EXCELSIOR ENERGY CENTER

Case No. 19-F-0299

1001.4 Exhibit 4

Land Use

Contents

Tables

Figures

Exhibit 4: Land Use

This Exhibit will track the requirements of Stipulation 4, dated July 6, 2020, and therefore, the requirements of 16 New York Codes, Rules and Regulations (NYCRR) § 1001.4.

The Project has been sited to avoid and/or minimize impacts to land uses within the Study Area and Project Area to the maximum extent practicable as detailed in this Exhibit. Of the overall 3,443-acre Project Area assessed, only approximately 47 percent will be used for Project Components within a fenced area of approximately 1,629 acres to generate 280 megawatts (MW) of renewable energy and maintain a 20-MW/4-hour duration energy storage system. Remaining land outside the Project fenced area will remain under its existing uses, including agricultural production. Additionally, although the Project is sited within mapped Agricultural Districts, the Project Area will only occupy 3,438 acres of land designated as Agricultural Districts. This accounts for 2 percent of all lands designated as Agricultural districts within Genesee County and 19 percent of all lands designated as Agricultural Districts within the Town of Byron (see Section 4(a)). Finally, within the Project Area, only 29 percent (1,002 acres) of land to be disturbed by construction and/or operation of the Project is classified as Prime Farmland (see Section 4(v)).

The Project proposes to install fixed or tracker types of racking systems. As the technology is rapidly evolving for solar panel technology, and market conditions at the time procurement decisions need to be made are unknown at this time, the Applicant is proposing in this Application to evaluate both types of racking systems, with the final decision to be made and detailed in the Compliance Filing. The tracking and fixed array racking systems to be utilized would be similar to the Gamechange Solar Genius Tracker™ and the Gamechange Maxspan™ Pile Driven System, respectively, specification sheets of which has have been included as Appendix 2-1. Regardless of the type of array racking system ultimately selected for the Project, the Applicant intends to utilize a solar module similar to the Jinko Solar Eagle 72HM G2 380-400 Watt Mono Perc Diamond Cell. A specification sheet for this module has been included as Appendix 2-1. Only selected elements of the Project would change based upon the selection of array racking system types used, but all changes would be within the Component fence line and to the same land uses shown in the Proposed Layout. The location of interior access roads and inverters, depending upon the final locations, could differ from that shown in the Exhibit 11 plans. Land coverage ratios will also be adjusted but they are not expected to be substantial or significant. No significant adverse environmental impact would occur from choosing one system over the other.

Accordingly, the drawings, plan, and maps required by Exhibit 11 depict that the project panel types will be 100% tracker. As part of the alternative layout evaluation, Exhibit 9 presents further discussion of utilizing all fixed panels.

4(a) Existing Land Use

Figure 4-1, which shows existing land use, has been prepared using available data from the Genesee Planning Department Geographic Information System (GIS) Data and Mapping Services and the classification codes of the New York State Office of Real Property Services (NYSORPS) within the Study Area (2-mile radius from the Project Area boundaries). The "Genesee County Parcel Data" data set, derived from the Property Class attribute was utilized to produce Figure 4-3. The Study Area includes approximately 32,269 acres of land (inclusive of the 3,443-acre Project Area). The County has applied Land Use Classification Codes to each parcel within the County to describe its primary use. These Land Use Classification Code descriptions and application are consistent throughout New York State (NYS).

(1) Land Use Classification Codes

Land Use Classification Code Categories, as defined by the NYSORPS, that occur within the Study Area include agricultural, residential, vacant land, commercial, community services, industrial, public services, and wild, forested, conservation lands, and public parks. Land Use Classification Codes describe the primary use of each parcel and are consistent throughout NYS. Each land use classification that occurs within the Study Area is described below and shown on Figure 4-1. Land use classification codes within the Study Area by acreage are provided in Table 4-1 below.

Table 4-1. Land Use Classification Codes within the Study Area

Land Use Classification Code	Acreage within Study Area	Percentage of Study Area (%)
Agricultural (100)	20,577	63.8
Residential (200)	6,249	19.4
Vacant Land (300)	2,629	8.1
Commercial (400)	144	0.4
Recreation and Entertainment (500)	309	1.0
Community Services (600)	90	0.3
Industrial (700)	17	0.1

Table 4-1. Land Use Classification Codes within the Study Area

Land Use Classification Code	Acreage within Study Area	Percentage of Study Area (%)
Public Services (800)	160	0.5
Wild, Forested, Conservation Lands and Public Parks (900)	496	1.5
Roads/Non-Parcel Areas	1,600	5.0

Agricultural – 100

The NYSORPS describes agricultural land as property used for the production of crops or livestock. Approximately 20,577 acres within the Study Area are classified as Agricultural Land (Code 100). The New York State Department of Agriculture and Markets (NYSDAM) further classifies lands that are certified as Agricultural Districts pursuant to the New York Agricultural Districts Law (Article 25-AA of the Agriculture and Markets Law). Approximately 202,812 acres of land are mapped as an Agricultural District in Genesee County, of which 164,327 acres are farmed (NYSDAM, 2020a). Within the Town of Byron, 17,805 acres are mapped within an Agricultural District (Town of Byron, 2019).

The Project Area was evaluated to determine impacts to Agricultural Land, including mapped Agricultural Districts, as part of the Project. The Project Area consists of a total of 58 parcels of NYSORPS-classified Agricultural Land (Code 100), of which all 58 are enrolled in Agricultural District 4 of Genesee County. The Project will have a fenced-in area of approximately 1,629 acres, including the collection substation, energy storage facilities, and switchyard, proposed within the mapped Agricultural Districts. Although the Project is sited within mapped Agricultural Districts, the Project Area will only occupy 3,438 acres (2 percent) of all lands designated as mapped Agricultural Districts within Genesee County. Furthermore, the Facility will only occupy 19 percent of all lands designated as mapped Agricultural Districts within the Town of Byron. Table 4-2 below includes the temporary and permanent impacts to soil. The Town of Byron has 11,858 acres of cropland (Town of Byron, 2019). Crops grown in the Town of Byron include hay, grain corn, silage corn, wheat, barley, rye, oats, soybeans, sweet corn, beets, cabbage, dry beans, snap beans, lima beans, spinach, carrots, green peas, squash, pumpkins, potatoes, and onions (Town of Byron, 2019). Farmers often rotate their crops, so acreages may differ from year to year and other uses could occur in the future.

Table 4-2. Project Facility Impacts to Agricultural Districts and Prime Farmland

County	Agricultural District	Temporary Soil Impact	Permanent Soil Impact	Used for Components for Project Service Life	Percentage of Prime Farmland Used for Components Within County
Genesee	District 4	107 acres	49 acres	1,561 acres	1%

Solar facilities have minimal soil impacts on agricultural land being developed and landowners have the opportunity to restore the land to its agricultural potential following decommissioning. This is due, in part, to the use of driven posts for the solar array racking system's foundation which results in significantly less soil disturbance than typical foundation/excavation requirements for other types of development.

Residential – 200

The NYSORPS describes residential land as property used for human habitation. Living accommodations such as hotels, motels, and apartments are included in the commercial category (400). The NYSORPS classifies 6,249 acres of the Study Area as Residential Land (Code 200). There are three parcels (comprising approximately 145 acres) classified as Residential Land within the Project Area.

Vacant Land – 300

The NYSORPS describes vacant land as property that is not in use, is in temporary use, or lacks permanent improvement. There are 2,629 acres within the Study Area classified as Vacant Land (Code 300). There is one parcel (comprising approximately 2 acres) classified as Vacant Land within the Project Area. The 2 acres classified as vacant land within the Project Area are designated as a residential vacant lot (code 311) and are primarily utilized as an access area for a large agricultural field.

Commercial – 400

The NYSORPS describes commercial land as property used for the sale of goods and/or services. There are 144 acres of land classified as Commercial Land Use (Code 400) properties within the Study Area. There is less than 1 acre classified as Commercial Land within the Project Area. Impacts to these areas are not anticipated as the Project avoids these Commercial Land Use-designated areas.

Community Services – 600

The NYSORPS describes community service land as property used for the well-being of the community. There are 309 acres of Community Service Land (Code 600) within the Study Area of the Project. There are no Community Service Land Use parcels identified within the Project Area and therefore, no anticipated impacts.

Industrial – 700

The NYSORPS describes industrial land as property used for the production and fabrication of durable and nondurable man-made goods. There are 17 acres of Industrial Land Use within the Study Area. There is less than 1 acre of land identified as Industrial Land Use within the Project Area.

Public Services – 800

The NYSORPS describes public services land as property used to provide services. There are 160 acres of Public Service Land Use (Code 800) within the 2-mile Study Area. There are no Public Service Land Use parcels identified within the Project Area.

Wild, Forested, or Conservation Lands and Public Parks – 900

The NYSORPS describes Wild, Forested, Conservation Lands, and Public Parks as reforested lands, preserves, and private hunting and fishing clubs. There are 496 acres of land identified as Wild, Forested, Conservation Lands, and Public Park Land Use (Code 900) within the Study Area. No parcels are identified as Wild, Forested, Conservation Lands, and Public Park Land Use within the Project Area. The Byron-Bergen Swamp is a national natural landmark consisting of approximately 2,000 acres of land within the Towns of Byron and Bergen (Bergen Swamp Preservation Society, 2020). The swamp is located less than 1 mile to the northeast from the nearest Project parcel.

