



April 6, 2025

RECEIVED

APR 14 2025

Concord Town Board  
86 Franklin Street  
Springville, New York 14141

CONCORD TOWN CLERK *ds*

**Re: Draft Scoping Document – Concord PV, LLC  
Proposed Solar Energy System Project  
12119 Springville Boston Road, Town of Concord, New York**

Dear Concord Town Board:

Our firm represents Concord PV, LLC, the Applicant and Project Sponsor regarding the above-referenced project.

Concord PV, LLC's Draft Scoping Document was filed with the Concord Town Clerk on March 27, 2025 and is attached hereto as Exhibit A and expressly made a part hereof. The Draft Scoping Document was also submitted to all Town of Concord boards and/or departments on March 27, 2025 and was submitted to the involved agencies and interested agencies outside of the Town of Concord by UPS as shown on the UPS receipts and UPS Proof of Delivery documents collectively attached hereto as Exhibit B and expressly made a part hereof.

Pursuant to the New York State Environmental Quality Review Act Regulations at 6 NYCRR 617.8(e), the Concord Town Board, as Lead Agency, "must provide a final written scope to the project sponsor, all involved agencies and any individual that has expressed an interest in writing to the lead agency within 60 days of its receipt of a draft scope." Pursuant to 6 NYCRR 617.8(h) If the lead agency fails to provide a final written scope within 60 calendar days of its receipt of a draft scope, the project sponsor may prepare and submit a draft EIS consistent with the submitted draft scope."

As the Draft Scoping Document was received by the Town Clerk on March 27, 2025, the Town Board has until and including May 26, 2025 to "provide a final written scope to the project sponsor."

Please contact me with any questions or if any further information is required.

**HOPKINS SORGI & MCCARTHY PLLC**

Attorneys at Law

574 Main Street, Suite 204 • East Aurora, New York 14052

Office: 716-805-7191 Ext 2 • Mobile: 716-908-3289 • E-Mail: [psorgi@hsmlegal.com](mailto:psorgi@hsmlegal.com)  
[hsmlegal.com](http://hsmlegal.com)

**Letter to Concord Town Board**  
**Draft Scoping Document – Concord PV, LLC**  
**Proposed Solar Energy System Project**  
**12119 Springville Boston Road, Town of Concord, New York**  
**April 6, 2025**

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

A handwritten signature in black ink, appearing to read "P. Sorgi".

Peter J. Sorgi, Esq.

Enc.

cc: Brian Attea, Esq., Concord Town Attorney  
Caleb D. Henning, MBA, PE, Engineer for the Town of Concord  
Concord PV, LLC

# Exhibit A

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)  
Draft Scoping Document**

For a Draft Environmental Impact Statement (DEIS)

**Concord Solar - Concord PV, LLC**  
Town of Concord, Erie County, NY

March 27, 2025

**RECEIVED**

MAR 27 2025

*Aime Safford*  
CONCORD TOWN CLERK

2:08pm

**PROJECT LOCATION:** 12119 Springville Boston Road, Town of Concord

**SEQR CLASSIFICATION:** Type 1

**LEAD AGENCY:** Town of Concord Town Board  
Attn: Philip Drozd, Town Supervisor  
86 Franklin Street PO Box 368  
Springville, NY 14141

**LIST OF INTERESTED & INVOLVED AGENCIES**

- Town of Concord Planning Board (Advisory Recommendation—Involved)
- Town of Concord Building Department (Building Permit—Interested)
- Erie County Department of Environment and Planning (GML 239-M Review—Interested)
- New York State Energy Research and Development Authority (Funding—Involved)
- NYS Department of Environmental Conservation (General Stormwater Permit—Involved)
- NYS Department of Agriculture and Markets (Notice of Intent—Interested)
- New York Independent System Operator (Interested)
- NYS Office of Parks, Recreation and Historic Preservation (Involved)
- Erie County Industrial Development Agency (Involved)
- Erie County Department of Public Works (Involved)
- Erie County Office of Agriculture (Interested)
- US Fish and Wildlife Service (Interested)
- US Army Corps of Engineers (Interested)
- Village of Springville (Interested)

**INTRODUCTION**

This Scoping Document is drafted for consideration by the Town of Concord Town Board, Lead Agency for the SEQR review of the proposed Concord Solar Project (the Project). This document is intended to serve as the foundation for the identification of all potentially significant adverse environmental impacts pertinent to the proposed action. Furthermore, it is intended to identify the extent and quality of information needed to address significant impacts, appropriate mitigation measures, and reasonable alternatives to be considered, and to eliminate consideration of any impacts that may be irrelevant or non-significant.

