

CAYUGA COUNTY

AGRICULTURE AND FARMLAND PROTECTION BOARD



COUNTY OFFICE BUILDING – 160 GENESEE STREET – AUBURN, NEW YORK 13201

(315) 253-1276

Thursday, April 9, 2020

10:00 a.m.

Via Conference Call

MEETING AGENDA

- (1) Call to Order
- (2) Elect a Chair of the Board for 2020
- (3) Approval of Minutes – August 19, 2019
- (4) Appointment of CCE Representative to AFPB – Dan Welch
- (5) Ag District Annual Inclusion of Property into District Requests
 - (a) Review Requests for Inclusion
 - (b) Adoption of Resolution (01-20) for Board’s recommendations on inclusion properties
- (6) SunEast Development, LLC; Dogs Corners Solar in the Town of Ledyard NOI
 - (a) Review NOI for requested comment from NYSDAM re: “whether the action will have an unreasonably adverse effect on the continuing viability of a farm enterprise, or enterprises within the district”.
- (7) NYALT PDR Support Letter
 - (a) Consider authorizing Chair to sign a letter in support of State Application for a farm that the Board has previously supported but was not selected by NYALT... Kari Terwilliger to explain request to Board.
- (8) Other Business
- (9) Adjournment

DRAFT Minutes
Cayuga County Ag & Farmland Protection Board
Monday, August 19, 2019, 10:00 A.M.
5th Floor, Conference Room
Cayuga County Office Building
Auburn, NY 13021

Board Members Present:

Kelly Anderson, Chair (Cayuga County Real Property Services, Director)
Jason Cuddaback, *designee* (Chairperson of the Board of Directors CCSWCD)
Jeff Ten Eyck (Agricultural Land Preservation Organization Representative)
Dennis Eckel (Agribusiness Representative)
Craig Culver (Farmer Representative)
Christopher Gross (Farmer Representative)
John O'Connell, III (Farmer Representative)

Others present:

Kari Terwilliger (CCPED Staff to AFPB)

Absent:

Andrew Dennison (Cayuga County Legislator)
Steve Lynch (Cayuga County Planning & Economic Development, Director)
Thane Benson (Farmer Representative)

1. Call to Order

The meeting was called to order by Kelly Anderson at approximately 10:04 A.M. with a quorum of members present.

2. Approval of Minutes – April 30, 2019 meeting

Kelly Anderson asked the Board if they had reviewed the minutes from the April 30, 2019 meeting and if they had any questions, comments, or corrections to make. There were none. She asked if there was a motion to approve said minutes. **Jason Cuddaback made a motion that the minutes from April 30, 2019 be accepted as written. Motion seconded by John O'Connell, III. Motion carried.**

3. County Agricultural District Mandatory 8-Year Review

Kelly Anderson asked Kari Terwilliger to review this agenda item with the Board. Kari briefly went through a prepared PowerPoint presentation that was provided to the Board in their meeting packets in advance of the meeting. Kari summarized the 12 requests that she received to remove a total of 50 parcels and 3,678.49 acres of land from the County's Agricultural District. She noted that the majority of this land was not currently being used for farming, and according to County RPS data, is being used for manufacturing, mining, public utilities, or state owned forest lands. She did note that there are a few agricultural parcels that property owners requested to have removed for future development. The Board briefly discussed these requests; and Kari pointed out the areas for removal on a series of maps she prepared as part of the presentation. After a brief discussion, Kelly Anderson asked the Board if they had any further questions or comments with regards to the proposed modification to the County Agricultural District. Hearing none, Kelly Anderson asked for a motion to approve the resolution prepared for the Board which would support the landowner's requests to remove a total of 50 parcels and 3,678.49 acres of land from the County's Agricultural District. **Dennis Eckel made a motion to approve the resolution as presented. Motion seconded by John O'Connell, III. Motion carried.**

4. Other Business

Kelly Anderson asked Kari if she knew of any other business for the Board to address this year. Kari stated that there would likely be another round of PDR with the usual landowner meeting in October or November, with pre-applications due to her in December or January, for the Board's review in March. She stated that she has a pretty good list of landowners from previous rounds, and some new ones, that are interested in applying through the

county. Kelly then asked if anyone had any other business to discuss. Dennis Eckle asked if the Board has or should have a role in the solar “farms” that are being proposed across the county and their potential impacts to farming. Kari stated that unfortunately the AFPB does not really have any power to do much, but that she and other planners in her office have been working with some of the towns and villages to adopt regulations for solar installations that will permit them, but hopefully mitigate the impacts on agriculture as much as possible. Kelly mentioned that the county was trying to work with CEDA to develop standards for PILOT (payment in-lieu of taxes) programs and guidance for the municipalities to know that they can request that the properties in question are not taken off the tax rolls. Dennis asked what the County Planning Board was doing about these projects; and Kari said that they weren’t really doing anything other than discussing with each other that these projects were happening in their community. Kari stated that she thought the Planning Department had offered a training on “planning for solar” in recent years; but that she would speak with the staff in her office in charge of the training series to see if they could offer a training again to empower communities to adopt regulations and procedures for large scale solar projects.

5. Adjournment

Kelly Anderson asked if there was any further discussion or business to come before the Board. Hearing none, she asked for a motion to adjourn. **John O’Connell, III made a motion to adjourn the meeting. Motion seconded by Jeff Ten Eyck. Motion carried. Meeting was adjourned at 10:35 A.M.**

Minutes prepared by Kari Terwilliger

RESOLUTION NO. 01-2019

RECOMMENDATION FOR APPROVAL OF MODIFCATIONS TO THE CAYUGA COUNTY AGRICULTURAL DISTRICT

Motion by: Dennis Eckel, Cayuga County Agriculture & Farmland Protection Board

WHEREAS, in accordance with Article 25AA, §303-a of the New York State Agriculture and Markets Law Cayuga County is currently conducting the required Eight-Year Review of the Cayuga County Agricultural District also known as Cayuga County Consolidated Agricultural District No. 5; and

WHEREAS, the Cayuga County Department of Planning & Economic Development is coordinating this required review for the Cayuga County Legislature and as such has advertised and held the required 30-Day Public Review Period from July 1, 2019 to August 1, 2019; and

WHEREAS, Cayuga County Department of Planning & Economic Development staff presented proposed modifications to the Cayuga County Agricultural District which resulted from the 30-Day Public Review Period to the Cayuga County Agriculture & Farmland Protection Board on August 19, 2019; and

WHEREAS, the Cayuga County Department of Planning & Economic Development received 12 requests from landowners to remove 50 parcels which is a total of 3,678.49 acres of land from the Cayuga County Agricultural District as detailed in the report and table attached to and made part of this resolution; and

WHEREAS, the Cayuga County Agriculture & Farmland Protection Board has reviewed the proposed modifications to the Cayuga County Agricultural District as presented by Cayuga County Department of Planning & Economic Development staff; and the Cayuga County Agriculture & Farmland Protection Board supports the proposed modifications; and now, therefore be it

RESOLVED, that the Cayuga County Agriculture & Farmland Protection Board recommends to the Cayuga County Legislature the approval of the modifications to the Cayuga County Agricultural District as described above and in the attached report and table herein.

Second by: John O'Connell, III, Cayuga County Agriculture & Farmland Protection Board

Votes For: 7 Votes Against: 0

I HEREBY CERTIFY, THAT I HAVE COMPARED THE FOREGOING COPY OF A RESOLUTION DULY PASSED AND ADOPTED BY THE PLANNING BOARD OF CAYUGA COUNTY AT A MEETING HELD ON THE 19TH DAY OF AUGUST, 2019, WITH THE ORIGINAL RESOLUTIONM AND THAT THE SAME IS A TRUE AND CORRECT COPY AND TRANSCRIPT THEREOF, AND THE WHOLE THEREOF.

Kellyn Anderson
Kelly A. Anderson, Chair
Cayuga County Agriculture & Farmland Protection Board

DATED: August 19, 2019

Cayuga County Agricultural District 8-Year Review 2019-2020
Proposed Modifications to District Resulting from 30-Day Public Comment Period

Results of the 30-Day Public Review Period

- ❖ There was an overall response rate of 43% for Agricultural District Review Sheets.
 - Information was provided for 1,734 of the 3,567 agricultural parcels included in the mailing.
- ❖ 50 parcels have been requested to be removed from the Agricultural District by 12 different landowners; totaling 3,678.49 acres. See Table 1 and Table 2 below for details.
- ❖ If these modifications are approved, the final Agricultural District would have a total of 15,552 parcels and 358,533.35 acres
- ❖ If these modifications are approved, the final Agricultural District would still be predominantly viable agricultural land

TABLE 1: PARCELS REQUEST TO BE REMOVED		
Municipality	Number of Parcels	Total Acreage
Aurelius	3	24.77
Brutus	6	452.16
Fleming	4	139.10
Ledyard	3	395.41
Locke	4	212.92
Niles	6	238.69
Owasco	1	23.92
Sempronius	9	1,142.58
Summerhill	12	1,048.73
Village of Cato	2	0.21
TOTAL:	50	3,678.49

TABLE 2: DETAILS FOR PARCELS REQUEST TO BE REMOVED				
Prop. Code & Description	Municipalities	Parcels	Acreage	
105- Agricultural Vacant Land in Production	Brutus & Owasco	2	107.92	
112- Dairy Products	Ledyard	1	235.50	
120- Field Crops	Brutus & Fleming	2	387.90	
210- One-Family Year-Round Residence	Brutus	1	1.80	
241- Rural Residence with Acreage (also used in ag production)	Fleming & Ledyard	2	225.30	
242- Rural Residence with Acreage (recreational use)	Fleming	1	11.40	
311- Residential Vacant Land	Brutus	1	1.15	
312- Residential Vacant Land Including Small Improvement	Fleming	1	11.70	
314- Rural Vacant Lots of 10 Acres or Less	Brutus	1	3.31	
322- Residential Vacant Land Over 10 Acres	Brutus	1	23.70	
330- Vacant Land Located in Commercial Area	Aurelius	1	0.36	
710- Manufacturing and Processing	Aurelius	1	23.67	
720- Mining and Quarrying	Locke	1	37.40	
822- Electric Transmission Improvement	Ledyard	1	0.91	
837- Cellular Telephone Towers	Locke & Niles	4	3.12	
885- Gas Distribution Outside Plant Property	Aurelius	1	0.74	
932- State Owned Land (other than forest preserve)	Locke, Niles, Sempronius & Summerhill	25	2,553.10	
941- State Owned Reforested Land	Locke	1	49.30	
962- County Owned Public Parks & Recreation Areas	Village of Cato	2	0.21	
	TOTAL:	50	3,678.49	

**2020 Agricultural District
Inclusion Requests Agricultural Soils**

Request #	TAX MAP #	LOCATION	RPS PROP CLASS CODE	OWNER NAME	ACRES	MUNICIPALITY	AGRICULTURAL USE*	% USDA Prime Soils	% NYS Soils of Statewide Significance	% Soils which are not Prime or of Statewide Significance	% Viable AG (USDA Prime + NYS Sig.)
1	122.00-1-45	Bluefield Rd	311	Stephen P. Koon	1.60	Aurelius	Hay Field	76.25%	23.75%	0.00%	100.00%
2	182.17-1-58.121	Dublin Hill Rd	311	Timothy L. Lawrence	2.70	Aurora	Grass Hay	45.92%	0.00%	54.08%	45.92%
3	222.00-1-4	Skinner Hill Rd	105	William & Victoria Kerrick	25.00	Moravia	Cropland-Hay	0.00%	100.00%	0.00%	100.00%
4	233.00-1-40	Dresser Rd	105	Thomas McCloy	9.00	Summerhill	Farmed-Crops	0.00%	87.56%	12.44%	87.56%
5	120.00-1-26.2	Benham Rd	210	Dennis Walowsky	3.95	Aurelius	Goats	45.66%	8.43%	45.91%	54.09%
6	110.00-1-49.12	Franklin Street Rd	105	Joseph C. Connors	2.80	Sennett	Cropland	27.79%	72.21%	0.00%	100.00%
7	130.00-1-16.521	West Lake Rd	120	DGM Ag, LLC	119.40	Fleming	Row Crop	38.42%	42.57%	19.01%	80.99%
8	13.00-1-39.2	Wilde Rd	240	Dean D. Cummins	27.90	Sterling	Slobe Farms	49.34%	50.13%	0.53%	99.47%
9	112.00-1-15	Rt 90	105	Peter J. Chappell	128.60	Aurelius	Farm	2.99%	41.63%	55.38%	44.62%
10	76.00-1-62	Oakland Rd	311	John R. Roden	0.76	Brutus	Pasture	0.00%	12.64%	87.36%	12.64%
Total # of Parcels: 10		Total # of Acres: 321.71									

