surrounding area.</u>	<u>The proposed wind turbine will change the character of the surrounding area.</u>

### C. Alternative Location

There are no other sites under the control of the Applicant that could be used as an alternative location to the project site. Therefore, this is not a viable alternative as there is no other site to evaluate for the purpose of situating the proposed wind turbine facility.

## V. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED

As identified in Section III, Existing Conditions, Potential Impacts and Proposed Mitigation, the proposed project will have some adverse impacts on the environment that cannot be avoided if the Project is implemented.

Adverse impacts that cannot be avoided are identified below:

- Disturbance to 4.9 acres of the site for grading, tree clearing, and construction, with associated construction noise, dust and odors for a short period of time.
- Alteration of on-site stormwater runoff patterns, however, there will be no increase in the amount or decrease in the quality of stormwater leaving the site;
- Short term interference with vehicle traffic during the transport of oversized turbine components.
- The turbine will be visible from various viewpoints in the community.
- Disturbance to wildlife using the site.

## VI. GROWTH INDUCING ASPECTS

The Project will result in construction jobs and associated spending from construction purchases and payroll. No other growth inducing aspects are anticipated.

## VII. EFFECTS ON THE USE AND CONSERVATION OF ENERGY REOURCES

The Project will result in the production of renewable, carbon-free energy and thus result in a net increase in clean energy. Renewable energy sources, such as wind, emit no greenhouse gases, are readily available, and are an affordable, abundant, and inexhaustible resource that provides electricity without burning any fuel or polluting the air.

Materials used during construction of the Project, such as concrete, gravel, and electrical materials are typically sourced locally. Gasoline and diesel fuel will be the primary energy source used during construction. Upon completion, the project would be a net provider, rather than user, of energy resources.

Once the project reaches the end of its operational life, much of the equipment will be recycled. For wind systems, typically manufacturers first separate blades, nacelle covers, and hub covers from the turbine. Then, metals are removed from the fiberglass components, and the metals are routed to recycling partners. Fiberglass recycling methods are selected to match the needs of the project. These recycled materials can be repurposed in various ways, including cement coprocessing, gasification, new composite materials, or the reclamation of fiberglass/carbon fiber into raw materials.

Lastly, the manufacturer completes the lifecycle of a wind project by restoring the site back to its natural state following removal. Wind turbine materials can also be refurbished and fed into the production of new wind turbines. Recycled materials can be turned into materials for other construction projects.

Not only does the Project locally-generate energy that powers local homes, restaurants and businesses; but this source of clean energy also supports the state's goals to reach 70% renewable energy generation by 2030 and zero-emissions electricity by 2040.

## VIII. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

The Project will utilize typical construction materials such as gasoline, stone and steel. It will result in the conversion of 4.9 acres of vacant land to energy producing use. No other significant resource commitments are anticipated.

## IX. CUMULATIVE IMPACTS

The project will not promote growth or development and therefore will not have any cumulative impacts.