The National Conservation Easement Database was reviewed. The database indicated that four easement areas are located entirely within the 2-mile Study Area. The first easement is located in the northwestern portion of the Study Area, north of the Byron-Bergen Swamp at the intersection of Cole Road and Fairgrounds Road, approximately 1 mile north of the Project Area boundary. This is an Emergency Watershed Protection Program-Floodplain Easement (EWPP-FPE) held by the United States Natural Resources Conservation Service (NRCS) for an 88-acre area. The second easement within the Study Area is a Wetland Reserve Program (WRP)

easement held by the NRCS for an 83-acre area at the intersection of Cole Road and Byron-Holley Road. This is located less than 1 mile to the east of Project Area boundary. The third easement is located on Byron-Elba Road, approximately half a mile east of the intersection of Transit Road and Byron-Elba Road and a quarter mile west of the Project Area Boundary. The easement is a WRP easement for a 1.5-acre area held by the NRCS. The fourth easement located within the Study Area is an EWPP-FPE easement held by the NRCS for a 16-acre area at the intersection of Clinton Street and Westbrook Road. This easement is located approximately 1.5 miles south of the Project Area boundary. The Project will not impact any of these conservation easements.

4(b) Existing Utility Facilities Map

Figure 4-2 illustrates known existing major electric, gas, water and telecommunication (fiber optic) facilities within the 2-mile Study Area. These utility facilities include existing overhead or underground lines for gas, electric, telecommunication companies, and communication towers, as applicable.

4(c) Tax Parcel Map

Information on the current land use, tax parcel number, and owner of record for each property within the Project Area, as well as those adjacent parcels within 2,500 feet is depicted on Figure 4-3. This information is based on data obtained from Genesee County and field observations of vacant land, where possible. As previously stated, the 2 acres classified as vacant land within the Project Area are designated as a residential vacant lot (code 311) and are primarily utilized as an access area for a large agricultural field. Publicly known proposed land uses within the Project Area are further discussed in Section 4(f) so they are not included in Figure 4-3.

4(d) Existing and Proposed Zoning Districts

The Town of Byron encompasses the entire Project Area with zoning regulations and mapping. A scaled map of the existing zoning districts within the Town of Byron is included as Figure 4-4. A description of the zoning districts in the Town of Byron and other towns within the Study Area is presented below, including permitted and prohibited uses within each zone. The Study Area includes the Towns of Batavia, Bergen, Byron, Elba, Le Roy, and Stafford in Genesee County, New York.

Town of Byron

The Zoning Law of the Town of Byron, adopted in 2013, established seven zoning districts and one overlay zone within the Town including the Agricultural District (A), Agricultural Residential District (A-R), Residential District (R-1), Neighborhood Commercial District (C-1), General Commercial District (C-2), Industrial District (I-1), Flood Plain Overlay Zone (F-P), and Land Conservation District (L-C). The principal permitted uses of each district are allowed uses and all special permitted uses require both special permit review and site plan review. Uses that are not listed for a zoning district are prohibited from that district. The Project Area consists primarily of the A-R District, with some portions zoned as R-1, C-2, and I-1. The Study Area primarily consists of the following zoning districts: A-R and L-C. The principal permitted uses for each district are listed below.

Principal permitted uses in the A District include active agricultural operations, agricultural-based business, and ponds with Soil and Water Conservation District approval.

Principal permitted uses in the A-R District include active agricultural operations, agricultural-based business, single family dwellings, stable or riding uses, veterinary clinic operations, and outdoor recreation facilities, such as golf courses and gun clubs.

Principal permitted uses in the R-1 District include retail business establishments, such as professional offices, bed and breakfast establishments, antique and hobby shops, retail trading and services, banks, barber and beauty shops, bakeries, and public utility facilities.

Principal permitted uses in the C-2 District include veterinary clinics; theatre, bowling alley and other forms of indoor recreation; communities centers; recreational vehicle sales and services; light manufacturing; gas stations and convenience stores; hotels and motels; funeral homes; care dealers, contractor yards; motor vehicle service stations; motor vehicle repair and collision shops; and agriculture-based business.

Principal permitted uses in the I-1 District include light industry and manufacturing, agriculture-industry uses, manufactured and modular home sales and services, equipment and machinery sales and services, chemicals and allied products, truck and transportation terminals, construction and contractor yards, warehouse and wholesale trade, and commercial storage building for rent.

The FP overlay identifies area with potential flood hazards. This overlay area can be used for golf courses, outdoor recreation, parks and playgrounds, and agricultural and agricultural accessory uses outside a NYS-certified Agricultural District with a Special Use Permit.

Principal permitted uses in the L-C District include agriculture and agricultural accessory uses; and park and recreational uses, such as hiking and biking trails, picnic areas, cross-country ski trails, snowmobile trails, and horse-riding trails.

Town of Batavia

The Town of Batavia is divided into ten zoning districts and two overlay zones. The ten zoning districts include the Agricultural-Residential District (AG-R), Residential District (R), Hamlet Residential District (HR), Commercial District (C), Hamlet Commercial District (HC), Industrial District (I), Industrial Park District (IP), Mobile Home Park District (MHP), and the Planned Unit Development District (PUD). The two overlay zones include the Floodplain Overlay Zone (FPO) and the Wellhead Protection Overlay Zone (WPO). The Study Area overlaps with AG-R and I Districts. For all zoning districts and overlay zones, land uses that are not specified as being permitted or as permitted upon the issuance of a special use permitted are prohibited.

Land uses that are permitted within the AG-R District include agricultural uses; one- and two-family dwellings; mobile homes; religious institutions; public parks, public playgrounds, and municipal uses; private stables; schools; home occupations; accessory buildings, structures, and uses; and cluster residential development.

The permitted land uses for the I District include warehouses; enclosed manufacturing; wholesale trade; retail and service trade; existing residential uses; agricultural uses; adult uses; and accessory buildings, structures, and uses.

Town of Bergen

The Town of Bergen is divided into seven zoning districts, one floating zone, and two overlay districts. The seven zoning districts include the Residential District (R-20), Residential District (R-30), Residential Agriculture District (RA-40), Interchange District (INT-I), Industrial District (I), Industrial Processing District (I-P), and the Land Conservation District (LC). The two overlay districts utilized by the Town of Bergen include the Mobile Home Overlay (MHO) and the Floodplain Overlay (FPO). The floating zone is the Planned Unit Development District (PUD). The Study Area overlaps with RA-40 and LC Districts, as well as the MHO layer. All land uses that are

not indicated as permitted uses or permitted upon issuance of a Special Use Permit are prohibited in all zoning districts.

Land uses that are permitted within the RA-40 District include agricultural uses, stables, one-family dwellings, schools, religious institutions, community centers, accessory buildings, and enclosed accessory uses.

Land uses that are permitted within the LC District include farms and related farming activities; and accessory uses and buildings.

Permitted uses within the MHO Overlay District include single mobile homes on individual lots. Within the FPO Overlay District, permitted land uses are allowed in accordance with the underlying zoning district.

Town of Elba

The Town of Elba Zoning Law was adopted on April 14, 1998 and revised on June 14, 2001. The Town of Elba is divided into four zoning districts and two overlay zones. The four zoning districts include the Residential District (R), the Agricultural-Residential District (A-R), The Business District (B), and the Planned Unit Development District (PUD). The two overlay zones include the Mobile Home Overlay Zone and Flood Plain Overlay Zone (FP). The Study Area overlaps with the A-R District. All land uses that are not indicated as permitted uses or permitted upon issuance of a Special Use Permit are prohibited in all zoning district.

Permitted land uses within the A-R District include farms and all usual agricultural operations; one and two-family dwellings; single mobile homes; home occupations occurring inside the principal dwelling and/or inside a building or structure accessory thereto; churches and other places of worship, including parish houses, convents, rectories, and parsonages; schools; public parks and playgrounds; libraries; municipal buildings, water systems, and similar public uses; farm water supply; private stables; vegetable storage and package facilities; roadside stands; and accessory uses and building storage, and packing facilities.

Town of LeRoy

The Town of LeRoy is divided into seven zoning districts. These zoning districts include the Residential Agricultural District (R+A), the General Residential District (R-1), the Medium-Density District (R-2), the Limited Commercial District (C-1), the General Commercial District (C-2), the Industrial District (I), and the Light Industrial Interchange Zone (I-2). The Study Area overlaps with

R+A District. All land uses that are not indicated as permitted uses or permitted upon issuance of a Special Use Permit are prohibited in all zoning district.

Permitted land uses of the R+A District include single-family detached dwellings with a minimum floor area of 800 square feet and two-family detached dwellings with a minimum floor area of 650 square feet per dwelling area; farm dwellings of farm owners or land managers; farms and related farming activities; farm water supply; municipal parks, playgrounds, and buildings deemed appropriate by the Town Board; home occupations; and churches and similar places of worship, including parish houses and convents.

Town of Stafford

The Town of Stafford is divided into seven zoning districts including the Residential District (R), Agricultural-Residential District (AR), Commercial District (C), Industrial District (I), Planned Unit Development District (PUD), Hamlet District (H), and the Industrial Park District (IP). The Study Area overlaps with the IP, R, and AR Districts. All land uses that are not indicated as permitted uses or permitted upon issuance of a Special Use Permit are prohibited in all zoning districts. Explicitly prohibited land uses include land application facilities; natural gas and/or petroleum exploration and/or extraction activities; natural gas and/or petroleum exploration, extraction, or production wastes disposal/storage facilities and/or dumps; natural gas compression facilities; natural gas processing facilities; underground injection; and underground natural gas storage.