*As written by landowner on application

2020 Annual Inclusions to Cayuga County Ag District

Inclusion # 1

Owner: Stephen P. Koon

**Mailing Address: 2352 Koon Rd.
Auburn, NY 13021**

Tax Map Number: 122.00-1-45

Town: Aurelius

Acreage: 1.60

Agricultural Use: Hay Field

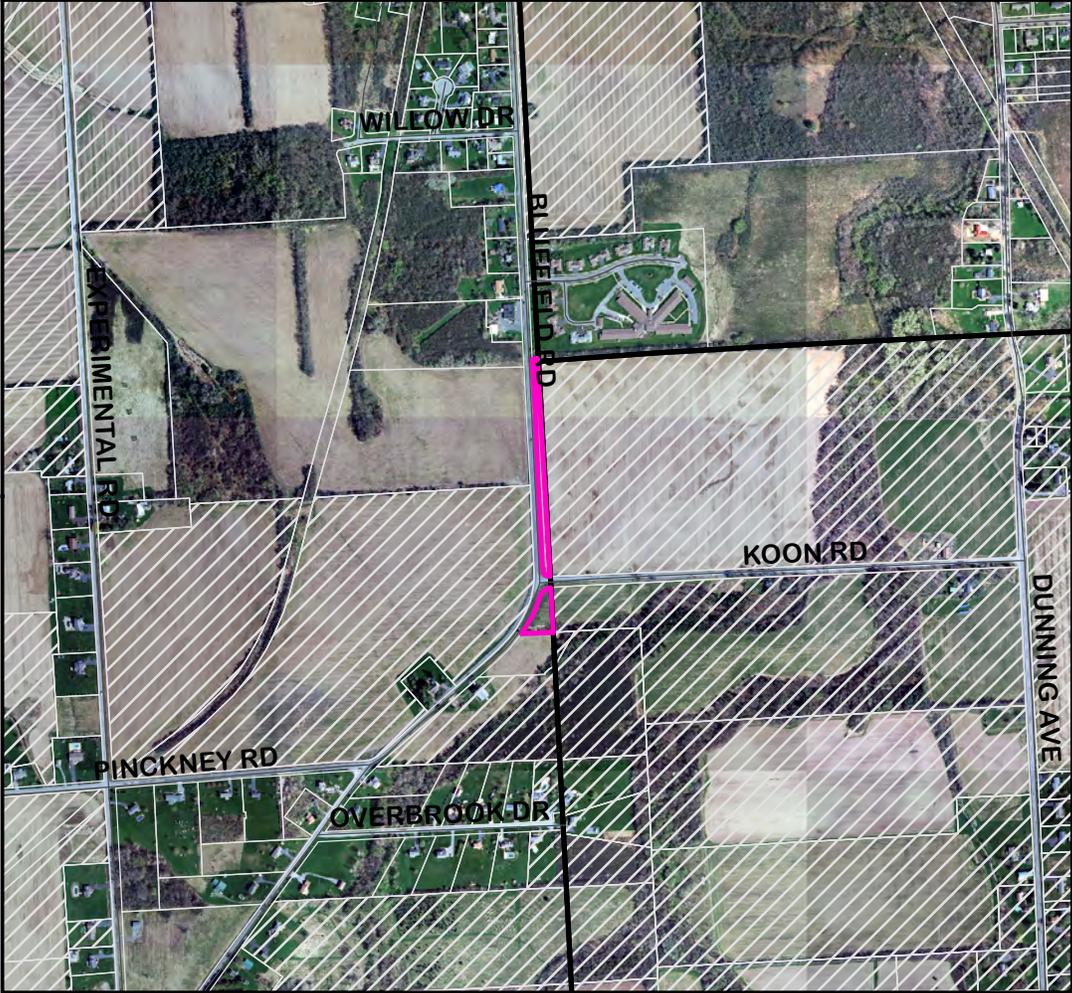
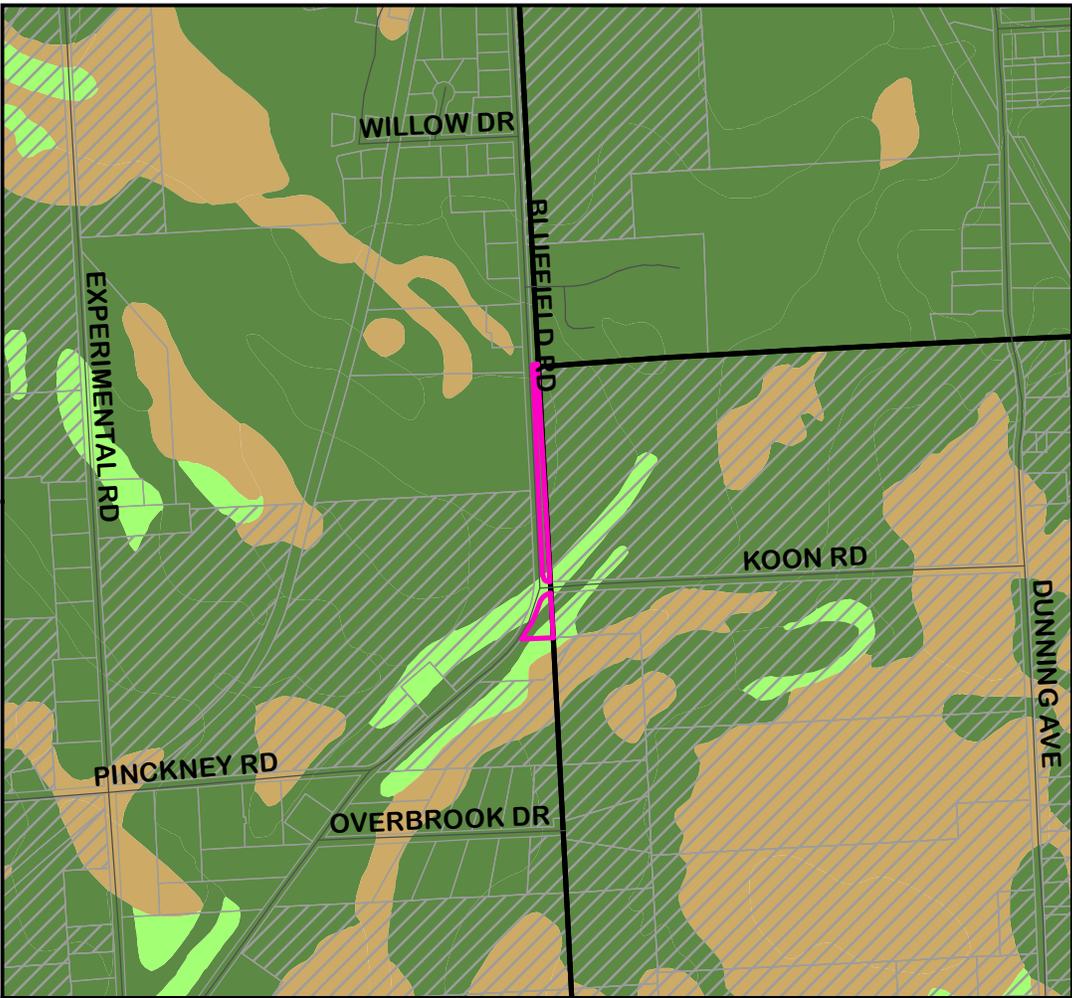
Soils:

Prime: 76.25%

*Soils of Statewide
Significance: 23.75%*

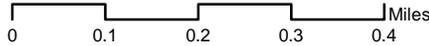
*Not Prime or of
Statewide Significance: 00.00%*

Note: This parcel was listed as part of an active farm operation on the Agricultural Data Review Sheet submitted by the landowner for the County's 8-Year Review of the Agricultural District in 2019; but is not currently in the Agricultural District.

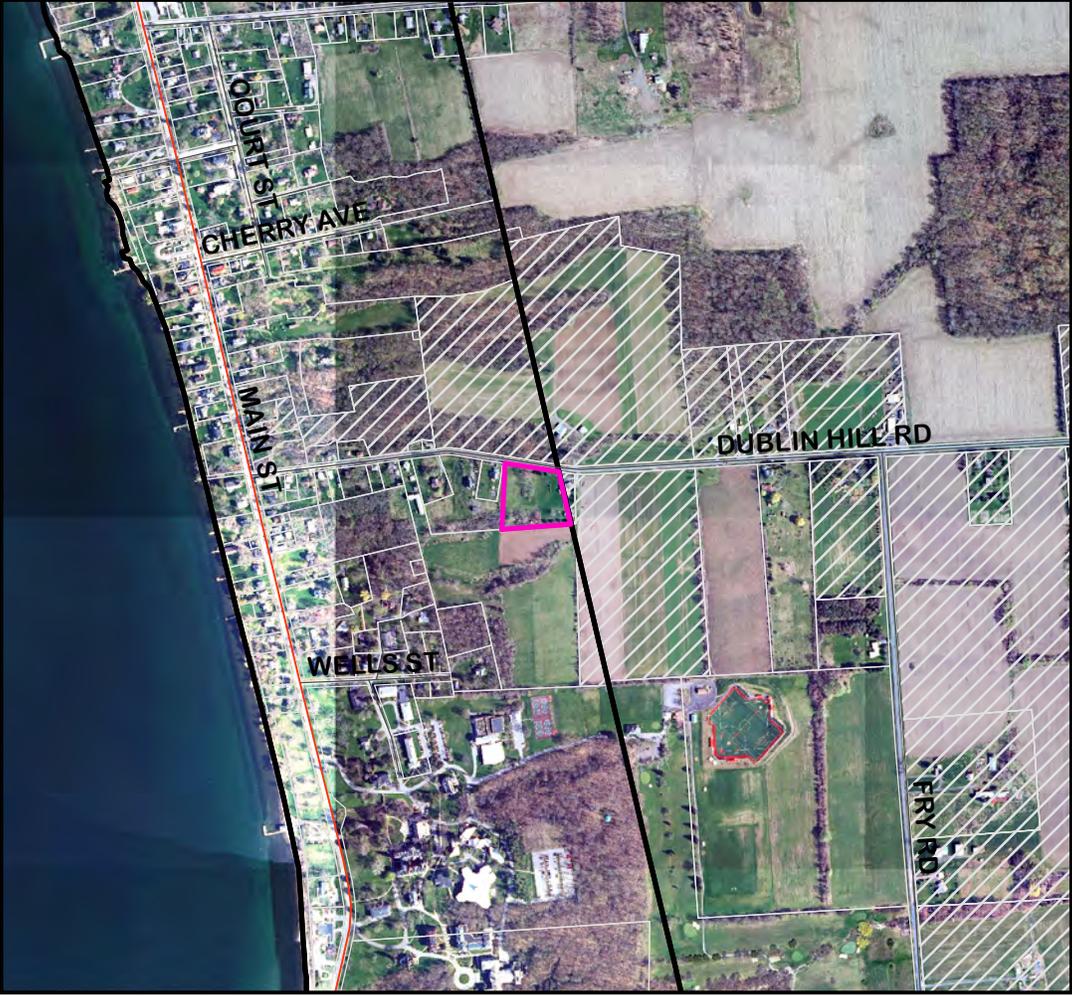
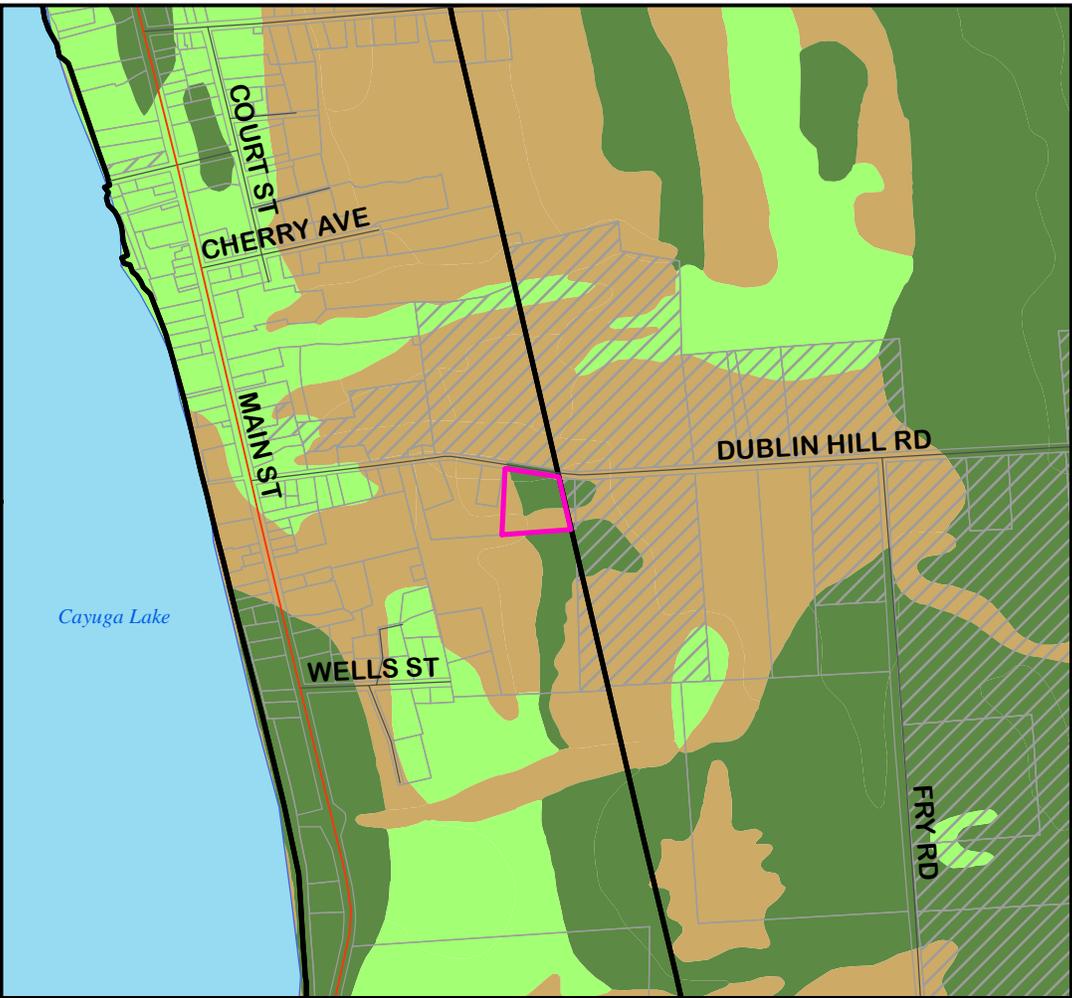


Legend

- Interstate
- State Highway
- County Highway
- Local or Private
- Town Boundaries
- 2020 Inclusion Parcels
- Parcels in Ag District
- Parcels
- USDA Prime Soils
- NYS Soils of Statewide Significance
- Soils which are not Prime or of Statewide Significance



2020 Annual Inclusions to Cayuga County Ag District



Inclusion # 2

Owner: Timothy L. Lawrence

**Mailing Address: 60 Dublin Hill Rd
Aurora, NY 13026**

Tax Map Number: 182.17-1-58.121

Town: Aurora

Acreage: 2.70

Agricultural Use: Grass Hay

Soils:

Prime: 45.92%

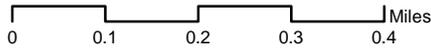
*Soils of Statewide
Significance: 00.00%*

