

Environmental Assessment Form Part III
Narrative

Applicant: Tuytenbridge PV LLC

Town of Ulster Town Board

September _____, 2025

Introduction

Tuytenbridge PV LLC (Applicant) proposes to construct a 4.1-megawatt (MW) solar energy facility (Project) on Tuytenbridge Road (Parcel Tax ID 39.20-2-22) (Property) in the Town of Ulster (Town). The Project will be constructed on an approximately 42.8-acre portion of the 70.2-acre Property under lease by the Applicant from the landowner (the Project Site). The site is located within the Region Commercial, R-10 Residential, and R-60 Residential zoning districts. Development of the site will include freestanding modules/panels, a new access road, new electrical equipment and pads, and electrical lines. The Town of Ulster Town Board is the Lead Agency for the environmental review of this Type I project under the State Environmental Quality Review Act (SEQRA). The Town Board reviewed the application materials for the Project and adopted a Full Environmental Assessment Form (FEAF) Part 2 on June 18, 2025.

The following were identified in the FEAF Part 2 as potential areas for moderate to large impact are thoroughly reviewed herein.

- Impact on Land
- Impact on Surface Water
- Impact on Flooding
- Impact on Plants and Animals
- Impact on Aesthetic Resources
- Impact on Historic and Archeological Resources
- Impact on Consistency with Community Plans
- Impact on Consistency with Community Character

I. Impact on Land.

The Project has been designed to avoid impacts to land as much as practicable. The Project will consist of approximately 22.85 acres of the 70.28-acre Property. As part of the installation of the Project, approximately 21.5 acres of vegetation (32.5% of the Property) will be converted to meadow habitat under and around the solar array. As demonstrated on the site plan, the land will be seeded between and under the panels consisting of local native and pollinator species. The existing vegetative screening surrounding the Project, however, will not be removed. It will remain as is to mitigate any potential visual impact. The wetlands delineated onsite will be protected with no disturbance proposed in either the wetland areas or associated 100-foot adjacent areas. Additionally, the Project is a semi-permanent development that will be decommissioned at the end of its useful life and the Project Site fully restored, leaving the land in the same or better state than its preconstruction condition by being left to fallow over the life of the Project (*i.e.*, approximately 35 years). The Applicant provided a Decommissioning Plan dated May 12, 2025, which describes in detail the decommissioning and site restoration activities that will take place and provides an estimate for the cost of such activities (Decommissioning Estimate). Per the Decommissioning Plan, the Applicant will provide a security instrument, such as a bond, in the amount of the Decommissioning Estimate to ensure the Town has access to the adequate funds to decommission the Project and restore the Property in the unlikely event that the Applicant is unable to do so. The bond will be renewed annually and have a 2.5% inflation escalator over a 35-year period.

1.a) The proposed action may involve construction on land where depth to water table is less than 3 feet.

The average depth of the water table is approximately 3.7 feet based upon the USDA Natural Resource Conservation Service (NRCS) Soil Survey. The mounting system for the solar panels will be driven or screwed into the ground, which will very minimally disturb the subsurface water table. As such, the Project will not have any significant adverse impact on the water table.

1.b) The proposed action may involve construction on slopes of 15% or greater.

The Project will not have any significant adverse environmental impact regarding construction on slopes of 15% or greater. Approximately 48% of the Project Site consists of slopes less than or equal to 10% and approximately 52% of the Project Site consists of slopes 15% or greater. In areas where the Project will be sited on slopes of 15% or greater, any potential erosion impacts will be fully mitigated by implementing the measures in the New York State Department of Environmental Conservation (NYSDEC) Stormwater Design Manual and NYSDEC Standards and Specifications for Erosion and Sediment Control (*i.e.*, The Blue Book) and as per the approved Stormwater Pollution Prevention Plan (SWPPP), including swales, erosion control blankets, rip rap, level spreaders, etc.

1.c) The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.

The Project will not have any significant adverse environmental impact regarding depth to

bedrock. The average depth to bedrock on the Property is approximately 4.9 feet. While there are bedrock outcroppings on the Property, the Applicant conducted a geotechnical investigation to assess the subsurface condition, and the panels will be installed according to the manufacturer's instructions in such areas. As indicated on the Site Plan, installation on bedrock "will be performed using a pile driven system that will require a pre-drilled hole" and "piles are driven into the full embedment depth." See Site Plan, Schedule of Construction Activities. The pile driving process will only be required for a portion of the site and will be temporary, lasting approximately three to four weeks of the construction phase of the entire Project. Pile driving will only occur between the hours of 7am to 5pm, Monday through Friday. Further, any noise generated from the pile driving process will be mitigated by the surrounding rocks and soils, resulting in a low-pitched, dull pounding sound that will not largely be perceived beyond property boundary. No odor or light will result from pile driving. Further, a portion of the Property that was originally designed to be located on the ridgeline has been removed from the design in an effort to protect and preserve the rock ridgeline to the greatest extent practicable.

