

CAYUGA COUNTY

AGRICULTURE AND FARMLAND PROTECTION BOARD



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

(315) 253-1276

Tuesday, May 12, 2020

10:00 a.m.

Via Conference Call

MEETING AGENDA

- (1) Call to Order
- (2) Approval of Minutes – April 9, 2020
- (3) Chestnut Ridge Rd Solar Installation in the Town of Moravia NOI
 - (a) Review NOI for requested comment from NYS DAM re: “whether the action will have an unreasonably adverse effect on the continuing viability of a farm enterprise, or enterprises within the district”.
- (4) Other Business
- (5) Adjournment

DRAFT Minutes
Cayuga County Agricultural & Farmland Protection Board
Thursday, April 9, 2020, 10:00 A.M.
Via Conference/Video Call

Board Members Present:

Andrew Dennison (Cayuga County Legislator)
Kelly Anderson, Chair (Cayuga County Real Property Services, Director)
Steve Lynch (Cayuga County Planning & Economic Development, 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)
Thane Benson (Farmer Representative)

Others present:

Kari Terwilliger (CCPED Staff to AFPB)

Absent:

John O'Connell, III (Farmer Representative)

1. Call to Order

The meeting was called to order by Kelly Anderson at approximately 10:03 A.M. with a quorum of members present.

2. Elect a Chair of the Board for 2020

Kelly Anderson stated that she was the Chair last year and was willing to serve as Chair again this year unless someone else wanted to be the Chair. No one else indicated an interest in being the Chair of the Board for 2020. **Jeff Ten Eyck made a motion to elect Kelly Anderson as Chair of the Cayuga County Agriculture & Farmland Protection Board for 2020. Motion seconded by Thane Benson. Motion carried.**

3. Approval of Minutes – August 19, 2019 meeting

Kelly Anderson asked the Board if they had reviewed the minutes from the August 19, 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. **Andrew Dennison made a motion that the minutes from August 19, 2019 be accepted as written. Motion seconded by Jason Cuddaback. Motion carried.**

4. Appointment of CCE Representative to AFPB- Dan Welch

Kelly Anderson asked Kari Terwilliger to review this agenda item with the Board. Kari reminded the Board that the position of representative from Cornell Cooperative Extension of Cayuga County (CCE) on the AFPB is currently vacant. She stated that she had met with Dan Welch who is the new Executive Director for CCE and that he would like to fill the open position on the AFPB himself given both his past participation as a AFPB member here in Cayuga County (2008-2012) and the continued uncertainty with CCE and their lack of full-time staff fitting the role of Agricultural Educator. Kari stated that many of the Board members likely know Mr. Welch and also likely served with him on the Board back when he was an Agricultural Educator at CCE. Kelly asked the Board if there was a motion to recommend appointment of Dan Welch to the AFPB and for Kari to submit the appointment form to the County Legislature for final approval on the Board's behalf. **Andrew Dennison made a motion to recommend appointment of Dan Welch to the AFPB to fill the open CCE representative position. Motion seconded by Dennis Eckel. Motion carried.**

5. Agricultural District Annual Inclusion of Property into District Requests

Kelly Anderson asked Kari Terwilliger to review this agenda item with the Board. Kari stated that all of the 10 requests received this year are directly related to the recently completed 8-Year review of the Agricultural District.

She informed the Board that each of these parcels were listed on an Agricultural District Review Sheet from a farmer in the county as part of an active farm operation, but that for some reason the parcels are not currently in the AGRICULTURAL District. Kari stated that she mailed a letter and inclusion form to 14 landowners in February to see if they wanted to add their land to the District, and that 10 of the 14 responded by submitting a form, resulting in the 10 requests here before the Board. Kelly asked if there was any further discussion on the matter, there was none. She asked for a motion on the resolution before the Board which supports the addition of all 10 parcels into the county Agricultural District. **Jeff Ten Eyck made a motion to approve the resolution as written, recommending that the County Legislature approve of the ten requests to add a total of ten parcels and 321.71 acres of land to the Cayuga County Agricultural District. Motion seconded by Andrew Dennison. Motion carried.**