*Not Prime or of
Statewide Significance: 54.08%*

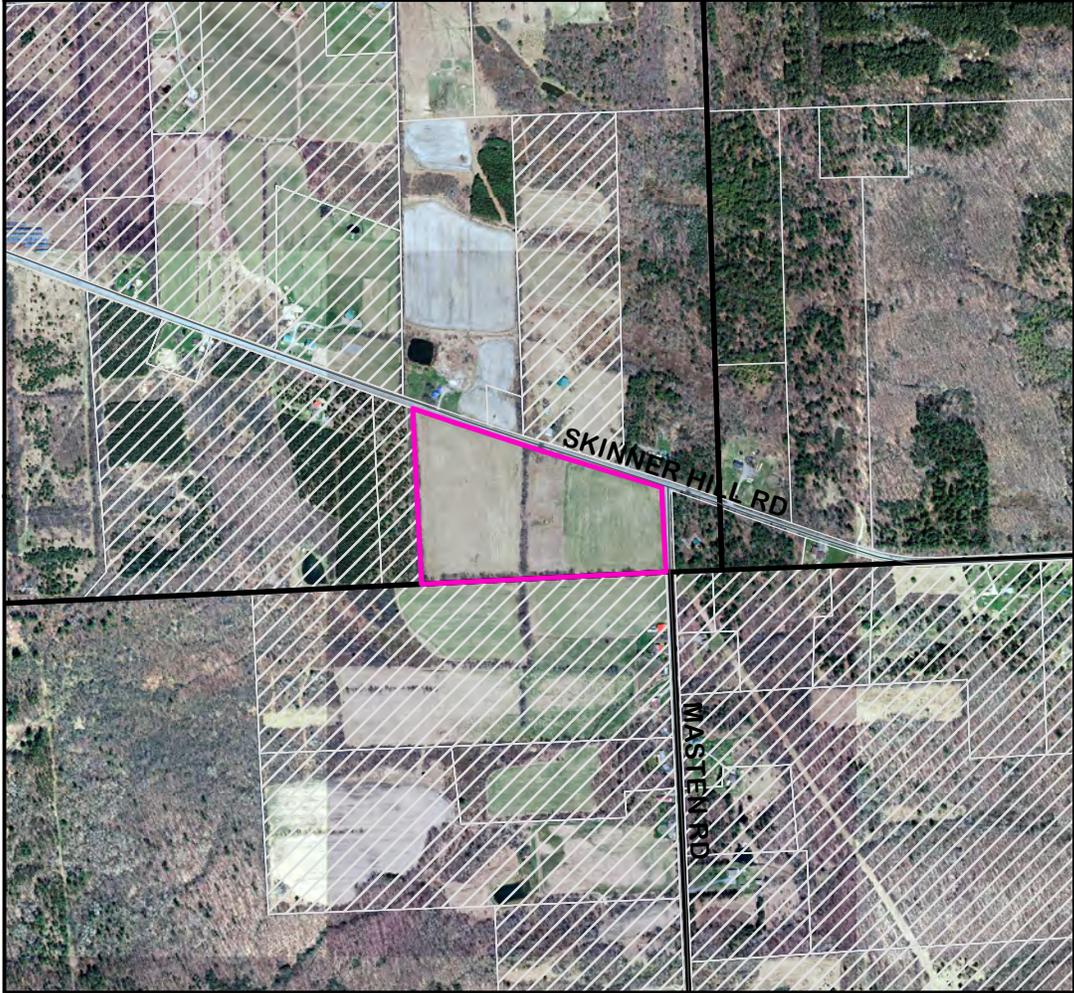
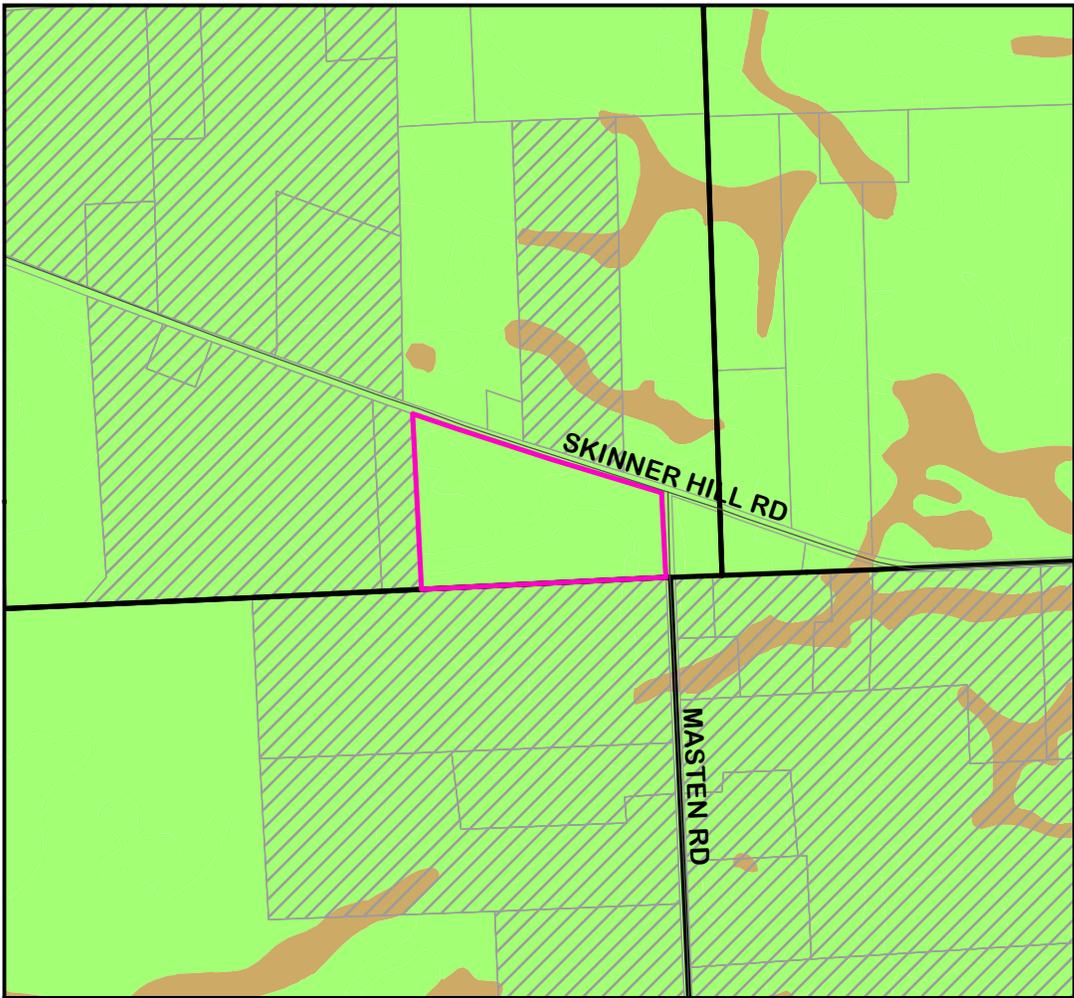
Note: This parcel was listed as part of an active farm operation on the Agricultural Data Review Sheet submitted by the landowner for the County's 8-Year Review of the Agricultural District in 2019; but is not currently in the Agricultural District.

Legend

- Interstate
- State Highway
- County Highway
- Local or Private
- Town Boundaries
- 2020 Inclusion Parcels
- Parcels in Ag District
- Parcels
- USDA Prime Soils
- NYS Soils of Statewide Significance
- Soils which are not Prime or of Statewide Significance



2020 Annual Inclusions to Cayuga County Ag District



Inclusion # 3

Owner: **William & Victoria Kerrick**

Mailing Address: **1583 Masten Rd
Moravia, NY 13118**

Tax Map Number: **222.00-1-4**

Town: **Moravia**

Acreage: **25.00**

Agricultural Use: **Cropland-Hay**

Soils:
Prime: 00.00%

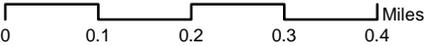
*Soils of Statewide
Significance: 100.00%*

*Not Prime or of
Statewide Significance: 00.00%*

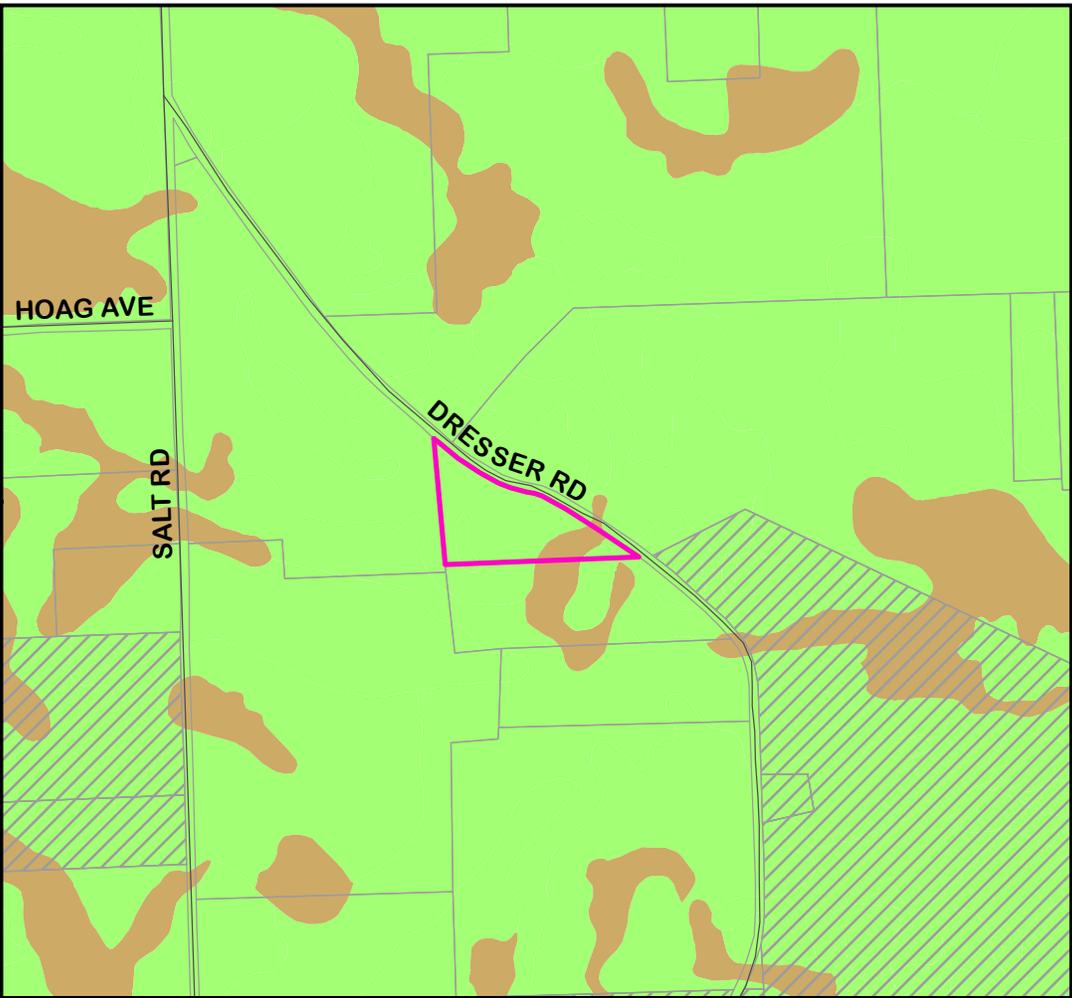
Note: This parcel was listed as part of an active farm operation on the Agricultural Data Review Sheet submitted by the landowner for the County's 8-Year Review of the Agricultural District in 2019; but is not currently in the Agricultural District.

Legend

- Interstate
- State Highway
- County Highway
- Local or Private
- Town Boundaries
- 2020 Inclusion Parcels
- Parcels in Ag District
- Parcels
- USDA Prime Soils
- NYS Soils of Statewide Significance
- Soils which are not Prime or of Statewide Significance



2020 Annual Inclusions to Cayuga County Ag District



Inclusion # 4

Owner: Thomas McCloy

**Mailing Address: 6665 Creech Rd
Locke, NY 13092**

Tax Map Number: 233.00-1-40

Town: Summerhill

Acreage: 9.00

Agricultural Use: Farmed-Crops

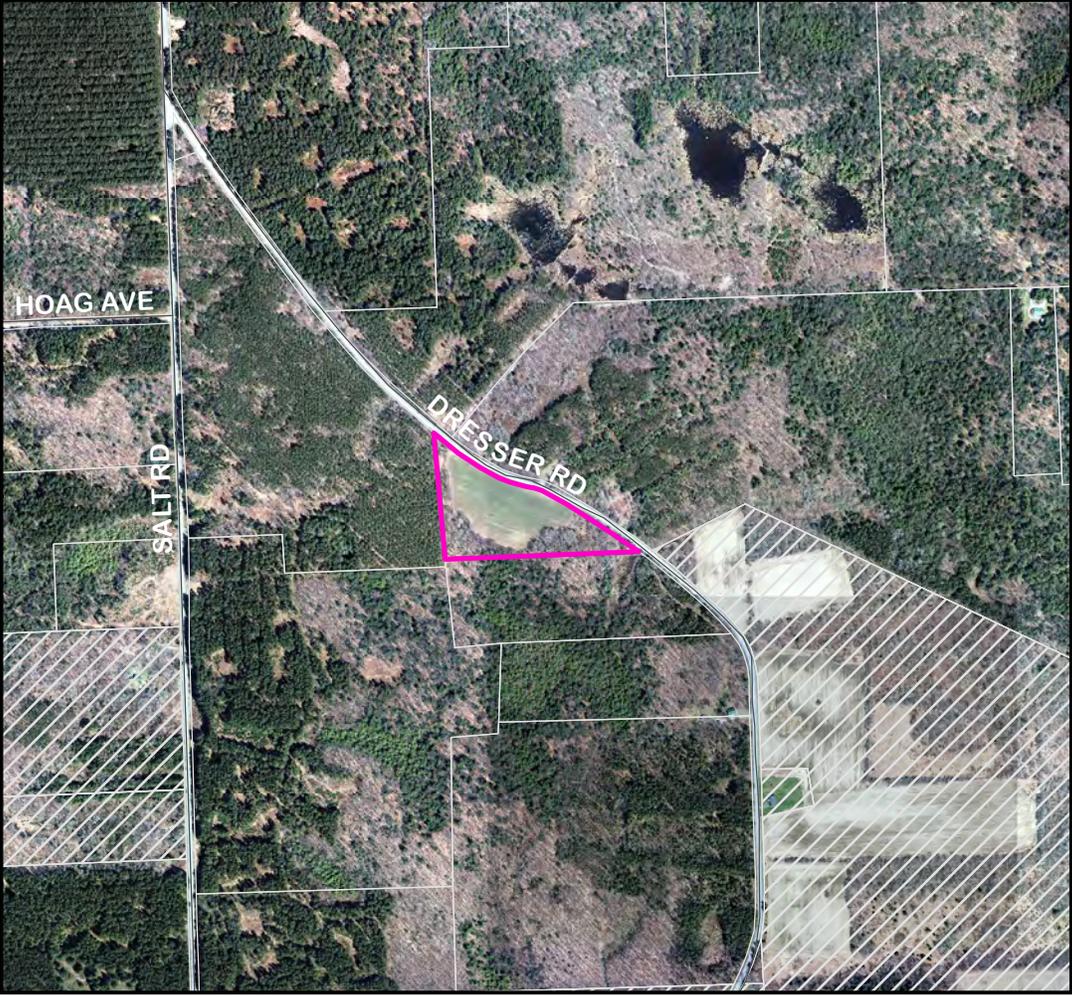
Soils:

Prime: 00.00%

*Soils of Statewide
Significance: 87.56%*

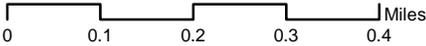
*Not Prime or of
Statewide Significance: 12.44%*

Note: This parcel was listed as part of an active farm operation on the Agricultural Data Review Sheet submitted by the landowner for the County's 8-Year Review of the Agricultural District in 2019; but is not currently in the Agricultural District.