1.d) The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.

While the Project will require excavation and removal of more than 1,000 tons of natural material from the Property, all appropriate and applicable NYSDEC guidelines will be followed, along with all best practices as discussed within the Project's SWPPP. This excess natural material to be removed will also be handled by a certified facility in accordance with all applicable regulations. As such, there is no potential for a significant adverse environmental impact in this regard.

1.e) The proposed action may involve construction that continues for more than one year or in multiple phases.

The Project will be constructed in four separate phases as detailed on FIG-01 of the design set, as per best management practices, but construction is not expected to continue for more than one year. As such, there is no potential for a significant adverse environmental impact in this regard.

1.f) The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment of herbicides).

As noted above, any potential erosion impacts from the proposed vegetation removal or installation of the Project will be fully mitigated by implementing the measures in the NYSDEC Stormwater Design Manual and NYSDEC Standards and Specifications for Erosion and Sediment Control (*i.e.*, The Blue Book) and as per the approved SWPPP. The SWPPP includes erosion and sediment control measures in compliance with the Clean Water Act,¹ and is enforced by state and local agencies. The applicant will also file for coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-25-001) in compliance with NYSDEC requirements. Furthermore, the property, with the Project installed, will reduce onsite erosion given the vegetation to be planted, as compared to other land uses. Additionally, there will be no herbicide or pesticides used for vegetation removal or management for the Project. As such, the Project will not have any significant adverse impact

¹ See U.S. ENVTL. PROT. AGENCY, *Summary of the Clean Water Act* <https://www.epa.gov/laws-regulations/summary-clean-water-act>

related to erosion.

1.g) The proposed action is, or may be, located within a Coastal Erosion hazard area.

The Property is not located in a Coastal Erosion Hazard Area, and as such, there is no potential for a significant adverse environmental impact in this regard.

II. Impact on Surface Water.

The Project has been designed to avoid impacts to wetlands and streams. The Applicant's consultant, LaBella Associates, conducted a Wetland and Stream Delineation, which indicated that there are five wetlands and two streams on the Property potentially jurisdictional under the U.S. Army Corps of Engineers (USACE). However, the Project was purposefully designed to avoid impacts to such features as well as the regulated 100-foot adjacent area around the one feature that the NYSDEC took jurisdiction over (the northwestern wetland). *See* FEAF Part 1 §§ D.2.b, E.1.b (no change in acreage of wetlands). The USACE concurred that the Project would not impact any wetland or stream onsite so long as the Applicant uses a non-invasive stream crossing method to connect to the Point of Interconnection, such as a directional bore. The Applicant will utilize such non-invasive method. A SWPPP was prepared as part of this project to ensure post-development discharges meet New York State requirements for treatment and attenuation.

3.a) The proposed action may create a new water body.

The Project will not create a new waterbody, nor will it impact the wetlands and streams onsite. As such, there is no potential for a significant adverse environmental impact in this regard.

3.b) The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.

The Project will not impact the wetlands and streams onsite and will not result in an increase or decrease in the surface area of any body of water. *See* FEAF Part 1 § E.1.b (no change in acreage of wetlands). As such, there is no potential for a significant adverse environmental impact in this regard.

3.c) The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.

The Project does not involve any dredging from a wetland or waterbody. As noted, the Project has been designed to entirely avoid the wetlands and streams onsite. As such, there is no potential for a significant adverse environmental impact in this regard.

3.d) The proposed action may involve construction within or adjoining a freshwater tidal wetland, or in the bed or banks of any other water body.

The Project will be constructed outside of the wetlands and streams onsite, as well as their regulated 100-foot adjacent area. As such, there is no potential for a significant adverse environmental impact in this regard.

3.e) The proposed action may create turbidity in a waterbody, either from upland erosion runoff or by disturbing bottom sediments.

The Project will not impact turbidity in any waterbody as no construction will take place within any wetland or stream, or their regulated 100-foot adjacent area, nor will the Project create uncontrolled runoff impacting the turbidity levels of the nearby wetlands and streams. The Property is roughly 70.28 acres, and only 0.02 acres of impervious surface will be created by the Project. And the Project design minimizes impervious surfaces as much as possible and includes stormwater management control facilities such as erosion control blankets, level spreaders, and vegetated filter strips. *See* FEAF Part I at §§ D.2.e. Further, any potential erosion impacts will be fully mitigated by implementing the measures in the NYSDEC Stormwater Design Manual and NYSDEC Standards and Specifications for Erosion and Sediment Control (*i.e.*, The Blue Book) and as per the approved Stormwater Pollution Prevention Plan (SWPPP). The SWPPP details erosion and sediment control measures to be implemented to fully mitigate any potential for increased erosion or flooding as a result of installation and operation of the Project. As such, there is no potential for a significant adverse environmental impact in this regard.

3.f) The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.

The Project does not include any water withdrawal and as such, there is no potential for a significant adverse environmental impact in this regard.