Permitted land uses within the R District include single-family dwellings; two-family dwellings; family day-care homes; group family day-care homes; family-type homes for adults; home occupations; agricultural uses and all sound agricultural practices, excluding the stabling of animals and the storage of manure outside a NYS-certified Agricultural District; churches and places of worship; public parks and recreational facilities; and accessory uses and buildings including private garages, accessory apartments; non-commercial swimming pools and tennis courts; agricultural accessory uses; and signs and off-street parking.

Permitted land uses within the AR District include single-family dwellings; two-family dwellings; family day-care homes; group family day-care homes; family-type homes for adults; home occupations; agricultural uses and all sound agricultural practices, excluding the stabling of animals and the storage of manure outside a NYS-certified Agricultural District; churches and places of worship; public parks and recreational facilities; government office and facilities; public and volunteer emergency services; community centers; clubs; and accessory uses and buildings

including private garages, accessory apartments; non-commercial swimming pools and tennis courts; agricultural accessory uses; and signs and off-street parking.

Permitted land uses within the IP District include warehouses; enclosed manufacturing; wholesale trade; research and development facilities; professional and administrative offices; government offices and facilities; agricultural uses and all sound agricultural practices, excluding the stabling of animals and the storage of manure outside a NYS-certified Agricultural District; and accessory uses and buildings including private garages; agricultural accessory uses; and signs and off-street parking.

4(e) Adopted Comprehensive Plans

Town of Byron

The Project Area is proposed in the Town of Byron in Genesee County. The Town of Byron's Comprehensive Plan was adopted in January of 2019, and is available on the Town of Byron website: https://www.byronny.com/documents/BYRON-COMP-PLAN2019-Appendices.pdf. The Comprehensive Plan serves not only to provide a legal foundation for town zoning and land use regulations, but also to provide guidance regarding the community's vision of the future and their priorities (Town of Byron, 2019).

The Town of Byron Comprehensive Plan states that their vision for the future is to "seek to preserve its rural nature and agricultural base" within the Town of Byron. The Town's vision statement says, "There is room and a need for limited residential, industrial and commercial development, but the current character of the community is what has attracted and keeps the residents of the Town here – the character should not be radically altered." The Plan outlines 7 goals developed by the Town that align with the community's vision to preserve rural character. These goals include:

- Preserve the agricultural base – land and farms;
- Maintain the "rural character";
- Explore opportunities to address needs of an aging population;
- Explore opportunities to maintain and add youth activities;
- Encourage green energy projects;
- Continue to extend public water and sewer; and

- Consider adoption of policies and procedures regarding management of the Town's (capital) assets.

The Comprehensive Plan indicated that residences highly value the agricultural and rural character of the town and natural environment elements, such as the Black Creek and Byron-Bergen Swamp, which help to maintain the natural, rural, and social character. A discussion of community character has been included in Section 4(p) of this exhibit. According to the Comprehensive Plan, a majority of the Town's residents are in support of green energy initiatives, including residential and commercial solar energy.

The Project will be consistent with this Comprehensive Plan by contributing to the Town's goal of encouraging green energy projects. Electric generation by a solar energy center is a passive use that generates little to no noise, no air emissions or water discharges, does not generate traffic, can be visually screened from adjacent residential land uses where needed and does not result in an incremental cost increase to municipal infrastructure and services.

The Comprehensive Plan also places an emphasis on the importance of agriculture to the Town's local economy and rural character. The Project will help to stabilize the local economy through payments that are provided to the participating landowners. The participating landowners involved in agriculture intend to continue agricultural activities on other parcels after the Project is developed. Lease payments will help stabilize revenues for local participating farms as crop and dairy prices often fluctuate from year to year, and revenues paid to landowners are typically reinvested in the community, helping to maintain/create jobs and improve the local economy. The diversification of income allows farming operations to continue while minimizing the adverse effects from market changes or weather effects on agricultural yields. Lease payments for land used to support the Project will ensure that parcels remain intact during the life of the Project, rather than being sold or subdivided for other purposes, such as industrial park or residential subdivision development, that could be inconsistent with the rural character of the Town of Byron, would permanently preclude agricultural operations on the land, and would result in incremental costs to municipal infrastructure and services.

While the project will help to create jobs and stabilize revenue for local farmers, it should be noted that 1,635 acres of land will be removed from agricultural use during the operational life of the project. Therefore, there will be a loss in agricultural production within the Town of Byron over the life of the Project until decommissioning when the land can be converted back to agricultural use.

However, the benefits of the Project will outweigh the loss of agricultural production as existing farming operations will be able to stabilize their revenues thereby providing the opportunity to further invest in their current agricultural operations and due to the fact that the land can be reverted back to agricultural production following its useful life, unlike most other types of developments. Additionally, the Applicant intends to enter into a PILOT agreement with the Town of Bryon (along with the County and local school district) and this additional revenue can be utilized by the Town to implement other recommendations of the Comprehensive Plan.

While the solar array panels are not agricultural crops, they do maintain a rural character by not increasing the demand for housing, community services, and local infrastructure. Solar energy generation is a passive use that does not result in air emissions, smoke, steam plumes, odor, noise, wastewater generation, water use or other negative impacts typical of other development types.

The Comprehensive Plan also promotes new development in the Town's three hamlet areas; North Byron Hamlet, Byron Center Hamlet, and the South Byron Hamlet. The PILOT and Host Community Agreement associated with the Project may provide resources to the Town of Byron (such as infrastructure improvements) to promote development and/or redevelopment of these three hamlet areas.

The Applicant intends to minimize impacts to community character through the careful design and siting of the Excelsior Energy Center, including the strategic placement of vegetative screening, maximizing setbacks to existing residential uses, and avoidance of resources, as discussed in greater detail in Exhibits 9 and 24.

Genesee County

The proposed Project Area and Study Area, which encompasses the Towns of Batavia, Bergen, Byron, Elba, LeRoy, and Stafford, are located in Genesee County, New York. The Genesee County Comprehensive Plan was adopted in September 1997 and is available on the Genesee County website: http://cms.revize.com/revize/geneseecountynew/docs/planning/GC_Comp_Plan.pdf. The Comprehensive Plan is updated yearly through monitoring report updates. The most recent updates were completed in 2019, which includes ten monitoring reports, each representing a different focus area. These ten reports include an Education and Government Administration Monitoring Report dated February 2019; a Housing Opportunities Focus Group Monitoring Report dated February 2019; a Land Use, Environment, and Place-making Focus

Group Monitoring Report dated March 2019; and Economic and Workforce Development Focus Group Monitoring Report dated March 2019; an Agriculture and Food Production Focus Group Monitoring Report date April 2019; a Criminal Justice and Emergency Management Focus Group Monitoring Report dated April 2019; a Community Wellness Monitoring Report dated May 2019; a Transportation and Mobility Focus Group Monitoring Report dated May 2019; a Parks, Arts, Recreation, and Culture Monitoring Report dated June 2019; and a Technology and Utilities Focus Group Monitoring Report dated June 2019. These reports are also available on the Genesee County website: https://www.co.genesee.ny.us/departments/planning/countycompplan.php.

The Comprehensive Plan was created to develop strategies that help implement the vision and goals of the community. The overall goal of the plan is to "improve the efficiency of the delivery of public services." Through the Comprehensive Plan, residents of Genesee County identified that maintaining agricultural landscape and rural character are issues of critical concern to the County's community. The Comprehensive Plan identified nine Focus Areas around which the County Plan has developed including:

- Land Use;
- Economic Development;
- Government Administration;
- Law Enforcement and Emergency Management;
- Health and Human Services;
- Housing;
- Utilities;
- Transportation; and
- Parks, Recreation, and Culture.

The nine Focus Area concepts are interconnected through "cornerstones" that provide a link between each Focus Area. These "cornerstones" include increased coordination and communication; shared services and facilities; computerization; technical assistance to local governments and schools; training of public officials; infrastructure (especially public water); agricultural land base; and marketing/promotion of Genesee County.

The overall vision of the Genesee County Comprehensive Plan is to improve the efficiency, convenience, and quality of public services. The plan states that this can be achieved through

better communication between municipal agencies, as well as between government agencies and the public. The County also accepts responsibility for maintaining regional balance of land use while encouraging economic development. The County strives to provide greater technical assistance to constituents and act as a clearing house of information.

Key recommendations identified within the County's plan to help achieve its vision include providing county officials with training, and encouraging the use of planning and preservation techniques, development regulations, and SEQRA regulations so that better decisions can be made regarding land use and associated impacts to infrastructure and agriculture. The preparation of a county-wide Agriculture and Farmland Protection Plan is also recommended.

The Project will be consistent with the Comprehensive Plan by aligning with the County's vision of ensuring that Genesee County constituents have "safe, efficient and affordable utilities." Solar energy is both environmentally sustainable and efficient. The vision is also in alignment with Green Genesee Smart Genesee (GGSG) Program, a science- and community-based planning program that was developed to enhance Comprehensive Plans throughout the County. This planning program recognizes that many communities throughout the County face the issues of rising energy costs and the loss of agricultural resources and environmental health (GGSG, 2015). The GGSG Program recommends that to help combat these issues, municipalities should seek opportunities to increase the amount of energy generated by renewable sources (GGSG, 2015). Solar energy is cost-effective and can provide additional sources of revenue for farmers through the implementation of a Payment in Lieu of Taxes agreement (GGSG, 2015). The proposed Project will be consistent with Genesee County's Comprehensive Plan by providing constituents of the County with efficient and affordable utilities, as well as safe and clean energy.