Legend

- Interstate
- State Highway
- County Highway
- Local or Private
- Town Boundaries
- 2020 Inclusion Parcels
- Parcels in Ag District
- Parcels
- USDA Prime Soils
- NYS Soils of Statewide Significance
- Soils which are not Prime or of Statewide Significance



2020 Annual Inclusions to Cayuga County Ag District

Inclusion # 5

Owner: **Dennis Walowsky**

Mailing Address: **6120 Benham Rd
Auburn, NY 13021**

Tax Map Number: **120.00-1-26.2**

Town: **Aurelius**

Acreage: **3.95**

Agricultural Use: **Goats**

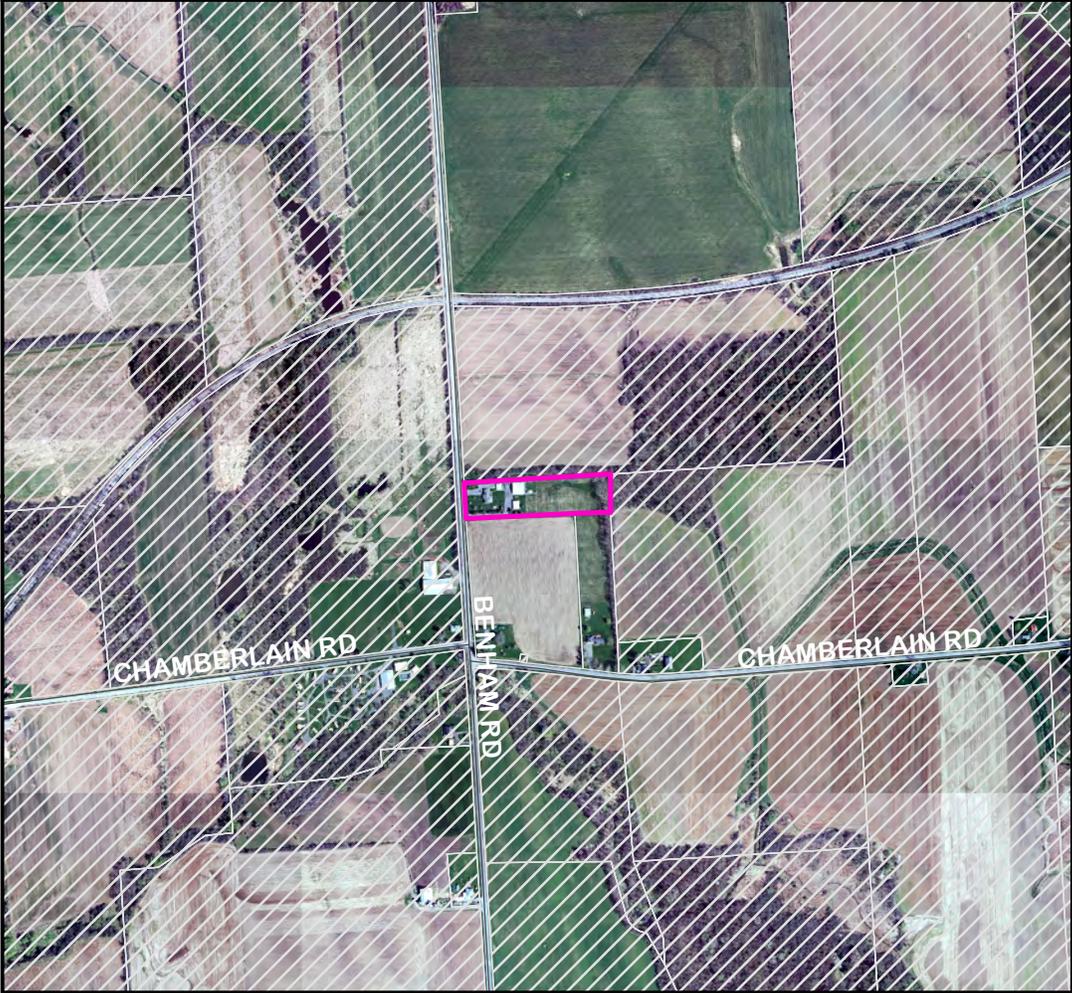
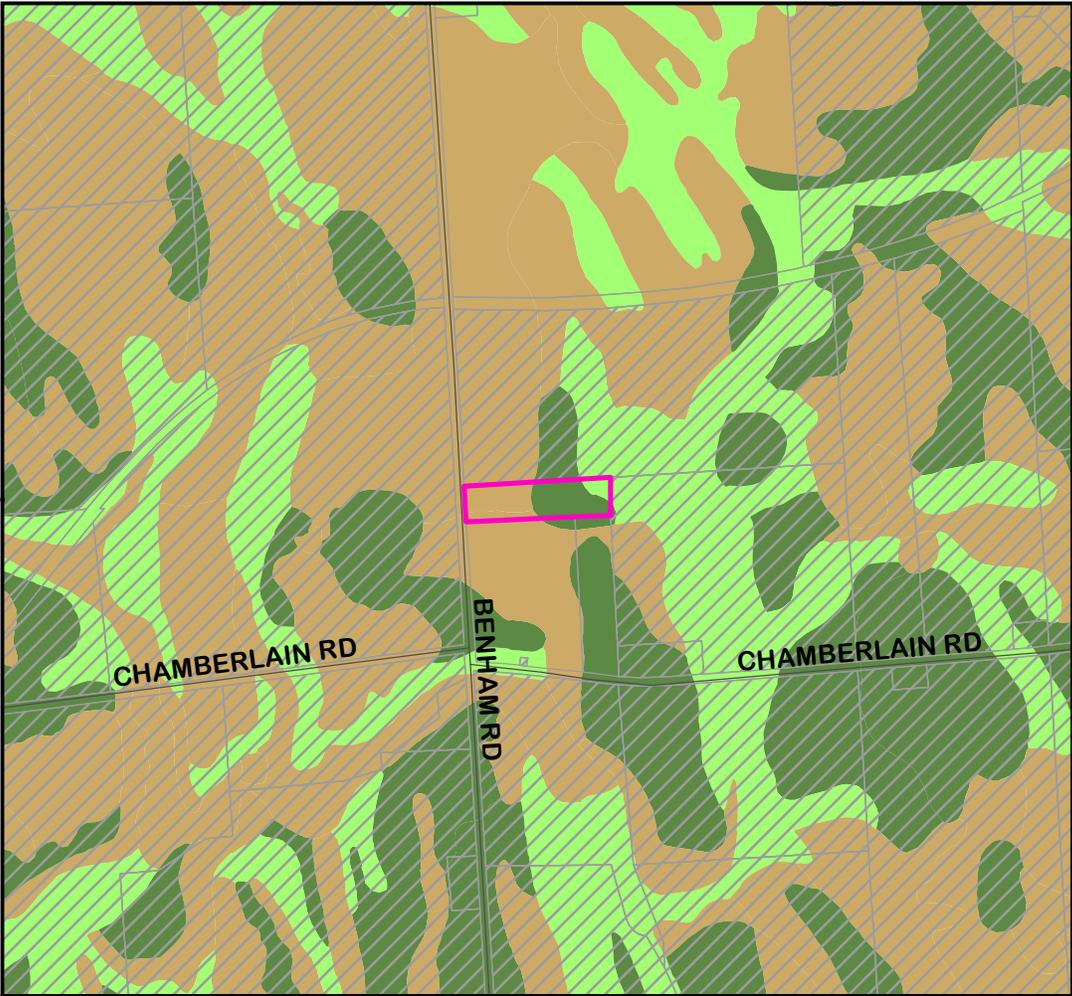
Soils:

Prime: **45.66%**

*Soils of Statewide
Significance*: **8.43%**

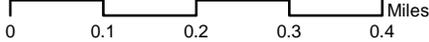
*Not Prime or of
Statewide Significance*: **45.91%**

Note: This parcel was listed as part of an active farm operation on the Agricultural Data Review Sheet submitted by the landowner for the County's 8-Year Review of the Agricultural District in 2019; but is not currently in the Agricultural District.

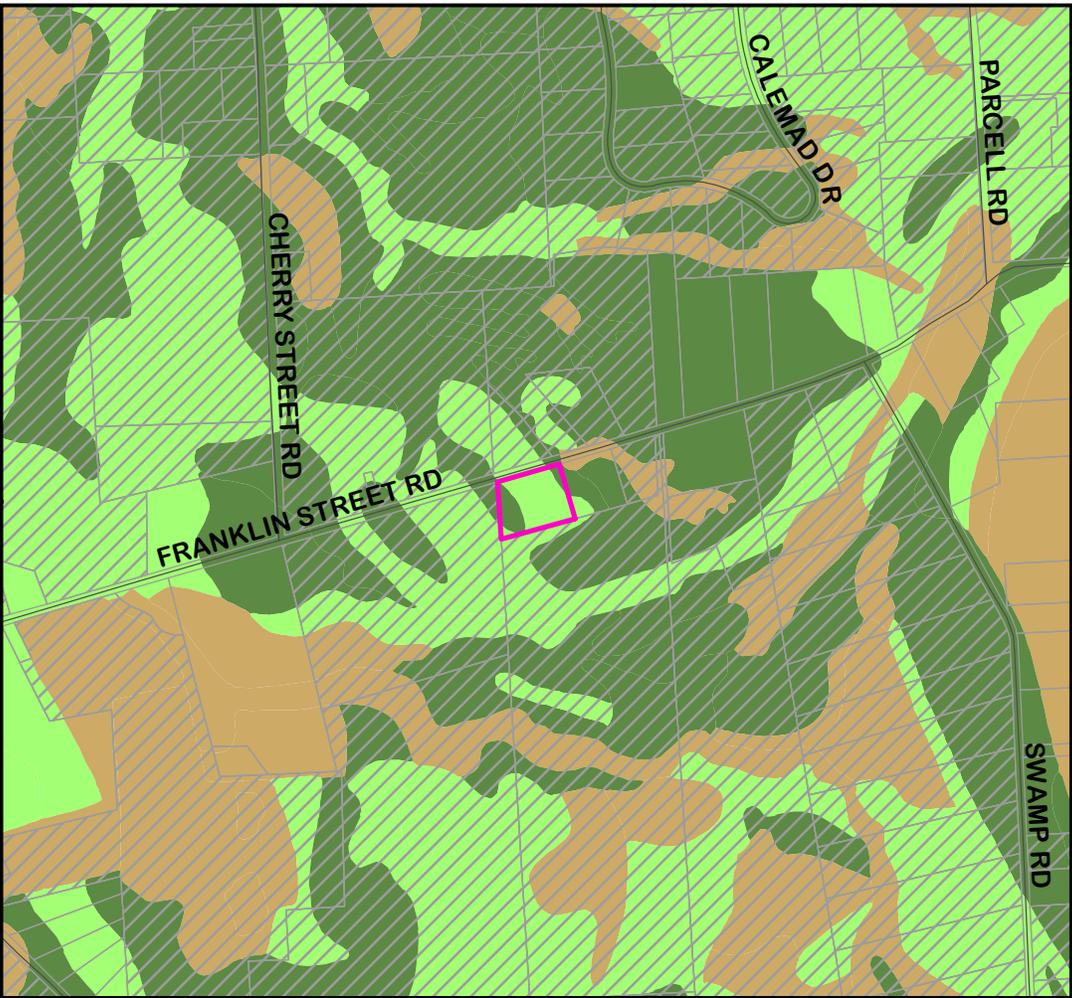


Legend

- Interstate
- State Highway
- County Highway
- Local or Private
- Town Boundaries
- 2020 Inclusion Parcels
- Parcels in Ag District
- Parcels
- USDA Prime Soils
- NYS Soils of Statewide Significance
- Soils which are not Prime or of Statewide Significance



2020 Annual Inclusions to Cayuga County Ag District



Inclusion # 6

Owner: Joseph C. Connors

**Mailing Address: 3664 Franklin St Rd
Auburn, NY 13021**

Tax Map Number: 110.00-1-49.12

Town: Sennett

Acreage: 2.80

Agricultural Use: Cropland

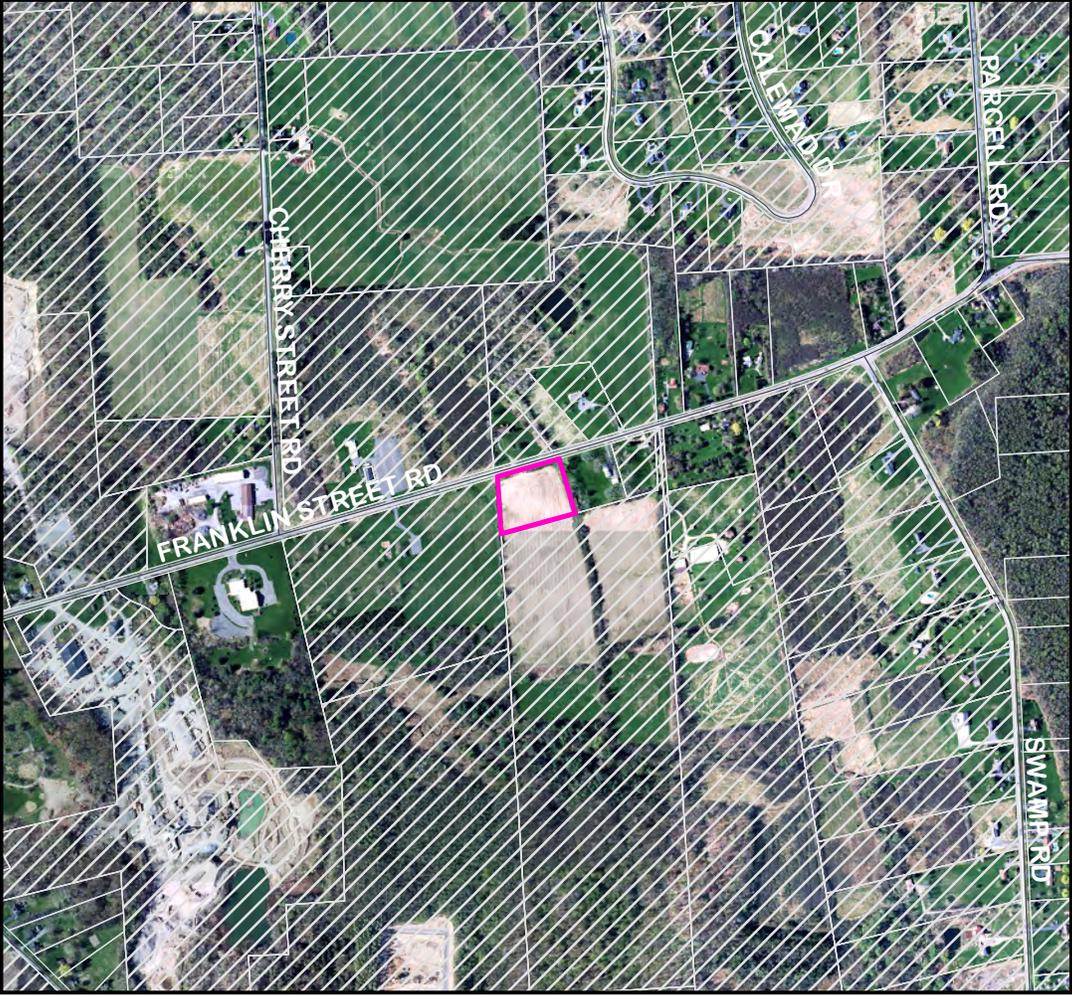
Soils:

Prime: 27.79%

*Soils of Statewide
Significance: 72.21%*

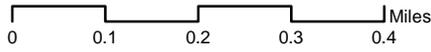
*Not Prime or of
Statewide Significance: 00.00%*

Note: This parcel was listed as part of an active farm operation on the Agricultural Data Review Sheet submitted by the landowner for the County's 8-Year Review of the Agricultural District in 2019; but is not currently in the Agricultural District.