3.g) The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).

The Project will not produce any wastewater and as such, there is no potential for a significant adverse environmental impact in this regard.

3.h) The proposed action may cause soil erosion, or otherwise create a source of storm water discharge that may lead to siltation or other degradation of receiving water bodies.

The Project will not cause soil erosion, nor will it create discharge that will lead to siltation or degradation of any receiving water bodies. As noted above, only 0.02 acres of impervious surface will be created by the Project. The Project is designed to minimize impervious surfaces as much as possible and includes stormwater management control facilities such as erosion control blankets, level spreaders, and vegetated filter strips. *See* FEAF Part I at §§ D.2.e. Any erosion from the Project will be fully mitigated by implementing the measures in the NYSDEC Stormwater Design Manual and NYSDEC Standards and Specifications for Erosion and Sediment Control (*i.e.*, The Blue Book) and as per the approved SWPPP, which details erosion and sediment control measures to be implemented onsite. As such, there is no potential for a significant adverse environmental impact in this regard.

3.i) The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.

As noted above, because the Project will not cause soil erosion, increased stormwater runoff, the creation of a new waterbody, etc., the Project will not impact the water quality of any waterbody onsite or downstream of the site. As such, there is no potential for a significant adverse environmental impact in this regard.

3.j) The proposed action may involve the application of pesticides or herbicides in or around any water body.

The Project will not involve the use of any pesticides or herbicides, and as such, there is no potential for a significant adverse environmental impact in this regard.

3.k) The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.

As noted above, the Project will not produce wastewater, so no new or expanded wastewater treatment facilities will be needed. As such, there is no potential for a significant adverse environmental impact in this regard.

III. Impact on Flooding.

5.a) The proposed action may result in development in a designated floodway.

The Property is not located in a designated floodway, and as such, there is no potential for a significant adverse environmental impact in this regard.

5.b) The proposed action may result in development within a 100 year floodplain.

The Property is not located in a 100-year floodplain, and as such, there is no potential for a significant adverse environmental impact in this regard.

5.c) The proposed action may result in development within a 500 year floodplain.

The Property is not located in a 500-year floodplain, and as such, there is no potential for a significant adverse environmental impact in this regard.

5.d) The proposed action may result in, or require, modification of existing drainage patterns.

While some grading is required for construction of the Project, the natural drainage patterns are being followed as closely as practicable, and no major rerouting of water will be necessary. As such, there is no potential for a significant adverse environmental impact in this regard.

5.e) The proposed action may change flood water flows that contribute to flooding.

As noted in response to Question 3 (Impact to Surface Water), the Project will not cause stormwater discharge that would impact flood water flows or contribute to flooding. Only 0.02 acres of impervious surface will be created by the Project and the Project is designed with stormwater management control facilities such as erosion control blankets, level spreaders, and vegetated filter strips. See FEAF Part I at §§ D.2.e. Any potential stormwater runoff from the Project will be fully mitigated by implementing the measures in the NYSDEC Stormwater Design Manual and NYSDEC Standards and Specifications for Erosion and Sediment Control (*i.e.*, The Blue Book) and as per the approved SWPPP. In conformance with the requirements in the SPDES General Permit which the Applicant must abide by, post-development discharge flows will be less than the existing conditions. As such, there is no potential for a significant adverse environmental impact in this regard.

5.f) If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?

The Property does not contain a dam, and as such, there is no potential for a significant adverse environmental impact in this regard.

IV. Impact on Plants and Animals

7.a) The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.

To comply with applicable state and federal regulations regarding the potential for impacts to threatened and endangered species and their respective habitats, the Applicant coordinated with the U.S. Fish and Wildlife Service (USFWS) and the NYSDEC and conducted a Wildlife Habitat Assessment, which was provided to the Town for review. This Wildlife Habitat Assessment report was prepared in 2023 and updated in July 2025 to incorporate the determinations received from NYSDEC and USFWS. The NYSDEC and USFWS have determined that the proposed tree clearing will not result in a take of threatened and endangered species given the amount of forest surrounding this site.

Further, the Applicant reviewed the USFWS online Information, Planning and Consultation System (IPaC) and the NYSDEC Environmental Resource Mapper. The Project Site does not contain any designated significant natural community or habitat. However, this review indicated species potentially in the area of the Project Site listed by the federal government or the state as threatened or endangered, as well as species proposed or candidates for such listing or otherwise designated as protected:

- Indiana Bat (*Myotis sodalists*); endangered, federal
- Northern Long-eared Bat (*Myotis septentrionalis*); endangered, federal
- Tricolored Bat (*Perimyotis subflavus*); proposed endangered
- Monarch Butterfly (*Danaus Plexippus*); candidate
- Bald Eagle (*Haliaeetus leucocephalus*); protected species, state

The habitat for these species will not be impacted by installation and operation of the Project as there was no critical habitat identified on the Project Site for these species. Although approximately 32.5% of the Property will be cleared of vegetation for the Project, the Applicant will be planting native pollinator species around the solar panel rows to ensure a plethora of food and habitat for various pollinator species common on similar projects. Further, the Monarch Butterfly is not an endangered species and does not require any particular mitigation, but as mentioned, native grasses and pollinator-friendly plant species will be planted on the Project Site to increase habitat area for this species as well as various other insects and birds that thrive in meadow habitats with native pollinator species.