The County's Comprehensive Plan also places a large emphasis on maximizing the economic development of the agricultural industry within the County, as well as protecting agricultural resources and prime agricultural land. As previously stated, the Project will help to stabilize the local economy with payments that are provided to the participating landowners which will help them maintain their current ownership of the land. This helps to protect the County's agricultural resources by maintain farmer ownership of the land and allowing for the conversion of land back to agricultural use through proper decommissioning following the useful life of the Project. The Project will influence the agricultural economy due to the fact that during the operational life of the Project 1,635 acres of land will be removed from agricultural use which will therefore decrease agricultural production within the County. However, the Project will create jobs and provide a

stabilized income for farmers, which will provide overall economic stability to the County. The Applicant also intends to enter into a PILOT agreement with the County (along with the Town of Byron and local school district) and this additional revenue can be utilized by the County to implement other recommendations of the Comprehensive Plan, should they so choose to do so.

4(f) Publicly Known Proposed Land Uses

Figure 4-5 identifies all publicly known proposed land uses within the Study Area. According to the Town of Byron Comprehensive Plan, several locations within the Town's hamlets have been identified as Priority Development Areas for the extension of water services within the Town as part of the Town's Smart Growth Plan. The Town's Comprehensive Plan indicates that there are two new proposed water districts within the Town, which have since been completed since the issuance of the Comprehensive Plan in 2019. The new water districts include Water District #7, which extends in all directions from existing Water Districts #1 and #2, and Water District #8, which extends to homes in the southeast portion of the Town and include all or portions of Ivison, Tripp, Cockram, Gillett, Beaver Meadow, Lyman, Coward, and Freeman Roads.

The Comprehensive Plan indicates that sewer district improvements are a priority to the Town. Recently, on March 11, 2020, the Town's Planning Board authorized the preparation of an updated engineering report and proposal to move forward with the construction of a sanitary sewer in the Town's Mobile Home Park.

Based on the Genesee County web mapping application, there are two Smart Growth Development Areas within the Project Area. The Smart Growth Development Areas include an approximately 360-acre region at the intersection of Walker's Corner Road and Byron-Holley Road in the Hamlet of South Byron and approximately 400 acres at the intersection of Byron-Holley Road and Byron-Elba Road in the Hamlet of Byron Center.

On June 26, 2020, a letter was sent to the Town of Byron Planning Board requesting information regarding publicly known proposed land uses. A response was received on June 29, 2020, stating that the Town currently has one project application for a Special Use Permit to construct a communication tower located near 6811 Batavia Byron Road. No other proposed land uses have been identified.

4(g) Map of Agricultural Districts, Flood Prone Zones, and Designated Recreational and Sensitive Areas

Areas of special designation such as agricultural districts, flood-prone zones, critical environmental areas, and recreational/sensitive areas are depicted on Figure 4-6 and current agricultural use is depicted on Figure 4-7. Figure 4-6 was prepared using the NYSDAM Agricultural Districts Mapping for Genesee County (2019), as well as data from the Federal Emergency Management Agency Flood Insurance Rate Maps. Figure 4-7 was prepared using data from the United States Department of Agriculture (USDA) National Agricultural Statistics Service (2018). There are no designated coastal areas, local waterfront revitalization program areas, State Environmental Quality Review Act-designated critical environmental areas, or groundwater management zones within the Study Area. According to the New York State Department of State (NYSDOS), Office of Planning and Development, the Black Creek is considered to be a designated inland waterway. All land included within the proposed Project Area falls within the Black Creek watershed. The Black Creek is a tributary of the Genesee River that extends for 46 miles across Wyoming, Genesee, and Monroe Counties in western New York (Black Creek Watershed Coalition, 2020). Additional information about the Black Creek Watershed can be found in Exhibit 23.

The Project Area is located in Genesee County Agricultural District 4 and the 58 parcels that comprise the Project Area are currently enrolled. Agricultural District 4 in Genesee County was created on February 13, 1981 and consists of approximately 32,548 acres of land within Genesee County, of which 24,767 acres are farmed (NYSDAM, 2020b). The next 8-year review of the district will be conducted in November of 2021 (NYSDAM, 2020b). In coordination with the Genesee County Department of Planning, the enrollment date and current status of the Project Area parcels were obtained. All 58 Project Area parcels were last considered enrolled on November 22, 2013 and will be reviewed for renewal on November 22, 2021. Additional discussion of agricultural land is included in Exhibit 22.

4(h) Map of Recreational and Other Sensitive Land Uses Potentially Impacted by the Project

Figure 4-8 includes recreational and other sensitive land uses reviewed within the Study Area that could have the potential to be affected by the sight, sound, or odor of the construction or operation of the Project, or the on-site interconnection and related facilities. Table 4-3 identifies the sources

used to populate Figure 4-8, as well as whether those land use types were identified within the Study Area.

Table 4-3. Recreational and Other Sensitive Land Uses within the Study Area

Land Use	Sources Reviewed	Within Study Area?
Wild, Scenic, and Recreational River Corridors	NYSDEC List of Wild, Scenic, and Recreational Rivers (Accessed 2020) National Wild and Scenic Rivers Mapping (Accessed 2020)	No
Open Space	NYSDOS, Office of Planning & Development GIS Database (Accessed 2020) NYSDEC GIS Database (Accessed 2020)	No
Known Archaeological, Geologic, Historic, or Scenic Area	NYS Historic Preservation Office Cultural Resources Information System (CRIS) (Accessed 2020) NYSDOS, Office of Planning & Development GIS Database (Accessed 2020) USDA NRCS Web Soil Survey (Accessed 2020)	Yes
Parks	Available Mapping for the Town of Byron (Accessed 2020) NYS Office of Parks, Recreation and Historic Preservation (OPRHP; Accessed 2020) NYSDEC State Lands Mapping (Accessed 2020) National Park Service Mapping (Accessed 2020)	No
Designated Wilderness, or Forest Preserve Lands	NYSDEC GIS Database (Accessed 2020) National Wilderness Preservation System (Accessed 2020)	No
Conservation Easement Lands	NYSDEC GIS Database (Accessed 2020) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2020) National Conservation Easement Database (Accessed 2020)	Yes
Designated Scenic Byways	NYSDEC GIS Database (Accessed 2020) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2020) NYS Department of Transportation List of Scenic Byways (Accessed 2020)	No
Nature Preserves	NYSDEC GIS Database (Accessed 2020)	Yes
Designated Trails	NYS OPRHP (Accessed 2020) NYSDEC GIS Database (Accessed 2020)	Yes

Table 4-3. Recreational and Other Sensitive Land Uses within the Study Area

Land Use	Sources Reviewed	Within Study Area?
Public-Access Fishing Areas	NYSDEC GIS Database (Accessed 2020) NYSDEC State Lands Mapping (Accessed 2020)	No

Potential impacts to each of the sensitive land uses within the Study Area have been evaluated and avoided to the maximum extent practicable. Scaled maps that show these designated areas, recreational, and other sensitive land uses are evaluated in detail in Exhibit 24 and the Visual Impact Assessment (VIA). The VIA assesses potential impacts of the Project Facilities within 2 miles of the boundaries of the Project Facilities (the Study Area), and also within a 5-mile Visual Study Area (VSA). Local, state, and federal sensitive visual resource areas were investigated per 16 NYCRR §1001.24. An inventory of publicly available and accessible visual resources was explored through the acquisition of GIS data, review of town, county, and agency reports, topographic data, and site visits. Visual resources within 5 miles of the Project are listed in Table 24-1 of Exhibit 24.

There are no landmark landscapes, wild, scenic, or recreational rivers, or forest preserve lands within 2 miles of the Project. There are four federal conservation easements held by the NRCS, as previously discussed in Section 4(a)(1) of this Exhibit. There are no open spaces identified by the NYS Office of Planning and Development or the NYSDEC within the 2-mile Study Area. No state-designated scenic districts, scenic roads, or scenic areas of statewide significance were found within 2 miles of the Project Area. There are no state parks managed by the OPRHP within 2 miles of the Project. There are three public parks and recreation areas adjacent to the Project Area including Trestle Park, Turtle Park, and Byron Community Park. Within Trestle Park, there are two unnamed snowmobile trails designated by the NYS OPRHP. There are no NYSDEC Public Fishing Rights easements within 2 miles of the Project Area. For more information regarding visibility from recreational areas and VIAs performed in relation to these resources, see Exhibit 24.

There are two New York Power Authority utility lines that run through the Project Area and Study Area, including the Rochester to Somerset 345-kV line and the Rochester to Moses Niagara 354-kV line (Figure 4-2). The Empire Pipeline runs parallel to these two lines through the Project Area and Study Area. The Applicant will coordinate with the owners of the Pipeline, as well as Dig Safe

New York to ensure that all utility and communication infrastructure within the Project Area has been identified. There are no impacts anticipated to major communication or utility infrastructure associated with this construction or operation of the Project.

The Study Area overlaps with three school districts including the Byron-Bergen Central School District, the Elba Central School District, and the LeRoy Central School District. The Project Area is located entirely within the Byron-Bergen Central School District. The proposed Project will not have any impacts or increase demands for the schools within the Byron-Bergen Central School District, as both the elementary school and the Junior and Senior High School are located at the 2-mile Study Area boundary and will not be impacted by construction activities. Additionally, no impacts or increased demands are expected to community services and municipal uses in the Study Area as the Project Area consists of entirely agricultural land. There are no expected impacts to these areas aside from potential minimal and temporary traffic associated with the construction phase.