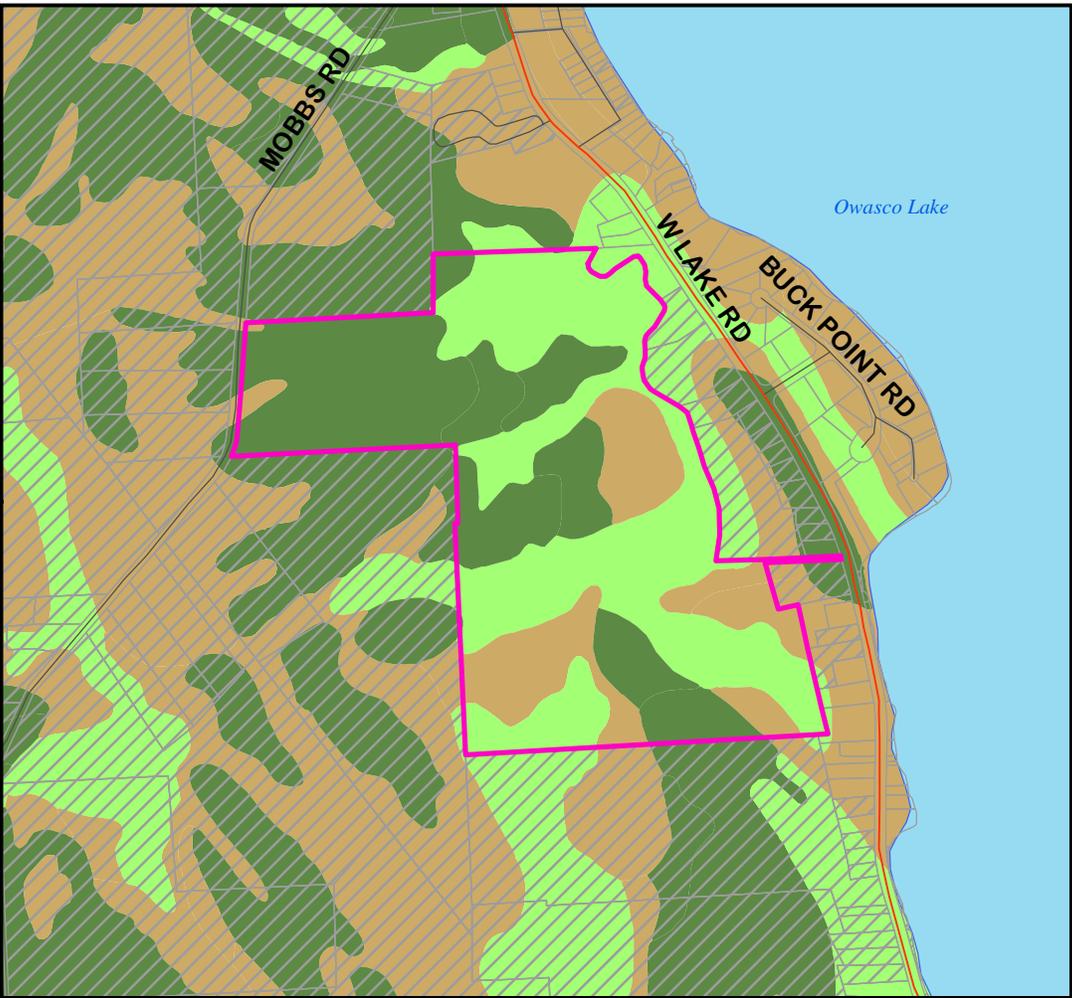


Legend

- Interstate
- State Highway
- County Highway
- Local or Private
- Town Boundaries
- 2020 Inclusion Parcels
- Parcels in Ag District
- Parcels
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- Soils which are not Prime or of Statewide Significance



2020 Annual Inclusions to Cayuga County Ag District



Inclusion # 7

Owner: **DGM Ag, LLC**

Mailing Address: **5083 White Rd.
Union Springs, NY
13160**

Tax Map Number: **130.00-1-16.521**

Town: **Fleming**

Acreage: **119.40**

Agricultural Use: **Row Crop**

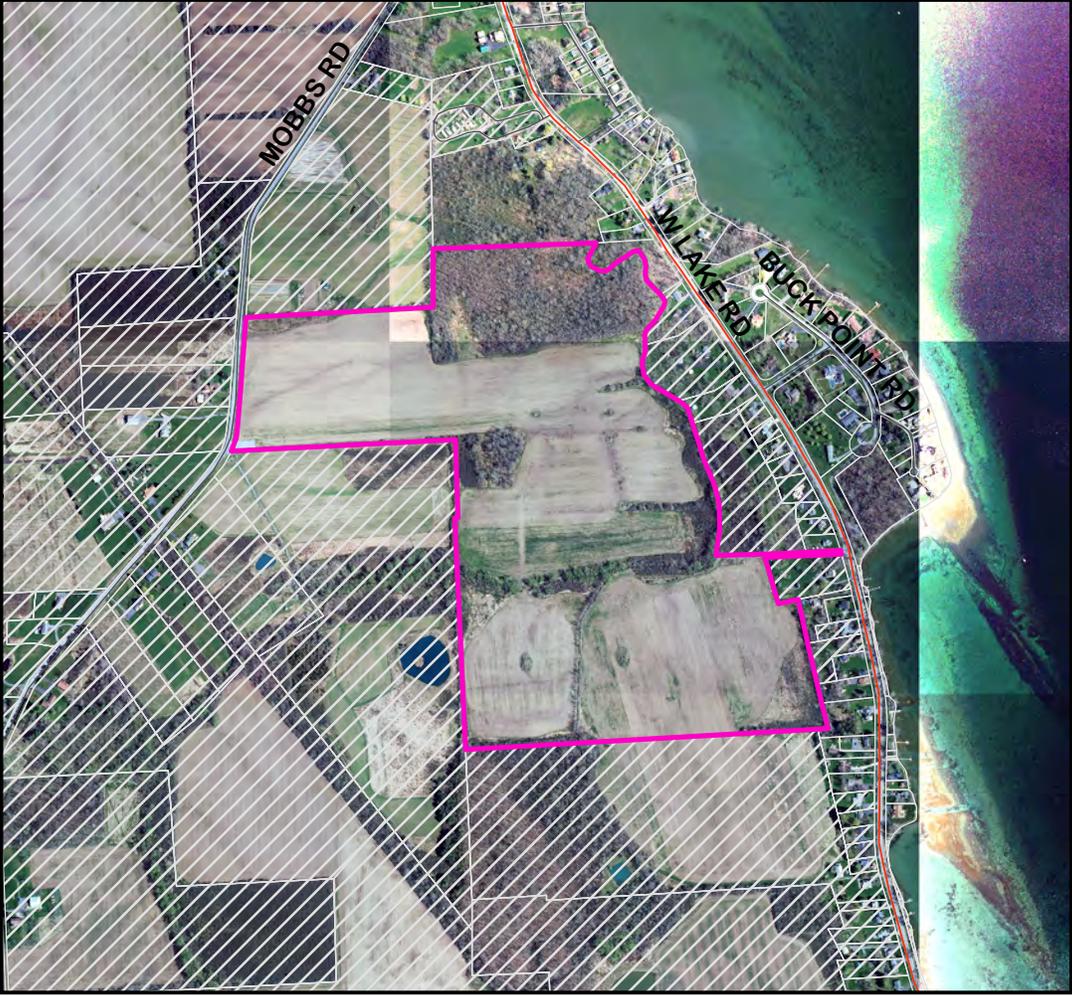
Soils:

Prime: 38.42%

*Soils of Statewide
Significance: 42.57%*

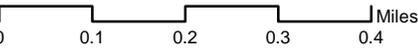
*Not Prime or of
Statewide Significance: 19.01%*

Note: This parcel was listed as part of an active farm operation on the Agricultural Data Review Sheet submitted by the landowner for the County's 8-Year Review of the Agricultural District in 2019; but is not currently in the Agricultural District.

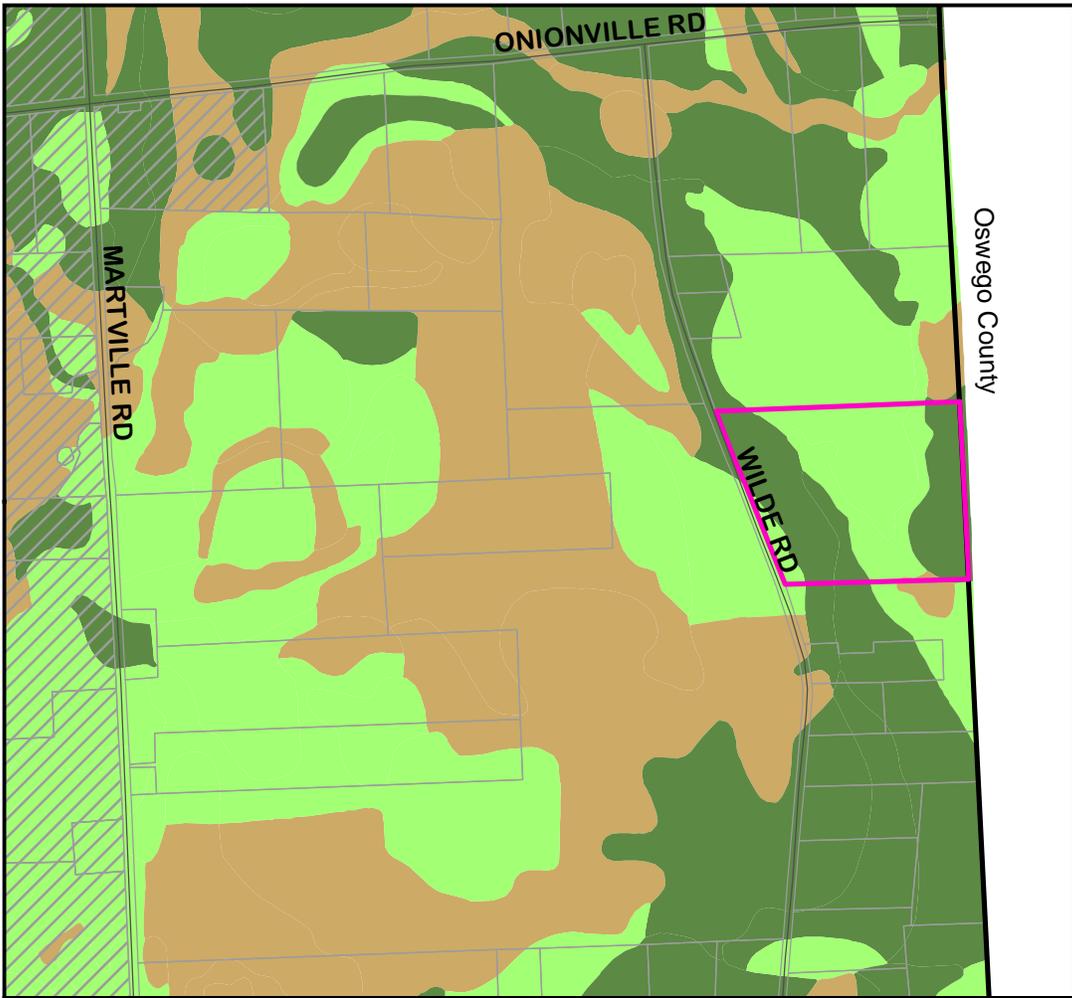


Legend

- Interstate
- State Highway
- County Highway
- Local or Private
- Town Boundaries
- 2020 Inclusion Parcels
- Parcels in Ag District
- Parcels
- USDA Prime Soils
- NYS Soils of Statewide Significance
- Soils which are not Prime or of Statewide Significance