6. SunEast Development, LLC; Dogs Corners Solar in the Town of Ledyard NOI

Kelly Anderson asked Kari Terwilliger to review this agenda item with the Board. Kari stated that she received a copy of the NOI that was provided to the Board in their meeting packets from NYSDAM with a request that the Board respond by April 9, 2020 (today). She also stated that she contacted Mr. Steiner at NYSDAM who sent the materials to inquire about submitting the Board's response via email due to the previously established meeting date and the current requirements from the state for remote work and social distancing due to the COVID-19 virus; and Mr. Steiner informed Kari that would be just fine. Kari stated that the County's GML 239-l, m & n Review Committee has already reviewed this project proposal and asked Steve Lynch, a member of said committee, if he would like to share any thoughts from the committee's review with the Board. Steve stated that the GML 239 Committee had concerns about not being able to use the land for agriculture again even after decommissioning with so many pylons being driven into the ground. He also mentioned the committee's concerns over stormwater run-off and their frustration with NYS DEC's policy decision on exempting solar projects from the SPEDES Permit process. He also mentioned the new potential state regulations that would streamline and fast track solar projects over 20 megawatts moving approval from the local level exclusively to the state and allowing developers to avoid the often costly SEQR process. Steve said he wasn't sure what the impact of this project would be on the larger farming community and asked the farmers on the Board for their thoughts. Andrew Dennison stated that he has been talking with farmers, developers, and solar installers about the numerous projects being proposed in the county and he thinks that there will be a pretty big impact on agriculture in the county if these larger projects keep being built. Thane Benson stated that he remembered when Cornell put in a 30 acre 5 megawatt solar field in Ledyard for research but the college used woodland and not active agricultural land. He stated that this project proposal will take significant agricultural land out of production. He also questioned how this project would not create serious drainage issues and be a point source pollution creator. Thane also stated that in 25-40 years the cost to put the land back into agricultural would be too high so he couldn't see where the land would ever go back into agricultural production again. Thane stated that he had looked at the soils map in the NOI and could see that despite being use only for hay now, that the soils would actually support high quality row crops. Jason Cuddaback stated that he agreed with Thane and was concerned with why the NYS DEC didn't want to issue a SPEDES Permit given the current soil conditions. Jeff Ten Eyck also agreed with both Thane and Jason in saying that such good land with good potential to be highly productive for row crops would be a significant loss to the surrounding farm community and economy. Dennis Eckel stated that he didn't believe that this project was good for the agricultural community, agricultural businesses or the land and the health of the land with the solar use and run-off. He also stated that he felt the project was contrary to agricultural protection. Kelly asked the Board if there was any further discussion. Hearing none, she asked for a motion for a response to NYSDAM and this solar NOI. **Thane Benson made a motion to have Kari Terwilliger draft a letter in response to NYSDAM regarding the SunEast Development, LLC Dogs Corners solar project in the Town of Ledyard summarizing the Board's comments made during the meeting and to circulate a draft of said letter to the Board via email for review and final approval and then authorizing her to send the letter to NYSDAM on the Board's behalf. Motion seconded by Andrew Dennison. Motion carried.**

7. NYALT PDR Support Letter

Kelly Anderson asked Kari Terwilliger to review this agenda item with the Board. Kari reminded the Board that back in the fall Amy Olney from NYALT had advised her against holding another pre-application round for PDR given her current work load and number of open contracts with NYSDAM. Since that time, Amy reached out to Kari to say that the NYALT Board may wish to submit at least one application to the State to maintain their active