Exhibit 20 includes details of known archaeological and historic resources in the Study Area, as well as the results of the studies performed to evaluate the location and extent or known resources within the Study Area. The Phase 1A archaeological survey of the Project Area identified 42 archaeological sites within 1 mile of the Project Area. These resources will not be impacted by the Project. A Phase IB archaeological survey is currently being conducted to determine whether archaeological sites are located in the areas of proposed ground disturbance for the Project. The results of this survey will be filed with OPRHP and the Siting Board shortly thereafter. Please refer to Table 24-1 of Exhibit 24.

A Historic Architecture Resources Survey was completed for the Project, consistent with Section 106 of National Historic Preservation Act and OPRHP Guidelines. Survey information collected from OPRHP's online CRIS database identified seventeen NRHP eligible architectural resources within the two-mile area of potential effects (APE) for cultural resources. Of those seventeen, none are NRHP-listed, six were previously determined NRHP-eligible, two have an undetermined NRHP eligibility status, and the remaining nine were previously determined not eligible for NRHP listing. TRC conducted the architectural survey between June 8 and 12, 2020 and identified a total of 382 architectural properties within the APE. Based on field observations, resource locations' proximity to Project structures, and GIS modelling, TRC concludes that while the Project has no potential to physically affect any historic architectural properties, there may be some predicted visibility of the Project from historic architectural properties within the APE. However,

the effects will not be adverse because the Project will not affect the NRHP qualifying characteristics of any NRHP eligible or recommended eligible architectural resources in the APE. Please refer to Exhibit 20 and Appendix 20-2 for additional discussion of cultural and historic resources.

The Project Facilities will have no impact on recreational resources and other sensitive land uses as identified in Table 24-1 of Exhibit 24 and shown on Figures 4-6 and 4-7. Also, the Applicant does not expect impacts on major communications and utility uses as discussed in Exhibit 26 and as shown on Figure 4-2.

4(i) Qualitative Assessment of Project Compatibility with Existing, Proposed, and Allowed Land Uses and Local and Regional Land Use Plans

A qualitative assessment was completed for the Project to determine the level of compatibility with existing, proposed, and allowed land uses. The qualitative assessment evaluates short- and long-term effects of Project-generated noise, odor, traffic, and visual impacts on the use and enjoyment of areas within 1 mile of Project facilities. This assessment includes evaluation of the compatibility of the Project's aboveground structures including commercial-scale solar arrays, energy storage facilities, access roads, inverters, and fencing, as well as any aboveground or underground interconnections, with surrounding land uses. The Project Area totals 3,443 acres and the area within the limit of disturbance (LOD) for the Project totals 1,712 acres. Within the 1,712 acres, Project Components will physically occupy approximately 642 acres. The assessment specifically addresses impacts to nearby land uses that may be of particular concern to the community, including agricultural land, residential areas, schools, civic facilities, recreational facilities, and commercial areas.

As described above, the Town of Byron adopted the Town of Byron Comprehensive Plan in January of 2019. Existing land uses have been described in the sections above according to the Town of Bryon's local regulations and Comprehensive Plan in addition to the NYSORPS land use classification codes. Project Facilities are proposed to be located on agricultural and residential land according to NYSORPS data for Genesee County.

Table 4-4. Land Use Types

Land Use Type	Components Facility Area (acres)	Access Roads (acres)	Collection Lines (acres)	Substation (acres)
Agricultural	1,635.5	40.1	19.2	3.0
Residential	74.3	1.3	0.7	0.0
Roads	0.2	0.1	0.0	0.0
Total	**1,710**	**41.5**	**19.9**	**3.0**

As shown in Table 4-4 above, all of the Project Components are located on land classified as Agricultural or Residential Land, with the exception of road crossings for the collection line. As noted in section 4(a) above, Agricultural Land is described as "property used for the production of crops or livestock." All proposed solar arrays, energy storage facilities, the collection substation, and point of interconnection (POI) switchyard facilities are located on Agricultural Land. Other Project Components on Agricultural Land include approximately 40 acres of the access roads, and approximately 19 acres of land utilized for collection lines. Collection lines sited within Agricultural Land will be located underground.

The NYSORPS' description of Agricultural Land includes both active and inactive agricultural land. Active and inactive agricultural land were treated the same in this evaluation, as future land uses could include agricultural practices. A total of approximately 1,636 acres of Agricultural Land is occupied by the proposed Facility Components. This land is also zoned as Agricultural-residential land by the Town of Byron. The placement of solar arrays on Agricultural Land is expected as it is one of the primary land use types in the region, however, as described below, the Project is compatible with continued and future agricultural use of these properties.

Although a portion of the solar arrays and energy storage facilities will occupy active farmland, this use of active farmland will be insignificant when considering farmland at both the Town and County levels. The total use of agricultural land (1,635-acres) within the LOD represents only 7 percent of all land identified as agriculture land by the NYSORPS within the two-mile Study Area (22,461 acres).

No offsite staging and/or storage is proposed as part of the Project, further reducing the potential use active farmland. This allows for existing land uses, on lands adjacent to the Project parcels, including those that are used for agriculture, to continue with limited interruption. Through the use

of the most efficient solar electric generation technology, the Applicant is able to limit the ground cover required to achieve its objective of a 280 MW generating capacity. Additionally, solar farms typically result in a minimal amount of ground disturbance for the installation of racking and mounting posts thereby preserving the ability to utilize the land for agricultural purposes in the future following decommissioning. This is accomplished by driving posts for the solar array's racking system for its foundation as opposed to using open excavation typically required for other development types. In support of its Clean Energy Standard, the New York State Public Service Commission (NYPSC) noted that even if 100 percent of the utility-scale solar energy projects installed in New York contributing to the then 70-percent renewables mandate were to be sited on New York agricultural lands, only about 0.16 percent of such lands would be converted to utility-scale solar energy (NYPSC, Appendix G at 20, 2016).

The Climate Act Supplemental Generic Environmental Impact Statement (SGEIS) recently reviewed the Statewide potential impacts to agricultural lands caused by the additional utility-scale solar projects required to reach the State's "70 by 30" goal and found that "utility-scale solar projects can provide long-term preservation of agricultural land as an alternative to commercial development, and at the end of the operation life of a project[,] the land can be returned to its former use." Climate Act SGEIS at 5-2. The review also found that:

[g]iven the minor conversion of land compared to available crop and pastureland, project-specific agency guidelines, and restoration following decommissioning, significant adverse impacts on land use and land cover would not be expected from incremental utility-scale solar development. *Id*. *See* Case 15-E-0302, *Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard*, Final Supplemental Generic Environmental Impact Statement for the Climate Leadership and Community Protection Act (Sept. 17, 2020), at 5-2, *accepted by* Case 15-E-0302, *supra*, Resolution Accepting Final Supplemental Generic Environmental Impact Statement (Sept. 17, 2020).

Additionally, significant payments will be provided to landowners during development and over the useful life of the Project. These payments will be provided to help stabilize revenues for local participating farms (as crop and dairy prices often fluctuate year to year) and revenues paid to landowners are typically invested back into the community and benefit the local economy. This diversified income helps to support the agricultural community base in the area.

A total of approximately 40 acres of access roads are proposed on land designated as Agricultural Land by NYSORPS. Access roads will be used to access the Project during construction and

operation phases. Access roads will be gravel thus allowing for infiltration of stormwater runoff. Existing farm access roads with in the Project Area will be utilized where reasonably possible.

The Project Area contains two parcels that are defined by NYSORPS as Residential Land. Solar panels are proposed on one of the parcels, however, the Applicant worked carefully to design and site the Project to maximize the efficiency of the solar array and ensure they are located the optimal distance from participating and non-participating adjacent landowners, so they do not pose any adverse effects. Table 31-1, in Exhibit 31, includes a discussion of the Town's setback requirements and the Applicant's proposed setbacks.

The compatibility of Project Facilities with existing land uses was evaluated based on the NYSORPS and through review of the Town of Byron Zoning Ordinance, the Town of Byron Comprehensive Plan, and the Genesee County Comprehensive Plan. The solar arrays and energy storage components are located on land classified as Agricultural Land and zoned by the Town as Agricultural-Residential Land. Collection circuits and access roads, that are not within public rights-of-way, are also located on Agricultural Land.

As indicated above, additional land uses within 2 miles of the Project Area were considered as part of the qualitative assessment including residential areas, schools, civic facilities, recreational facilities, and commercial areas. As part of the assessment, it was determined that the entirety of the Project Area, and most of the Study Area, are located within the Byron-Bergen Central School District. The remainder of the Study Area is located in the Elba Central School District and LeRoy Central School District. Two civic facilities were located within the 2-mile Study Area including the Gillam-Grant Community Center located approximately 2 miles east of the closest Project parcel, and the Byron Hotel located in the Byron Central Hamlet which hosts the Kiwanis Club of Byron. The Byron Community Park located behind the Byron Fire Department on Route 262 is utilized as a youth recreation facility during the summer months. Areas immediately surrounding the hamlets within the Town of Byron contain residential parcels. The Yasses Trucking & Construction company represents a commercial use adjacent to the Project Area and is located along Byron-Holley Road just outside the Byron Center Hamlet.

The Applicant has reviewed the Genesee County Comprehensive Plan and, the Town of Byron Comprehensive Plan, and the Genesee County Agricultural and Farmland Protection Plan. The compatibility with the Farmland Protection Plan is discussed in greater detail in Section 4(r), below. The Project is also consistent with both the Town and County Comprehensive Plans as

discussed in Section 4(e), above. The region contains a viable source for solar energy that helps to benefit local economic centers and towns that may have fluctuating revenue from farming operations. The Town of Byron has goals to encourage green energy development within the Town and the Excelsior Energy Center could aid in achieving this goal by providing a source of clean energy during the useful life of the Project.