2020 Annual Inclusions to Cayuga County Ag District



Inclusion # 8

Owner: Dean D. Cummins

**Mailing Address: 3125 Route 370
Cato, NY 13033**

Tax Map Number: 13.00-1-39.2

Town: Sterling

Acreage: 27.90

Agricultural Use: Slope Farms

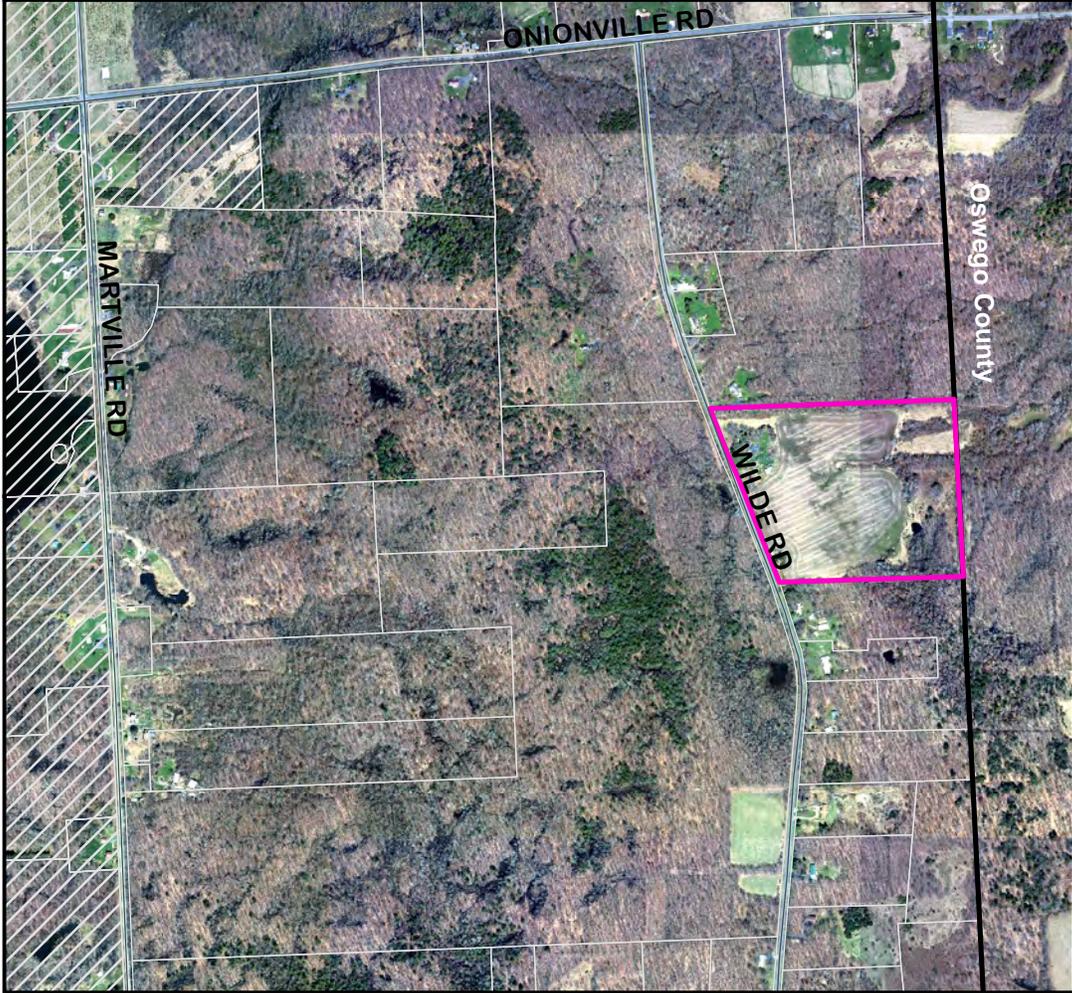
Soils:

Prime: 49.34%

*Soils of Statewide
Significance: 50.13%*

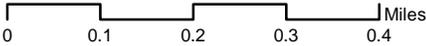
*Not Prime or of
Statewide Significance: 00.53%*

Note: This parcel was listed as part of an active farm operation on the Agricultural Data Review Sheet submitted by the landowner for the County's 8-Year Review of the Agricultural District in 2019; but is not currently in the Agricultural District.



Legend

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2020 Annual Inclusions to Cayuga County Ag District

Inclusion # 9

Owner: Peter J Chappell

**Mailing Address: 170 Turnpike Rd Ext
Cayuga, NY 13034**

Tax Map Number: 112.00-1-15

Town: Aurelius

Acreage: 128.60

Agricultural Use: Farm

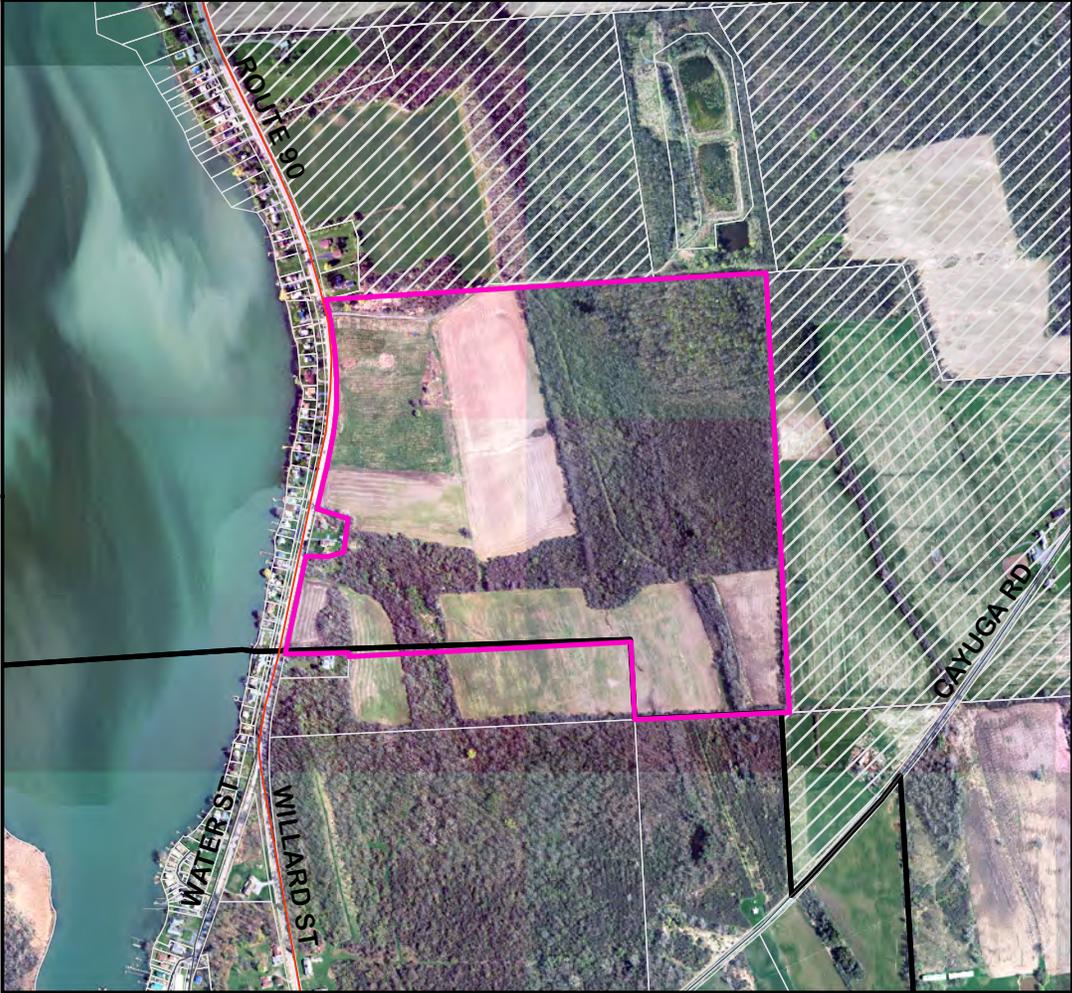
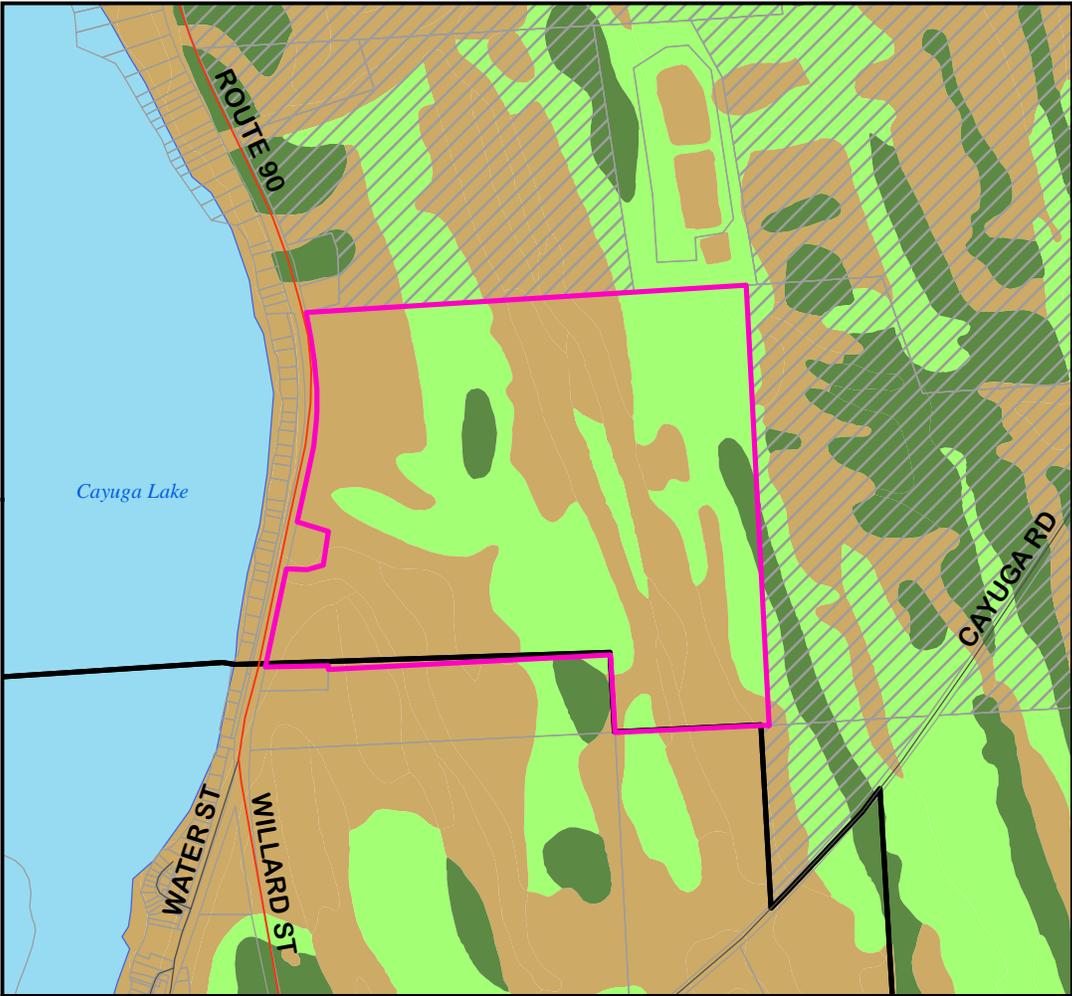
Soils:

Prime: 2.99%

*Soils of Statewide
Significance: 41.63%*

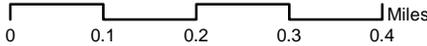
*Not Prime or of
Statewide Significance: 55.38%*

Note: This parcel was listed as part of an active farm operation on the Agricultural Data Review Sheet submitted by the landowner for the County's 8-Year Review of the Agricultural District in 2019; but is not currently in the Agricultural District.



Legend

- Interstate
- State Highway
- County Highway
- Local or Private
- Town Boundaries
- 2020 Inclusion Parcels
- Parcels in Ag District
- Parcels
- USDA Prime Soils
- NYS Soils of Statewide Significance
- Soils which are not Prime or of Statewide Significance



2020 Annual Inclusions to Cayuga County Ag District

Inclusion # 10

Owner: John R Roden

**Mailing Address: 9640 Oakland Rd.
Weedsport, NY 13166**

Tax Map Number: 76.00-1-62

Town: Brutus

Acreage: 0.76

Agricultural Use: Pasture

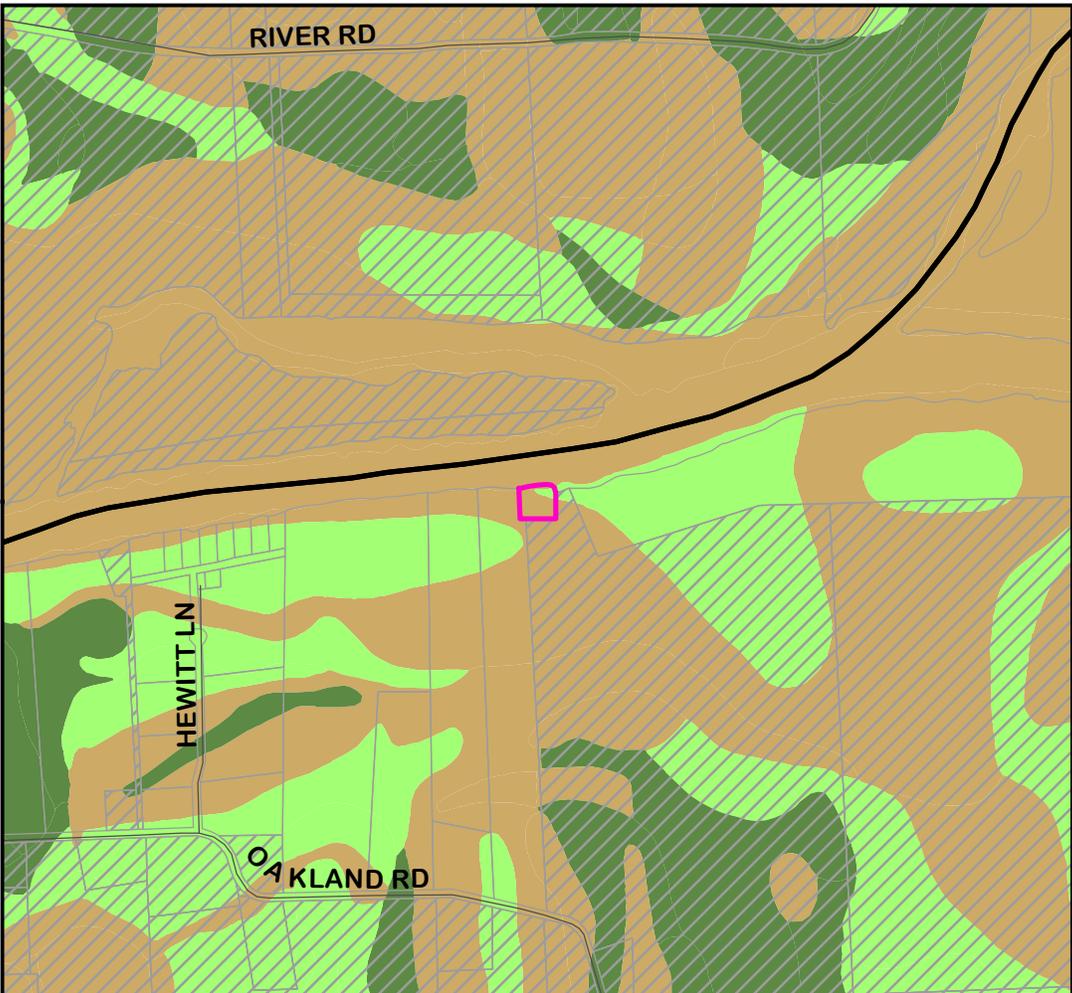
Soils:

Prime: 00.00%

*Soils of Statewide
Significance: 12.64%*

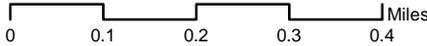
*Not Prime or of
Statewide Significance: 87.36%*

Note: This parcel was listed as part of an active farm operation on the Agricultural Data Review Sheet submitted by the landowner for the County's 8-Year Review of the Agricultural District in 2019; but is not currently in the Agricultural District.