With respect to the bat species identified as potentially in the area of the Project Site, the USFWS has established mitigation methods of limiting tree cutting to between November 1 and March 31 to mitigate potential impact. The Applicant will comply with these requirements and no tree clearing will take place onsite between November 1 and March 31.

Lastly, the Applicant provided a determination from the NYSDEC that given the mitigation factors—that tree clearing will only take place from November 1 to March 31, no blasting will take place onsite, and that all site work will be done more than the requisite 660-foot buffer from the closest Bald Eagle nest—the Project will not result in a take of any State-listed species. As such, the

Project will not have a significant adverse impact on any threatened or endangered species.

7.b) The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.

See above response to Item 7.a. As noted above, in its coordination with the USFWS and NYSDEC, no critical habitat used by the above-listed species was identified on the Project Site. Moreover, as noted, habitat for various birds and insects will be improved as a result of the Project as installation of the Project will include significant planting of native pollinator species, increasing the habitat and food source for such species on the Property. As indicated by LaBella in its letter to the Town dated July 30, 2025, pollinators are more likely to use the fields created by a solar array than a forested area and the Property does not have a lot of meadow habitat in its vicinity. There are a wide variety of insects that pollinate, and they would then be available as forage for birds and bats in the area. Raptors have also been observed using solar arrays to hunt small mammals, so while the habitat would be converted from forest to fields those, fields would be no less significant for biodiversity in the area in our professional opinion. See Ltr. from LaBella Associates D.P.C to Town of Ulster, dated July 30, 2025 at 3-4. As such, the Project will not have a significant adverse impact on habitat used by rare, threatened, or endangered species.

7.c) The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.

The Property does not contain any species of special concern or conservation need and as such, there is no potential for a significant adverse environmental impact to such species. See FEAF Part I, Section E.2.p.

7.d) The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.

The Property does not contain any habitat of species of special concern or conservation need and as such, there is no potential for a significant adverse environmental impact to such habitat. See FEAF Part I, Section E.2.p.

7.e) The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.

The Project Site does not contain, nor or is it substantially contiguous to, a registered National Natural Landmark. As such, there is no potential for a significant adverse environmental impact to such resource. See FEAF Part I, Section E.3.c.

7.f) The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.

The Project does not contain a designated significant natural community. See FEAF Part I,

Section E.2.n. As such, there is no potential for a significant adverse environmental impact to such resource.

7.g) The proposed action may substantially interfere with nesting/breeding, foraging, or overwintering habitat for the predominant species that occupy or use the project site.

There were no species identified that use the Property for nesting/breeding, foraging, or overwintering habitat that the Project would substantially interfere with. As such, there is no potential for a significant adverse environmental impact to such habitats.

7.h) The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.

More than 10 acres of land will be cleared of vegetation for installation of the Project. However, only about 32.5% of the Property will be cleared. Additionally, there are no USFWS-designated critical habitats located within the Project Site and thus, no such habitats will be impacted. The Project Site similarly does not contain any regionally or locally important habitat. Additionally, the Applicant has committed to limiting all clearing to the period between November 1 and March 31 to avoid any potential impacts to any bat species. Lastly, as previously noted, the tree clearing will be done in accordance with NYSDEC requirements, as indicated on the Site Plans and in the SWPPP to address any potential erosion impacts. Lastly, the area of the Property that will be cleared for the Project will be seeded and converted to a meadow habitat benefitting various insects and birds that thrive in meadow habitats with native pollinator species. There will be no conversion of the area to a fully impervious site, such as a commercial or residential area, but rather, the conversion will simply be from one habitat type to another. As such, there will not be a significant adverse environmental impact due to the proposed vegetation clearing.

7.i) Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.

Installation, construction, and operation of the Project will not require use of herbicides or pesticides on the Property. As such, there is no potential for a significant adverse environmental impact due to herbicide or pesticide use.

V. Impact on Aesthetic Resources.

The Project has been strategically located on the Property resulting in extremely limited, if any, impacts to the aesthetic resources of the community. The Project is screened by the natural forested buffer that currently exists on the Property, and which will remain. This buffer is approximately a minimum of 238' on the western side, a minimum of 42' on the northern side, and a minimum of 222' on the southern side. The Property is also bordered on all sides by densely forested properties. As a result of this thoughtful site selection and project design, the Applicant proactively mitigated visual impacts by siting the Project in a location with very limited visibility. Nevertheless, the Applicant provided a Visual Impact Assessment with the application, which included photo simulations from areas of the Town requested by the Town Board. These simulations demonstrate that the Project will not likely be visible from public vantage points. The only aspect of the Project that will be visible is the Project entrance on Tuyten Bridge Road.