status with the state and would look at the pre-applications that Cayuga County had sent them in the past that were not selected for a state application. Kari stated that if she does hear from NYALT that they would like to submit an application for one of our previously supported farm pre-applications that NYALT would want a new letter of support. She asked the Board to consider authorizing her to prepare a letter of support based on the letter sent previously if NYALT does chose one of Cayuga County's farms, and to authorize Kelly as Chair to sign said letter of support. Steve Lynch stated that he thought it would be good to continue to support the farms that the Board has supported in the past. He asked Kari what type of outreach would be done to the farms on that list to see if they were still interested. Kari stated that Amy Olney will reach out to any farm selected by the NYALT Board first to determine their interest before contacting Kari asking for a new letter of support. Kelly asked the Board if there was any further discussion. Hearing none, she asked for a motion on the matter. **Steve Lynch made a motion to authorize Kari Terwilliger to draft a letter of support and for Kelly Anderson to sign said letter if NYALT contacts Kari asking for a letter of support for a farm that the AFPB has previously selected and supported in recent rounds. Motion seconded by Thane Benson. Motion carried.**

8. Other Business

Kelly Anderson asked if anyone had anything else they would like to discuss. Steve Lynch stated that he would like to thank Kari Terwilliger for pulling together this conference call format for the meeting and thank Kelly for running the meeting so smoothly.

9. 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. **Dennis Eckel made a motion to adjourn the meeting. Motion seconded by Andrew Dennison. Motion carried. Meeting was adjourned at 10:35 A.M.**

Minutes prepared by Kari Terwilliger, staff to the AFPB

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

Motion by: Jeff Ten Eyck, 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				
Tax ID #	Acres	Location	Owner Name	Municipality
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: Andrew Dennison, Cayuga County Agriculture & Farmland Protection Board

Votes For: 9 Votes Against: 0

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



Agriculture and Markets

ANDREW M. CUOMO
Governor

RICHARD A. BALL
Commissioner

April 21, 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, TJA Clean Energy, TJA-NY Chestnut Ridge Road Moravia Solar in the Town of Moravia, Cayuga County Agricultural District No. 5

Dear Ms. Anderson:

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 3.625 MW solar array, in the Town of Moravia, 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 May 21, 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: 20/055-NOI



Agriculture and Markets

ANDREW M. CUOMO
Governor

RICHARD A. BALL
Commissioner

April 21, 2020

Candace Rossi, Project Manager
NYSERDA, NY-Sun
17 Columbia Circle
Albany, NY 12203

RE: Final Notice of Intent to Undertake an Action within an Agricultural District, TJA Clean Energy, TJA-NY Chestnut Ridge Road Moravia Solar in the Town of Moravia, 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 3.625 MW solar array, in the Town of Moravia, 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 April 21, 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
Gary Hatfield, Supervisor, Town of Moravia
Michael Frateschi, TJA Clean Energy

File: 20/055-NOI



NYSERDA

ANDREW M. CUOMO
Governor

RICHARD L. KAUFFMAN
Chair

ALICIA BARTON
President and CEO

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

March 27, 2020

SENT VIA ELECTRONIC MAIL

*Re: Notice of Intent to Undertake an Action Within an Agricultural District
TJA Clean Energy's, TJA-NY-Chestnut Ridge Rd Moravia Solar Project in the Town of
Moravia*

Dear Mr. Ball:

Pursuant to New York State Agriculture and Markets Law (AML) Section 305(4)(b), the New York State Energy Research and Development Authority (NYSERDA) hereby files a Notice of Intent to undertake an action within a State-certified Agricultural District.

NYSERDA has reviewed the attached information submitted by *TJA Clean Energy*, the project developer, for the construction of TJA-NY-Chestnut Ridge Rd Moravia Solar project at 2222 State Route 38A, Moravia, New York. The information provided herein is accurate to the extent of NYSERDA's knowledge.

Sincerely,

Candace Rossi
Project Manager, NY-Sun

Cc: Kathleen Tylutki, NYSDAM
Max Joel, NYSERDA
Michael Frateschi, TJA Clean Energy

Enclosures

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



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 commercial.industrialpv@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

Provide information regarding the system size, NY-Sun incentives awarded, local approvals received, the current status of interconnection, and any other relevant information for the project.