**DESCRIPTION OF THE PROPOSED ACTION**

The Applicant, Concord PV, LLC, is proposing to construct a 5,000-kW ground-mounted solar

photovoltaic (PV) array system on a 35.20-acre portion of the 102.46-acre parcel located at 12119 Springville Boston Road in the Town of Concord, Erie County, New York, tax parcel ID: 307.00-3-37, as depicted on the site plan drawing in Attachment [insert-recommend including the site plan as an attachment]. The Project is compliant with all local laws of the Town of Concord and no waivers or variances from the Town Zoning Law are required. The Project requires a special use permit and site plan approval from the Town Board and the Town Planning Board issues an advisory recommendation to the Town Board prior to issuance of a special use permit. The Project will not have any direct air or wastewater emissions and will not generate any vibration. Setbacks, fencing and landscape buffering allow the Project to have minimal, ground-level visual impacts on the community and surrounding area.

The Project is accessed via a permeable access road and will consist of a ground-mounted solar system, which will be constructed via driving posts at depths appropriate for frost conditions along the proposed array. To this, single-axis panel racks shall be mounted. The system is proposed to consist of 12,292 solar PV modules and 16 inverters, connected a by 2 transformers. The system is connected to the grid via a of pole mounted equipment required by the utility company. The solar facility will be secured via a chain link fence and operate as an energy generating facility, as prescribed by the requirements of the New York State Independent System Operation. The purpose of this Project is to provide clean energy to the existing electrical grid.

During a Town Board meeting held on January 9, 2025, the Lead Agency determined that the Project ~~may have a significant impact on the environment and issued a Positive Declaration.~~ The Town of Concord posted the SEQR determination on the New York State Department of Environmental Conservation (NYSDEC) Environmental Notice Bulletin on January 22, 2025. Pursuant to 6 NYCRR 617.9, the applicant intends to submit a Draft Environmental Impact Statement (DEIS) that will discuss the potential adverse environmental impacts identified by the Town Board in the Positive Declaration and identify resources that are unlikely to be impacted by the Project. The potential areas of concern raised by the Lead Agency are: agricultural resources, aesthetic resources, impact on open space and recreation, impact on community plans and impact on community character. The DEIS will be prepared based on the outline provided in this Draft Scoping Document. This Scoping Document has been prepared, filed, distributed, and published as prescribed in 6 NYCRR 617.12.

## **GENERAL SCOPING CONSIDERATIONS**

The following is extracted from the SEQRA regulations at 617.8 (Scoping):

- a) The primary goals of scoping are to focus the EIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or not significant. Scoping is required for all EISs (except for supplemental EISs) and may be initiated by the lead agency or the project sponsor.
- b) The project sponsor must submit a draft scope that contains the items identified in paragraphs (e)(1) through (5) of this section to the lead agency. The lead agency must provide a copy of the draft scope to all Involved Agencies and make it available to any individual or interested agency that has expressed an interest in writing to the lead agency.
- c) Involved agencies should provide written comments reflecting their concerns, jurisdiction and needs for environmental analysis sufficient to ensure that the EIS will be adequate to support their SEQR findings. The lead agency must include such informational needs in the final scope provided they are reasonable. The failure of an Involved Agency to participate in the scoping process will not delay completion of the final written scope.