Because of the complete lack of visibility of the Project, it will not present any significant adverse impact to aesthetic resources.

9.a) Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.

Although there are designated federal, state, or local scenic or aesthetic resources within the area of the Project, the Project will not be visible from any of these locations. These resources are approximately 1.2 to 4.7 miles from the Project Site, and in any case, the Project is screened from view. *See e.g.*, Visual Impact Assessment, Photo 2 – Poets Walk Park, Simulated Condition. As such, there is no potential for a significant adverse environmental impact to any such resource.

9.b) The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.

Because the Project is not likely to be visible from any public vantage point, other than the Project's entrance on Tuytenbridge Road, the Project will not result in the obstruction, elimination, or significant screening of one or more officially designated scenic views in the area. The Project cannot be seen from such areas, nor will it block any such views. FEAF Part I, Section E.3.h. Thus, there is no potential for a significant adverse environmental impact to any such scenic view.

9.c) The proposed action may be visible from publicly accessible vantage points:

- i. Seasonally (e.g., screened by summer foliage, but visible during other seasons)***
- ii. Year round***

As stated above, the only portion of the Project that is likely to be seen from any public vantage point is the Project entrance on Tuyten Bridge Road. The entirety of the Project will not be visible—only the entrance and the portion of the Project just beyond the entrance. And more importantly, this view of the Project is from a street, not from a park or other important scenic area. Most people who will view this Project entrance will be driving by it—not recreating at a park or historic site or hiking trail. Further, the Project will not likely be visible from any other vantage point in the Town. Further, while the Town of Ulster requires setbacks of 50 feet from all lot lines,

the Applicant has exceeded these in all locations. The Project is set back 618.23 feet from Tuyten Bridge Road, 1377.83 feet and 367.75 feet from the side lot lines, respectively, and 253 from the rear lot line. As such, there will not be a significant adverse environmental impact in this regard giving the exceedingly narrow visibility of the Project.

9.d) The situation or activity in which viewers are engaged while viewing the proposed action is:

- i. Routine travel by residents, including travel to and from work**
- ii. Recreational or tourism-based activities**

See above response to Item 9.c. The Visual Impact Assessment concluded that the only likely potential for visibility of the Project is from the Project entrance on Tuyten Bridge Road. And as stated above, this means that the Project is not being viewed from a scenic area such as a park or recreation area, it is not impeding the view of a scenic vista, nor is it impacting the view of or from a historic or archeological resource. It is only anticipated that the Project will have minor potential views from passing motorists. These motorists will likely be engaging in routine travel, as there are few, if any, recreational or tourism-based activities on Tuyten Bridge Road itself. As such, there will not be a significant adverse environmental impact in this regard.

9.e) The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.

As noted, the Project will not be visible from any officially designated federal, state, or local scenic or aesthetic resource and as such, there is no potential for a significant adverse environmental impact to any such resource.

9.f) There are similar projects visible within the following distance of the proposed project:

- i. 0-1/2 mile**
- ii. 1/2 -3 mile**
- iii. 3-5 mile**
- iv. 5+ mile**

There is another solar project in the general area—the Ulster County Landfill Solar Project located south of Route 209, between Route 9w and Route 32. However, that project is similarly not visible from any public vantage points, specifically the road it is located on—Frank Sottile Boulevard. Because neither the Project nor the Ulster County Landfill Solar Project are readily visible from public vantage points, there is no potential for a significant adverse environmental impact in this regard.

VI. Impact on Historic and Archeological Resources.

10.a) The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.

The Project Site is not within, partially within, or substantially contiguous to any buildings, archaeological sites, or districts listed on the National or State Register of Historical Places, or determined by the Commissioner of the New York State Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places, and as such, there is no potential for a significant adverse environmental impact in this regard.

10.b) The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

A portion of the Project Site contains an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office (SHPO) archaeological site inventory located in the southwest portion of the Property. The Project avoids this sensitive area in its entirety, as well as a 50-foot buffer around this area, as no panels or any other equipment or Project components will be installed in such area. Nevertheless, the Applicant conducted a Phase IA Archeological Survey, which recommended a Phase IB Archeological Survey be conducted. As a result of such Phase 1B Archeological Survey, the Applicant prepared an Avoidance and Protection Plan, which requires demarcation of the sensitive area in the field, as well as a 50-foot protective buffer around this area, with either a staked or a flagged boundary and installation of orange construction fencing around the perimeter of the 50-foot buffer prior to the commencement of construction. This will ensure there is no soil disturbance within the sensitive area or 50-foot protective buffer during construction. As such, given the total avoidance of the sensitive area as well as the measures to be taken to ensure the area is not entered or impacted during construction, there is no potential for a significant adverse environmental impact on designated sensitive archaeological areas.

10.c) The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.