The proposed solar farm is a 3.625MWac, 5.10MWdc project. The project utilizes 13,650 385w JA Bifacial panels to achieve the output needed. This project will also utilize single axis trackers to gain the highest yield possible. TJA Clean Energy is seeking incentives through NY-Sun Block 14 at \$0.17/w and will also be looking to incorporate a community adder to the project as this is slated to be community solar. We have submitted our application to the Town of Moravia and have a scheduled completion date in May or June, depending on the public hearing. We have also completed the CESIR study with NYSEG and will be making the 25% payment at the

II. Project Contact Information:

Project Name: TJA-NY-Chestnut Ridge Rd Moravia, LLC
Public Entity: NYS Energy and Research Development Authority
Developer: TJA Clean Energy, LLC

Project Sponsor Information:

Name/Title: Michael Frateschi/ Project Developer Email: mfrateschi@tja.energy
Phone Number: 315-558-2344 Fax Number:

Contact Information of other individuals authorized to respond to NYSDAM inquiries:

Name/Title: Email:
Phone Number: Fax Number:

Name/Title: Email:
Phone Number: Fax Number:

Name/Title: Email:
Phone Number: 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: 2222 State Route 38A, Moravia, NY 13154

Authority Having Jurisdiction: Town of Moravia

County: Cayuga

Agricultural District: CAYU005

Total Parcel Size: 70

Total Farms Affected¹: 1

Total Acres Affected²: 18

Anticipated date of commencement of proposed action³: 09/01/2020

Please provide a detailed description of the proposed action below. If any grading, shaping, excavation or filling is identified, please express such details in a narrative or on a site plan. Identify if there is any tile drainage installed within this parcel.

Please answer the following questions:

1. Will the landowner have access to the remainder of the agricultural field? **Yes**
2. Is the parcel subdivided, or will the parcel be subdivided? If so, will the parcels be merged after the system has been decommissioned?

The proposed project involves the construction of a ground-mounted solar farm and associated electrical appurtenances at 2222 State Route 38A in the Town of Moravia. The solar photovoltaic (PV) system is proposed for installation within an approximate 30.4-acre site. The project will provide a total generation of 3.625-megawatts AC. An existing three phase feeder is located approximately at the road front of the project site in the ROW for County Route 38A. The interconnection wiring, connecting the solar array to the NYSEG point of interconnection on County Route 38A, will be pole mounted, overhead wiring. There are no grading activities anticipated for this project as the site is naturally conducive to the slopes that the system requires. The only excavation operations that shall take place are the removal of the topsoil layer within the fenced limits. This topsoil will then be used at the end of the project to establish the vegetative layer underneath the panels. Also, the pervious access roads are scheduled to be placed at grade so no import activities are necessary.

We are unaware of any drainage tiles located on the project parcel but have confirmed that there are no drainage tiles within our project limits.

The parcel will not be subdivided.

¹ Total number of farms within the district affected by the action.

² Affected Areas are areas within the proposed Limits of Disturbance (LOD) that are currently used for agricultural production of food and fiber. The following further identifies these applicable affected areas within agricultural areas: (1) Any agricultural areas that would be permanently converted from agricultural use, including: the entire area within the perimeter fencing (accounting for areas being permanently converted from agricultural use), access roads, buried utilities, overhead electric/communication structures, required permanent, and post construction stormwater management. (2) Any agricultural areas infeasible to farm due to the development of the facility. These areas are dependent on the normal operation to maneuver typically used equipment for the production of food and fiber. Examples of these areas would include narrow setback areas or divided fields that are not able to efficiently maneuver equipment. (3) Temporary disturbed soil areas during construction which proposed to be returned to the pre-existing condition, such as: lay-down areas, temporary access areas, stockpiles areas, temporary grading areas, and areas where temporary erosion and sediment controls were installed.

³ The commencement date is the first day the Project Sponsor/Developer 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.