No unusual odors will be generated by the construction of the Project Facilities. The construction phase of the Project will generate temporary traffic and noise-related impacts mostly in relation to heavy equipment and machinery in the Project Area. Heavy machinery must be used during access road construction, material and component delivery, installation of electrical interconnect components, racking and mounting post construction, and site restoration. Construction noise will be temporary and typical of any large commercial construction project. The impacts from construction noise will be mitigated by operating only during daytime hours. Detailed analyses of the noise impacts of the Project can be found in Exhibit 19.

Assessments of stormwater prevention and protection measures and potential glare and visual impacts are provided in Exhibit 23 and Exhibit 24, respectively.

4(j) Qualitative Assessment of Project Compatibility with Existing, Potential and Proposed Land Uses of Above-Ground Interconnections and Related Facilities

The collection lines will be placed underground for the entirety of their length and installed primarily via direct burial (cable plow) with some portions to be proposed via open trenching (as determined necessary), along with some portions via horizontal direction drill (HDD) in order to avoid wetland resources and roadways. The proposed aboveground interconnection line proposed consists of a short span, approximately 160 feet, from the proposed switchyard to the existing NYPA transmission line. Where the installation of the collection lines will be via HDD, the only impacts will be temporary and located at the entry and exit pits of the HDD equipment. Once built, the Project will not have any adverse impacts to existing or proposed land uses. The proposed collection substation and switchyard, as well as the aboveground interconnection line, will be located within land classified as Agricultural Land.

4(k) Qualitative Assessment of Project Compatibility with Existing, Potential, and Proposed Land Uses of Underground Interconnections and Related Facilities

Collection lines from the inverters to the collection substation will be placed underground within the Project Area. Approximately 19 acres of collection lines are sited within land designated as Agricultural Land and 40 acres overlapping roadways. The collection circuit will be underground and will only require temporary impacts to land uses as part of installation.

4(l) Conformance with Coastal Zone Management

The Project is not located within a designated coastal area. Therefore, conformance with the Coastal Zone Management Act is not applicable and has not been included in this Application. The Project Area is located within the Black Creek watershed, which is considered to be a designated inland waterway, as previously stated in section 4(g). The Black Creek Watershed Management Plan has been developed for NYSDOS through the Environmental Protection Act Local Waterfront Revitalization Program. Additional information about the Black Creek watershed can be found in Exhibit 23.

4(m) Aerial Photographs of All Properties

Figure 4-9 represents aerial photographs of properties within the 2-mile Study Area. The Applicant is not aware of any material changes in land use that have occurred since the aerial photographs were taken.

4(n) Aerial Photograph Overlays

Figure 4-9 represents aerial photography overlaid with proposed Project facilities and interconnection route, and access roads in order to show the relationship with existing structures and vegetation cover types field-verified by the Applicant. Appendix 11-1 also overlays the proposed Project facilities, access roads, and limits of clearing or other changes to topography, vegetation, or man-made structures at a larger scale with additional detail.

4(o) Aerial Photograph Information

Aerial photographs reflect current Project Area conditions and indicate the photographer and date photographed.

4(p) Community Character of the Study Area

The proposed Project is located in Western New York in a rural area of Genesee County. To assess the community character of the Town of Byron, the Applicant has reviewed local zoning ordinances, the Town of Byron Comprehensive Plan, and the Genesee County Comprehensive Plan. Additionally, the Applicant has gleaned information about the Town's community character through PIP Plan outreach and activities. Examples of outreach activities conducted to date include, but were not limited to: open house events in September 2019; attendance at numerous Town Board and Planning Board meetings; participation in Monday night meetings (14 times) at the Byron Hotel hosted by the establishment's owner for members of the community; individual meetings and phone calls with adjacent landowners and Byron residents; a Project informational mailer distributed in August 2020; virtual open houses in August 2020; and, a First Responder information session. PIP Plan outreach and activities will continue throughout the Application process and after the submission of the Application. The PIP Meeting Log is located in Appendix 2-4.

Community character includes features and interactions of the natural, social, and built environment, and how those features are used and appreciated in the community. The Applicant has taken these three aspects into account and consulted with local municipalities, landowners, and stakeholders to identify specific characteristics of the community that are of particular importance to the region. All three of these features, natural, social, and built environments, contribute to the rural community character of the area. The Applicant intends to protect this character through the careful design and siting of the Excelsior Energy Center.

The natural environment includes agricultural land, forested land, conservation lands, public parks, and water resources in the area. The natural environment of the Town of Byron consists of primarily of agricultural land. The Town of Byron Comprehensive Plan identified that the community highly values the agricultural and rural character of the town and natural environment elements, such as the Black Creek and the Byron-Bergen Swamp, which help to maintain the natural and rural character. Similarly, the Genesee County Comprehensive Plan has also identified that maintaining agricultural landscape and rural character are issues of critical concern to the County's community. The Plan also calls for increased economic development, with support from green energy projects. While the Project Area encompasses 3,443 acres of land, only 1,712 acres will be within the Project's LOD. Within the 1,712 acres, only 624 acres will be utilized for Project Facilities and component placement. This accounts for 18 percent of the Project Area and

3 percent of all agricultural land identified within the Study Area. Although the solar panels will cover approximately 565 acres of agricultural land, only 1.88 acres of permanent ground disturbance will occur on these lands from the solar arrays. This land can be returned to agricultural use following the useful economic life of the Project through proper decommissioning of the Project Components as outlined in the Decommissioning Plan outlined in Exhibit 29.

The social environment includes developed areas that encompass restaurants, shops, meeting places, churches, centers for community gatherings, and recreational land. The Town of Byron Comprehensive Plan indicates that social environment is critical for community and civic engagement and places importance in areas that co-locate activities that encourage engagement from children and seniors such as community centers or schools. The Byron-Bergen Swamp can also be considered part of the social environment as it is a hub for birdwatching activity and provides recreational land to the community. The Project will not impact the social environment as the Project Area is sited on agricultural land and will therefore not affect places or buildings that encourage community gathering. Additionally, the Project Area is approximately 2 miles from the closest school and community center. The Project has been sited to avoid or minimize impacts to historic, cultural, and community resources.

The built environment includes some of the social buildings described above, industrial and commercial areas, public utilities, public service land, and residential buildings. Land use surrounding the Hamlets of Byron Center and South Byron consists primary of commercial, industrial, and residential land. It is not anticipated that these areas will be impacted by the project aside from temporary construction traffic as the Project has been sited entirely on agricultural land. Additionally, the Project has been sited over 300 feet away from all residential structures, 200 feet from property lines and roads, and in some areas extends up to 500 feet from residences. Select areas were excluded from the siting of Project Components to accommodate local concerns (refer to Exhibit 9 – Alternatives). The primary potential impact considered for residential land is Project visibility, which is discussed below.

All three of these features, natural, social, and built environments, contribute to the rural community character of the area. The Applicant intends to minimize impacts to community character through the careful design and siting of the Excelsior Energy Center, including the strategic placement of vegetative screening and avoidance of resources, as discussed in greater detail in Exhibits 9 and 24. It is important to note that some of the character will change from the aesthetic of agricultural production to solar panel arrays. This aesthetic change will not impact the

population density or demand for resources in the area. Additionally, following decommissioning of the Project, the land utilized for the Project can be converted back to agricultural use, which would restore the rural character of the area after the life of the Project. This would not be the case for other types of large development, such as industrial parks or residential subdivision, which would effectively preclude reverting back to farmland.

Per 16 NYCRR § 1000.24(b)(1), the NYSORPS classifications are further divided into Landscape Similarity Zones (LSZs) to categorize the visual character and quality of the landscape. As described in Exhibit 24, LSZs are areas of similar landscape/aesthetic character based on patterns of landform, vegetation, water resources, land use, and user activity. The LSZs serve to provide a more in-depth evaluation of viewer circumstances and visual experiences. The LSZs were developed using land cover classifications datasets from the 2016 United States Geological Survey (USGS) National Land Cover Dataset (NLCD) to provide distinct and usable landscape categories. These NLCD land cover groupings were then refined based on aerial photo interpretation and general field review of the 5-mile visual study area (VSA). This effort resulted in the definition of four final LSZs within the full 5-mile VSA. These LSZs are described further below.

- Zone 1 – Agricultural – This zone includes cultivated land and that which is used for row crops, hay, or pasture.
- Zone 2 – Forested – This zone includes mature deciduous and coniferous tree groups.
- Zone 3 – Developed – This zone includes villages, towns, cities, rural residential abutting roadways, and transportation corridors.
- Zone 4 – Open – This zone includes miscellaneous other open parcels that may have minor development with less visually obstructive features as well as other open lands with few visual obstructions such as minor expanses of open water, barren land, land with short scrub-shrub vegetation, and emergent wetlands

Additional information regarding the LSZs and potential visual impacts of the Project are included in Exhibit 24 (Visual Impacts) and Appendix 24-1 (Visual Impact Assessment).

Reasonable alternative Project layouts that were evaluated as part of this balancing effort are further discussed in Exhibit 9. Exhibit 10 details the State laws and programs that set aggressive clean energy targets to combat climate change by reducing greenhouse gas emissions from the State's energy sector.