The Project will not be located in or substantially contiguous to an archeological site not included on the SHPO inventory. Archeological studies were conducted onsite, as discussed above, and no additional sensitive archeological areas were identified. As such, there is no potential for a significant adverse environmental impact in this regard.

10.d) Other impacts.

None.

10.e) If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3.

N/A.

VII. Impact on Consistency with Community Plans.

17.a) The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).

The Project fits well with the current surrounding land use pattern and will blend seamlessly into the neighborhood, which abuts the Route 9W Corridor and is near a gas station, car dealerships, restaurants, a laundromat, doctor's offices, hair salons, a self-storage unit, and more. The Project will be sited in the approximate center of the Property, keeping a dense forested buffer fully surrounding the Project on sides, which will provide significant natural screening. Further, as discussed above, the Visual Impact Assessment concluded that the only portion of the Project that will likely be seen from any public vantage point is the Project entrance on Tuyten Bridge Road. The entirety of the Project will not likely be visible—only the entrance and the portion of the Project just beyond the entrance. And more importantly, this view of the Project is from a street, not from a park or other important scenic area. The Project will not likely be visible from any other vantage point in the Town. As such, because the Project will be consistent with the current surrounding land use pattern and not readily visible from public vantage points, there is no potential for a significant adverse environmental impact in this regard.

17.b) The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.

The Project, once constructed and in operation, will not be permanently occupied and therefore will have no impact on the population of the Town. As such, there is no potential for a significant adverse environmental impact due to population growth.

17.c) The proposed action is inconsistent with local land use plans or zoning regulations.

The Project is fully consistent with the Town's land use plans and zoning regulations. The Project, a "utility company structure," is a specially permitted use in the Region Commercial (RC), RC-60 Residential, and R-10 Residential Zoning Districts where the Property is located. Because the Project is a specially permitted use, it has already been legislatively determined by the Town Board to be "in harmony with the general zoning plan and will not adversely affect the neighborhood." This is particularly true as the Project is fully compliant with the Zoning Local Law of the Town of Ulster, New York (Zoning Law) as no variances are required.

The Project is also consistent with and fully supported by the Town's plans and goals as stated in the Town of Ulster Comprehensive Plan (Comp Plan). The Project is proposed to be sited in the area of the Town earmarked in the Comp Plan for intensive development. The Route 9W corridor is an area of the Town with dense, mixed-use development and a high concentration of commercial and industrial uses. The Project Site will abut the Route 9W corridor, near a gas station, car dealerships, restaurants, a laundromat, doctor's offices, hair salons, a self-storage unit, and more. *See* U.S. Route 9W Corridor Enhancement Plan (2014); *see also* Comp Plan at E-2 ("Those areas adjacent to the ... Route 9W corridor are the most densely developed areas in the Town ... An important goal of this Plan is to allow for growth in existing centers while preserving large areas of open space in outlying areas[.]"); Comp Plan at 86 ("Ulster Avenue Route 9W Corridor ... This is an area where high density residential and non-residential development should be encouraged. This is also an area where mixed use residential/commercial/office development

would be appropriate.”). And the RC District, where the majority of the Property is located, is “the most permissive commercial business district in the Town of Ulster.” Comp Plan at 92. The RC District permits land uses such as one-, two-, and multi-family dwellings, country clubs, golf courses, hospitals, schools, automotive garage and service centers, gas stations and convenience stores, car washes, kennels, pet boarding and grooming facilities, offices, restaurants, retail businesses, theaters, contractor storage yards, light industry, manufacturing, recycling yards, trucking companies, and warehouses. *See Zoning Law § 190-69*. The Project will be much less impactful than these types of development as it will make minimal noise, produce zero odor, will not use energy or produce any waste or emissions, will not be lighted at night, will have a negligible impact on traffic, and will be decommissioned at the end of its useful life. As such, the Project is a perfect candidate to be sited in the Town’s most permissive commercial business district.

The Project also supports the Town’s goals to “attract new business to the Town of Ulster” and “[s]trengthen the Town’s commercial tax base” all without increasing demands on Town infrastructure. Comp Plan at E-8. Construction of the Project will stimulate the local economy by construction and maintenance workers using accommodations, restaurants, and other services in the Town. The Applicant will also pay property taxes or enter into a Payment in Lieu of Taxes (PILOT) Agreement with the Town, which would provide revenue to the Town while not posing any additional burden to many of the Town’s resources (*e.g.*, school, sewer, roads etc.). Lastly, the Comp Plan considered a proposed “extension of Frank Sottile Boulevard over NYS Route 199 to US Route 9W at Grant Avenue ... Completion of this roadway segment is strongly supported by this Plan.” *Id.* at 53. This proposed Frank Sottile Boulevard extension, which is no longer a feasible project due to concerns beyond the Town’s control, would have traversed right through the Property, requiring a significant amount of tree clearing and would have turned the southern portion of this Property into a highway – potentially leading to further commercial development adjacent to the new highway. This was specifically and fully supported by the Town in the Comp Plan. Currently, the Applicant is proposing a solar project, which will be decommissioned at the end of its useful life, and the areas of clearing will then have the opportunity to be revegetated. This Project will be a passive land use and will not negatively impact the land—unlike a highway that would result in a permanent change to the land, generating traffic, noise, air emissions, garbage, and increased runoff. The Project is indeed a less intense, less impactful use of the Property than a highway, which was fully supported by the Town in its Comp Plan.