- d) Scoping must include an opportunity for public participation. The lead agency may either provide a period for the public to review and provide written comments on a draft scope or provide for public input through the use of meetings, exchanges of written material, or other means.
- e) The lead agency must provide a final written scope to the project sponsor, all involved agencies and any individual that has expressed an interest in writing to the lead agency within 60 days of its receipt of a draft scope. The final written scope should include:
  - 1) A brief description of the proposed action;
  - 2) The potentially significant adverse impacts identified both in Part 3 of the environmental assessment form and as a result of consultation with the other involved agencies and the public, including an identification of those particular aspect(s) of the environmental setting that may be impacted;
  - 3) The extent and quality of information needed for the preparer to adequately address each impact, including an identification of relevant existing information, and required new information, including the required method for obtaining new information;
  - 4) An initial identification of mitigation measures;
  - 5) The reasonable alternatives to be considered;
  - 6) An identification of the information or data that should be included in an appendix rather than the body of the draft EIS; and
  - 7) A brief description of the prominent issues that were considered in the review of the environmental assessment form or raised during scoping, or both, and determined to be neither relevant nor environmentally significant or that have been adequately addressed in a prior environmental review and the reasons why those issues were not included in the final scope.
- f) All relevant issues should be raised before the issuance of a final written scope. Any agency or person raising issues after that time must provide to the lead agency and project sponsor a written statement that identifies:
  - 1) The nature of the information;
  - 2) The importance and relevance of the information to a potential significant impact;
  - 3) The reason(s) why the information was not identified during scoping and why it should be included at this stage of the review.
- g) The project sponsor must incorporate information submitted consistent with subdivision (f) of this section into the draft EIS or attach such comments into an appendix of the draft EIS.
- h) If the lead agency fails to provide a final written scope within 60 calendar days of its receipt of a draft scope, the project sponsor may prepare and submit a draft EIS consistent with the submitted draft scope.

#### **CONTENTS OF THE DEIS**

The applicant will prepare a site-specific, Project-specific DEIS addressing all items identified in this Scoping Document. Below sections 1 through 10 depict the DEIS Table of Contents.

**Cover Sheet** listing title of Project, location, identification as a DEIS, Lead Agency, Involved Agencies, applicant, preparer, and relevant dates (i.e. date of document preparation and spaces for dates of DEIS acceptance, public hearing, final date for acceptance of comments). A list of preparers will include the firm name, contact name, address, and phone number for all consultants who helped prepare the document. The Lead Agency and applicant will be identified with a contact name and a phone number.

**Table of Contents** will list the primary DEIS sections and subsections, tables, figures, drawings, and any items that may be submitted under separate cover (and identified as such), with page numbers

listed for each.

**General Format** will follow the SEQR regulations (6 NYCRR 617.9) and the Positive Declaration issued on January 9, 2025 for direction on the required content of a DEIS. The DEIS will assemble relevant and material facts and evaluate reasonable alternatives. It will be clearly and concisely written in plain language that can be easily read and understood by the public. Highly technical material will be summarized and, if it must be included in its entirety, it will be referenced in the DEIS and included as an appendix.

The DEIS will be written in the third person. Narrative discussions will be accompanied to the greatest extent possible by illustrative tables or graphics. All graphics will clearly identify the Project area. The DEIS will group each issue identified into a specific section describing existing setting, impacts, and mitigation to permit more efficient review. Professional opinions of the applicant that are unsupported by evidence will be identified as such.

Project drawings will accompany the DEIS as an attachment and reduced copies of pertinent plan sheets will be included in the text of the DEIS where appropriate. The DEIS shall contain, as appropriate and as attachments, plans, reports, and studies meeting prevailing Federal, State and Town criteria with respect to all disciplines of study as well as applicable Town Zoning Law, Comprehensive Plan, and Agricultural and Farmland Protection Plan criteria.

The full DEIS shall be made available to the lead agency in both hard copy and electronic .pdf formats.

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## **1. EXECUTIVE SUMMARY**

The Executive Summary will include a brief description of the proposed action and a listing of all potential environmental impacts, proposed mitigation measures and proposed social, economic, and other essential considerations. A summary will be provided of the approvals and permits required, and of the alternatives to the proposed action that are evaluated in the DEIS. The Executive Summary will only include information that is found elsewhere in the main body of the DEIS.

## **2. DESCRIPTION OF THE PROPOSED ACTION**

This chapter of the DEIS will describe the Project site and its location within the region, the proposed Project, the public need and objectives of the Project sponsor, and list required approvals, reviews, and permits.

### **2.1. Site Location, Environmental Setting and Description**

- 2.1.1. A written and graphic description of the location of the Project site in the context of the County of Erie, the Town of Concord, including tax map numbers and list of abutting properties tax map numbers. The site shall be described relative to surrounding land uses, main transportation corridors, streams, water bodies, wetlands and other prominent natural and man-made features on and in the immediate vicinity of the Project site.
- 2.1.2. A description of the environmental setting of the site, and the natural resources identified thereon and in the adjoining areas. This description shall include current uses of the site.
- 2.1.3. Identification of any easements, rights-of-way, restrictions, special district boundaries or other legal devices affecting the subject properties' development potential.
- 2.1.4. Description of the existing infrastructure serving the Project site and/or its immediate environs,

including existing site access as well as electrical utility.