Provide as part of your response package to NYSERDA maps showing the site of the proposed action including the following:

1. The proposed solar array layout of the project on an aerial image.
2. Label or annotate the map with all affected landowners, including tax map numbers, surrounding land uses, and type(s) of agricultural production.
3. Label all points of interconnection with the public utilities, all transmission lines associated with the project, equipment storage or mobilization pads/construction areas, and access roads/driveways.
4. Include a map showing the proposed solar array overlaid on the soils map, if available

Maps should always be supplied to a displayed scale, include a north arrow, and be viewable rather than an imbedded image. Multiple maps may be submitted to fulfill this request.

Operator of Parcel and Affected Landowners (Provide the names, addresses, and tax parcel identification numbers for the landowners that are directly affected by the construction of the proposed project within the agricultural district. This includes the owners of the land where the project will be constructed and any other landowner that may be affected by the construction of an access road or transmission lines across their property. Do not include landowners within the project vicinity that are not within the agricultural district. This can complicate the review process):

Operator of the Parcel⁴: TJA 201, LLC

Affected Landowners: See attached AG Map for **na**

1. Name(s):
Address:
Parcel Number(s):
2. Name(s):
Address:
Parcel Number(s):
3. Name(s):
Address:
Parcel Number(s):
4. Name(s):
Address:
Parcel Number(s):
5. Name(s):
Address:
Parcel Number(s):

⁴ If the parcel is continuing as an active farming operation, provide information for the operator of the farm.

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.

This property was used primarily as a quarry before it was sold to TJA201,LLC. The majority of the acreage that was being farmed on the north side of the property will be unaffected by the installation of the Solar Farm and can continue to be utilized for agricultural purposes.

Due to the vicinity of our project in relation to the prison, the neighboring properties, especially the farmers, will not experience any negative impacts, including aesthetic impacts. The majority of the traffic that would have been noticed at the site was 10-wheel dump trucks with heavy loads. That traffic has been eliminated and very little traffic/occupation will be experienced by the solar farm.

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.

No adverse agricultural effects should be noticed by the implementation of this project. With the elimination of the quarry, high dust content and the transfer of low pH materials will be eliminated, therefore providing a benefit to the adjacent farming land.

VI. Alternatives to the Proposed Action:

- a. Describe alternatives to the proposed action, and reasons why the project site was selected as the preferred site for the proposed action. An alternative site is viewed as any other parcel(s) that were assessed or reviewed to be a potential candidate to host the project, before arriving at the selected location.⁵ Provide only the tax parcel ID and a brief explanation as to why the parcel was not ultimately selected.⁶

For this project, the project parcel was the only parcel identified for the following reasons:

1. The proximity to the State Prison made this project appealing as we would not be providing an obstruction to a valuable view-shed. This is important in our screening process.
2. Although this property was in an Ag District, it was being mostly utilized as a quarry. This was appealing as we were not going to take an active farm out of commission during our operations for the duration of the lease.

Alternative Parcels that were originally screened that did not proceed with development:

1. Parcel 211.00-1-7.41: This parcel was not chosen as the three phase voltage was identified as 4.8kV and the upgrade to 13.2kV would have been cost prohibitive.
2. Parcel 199.00-1-31.112: After taking into account the wetlands, too steep of slopes, and forested areas, we were not left with enough room to build a solar farm.

- b. Briefly describe any irreversible and irretrievable commitments of agricultural resources which would be involved in the proposed action should it be implemented. Include the decommissioning plan as an attachment and provide any other plans to return the project site to agricultural use following the conclusion of the proposed action's lifespan. Provide confirmation that the affected parcel will be returned to its current condition, once the project has been decommissioned.

As part of our decommissioning plan, we will be returning this property back to its original conditions, while also tilling the underlying soil. This will allow future users to utilize the entire parcel, rather than just the northern portion as has been done in the past. We do not foresee any irreversible or irretrievable commitments of agricultural resources on the project. Please see the attached decommissioning plan for further detail.