As such, the Project is fully consistent with the Town’s land use plans and zoning laws, and there is no potential for a significant adverse environmental impact in this regard.

17.d) The proposed action is inconsistent with any County plans, or other regional land use plans.

The County’s Open Space Plan defines “Protected Open Space” as “any public or private land permanently protected from development, such as forest preserves, dedicated parkland, parkways, nature preserves, and cemeteries ... parks, buffer strips, historic sites, and setbacks on private property[,]” and indicates a goal to protect such open space resources. Ulster County Open Space Plan at 3-5. However, the Property is not protected open space—it is private land that can be used for any allowable use pursuant to the Town’s Zoning Law. Further, the County states an intention to protect current and future open space resources to safeguard water resources, wetlands, aquifers, streams, floodplains, productive agricultural and forestland, natural landforms, etc. *See generally*, Ulster County Open Space Plan. But as discussed thoroughly herein, even if the Property were considered an open space resource (which it is not), the Project will not impact any water resources, streams, agricultural land, etc. The surface water features onsite will be fully avoided, any stormwater or erosion will be fully controlled and mitigated, and the Project will be decommissioned, and the site fully restored, once the Project reaches the end of its useful life.

Further, it must be noted that the Ulster County Planning Board reviewed the Applicant’s proposal for the Project pursuant to New York General Municipal Law § 239-m and provided its comments and recommendations to the Town of Ulster Planning Board on January 9, 2025. These comments and recommendations centered on things such as setbacks and stormwater management inspections, which have been fully addressed by the Applicant. (*See* Ltr. from O. Feldman to Town Board and Planning Board, dated April 29, 2025).

As such, there is no potential for a significant adverse environmental impact in this regard.

17.e) The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.

The Project, like any solar project, is a low-density development as it is a quiet, clean generator of electricity, that does not produce any odor, noise, lighting, emissions, heat, traffic impacts, or permanent soil or water impacts. Similarly, solar projects do not strain a local municipality’s resources the way a housing development or commercial center would. There are no children that will attend the local school, no need for fire or emergency personnel to regularly visit the site, no impacts to the local roads, etc. As such, the Project will not have a significant adverse environmental impact as it will not change the development of the area causing a need for any expanded Town infrastructure.

17.f) The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.

As noted above in Item 17.e, the Project, like any solar project, is a low-density development as it is a quiet, clean generator of electricity, that does not produce any odor, noise, lighting, emissions, heat, traffic impacts, or permanent soil or water impacts and will not require new or expanded Town infrastructure. As such, the Project will not have a significant adverse environmental impact in this regard.

17.g) The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action).

As noted above, the Project—a low-density development—is actually protecting the neighborhood from more impactful, higher-density development, and is certainly not inducing secondary development impacts. The Project will be a temporary installation that can be decommissioned at the end of its useful life, in approximately 30 years, and the Property fully restored. This is unlike any kind of housing or commercial developments that are more permanent forms of development. Once the Project is decommissioned and removed from the Property, the site will be returned to its pre-construction state. Further, installation of the Project will not require additional developments, either residential or commercial, and therefore will not in any way induce secondary development impacts. As such, the Project will not have a significant adverse environmental impact in this regard.

VIII. Impact on Consistency with Community Character.

The Project—a specially permitted use in the RC, RC-60 Residential, and R-10 Residential Zoning Districts—is proposed to be located in an area designated by the Town for higher density development and increased growth. The Property is surrounded by commercial, institutional, forested, and residential land. The Project Site is located just east of Route 9W Corridor—the central commercial corridor of the Town. Nearby land uses include gas stations, car dealerships, restaurants, laundromats, doctor’s offices, hair salons, self-storage units, and some single-family houses. But despite consistency with this mixed-use community, the Project will be tucked away behind dense forested buffers on all sides, ensuring minimal, if any, visual impacts. Any potential impact to community character is significantly reduced when the proposed action is not visible. Thus, even where a project differs from the character of surrounding properties and land uses, its lack of visibility from public vantage points serves to eliminate any potential for a significant adverse environmental impact to consistency with community character. Simply, a project that cannot be seen cannot be significantly inconsistent with its surroundings.

18.a) The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.

There are no existing facilities, structures, or areas of historic importance on or surrounding the Property as it is privately owned and is not near such resources. As such, the Project will not have a significant adverse environmental impact in this regard.