- 2.1.5. Discuss the purpose or objective of the Project sponsor.
- 2.1.6. Identify the public need for the proposed action, including consideration of consistency with adopted policies and/or plans as set forth within adopted local and regional land use and community development plans, specifically the Town of Concord Comprehensive Plan and Agricultural and Farmland Protection Plan.
- 2.2. Approvals, Reviews and Permits**
  - 2.2.1. List all Involved and Interested Agencies for DEIS distribution.
  - 2.2.2. Identify zoning and describe existing land uses for the Project site and adjoining properties.
  - 2.2.3. Discuss compliance with Town of Concord Zoning standards. The DEIS will discuss that the Project is a permitted use in the Town and in the underlying Town zoning district and does not require any modifications or waivers of such standards or any variances from such regulations, or any zone text changes.
  - 2.2.4. List and describe all required approvals, reviews, and permits required to implement the proposed action together with the status of each application.

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### **3. IMPACTS, MITIGATION & ALTERNATIVES**

This section of the DEIS will identify: (1) potentially significant adverse impacts identified both in Part 3 of the environmental assessment form and as a result of consultation with the other involved agencies and the public, including an identification of those particular aspect(s) of the environmental setting that may be impacted; (2) the extent and quality of information needed for the preparer to adequately address each impact, including an identification of relevant existing information, and required new information, including the required method(s) for obtaining new information; (3) an initial identification of mitigation measures; and, the (4) the reasonable alternatives to be considered.

Sufficient detail shall be provided such that reviewers are able to gain an understanding of current conditions and impacts. Special effort shall be made to explain technical information in plain language. Supporting tables, maps (per Erie County, New York GIS unless otherwise noted), current Project plans, etc. shall be utilized to supplement discussions where appropriate.

Proposed and potential mitigation measures for identified adverse environmental impacts shall indicate which mitigation measures have been incorporated into the plans as well as those which have not, and the reasons, therefore. Proposed mitigation measures need to clearly define measurable milestones and provide for long term management and repercussions if not maintained.

This section shall provide a meaningful presentation of each impact issue identified as described above and listed below. The following subsection headings, each with a descriptive narrative, will allow the reader to focus on individual impact issues:

- Existing Conditions
- Potential Impacts
- Mitigation Measures
- Reasonable Alternatives

#### **3.1. Impact on Agricultural Resources**



- 3.1.1. Existing Conditions The DEIS shall acknowledge that the Project site is currently farmed and the environmental review by the Town did identify areas of moderate to large impacts associated with agricultural resources. The Project is compliant with the Town's maximum limit for impacts to prime farmland; however, the Project Site contains prime farm soils within groups 1 through 4 of the NYS Land Classification System.
- 3.1.2. Potential Impacts Concerns shall be discussed related to the fact the Site contains prime farm soils within groups 1 through 4 of the NYS Land Classification System and that the proposed action may result, directly or indirectly, in increased development potential or pressure on farmland. The DEIS will address that the action is consistent with the Town zoning maximum for impacts to prime farmland and will not inhibit access to other portions of the parcel.
- 3.1.3. Mitigation Measures Means to mitigate impacts to agriculture (future and surrounding) will be discussed.
- 3.1.4. Reasonable Alternatives Agricultural resource impact avoidance measures taken, as well as those deemed unreasonable by the Project sponsor, shall be described.