The Applicant has strived to balance the goals of the State and the Project with the goals of the community. Avoidance, minimization, and mitigation measures that were utilized in Project siting are directly related to the community character of the area. The selected technology for solar energy generation will result in an efficient layout, minimizing the area of land, to the maximum extent practicable, that is required in order to achieve 280 MW of energy production. This is further discussed in detail in section 9(e) of Exhibit 9. The collection lines have been placed underground to decrease aboveground impacts along the public roads. A Landscape Plan, included in Appendix 11-2, depicts the vegetative screening that will surround the Project Components to reduce visibility and help maintain the visible greenery in the landscape that makes up the rural character.

The studies and evaluations that have been prepared as part of this Application are described in further detail in the specific exhibits and associated appendices. Specific exhibits to reference include Exhibit 9 (Alternatives), Exhibit 24 (Visual Impacts), Exhibit 19 (Noise Impacts), Cultural Resources (Exhibit 20) and Exhibit 22 (Terrestrial Ecology and Wetlands). Each exhibit provides additional information related to how the studies and evaluations were performed and provide details that pertain to the community character of the Study Area, as well as how unavoidable impacts will be mitigated.

4(q) Photographic Representation of the Project Area

Photographic representations of the Project Area and Study Area are included in Appendix 24-1 (Visual Impact Assessment) to depict existing characteristics of the Project and surrounding setting.

4(r) Project Area Farmland Classification Mapping

A scaled map of the existing farmland classifications (e.g., All Areas of Prime Farmland, Prime Farmland if Drained, etc.) within the Project Area is included as Figure 4-10. A discussion of how the Project will avoid or minimize impacts to agricultural soils and the effects the Project has on use of the land for future farming operations is included in section 4(w), below.

4(s) Farmland Classification within Limits of Disturbance

Within the Project Area, the Limits of Disturbance include approximately 58 percent of land classified as Prime Farmland, 33 percent as Prime Farmland if Drained, 7 percent as Farmland of Statewide Importance, and 2 percent as Not Prime Farmland.

4(t) Publicly Known Proposed Land Use Map

Figure 4-5 identifies all publicly known proposed land uses within the Study Area. As previously stated in Section 4(f) there are four publicly known proposed land uses within the Town of Byron. The Excelsior Energy Center will use agricultural land only during the useful economic life of the Project and it will be returned to a state that can be farmed after decommissioning. Additional information regarding the Decommissioning Plan can be found in Exhibit 29.

The Genesee County Agriculture and Farmland Protection Plan has successfully tracked trends in agricultural land within the county between the years of 2002 and 2012. Farm data collected by the county indicates that between 2002 and 2012, there was a 6-percent increase in farm acreage, approximately 10,000 acres; however, there was also a decrease in the total number of farms in the county from 580 farms to 549 farms. The average size of individual farms has also increased from 306 acres in 2002 to 341 acres in 2012. The trend of growing and large-scale farm operations is a state wise trend, as large-scale farms can produce more food and are therefore have more stability (Mulford, 2020). Additionally, the Census of Agriculture has indicated that 63 percent of farms within Genesee County range between 10 and 179 acres in size. As previously stated, the Town's agricultural character is important to communities within the Town of Byron, as well as Genesee County. The Project will help to support the agricultural community base by providing landowners with payments that will help to stabilize revenue and allow farmers to maintain long term ownership of their land. This in turn will help to preserve the rural character of the community by preventing further development of the land and allowing it to be returned to agricultural land following the useful life of the Project.

4(u) Agricultural Impacts and Farmland Protection Plan

The Agricultural and Farmland Protection Plan was adopted by Genesee County in 2001 and updated in May of 2017 in order to reaffirm and update recommendations of the original plan while also developing new strategies to protect agricultural lands. The document summarizes updated information about present state of agriculture in Genesee County, as well as actions that can be taken to address current issues. The plan provides guidance for the farming community to assist in decisions that may affect farming and agricultural practices.

The Genesee County Agricultural and Farmland Protection Plan identifies four main goals for agricultural in Genesee County including:

1. Retain Prime Farmlands for agricultural use,
2. Continuously reinforce the value of farming as an economic activity,
3. Provide the 21st infrastructure needed for a successful agricultural economy, and
4. Educate and engage the consumer.

Solar projects such as the Excelsior Energy Center contribute to environmental sustainability of farms through harnessing solar energy within the Study Area and providing clean energy to surrounding communities. Concurrently, the Project will contribute to climate change mitigation by providing utilities clean energy for distribution and consequently reducing the need for other fossil fuel technology operation to meet energy demands.

Although the solar panels will cover approximately 565 acres of agricultural land, only 1.88 acres of ground disturbance will occur on these lands. Ground disturbance for the Project will be limited to the installation of posts for the racking systems and footings for equipment in the collection substation and POI switchyard and construction of access roads. The useful economic life of the Project is estimated to be 30 years and as detailed in the Decommissioning Plan, the Applicant will return lands within the Project Area substantially to their original condition through reseeding and careful mobilization of equipment. As such, agricultural land sited within the Project Area will be able to return to its primary purpose (before Project construction) following decommissioning of the Project.

Additionally, 1,635 acres of land will be removed from agricultural use during the operational life of the project. Therefore, there will be a loss in agricultural production within the Town of Byron over the life of the Project. However, upon decommissioning the Project, the land utilized for the Project can be converted back to agricultural use, which would not be the case for other types of large development, such as industrial parks or residential subdivision, which would not be able to revert back to farmland in the same way. This will allow large tracts of land to be available for conversion back to agricultural use following the decommissioning of the Project.

The Applicant has worked with participating landowners to site Project Components so that the farmers can still use the remainder of their land for agricultural purposes of their choosing. The Project allows the agricultural land to be used for solar energy production, which will ensure that parcels remain intact during the life of the Project, rather than being sold or subdivided for other

purposes. This allows for continued agricultural use on parcels excluded from the Project by the participating landowner and protects the viable agricultural land for future use at the end of the Project's useful life.

It is not anticipated that the Project will have a significant impact to utilities, traffic, infrastructure, or other community resources (e.g., school systems or ambulance services) within the Project Area. Any increase in traffic due to the construction of the Project will be temporary and will not persist during the operation of the Project. Additional information regarding construction traffic can be found in Exhibit 25. All underground utilities will be identified prior to construction and will be avoided during construction activities in order to minimize or mitigate any potential impacts to utilities. Additional information regarding utilities can be found in Exhibit 26.

4(v) Description of Avoidance and Minimization of Impacts to Natural Resources and Prime Farmland

Approximately 1,635 acres of agricultural disturbance are anticipated to occur within the Project's proposed limits of disturbance. This includes temporary and permanent disturbance and also includes areas outside the fence line. The temporary disturbance will be caused by grading and laydown areas. Of the 1,635 acres of disturbance, 1,002 acres will occur on land classified as Prime Farmland. This area of disturbance only accounts for 9 percent of Prime Farmland identified in the Town of Byron and 1 percent of the Prime Farmland in Genesee County. It is important to note that not all of the Prime Farmland within the fence line will be physically disturbed. For example, areas under panels are not disturbed, although taken out of agricultural operation during the life of the Project. Although the solar panels will cover approximately 565 acres of agricultural land (including portions of which are Prime Farmland), only 1.88 acres of permanent ground disturbance for the installation of mounting posts will occur on these lands. Additionally, access roads will only impact approximately 25.5 acres of Prime Farmland, inverters will impact less than 1 acres of Prime Farmland, and the substation and POI switchyard will impact a total of approximately 2.5 acres of Prime Farmland. Figure 4-10 also identifies a significant amount of Prime Farmland surrounding the Project Area, which will remain unaffected by the Project.

The Applicant has made significant efforts to site Project Components to minimize impacts to the maximum extent practicable for existing and future use of agricultural lands within the Project Area through minimization of footprint required by the Project (as discussed in Exhibit 9) and less intrusive construction methods. The Applicant will also comply with the NYSDAM Guidelines for

Agricultural Mitigation for Solar Energy Projects, revised April 2018, to the maximum extent practicable for requirements specific to restoration, monitoring, and decommissioning. As stated in the NYSDAM guidelines, an Environmental Monitor will coordinate with the NYSDAM, Division of Land and Water Resources to develop an inspection schedule and solution if any such goal included in the guidelines cannot be met, consistent with any applicable Article 10 Certificate Conditions. Topsoil will be stripped, stockpiled, and returned to reduce impacts during decommissioning of the Project. Additional discussion on agricultural restoration techniques is included in Exhibit 29. The Applicant will also consult with the agricultural landowners to identify areas of concern and methods to further minimize impacts to these lands, such as placement of access roads in areas that would not disrupt farming operations outside the Project fence line in the future, as well as collocating access roads and collection lines to limit the amount of trenching and temporary construction impact to existing agricultural soils to the extent practicable.

The solar panels for the Project will be selected primarily for efficiency and effectiveness to harness the maximum amount of solar power at any given time (with consideration to limiting factors including shading, cloud cover, etc.), which concurrently minimizes the amount of land required for generation. The solar technology was selected to avoid concrete foundations and will instead be installed via driven posts. Additionally, monocrystalline solar tracking and fixed panel systems were selected for the Project as they are one of the most the efficient models available for large-scale solar generation facilities in the renewable energy market. While the solar panel arrays are primarily sited on agricultural lands within the Project Area, the proposed solar panels will be mounted on racking systems supported by driven posts and result in minimal ground disturbance since no excavation will be required for their installation. The proposed lithium-ion battery storage technology has been selected to provide the safe storage of extra energy generated by the sun to be distributed to the grid during night-time hours. The energy storage system will be monitored continuously to provide routine and safe operations and will not negatively impact air quality or soil quality. Newly proposed access routes were sited in areas that are not actively used by the farmers to the maximum extent practicable. Additionally, the Applicant will make improvements to and maintain the conditions of existing access intended for use during the operational lifetime of the Project.