⁵ Examples of what is considered alternatives by NYSDAM are any parcels considered for development in or outside the agricultural district, wooded lots, county owned land, etc.

⁶ Examples of why the alternative was not selected include the unavailability of three-phase connections, landowner unwillingness to lease the alternative site, environmental concerns, etc.

VII. Mitigation measures proposed:

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. Confirm that the proposed action will follow NYSDAM's [Guidelines for Agricultural Mitigation for Solar Energy Projects](#) and describe specifically if any guidelines will not be followed.

1. Before topsoil is stripped, soil samples will be taken to establish a benchmark for restoration. Guidance will be followed from the NYSDAM guidelines on what criteria will need to be sampled.
2. The Erosion and Sediment Control Plans will identify two areas for stockpiles. One area will be for general excavated materials. The other area will be for any usable topsoil.
3. All access roads will be at grade. They will also be constructed per the NYSDEC's pervious low use access road to avoid the increase in impervious surfaces.
4. Panels and racking will be designed to follow the guidelines from NYSDEC to ensure they are kept as pervious surfaces. The only impervious surfaces that will be added to this site are the concrete equipment pads, which will be negligible in size.
5. The site will have a detailed Erosion and Sediment Control Plan, along with a SWPPP that will be facilitated by the PM/EM.
6. Through the SWPPP, existing peak flow rates will not be increased with the proposed action through various post-construction stormwater measures.
7. The location of the overhead wiring will not be in obstruction for the farmer using the northern part of the property.
8. All buried utilities will comply with NEC and maintain a depth of at least 18 inches.
9. Utilities will not be placed in any area that is agriculturally active. Therefore, a depth of 48 inches will not be necessary for these utility trenches.
10. There is no grading anticipated for this project. The only earthwork proposed is the stripping of the topsoil layer. The racking will be pile-driven, which will avoid the need for any import/export of onsite material.
11. There will be a separate access for the farmer to utilize for their agricultural duties.
12. Designated concrete washout points will be identified in the E&SC plans in order to avoid migration of concrete throughout the project site.
13. No construction related activities should be performed on the viable agricultural lands, but if they are, the EM will be instructed on how to properly decompact those areas in order to ensure continued, uninhibited farming operations.
14. The project owner/operator will be instructed and informed of how to keep an accurate log of site conditions over the course of the first year in operation.

- a. 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.

No zone changes are being proposed for this project. The Town of Moravia is an agricultural dominated community that will not be affected by the proposed action. The solar farm will not encourage any non-farm development.

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

Michael Frateschi  Digitally signed by Michael Frateschi
DN: C=US, E=mfrateschi@tja.energy, O="TJA
Clean Energy, LLC", CN=Michael Frateschi
Date: 2020.04.21 12:08:16-04'00'

Project Sponsor (Developer)

4/21/2020

Date



150 John Vertente Blvd. | New Bedford, MA 02745
| 508-995-0192 x13 | M. 508-328-7877 | F. 508-207-1147 |

4/21/2020

NYS Department of Agriculture and Markets
10B Airline Drive
Albany, NY 12235

RE: NOI to Undertake Action within an Agricultural District
Town of Moravia, Cayuga County
Project Address: 2222 State Route 38A, Moravia, NY 13118
Project Parcel #: 199.00-1-50.118

Dear Director,

I am writing to notify you that TJA-NY-Chestnut Ridge Rd Moravia, LLC (Project Company) is committing to adhere to the Guidelines for Agricultural Mitigation for Solar Energy Projects (10/18/19), in its entirety, and return the active farmland to its prior condition upon decommissioning. Please note that this commitment will also be submitted to the Town of Moravia during the Site Plan Approval process, so they are aware.

We look forward to working with you throughout the development and construction process. Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M. Frateschi', with a long horizontal flourish extending to the right.

Michael Frateschi, P.E.
Project Development Engineer
TJA Clean Energy, LLC
(315) 558-2344
mfrateschi@tja.energy