Legend

- Interstate
- State Highway
- County Highway
- Local or Private
- Town Boundaries
- 2020 Inclusion Parcels
- Parcels in Ag District
- Parcels
- USDA Prime Soils
- NYS Soils of Statewide Significance
- Soils which are not Prime or of Statewide Significance



RECOMMENDATION FOR APPROVAL OF THE INCLUSION OF LAND INTO CAYUGA COUNTY AGRICULTURAL DISTRICT

Motion by: _____, Cayuga County Agriculture & Farmland Protection Board

WHEREAS, during the annual inclusion period between March 1, 2020 and March 30, 2020 the Cayuga County Department of Planning & Economic Development received applications for the inclusion of 10 parcels of real property into the Cayuga County Agricultural District. A list of the properties, their corresponding tax map numbers, owners, and the towns in which they are located is attached here to; and

WHEREAS, all 10 parcels in question were listed as part of an active farm operation on the Agricultural Data Review Sheet submitted by each corresponding landowner for the County’s Eight-Year Review of the Agricultural District in 2019 but are not currently in the Agricultural District; and

WHEREAS, the viability of the soils for agricultural production and the current use of the requested parcels has been reviewed and all of the requested parcels either have highly productive soils or are currently in agricultural production; and

WHEREAS, the inclusion of all of the 10 requested parcels is consistent with the goals of the 2014 Cayuga County Agriculture and Farmland Protection Plan; and

THEREFORE BE IT RESOLVED, that the 10 said parcels are predominately viable agricultural land as defined by Article 25AA §303-b of the New York State Agriculture and Markets Law; and be it further

RESOLVED, that the Cayuga County Agriculture & Farmland Protection Board recommends that the Cayuga County Legislature adopt a resolution to add the attached list of parcels, into the Cayuga County Agricultural District.

Cayuga County Agricultural District				
2020 Inclusion Requests				
<i>Tax ID #</i>	<i>Acres</i>	<i>Location</i>	<i>Owner Name</i>	<i>Municipality</i>
122.00-1-45	1.60	Bluefield Rd	Stephen P. Koon	Aurelius
182.17-1-58.121	2.70	Dublin Hill Rd	Timothy L. Lawrence	Aurora
222.00-1-4	25.00	Skinner Hill Rd	William & Victoria Kerrick	Moravia
233.00-1-40	9.00	Dresser Rd	Thomas McCloy	Summerhill
120.00-1-26.2	3.95	Benham Rd	Dennis Walowsky	Aurelius
110.00-1-49.12	2.80	Franklin Street Rd	Joseph C. Connors	Sennett
130.00-1-16.521	119.40	West Lake Rd	DGM Ag, LLC	Fleming
13.00-1-39.2	27.90	Wilde Rd	Dean D. Cummins	Sterling
112.00-1-15	128.60	Rt 90	Peter J. Chappell	Aurelius
76.00-1-62	0.76	Oakland Rd	John R. Roden	Brutus
Total:	321.71 acres			

Second by: _____, Cayuga County Agriculture & Farmland Protection Board

Votes For: _____ Votes Against: _____

I HEREBY CERTIFY, THAT I HAVE COMPARED THE FOREGOING COPY OF A RESOLUTION DULY PASSED AND ADOPTED BY THE AGRICULTURE & FARMLAND PROTECTION BOARD OF CAYUGA COUNTY AT A MEETING HELD ON THE 9th DAY OF APRIL, 2020, WITH THE ORIGINAL RESOLUTION, AND THAT THE SAME IS A TRUE AND CORRECT COPY AND TRANSCRIPT THEREOF, AND THE WHOLE THEREOF.

Kari Terwilliger, staff to the Cayuga County Agriculture & Farmland Protection Board

DATED: April 9, 2020



Agriculture and Markets

ANDREW M. CUOMO
Governor

RICHARD A. BALL
Commissioner

RECEIVED BY
CAYUGA COUNTY

MAR 18 2020

DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

March 10, 2020

Kelly Anderson, Chair
Cayuga County AFPB
c/o Kari Terwilliger, Senior Planner
160 Genesee Street; 5th Floor
Auburn, NY 13021

RE: Final Notice of Intent to Undertake an Action within an Agricultural District, SunEast Development, LLC, Dogs Corners Solar in the Town of Ledyard, Cayuga County Agricultural District No. 5

Dear Ms. Anderson:

I have determined that the enclosed Final Notice of Intent, filed with this Department by NYSEDA, for the advance of public funds for the construction of a 19.99 MW solar array, in the Town of Ledyard, located in Cayuga County Agricultural District No. 5, is complete.

Accordingly, pursuant to the Agriculture and Markets Law, Section 305(4), I am forwarding a copy of the Final Notice for your review and comment on the effect of the proposed action on state environmental plans policies and objectives.

Pursuant to Section 305(4), the statutory review period is forty-five (45) days. As such, I would appreciate your response by April 9, 2020. Should no response be received by this date, I will assume that you have found that the proposed action would not have an unreasonably adverse effect upon state environmental plans, policies and objectives.

Sincerely,

Andy Steiner
Senior Environmental Analyst

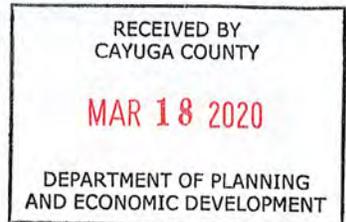
Enc.
File: 20/035-NOI



Agriculture and Markets

ANDREW M. CUOMO
Governor

RICHARD A. BALL
Commissioner



March 10, 2020

Bram Peterson
NYSERDA, Large-Scale Renewables
1359 Broadway
New York, NY 12203

RE: Final Notice of Intent to Undertake an Action within an Agricultural District, SunEast Development, LLC, Dogs Corners Solar in the Town of Ledyard, Cayuga County Agricultural District No. 5

Dear Ms. Rossi:

I have determined that the enclosed Final Notice of Intent, filed with this Department by NYSERDA, for the advance of public funds for the **construction of a 19.99 MW solar array, in the Town of Ledyard**, located in Cayuga County Agricultural District No. 5, is complete.

The Final Notice has been forwarded to the Commissioner of Environmental Conservation, the Advisory Council on Agriculture, and the County Agricultural and Farmland Protection Board. In consultation with them, the Commissioner shall review the proposed action during the next forty-five (45) day period commencing March 10, 2020 and make an initial **determination whether the action will have an unreasonably adverse effect on the continuing viability of a farm enterprise, or enterprises within the district** and state environmental plans, policies and objectives. Furthermore, the Department will be exploring acceptable mitigation options for the proposed project during the next thirty (30) days.

Please be advised that the Department's acceptance as complete of the Final Notice of Intent for the proposed action does not authorize commencement of the project. In order to comply with the provisions of Section 305(4), no funds may be advanced to construct the facility or to acquire land within the district until the Notice process has been completed as set forth in Section 305(4).

Please do not hesitate to contact me, at (518) 457-3186 if you have any questions regarding your Notice filing.

Sincerely,

Andy Steiner
Senior Environmental Analyst

cc: Kelly Anderson, Chair, Cayuga County AFPB
Mark Jordan, Supervisor, Town of Ledyard
Tom Swank, SunEast Power
Reed Wills, SunEast Power

File: 20/035-NOI



Agriculture and Markets

ANDREW M. CUOMO
Governor

RICHARD A. BALL
Commissioner

March 10, 2020

Dear Landowner:

Under the Agricultural Districts Law, certain public entities are required to file a Preliminary and Final Notice of Intent with the Department of Agriculture and Markets and the County Agricultural and Farmland Protection Board prior to the acquisition of property or the advance of funds for the installation of water and sewer mains within a State certified agricultural district.

I have determined that the enclosed Final Notice of Intent, filed with this Department by NYSERDA, for the advance of public funds for the construction of a 19.99 MW solar array, in the Town of Ledyard, located in Cayuga County Agricultural District No. 5, is complete.

The Notice process sets forth certain limitations on the exercise of eminent domain and other public acquisitions and identifies a process whereby the proposed project can be examined with regard to its impact on agricultural enterprises in the affected district(s). The Notice filing contains a description of the proposed action, the agricultural setting and the types of agricultural enterprises that may be affected by the project, the short and long-term impacts on agriculture, an examination of alternatives, a discussion of mitigation measures proposed to minimize adverse impacts on farm enterprises, a list of affected property owners, and other information.

A copy of this letter and a copy of the Preliminary and Final Notice of Intent is being sent to you as potentially affected landowners that have been identified as being within the agricultural district and affected by the proposed action. If you would like to provide comments to the Department with regard to the above-referenced project, please contact me at (518) 457-3186, or submit your comments in writing. You may also want to contact Kelly Anderson, Chair, Cayuga County AFPB, 160 Genesee Street, Auburn, NY 13021.

We must receive your comments on or before April 9, 2020 so they may be considered in our Notice review process. Should no response be received by this date, I will assume that you do not have any comments and/or observations regarding the proposed action.

Sincerely,

Andy Steiner
Senior Environmental Analyst

Enc.

cc: Kelly Anderson, Chair, Cayuga County AFPB
File: 20/035-NOI



NYSERDA

RECEIVED BY
CAYUGA COUNTY
MAR 18 2020
DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

ANDREW M. CUOMO
Governor

RICHARD L. KAUFFMAN
Chair

ALICIA BARTON
President and CEO

January 21, 2020

Richard A. Ball, Commissioner
NYS Department of Agriculture and Markets
10B Airline Drive
Albany, NY 12235-0001

RE: New York State Department of Agriculture and Markets Notice of Intent for New York State Energy Research & Development Authority Award to SunEast Development LLC under Renewable Energy Standard Purchase of New York Tier 1 Eligible Renewable Energy Certificates Request for Proposals (RFP) No. RESRFP18-1 – Dog Corners Solar, Cayuga County Agricultural District No. 5.

Dear Mr. Ball:

NYSERDA solicited competitive bids for Tier 1 Renewable Energy Certificates from eligible facilities under the Renewable Energy Standard Request for Proposals, RESRFP18-1. In accordance with the guidelines set forth by the New York State Public Service Commission in an August 1, 2016 Order Adopting the Clean Energy Standard, NYSERDA has made an award to SunEast Development LLC for the proposed SED Dog Corners Solar project ("SunEast Development LLC"), a 19.99 MW solar generating facility located at 2663 Dog Corners Road in the Town of Ledyard. This is sited within Cayuga County Agricultural District No.5.

We note that SunEast Development LLC, is responsible for obtaining all applicable permits and regulatory approvals that may be required in order to develop and/or operate. Neither the RES Program nor selection under RESRFP18-1 in any way replaces or modifies the necessity or applicability of any permit or approval process including SEQRA or Public Service Law Article 10 by any jurisdiction. NYSERDA's obligations to make payments to SunEast Development LLC, are conditional on the acquisition by Seller of all such permits and approvals.

This Notice is being submitted by NYSERDA on behalf of SunEast Development LLC, in accordance with the provisions of Article 25 AA, Section 305.4 of the State Agriculture & Markets Law. The information provided in this Notice is based on the project's preliminary layout originally submitted in the Bid Proposal to NYSERDA August 16, 2018 and subsequent communications with SunEast Development LLC. The information contained herein is accurate to NYSERDA's knowledge.

Regards,

Peter Keane
Deputy General Counsel, NYSERDA

New York State Energy Research and Development Authority

Albany
17 Columbia Circle, Albany, NY 12203-6399
(P) 1-866-NYSERDA | (F) 518-862-1091
nyserda.ny.gov | info@nyserda.ny.gov

Buffalo
726 Exchange Street
Suite 821
Buffalo, NY
14210-1484
(P) 716-842-1522
(F) 716-842-0156

New York City
1359 Broadway
19th Floor
New York, NY
10018-7842
(P) 212-971-5342
(F) 518-862-1091

**West Valley Site
Management Program**
9030-B Route 219
West Valley, NY
14171-9500
(P) 716-942-9960
(F) 716-942-9961

CC: Doreen Harris, NYSERDA
Abbey DeRocker, NYSERDA
Bram Peterson, NYSERDA
Michael Latham, NYSDAM
Bob Somers, NYSDAM
Kathleen Tylutki, NYSDAM



NYSERDA

ANDREW M. CUOMO
Governor

RICHARD L. KAUFFMAN
Chair

ALICIA BARTON
President and CEO

**NYS Department of Agriculture and Markets – Agriculture Districts Law §305
Notice of Intent to Undertake an Action Within an Agricultural District**

Instructions: The purpose of this form is to provide NYSERDA with the necessary information required to submit a Notice of Intent to the Department of Agriculture and Markets on behalf of the Project Sponsor. Please populate all fields in this template, as applicable, and return to NYSERDA, with a copy to res@nyserda.ny.gov. Please add additional documents if desired and include required maps and/or other figures as outlined below in the response sent to NYSERDA.

I. Project Description

SED Dog Corners Solar (the "Project") is a 19.99 MW_{AC} solar pv project under development in Ledyard, Cayuga County, NY. The Project is sited on a privately-owned 230-acre parcel of land (the "Property"), up to 140 acres of which will be utilized for the construction and operation of the Project (the "Site"). The Property's current use is a combination of agricultural land (hay), and homestead for the Property owner. The portion of the Property being utilized for hay is farmed by a third-party farmer under a short-term agricultural lease with the landowner.

II. Project Contact Information:

Project Name: *SED Dog Corners Solar*
Public Entity: *NYS Energy and Research Development Authority*
Developer: *SunEast Renewables LLC* Seller: *SunEast Dog Corners Solar LLC*

Project Sponsor Information: *SunEast Development LLC*
Name/Title: *Tom Swank, President* Email: *tom.swank@suneastpower.com*
Phone Number: *860-395-8356* Fax Number: *610-900-6067*

Contact Information of other individuals authorized to respond to NYSDAM inquiries:
Name/Title: *Reed Wills, COO SunEast* Email: *reed.wills@suneastpower.com*
Phone Number : *302-540-2696* Fax Number: *610-900-6067*

Name/Title: *Jason Dickey, TRC* Email: *RDickey@trcsolutions.com*
Phone Number: *518-469-8843* Fax Number:

New York State Energy Research and Development Authority

Albany
17 Columbia Circle, Albany, NY 12203-6399
(P) 1-866-NYSERDA | (F) 518-862-1091
nyserda.ny.gov | info@nyserda.ny.gov

Buffalo
726 Exchange Street
Suite 821
Buffalo, NY
14210-1484
(P) 716-842-1522
(F) 716-842-0156

New York City
1359 Broadway
19th Floor
New York, NY
10018-7842
(P) 212-971-5342
(F) 518-862-1091

**West Valley Site
Management Program**
9030-B Route 219
West Valley, NY
14171-9500
(P) 716-942-9960
(F) 716-942-9961

III. Description of the Proposed Action and its Agricultural Setting:

Project Address: 2663 Dog Corners Road, Town of Ledyard, Cayuga County, NY 13026

Town/Village/City:	Ledyard	County:	Cayuga
Agricultural District:	CAYU005	Total Acres Affected ¹ :	140
Total Farms Affected ² :	1	Total Acres of Affected Farms ³ :	140
Anticipated date of commencement of proposed action ⁴ :	3/1/2020		

Please provide a detailed description of the proposed action below. Please also provide as part of your response package to NYSEDA a map showing the site of the proposed action. Please include the proposed solar array layout of the project. Please label or annotate the map with all affected landowners, including tax map numbers, surrounding land uses, and type(s) of agricultural production. Multiple maps may be submitted to fulfill this request.