4(w) Long-Term Impacts to Agricultural Soils and Future Agricultural Use

As previously discussed above in Section 4(v), the Project has been sited in order to avoid or minimize impacts to natural resources and agricultural soils and therefore, will not result in any

long-term impacts to the future use of agricultural lands. Topsoil will be stripped, stockpiled, and returned to reduce impacts during decommissioning of the Project. At the end of the Project economic life, the Project will be decommissioned, restoring the land to be returned to active agricultural use. Additional information regarding the Decommissioning Plan can be found in Exhibit 29.

According to Appendix G of the NYSPSC Order Adopting a Clean Energy Standard, impacts from utility-scale solar energy projects are typically greatest during facility construction through impacts to noise levels and local air quality caused by construction vehicles and equipment (NYSPSC, 2016). However, these impacts are temporary and do not impact soils (NYSPSC, 2016). Long-term impacts are typically minimal or negligible with proper component siting (NYSPSC, 2016). The SEQRA findings outlined in Appendix G also states that long-term impacts typically occur through the interconnection of a utility-scale solar facility to existing electrical facilities (NYSPSC, 2016). The proposed Project will consist primarily of buried electrical collection lines, with the possibility for overhead lines if necessary. During excavation, best management practices, such as erosion and sediment controls and stormwater management, will be utilized to stabilize soils and reduce sediment and silt transport. Additionally, impacts to agricultural soils will be minimized through the use of trenchless installation methods when deemed necessary, such as HDD for some portions of the collection line. Should overhead collection lines be required within agricultural fields, the overhead collection pole structures will be self-supporting and will not require guy wires. Following the completion of construction, the Project Area will be revegetated, which will allow for long-term soil stabilization throughout the life of the Project, thus reducing long-term impacts. Other long-term impacts identified by the SEQRA findings outlined in Appendix G include the contamination of soils during improper decommissioning (NYSPSC, 2016). However, with proper panel decommissioning, at the end of the Project economic life, these types of impacts can be avoided completely, and as previously stated, the Applicant will provide and follow a Decommissioning Plan that will allow the land to be completely restored and returned to agricultural land at the end of the Project's life.

More recently, the Climate Act Supplemental Generic Environmental Impact Statement (SGEIS) stated that both temporary and permanent impacts to land use and land cover, in particular agricultural land, will increase from due to the rise in utility-scale solar development to meet the State's 70 by 30 goal (NYSPSC, 2020). However, as previously stated in Section 4(i), the Climate Act SGEIS also determined that utility-scale solar can provide long-term preservation to agricultural lands due to the ability to restore land to its former use following decommissioning

(NYSPSC, 2020). Additionally, to insure impacts to agricultural lands are minimized to the maximum extent practicable, the Project will comply with the NYSDAM Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands requirements, dated October 18, 2019.

The proposed Project will also use a lithium battery storage system. Battery cells will be enclosed in an energy storage cabinet, which will also include a battery management system, fire suppression equipment, and a thermal management system which will allow for the safe operation of the battery system throughout the life of the Project. Personal protective equipment is not required for the handling of battery cells and there are no adverse effects associated with the exposure to the battery system, such as physical contact, inhalation, or oral contact. Therefore, there are no long-term impacts associated with the battery storage system for the proposed Project. As previously stated in section 4(v), access roads and driveways have been sited in areas that are not actively used by the farmers to the maximum extent practicable, which will minimize the need for additional access routes and therefore, minimize or mitigate long-term impacts. Through the proper siting of project components and the proper utilization of the Project's Decommissioning Plan, at the end of the Project's economic life, long-term impacts to agricultural land will be avoided, minimized, and mitigated to the maximum extent practicable, and agriculture land will be restored for farming practices and uses.

While there will be no agricultural activities within the Project's fence line, agricultural activities outside the fence line and on adjacent parcels can continue as there will be no offsite staging and/or storage used for the construction of the Project. The Applicant worked with its participating landowners to identify specific properties that should be preserved to allow for continued agricultural use and development. This allows the landowner to continue existing agricultural operations, including growth of crops and to support continued manure spreading. The land outside the Project Facility fence remains available to landowners for agricultural use and development.

References

Affidavit of Jason Mulford Affirming Testimony. Taken on June 5, 2020, at pg. 6, line 20. Available at: http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=54553&_sm_au_=iVV46j6P3jMBn0Dj. Accessed August 2020.

Bergen Swamp Preservation Society (2020). Available at: https://bergenswamp.org/. Accessed January 2020.

Black Creek Watershed Coalition (2020). Black Creek Watershed Facts. Available at: http://www.blackcreekwatershed.org/bcfacts.htm. Accessed May 2020.

Genesee County Department of Planning (2017). Genesee County Agricultural and Farmland Protection Plan. Available at: http://cms.revize.com/revize/geneseecountynew/docs/planning/GeneseeCountyAFPP2017.pdf. Accessed January 2020.

Genesee County Department of Planning (1997). Genesee County Comprehensive Plan. Available at: http://cms.revize.com/revize/geneseecountynew/docs/planning/GC_Comp_Plan.pdf. Accessed January 2020.

Green Genesee Smart Genesee (2015). Energy/GHG Data and Conservation Priorities Report. Available at : http://cms.revize.com/revize/geneseecountynew/docs/Energy_GHG_Data_and_Energy_Priorities_Report.pdf. Accessed January 2020.

National Conservation Easement Database (2019). Available at: https://www.conservationeasement.us/. Accessed January 2020.

National Park Service (NPS) (2020). NPS Map. Available at: https://www.nps.gov/subjects/hfc/index.htm Accessed January 2020.

National Wilderness Preservation System (2020). Available at https://www.arcgis.com/home/item.html?id=27af507dc6f64c72973191da13c8ac36 Accessed January 2020.

NYS Department of Agriculture and Markets (2020). Agricultural Districts Acreage Totals by County https://data.ny.gov/Economic-Development/Agricultural-Districts-Acreage-Totals-by-County/h2id-x25a/data. Accessed January 2020.

NYS DAM (2020). County Agricultural Districts Profiles https://data.ny.gov/Economic-Development/County-Agricultural-Districts-Profile/9bc8-mx4a/data. Accessed January 2020.

New York State Department of Environmental Conservation (NYSDEC) (2019a). GIS Database. Available at: https://www.dec.ny.gov/lands/4979.html Accessed January 2020.

NYSDEC (2019b). State Lands Interactive Mapper. Available at: http://www.dec.ny.gov/outdoor/45478.html Accessed January 2020.

New York State Department of State (2019). Geographic Information Gateway. Available at: http://opdgig.dos.ny.gov/#/home Accessed January 2020.

New York State Department of Taxation and Finance (2019). Property Type classification Codes – Assessor's Manual. Updated January 28, 2019. Available at: https://www.tax.ny.gov/research/property/assess/manuals/prclas.htm Accessed January 2020.

New York State Department of Transportation (n.d.) *Scenic Byways*. Available at: https://www.dot.ny.gov/display/programs/scenic-byways/lists Accessed January 2020.

New York State Historic Preservation Office (2019). Cultural Resources Information System. Available at: https://cris.parks.ny.gov/Login.aspx?ReturnUrl=%2f Accessed January 2020.

New York State Historic Preservation Office (n.d.). *Heritage Areas*. Available at: https://parks.ny.gov/historic-preservation/heritage-areas.aspx Accessed January 2020.

New York State Public Service Commission. 2016. Case 15-E-0302, Order Adopting a Clean Energy Standard. Available at: http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={44C5D5B8-14C3-4F32-8399-F5487D6D8FE8}. Accessed January 2020.

New York State Public Service Commission. 2020. Case 15-E-0302, Final Supplemental Generic Environmental Impact Statement for the Climate Leadership and Community Protection Act. Available at: http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={4A232F8C-A822-47D8-8EDE-A5E7FA20CA5D}. Accessed September 2020.

Town of Batavia (2000). Town of Batavia, New York General Code. Chapter 235 Zoning. Available at: https://ecode360.com/8982406. Accessed January 2020.

Town of Bergen (2016). Village and Town of Bergen Comprehensive Plan. Available at: https://villageofbergen.com/uploads/documents/planning_board/comprehensive_plan.pdf . Accessed January 2020.

Town of Byron (2019). Town of Byron Comprehensive Plan. 2019. Available at: http://byronny.com/documents/BYRON-COMP-PLAN2019-Appendices.pdf. Accessed January 2020.

Town of Byron (2013. Town of Byron Zoning Law. Available at: http://byronny.com/documents/2013%20Zoning%20Law.pdf. Accessed January 2020.

Town of Elba (2001). Town of Elba, New York Zoning Law. Available at: http://elbanewyork.com/wp-content/uploads/2018/06/Zoning-Ordinances.pdf. Accessed January 2020.

Town of LeRoy (1981). Town of LeRoy, New York General Code. Chapter 165 Zoning. Available at: https://www.ecode360.com/27820389. Accessed January 2020.

Town of Stafford (2009). Town of Stafford, New York Town Code. Chapter 182 Zoning. Available at: https://www.ecode360.com/10522509. Accessed January 2020.

United States Department of Agriculture (2018). Natural Resources Conservation Service: Web Soil Survey. Available at: https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm Accessed January 2020.