18.b) The proposed action may create a demand for additional community services (e.g. schools, police and fire)

The Project will not put any strain on the Town’s community services, as it will not increase the number of children in the local school district, require any water, produce wastewater, increase electricity demand, or require additional police or fire response. Instead, the Project will provide revenue to the Town in the form of property taxes, a Payment in Lieu of Taxes (PILOT) agreement, or Host Community Agreement (HCA) payments. As such, the Project will not have a significant adverse impact in this regard.

18.c) The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.

The Project will not displace any affordable or low-income housing in the area as such use is not located on the Property nor is it proposed for the Property or any adjacent properties. As such, the Project will not have a significant adverse environmental impact related to availability of affordable or low-income housing.

18.d) The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.

The Project will not interfere with the use or enjoyment of any officially recognized or designated public resources as such resources are not located on or near the Property, which is privately owned. The Project will also not be visible from any such resource in the area. As such, the Project will not have a significant adverse environmental impact related to the use or enjoyment of officially recognized or designated public resources.

18.e) The proposed action is inconsistent with the predominant architectural scale and character.

As discussed herein, the neighborhood consists of gas stations, car dealerships, restaurants, laundromats, doctor's offices, hair salons, self-storage units, and some single-family houses on Carle Terrace immediately to the west of the Property, which are located between the Property and the Route 9W Corridor. There is no one predominant architectural scale or character in this neighborhood given its mixed-use – there are small single-family houses, churches, and commercial buildings including gas stations, car dealerships, grocery stores, motels, restaurants, laundromats, doctor's offices, hair salons, self-storage units of various sizes. Nevertheless, even if the Town Board found the Project to be inconsistent with the architectural scale and character of these other land uses (though they are inconsistent amongst themselves and the Project fits well into such a mixed-use area), such inconsistency would not rise to the level of a significant adverse environmental impact given the lack of visibility of the Project. *See* Visual Simulations, dated Dec. 6, 2024. Any potential impact to consistency with architectural scale and character is significantly reduced when the proposed action is not visible. Thus, the Project's lack of visibility serves to eliminate any potential for a significant adverse environmental impact in this regard.

18.f) Proposed action is inconsistent with the character of the existing natural landscape.

The Project is a low-intensity land use that will blend seamlessly into this mixed-use community, as it will be naturally fully screened. Once installed, the Project will make no noise, produce zero odor or emissions, will not use energy or produce any waste, and will have no impact on traffic. Further, installation of the Project will be minimally invasive. The racking that holds the panels is screwed into the ground, requiring very little excavation and creating very little land disturbance. Because of this, solar projects are only semi-permanent. The Project will be decommissioned at the end of its useful life and the Project Site fully restored, leaving the land in a better state than its preconstruction condition by being left to fallow over the life of the Project, building soil quality over time. Lastly, as noted above, only 32.5% of the overall Property will be cleared and the remainder will be preserved, fully screening the Project from public view. Thus, the Project will not present a significant adverse impact on the character of the existing natural landscape or negatively impact the community, but instead will be fully consistent with the character of this area of the Town. As such, the Project will not have a significant adverse environmental impact related to consistency with the character of the existing natural landscape.

Conclusion

The Town of Ulster Town Board has carefully considered the facts, analysis, and conclusions set forth in the Full Environmental Assessment Form (FEAF), site plans, Wetland and Stream Delineation Report, SWPPP, Wildlife Habitat Assessment and correspondence with the USFWS and NYSDEC regarding threatened and endangered species and habitat, Visual Impact Assessment with photo simulations, geotechnical study, ALTA and topographical survey, Phase I Environmental Site Assessment, Federal Aviation administration (FAA) Determination of No Hazard, a NYSDEC wetland jurisdictional determination, a “No Permit Required” determination from the U.S. Army Corps of Engineers, a NYSDEC “No Take” Determination for Bald Eagles and Northern Long-eared Bats, a NLAA determination from USFWS, and other supplemental information. Based upon its review of the entire environmental record, the Town of Ulster Town Board has determined that the Action will not have a significant adverse environmental impact, and a Negative Declaration can be issued under SEQRA.

The Proposed Action will allow for development of a source of clean, renewable energy. As a community solar project, the Project will allow residents to subscribe to the community solar project to receive renewably produced electricity at a discount. The Project is a specially permitted use in the relevant zoning districts and is proposed to be located in an area designated by the Town for higher density development and increased growth, as it abuts the Route 9W Corridor—the central commercial corridor of the Town. But in any case, the Project will be tucked away behind dense forested buffers on all sides, rendering very little change to the area as seen from public vantage points and nearby roads. The Action has been evaluated for compatibility with existing and future land uses within close proximity of the Project Site, and consistency with applicable zoning ordinances and other public policy documents. There are moderate to large impacts noted in the FEAF Part 2, however, the foregoing details these potential impacts and the mitigation measures that will be implemented to minimize any resulting environmental impact. As a result of this analysis, the Town of Ulster Town Board has determined that there will be no significant adverse environmental impact from the Action and issues a Negative Declaration for the Proposed Action.