The Project is sited on a privately-owned 230-acre parcel of land (the "Property"), 140 acres (or less) of which will be utilized for the construction and operation of the Project (the "Site"). The Point of Interconnection is shown on the attached map, at the NYSEG Aurora substation, approximately 0.5 miles North of the Project site. The Property's current use is a combination of agricultural land (hay), wooded area, and homestead for the Property owner. The portion of the Property being utilized for farming hay is farmed by a third-party farmer under a short-term agricultural lease with the landowner. The use of the remaining area of the Property not used for installation of the Project, at least 90 acres, will remain unchanged with a combination of agricultural use (hay), homestead, and wooded area.

There is an existing open drainage culvert that runs north-south on the property, which will be avoided in the layout of the panel system. There is an underground PVC drainage pipe that was installed approximately 20+ years ago that runs SW from the open drainage ditch to the edge of the woods on the property for overflow drainage from the open culvert. The solar system will be installed on the property so as to not impact this pipe. There are no other drainages located on the property to our knowledge.

See maps provided with project submittal in Step 2 NYSEDA RESRFP 18-1 for site information.

Affected Landowners:

1. Name(s): Amy Torea
Address: 2663 Dog Corners Rd, Ledyard, NY 13026

Parcel Number(s): 182.00-1-48.12

¹ Total number of acres in the agricultural district affected by the proposed action.

² Total number of farms within the district affected by the action.

³ Total number of acres of land in farms within the district affected by the action.

⁴ The commencement date is the first day the Seller starts any construction related activity and may include but is not limited to creating access road(s), digging underground trenches, starting land clearing, staging supplies and/or equipment, or installing solar panels.

IV. Agricultural Impact of the Proposed Action:

Describe and assess all short-term and long-term effects associated with the proposed action, including an assessment of any agricultural impacts and any concerns expressed by farm landowners directly affected by the proposed action.

The short-term impact of installation of the Project on the property will be the removal of up to 140 Acres of land from current agricultural use (hay).

There is no long-term negative effects anticipated with the construction of the Project, as the site will be decommissioned and the end of the operating life of the Project to remove all equipment installed, and the property could be returned to agricultural use by the landowner at the end of the solar lease.

The landowner of the Property is extremely supportive the use of the property for solar development. There have been no concerns expressed by any local landowners regarding the proposed project.

V. Adverse Agricultural Effects which cannot be avoided should the proposed action be implemented:

Describe any adverse agricultural effects which cannot be avoided should the proposed action be implemented.

The adverse impact of the proposed action on agriculture is expected to be the transition of up to 140 acres from hay to solar production during the estimated 25-40-year period of operation, after which the acreage can be readily reverted back to agricultural use following decommissioning of the solar infrastructure.

VI. Alternatives to the Proposed Action:

- a. Describe any alternatives to the proposed action, and reasons why the project site was selected as the preferred site for the proposed action.

The developer considered multiple land parcels within Cayuga County, reviewing land totaling over approximately 4,000 acres, for the development of a solar project. Reasons that other parcels were not considered as applicable for solar development include:

- *Wetlands on property*
- *Property located within a flood plain*
- *Topography of property made solar panel installation impossible or unreasonably expensive*
- *Proximity to residential neighborhoods created unacceptable visual impact for local residents*
- *Distance to existing electrical infrastructure resulted in higher project costs, making solar uneconomic.*
- *Insufficient amount of contiguous land available to allow sufficient project size required to achieve economies of scale which would allow for competitive pricing of energy and REC generation from solar project.*
- *Landowner reluctance to enter into lease/sale agreement for land due to various factors (e.g., existing land use restrictions, competition with other commercial, industrial, or residential development options)*

A full list of properties in the vicinity of the Project site considered for installation of a solar project is listed below.

Reviewed/Rejected/Excluded Project Sites in Cayuga County, NY

Town	Tax ID	Acres	Reason for Excluding
Fleming	144.00-1-15.211	491	proximity to homes, Owasco Lake
Ledyard	182.00-1-6.2	52	no interest from landowners (would have needed multiple parcels to reach sufficient project size)
Ledyard	182.00-1-14.21	115	not sufficient acreage given wetlands on property
Ledyard	182.00-1-9	233	not sufficient acreage given wetlands on property
Ledyard	194.00-1-8.1	133	distance to electrical point of interconnection
Ledyard	194.00-1-32	448	no interest from landowner
Ledyard	182.00-1-21.113	236	no interest from landowner
Ledyard	182.00-1-41.1	174	no response from landowner when initially contacted
Ledyard	183.00-1-10.112	190	uncertainty regarding potential wetlands in wooded area of parcel
Ledyard	205.00-1-9	121	distance to electrical point of interconnection
Ledyard	171.00-1-18.111	293	uncertainty regarding potential wetlands in wooded areas of parcel
Ledyard	182.00-1-21.113	236	uncertainty regarding potential wetlands in wooded areas of parcel
Ledyard	170.00-1-13.1	159	wetlands, proximity to Cayuga Lake
Ledyard	161.001-26.3	460	distance to electrical point of interconnection
Scipio	174.00-1-35	136	Landowner elected not to enter into agreement with SunEast
Scipio	174.00-1-77	153	Landowner elected not to enter into agreement with SunEast
Scipio	186.00-1-5	105	no interest from landowner
Scipio	186.00-1-2.1	153	no interest from landowner
Scipio	151.00-1-17	99	distance to electrical point of interconnection
Scipio	153.00-1-15	142	wetlands on property limited project layout
Springport	142.00-1-16.232	307	distance to electrical point of interconnection
Springport	150.00-2-8.113	182	wetlands on property limited project layout
Total All Parcels		4,616	

Reasons for Project Site Selection:

The Project was selected for numerous reasons, including:

- *Desire of landowner to generate stable income from a portion of their property to allow for the remaining portion to continue to be utilized in its current use (agriculture, recreation) which didn't support payment of the mortgage and other costs of holding the property. Utilizing a portion of the property for solar allowed the landowner to not have to sell the property in its entirety to generate value from the land.*
- *Proximity to existing electrical infrastructure (transmission line crosses site, substation located 2,500 feet away) allows the Project to interconnect to the electric grid with a limited amount of additional development impact from building new electric transmission lines, and allows the Project to offer competitively-priced energy and renewable attributes to New York State agencies and electricity customers.*
- *Positive feedback on environmental review from the Project's initial agency consultations with NYS agencies.*
- *Minimal civil work required for construction of the project due to flat topography, and minimal clearing cutting required of property.*
- *Current property use was low-value agricultural (hay) and recreational.*
- *Positive feedback from the local government regarding our desire to construct a solar project in their jurisdiction.*
- *Minimal visual impact on local residences (impact limited to primarily those owned by landowner and their family members).*

- b. Briefly describe any irreversible and irretrievable commitments of agricultural resources which would be involved in the proposed action should it be implemented. Include descriptions of any decommissioning plans and/or other plans to return the project site to agricultural use following the conclusion of the proposed action's lifespan.

No irreversible or irretrievable commitments of agricultural resources expected. The property may be returned to agricultural use by the landowner at the end of the solar lease following decommissioning. SunEast will work with the local Planning Board and the landowner to develop a Decommissioning Plan that will detail the schedule and methods for dismantling and removing all solar infrastructure from the Property. The Decommissioning Plan will also describe the actions necessary to stabilize any soils that are disturbed during the decommissioning process, allowing the land to be readily reverted to agricultural production.

VII. Mitigation measured proposed:

- a. Describe any mitigation measures proposed to minimize the adverse impact of the proposed action on the continuing viability of a farm enterprise or enterprises within the district.

The stable income received by the landowner from this Project will indirectly support continued agricultural production elsewhere on the farm by bolstering the financial security of the farm business. The landowner has informed SunEast that she intends to continue to have the remainder of the parcel not utilized for the solar installation (~40 acres) continue to be farmed by the third-party farmer after completion of the solar installation. By entering into the lease for 140 of the 230 acre parcel with the solar project (which generates

significant annual income for the landowner versus other uses of the property), the landowner is able to continue to allow the remainder of the property to be farmed as it is currently, rather than the landowner electing to convert the property to other use, such as subdivided for house lots, or converted into other higher value, non-agricultural uses than leasing the remaining 40 acres to the third-party farmer.

SunEast Development LLC has executed the New York State Department of Agriculture and Markets (NYSDAM), Guidelines for Agricultural Mitigation for Solar Energy Projects, a copy of which is appended to this Notice.

- b. Describe any aspects of the proposed action which would encourage non-farm development, where applicable and appropriate, including any local zoning restrictions which apply to the area.

None expected

When this form is completed, the Project Sponsor must provide his/her signature prior to submitting the form to NYSERDA.


Project sponsor (owner)

12/7/2018

Date

SEAL:

CONFIDENTIALITY STATEMENT
 THIS DRAWING AND ALL INFORMATION HEREIN IS THE PROPERTY OF ITC ENERGY, LLC. NO PART OF THIS DRAWING OR INFORMATION HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF ITC ENERGY, LLC.

i1 Energy
 ITC ENERGY, LLC
 1000 SUGAR HILL ROAD
 SUGAR HILL, GA 30078

SE
 SOUTHEAST DEVELOPMENT, LLC
 142 FERRY ROAD, SUITE 12
 OLD SAYBROOK, CT 06458

PROJECT: DOG CORNERS SOLAR
 2683 DOG CORNERS ROAD (APPROXIMATE)
 AURORA, NY 13028
 CAYUGA COUNTY, NY

#	REVISIONS	DATE
1	DESIGN	
2	ISSUED FOR PERMITS	
3	ISSUED FOR INFORMATION	
4	ISSUED FOR INFORMATION	
5	ISSUED FOR INFORMATION	
6	ISSUED FOR INFORMATION	
7	ISSUED FOR INFORMATION	
8	ISSUED FOR INFORMATION	
9	ISSUED FOR INFORMATION	
10	ISSUED FOR INFORMATION	

PROJECT NO: 19001
 DATE: 02/07/2019
 DRAWN BY: JMM
 CHECKED BY: JMM
 SCALE: 1"=100'

NOT FOR CONSTRUCTION

SHEET TITLE:
 CONCEPTUAL
 SITE LAYOUT PLAN
 SHEET NO. C-100

SYSTEM DETAILS	
SITE AREA (LEASED)	140.59 ACRES
DC SYSTEM SIZE	27,975 kW
POI AC SYSTEM SIZE	20,000 kW
DC/AC RATIO	1.400
POI DC VOLTAGE	115 kV
PHOTOVOLTAIC MODULES	
MANUFACTURER	TBD
MODEL	TBD
DC POWER @ 57C	380 W
DC VOLTAGE	1500 V
MODULES PER STRING	27
TOTAL MODULES	73,629
INVERTERS	
MANUFACTURER	SMA
MODEL	2750-EL-US
NOMINAL POWER RATING	2750 kVA
TOTAL INVERTERS	9
MANUFACTURER / MODEL	SINGLE AXIS TRACKER
ROW SPACING	18'-0"
TILT ANGLE	41'-00"

GENERAL NOTES
 1. ALL DIMENSIONS SHOWN ARE APPROXIMATE AND SUBJECT TO CHANGE.
 2. ALL EQUIPMENT SELECTION AND SPECIFICATIONS SUBJECT TO CHANGE WITH FINAL DESIGN.

N
 0' 100' 200' 400'
 1"=200'

PRELIMINARY



NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS

Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands (Revision 10/18/2019)

The following are guidelines for mitigating construction impacts on agricultural land during the following stages of a solar energy project: Construction, Post-Construction Restoration, Monitoring and Remediation, and Decommissioning. These guidelines apply to project areas subject to ground disturbance¹ within agricultural lands including:

- Lands where agriculture use will continue or resume following the completion of construction (typically those lands outside of the developed project's security fence);
- Lands where the proposed solar development will be returning to agricultural use upon decommissioning, (typically those lands inside of the developed project's security fence);
- Applicable Area under review pursuant to Public Service Law Article 10 Siting of Major Electric Facilities.

The Project Company will incorporate these Guidelines into the development plans and applications for permitting and approval for solar projects that impact agricultural lands. If the Environmental Monitor, hereafter referred to as EM, determines that there is any conflict between these Guidelines and the requirements for project construction that arise out of the project permitting process, the Project Company and its EM, will notify the New York State Department of Agriculture and Markets (NYSDAM), Division of Land and Water Resources, and seek a reasonable alternative.

Environmental Monitor (EM)

The Project Company (or its contractor) shall hire or designate an EM to oversee the construction, restoration and follow-up monitoring in agricultural areas. The EM shall be an individual with a confident understanding of normal agriculture practices² (such as cultivation, crop rotation, nutrient management, drainage (subsurface and/or surface), chemical application, agricultural equipment operation, fencing, soils, plant identification, etc.) and able to identify how the project may affect the site and the applicable agricultural practices. The EM should also have experience with or understanding of the use of a soil penetrometer for compaction testing and record keeping. The EM may serve dual inspection roles associated with other Project permits and/or construction duties, if the agricultural workload allows. The EM should be available to provide site-specific agricultural information as necessary for project development through field review and direct contact with both the affected farm operators and NYSDAM. The EM should maintain regular contact with appropriate onsite project construction supervision and inspectors throughout the construction phase. The EM should maintain regular contact with the affected farm operator(s) concerning agricultural land impacted, management matters pertinent to the agricultural operations and the site-specific implementation of agricultural resource mitigation measures. The EM will serve as the agricultural point of contact.

¹Ground Disturbance is defined as an activity that contributes to measurable soil compaction, alters the soil profile or removes vegetative cover. Construction activities that utilize low ground pressure vehicles that do not result in a visible rut that alters soil compaction, is not considered a Ground Disturbance. Soil compaction should be tested using an appropriate soil penetrometer or other soil compaction measuring device. The soil compaction test results within the affected area will be compared with those of the adjacent unaffected portion of the agricultural area.

² An EM is not expected to have knowledge regarding all of the listed agricultural practices, but rather a general understanding such that the EM is able to perform the EM function.

Farmland Classification—Cayuga County, New York



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