### **3.2. Impact on Aesthetic Resources**

- 3.2.1. Existing Conditions The DEIS shall acknowledge that the Town has identified all agricultural lands located throughout the Town as a scenic resource in the Town of Concord 2021 Comprehensive Plan. ~~Details of existing conditions shall focus on site visibility and views from adjacent properties and streets; diminishment of the public enjoyment of designated aesthetic resources, and the extent of Project appearance contrast from uses within 1 mile of the site.~~ The DEIS will identify frequent viewers and the circumstances under which they view the Project site.
- 3.2.2. Potential Impacts The DEIS will describe the possibility of Project visibility and/or of obstruction, elimination, or significant screening of scenic views from adjacent properties and roadways including a discussion of seasonal variability. The DEIS will discuss the diminishment of the public enjoyment of designated aesthetic resources and the extent of Project appearance contrast from uses within 1 mile of the site
- 3.2.3. Mitigation Measures The DEIS will identify the means by which aesthetic impacts shall be mitigated, including a discussion of the existing vegetative screening and future vegetative screening post Project construction. The DEIS will also address seasonal variability in Project visibility.
- 3.2.4. Reasonable Alternatives Means of aesthetic resource impact avoidance not currently proposed shall be explored with a description of options both assumed acceptable and unacceptable, with details on the pros and cons of both.

### **3.3. Impact on Open Space and Recreation**

- 3.3.1. Existing Conditions The DEIS shall acknowledge that current use of the land subject to the proposed action, which does not include the full holdings of the landowner, consists of active farming operations. The Project site is not part of and does not include any open space recreation or walking trails. The conversion of the land to a solar utility will decrease the amount of private open space, which the Town considers a moderate to large impact associated with community character.
- 3.3.2. Potential Impacts The DEIS will address that the conversion of the land to a solar utility will

decrease the amount of private open space, which the Town considers a moderate to large impact associated with community character. However, as this land is privately held, no public open spaces or public recreational land will be converted.

3.3.3. Mitigation Measures The DEIS will address how impacts to open space and recreation shall be mitigated to the extent practical by proposed Project siting and design.

3.3.4. Reasonable Alternatives Means of open space and recreation impact avoidance not currently proposed shall be explored with a description of options both assumed acceptable and unacceptable, with details on the pros and cons of both.

### **3.4. Impact on Community Plans**

3.4.1. Existing Conditions The DEIS will address the fact that the Project is a permitted use in the Town and underlying zoning district and does not require any waivers or variances from local laws. The DEIS will describe the existing infrastructure of the local utility that the site will tie into to transmit power generated and its proximity to the site. A description of the capacity of the existing utility will be provided.

3.4.2. Potential Impacts The DEIS shall acknowledge that the proposed action's land use may be different from current surrounding land use patterns, as well as inconsistent with local land use plans. A discussion will be provided related to the goals of the following:

- Town Comprehensive Plan;
- Erie County Agricultural and Farmland Protection Plan — February 20, 2013
- Town of Concord Comprehensive Plan Update — 2021
- Town of Concord Right to Farm §150-203 – § 150-207

In addition, the DEIS will discuss the vision, goals, and regulations of local zoning law as related to the site, with reference to the Town of Concord Zoning Article XXIX Solar Energy §150 — June 2021 and local land use plans or zoning regulations with details concerning what potential other developments the infrastructure may support, including what upgrades are required and associated costs to support additional developments similar in size and scope to this Project and how this Project could induce secondary development impacts either commercial, residential, or additional solar projects and how it could potentially impact the surrounding areas.

3.4.3. Mitigation Measures The DEIS will address how impacts to community plans shall be mitigated via Project siting and design. This may include design features to reduce Project area and encourage co-location with continued agricultural activities on site; lease revenue for site owner to continue agricultural activities; PILOT tax revenue for Town, County, and school district as well as guaranteed discount on electricity bills for subscribing local farms, businesses, and homes, to allow some financial relief and possible reallocation of funds to pursue local goals. The DEIS shall discuss how this will be managed and measured and what guaranties will be in place to ensure it occurs as described. Potential additional mitigation measures will also include use of pollinator grass / flower seed mix for Project area to expand agricultural pollinator habitat.

3.4.4. Reasonable Alternatives Means of avoiding impacts caused by an inconsistency with community plans not currently proposed shall be explored with a description of options both assumed acceptable and unacceptable, with details on the pros and cons of both.

### **3.5. Impact on Community Character**

- 3.5.1. Existing Conditions The DEIS shall acknowledge that the action is a permitted use both within the Town and within the underlying zoning district and is fully consistent with all local laws. The proposed action is a departure from the existing natural landscape. A discussion will be provided of any public, cultural, and / or recreational facilities on or within 1 mile of the site contributing to community enjoyment and / or quality of life, along with the character of the existing natural landscape and predominant architectural scale and character on or within 1 mile of the site and the inconsistencies of the proposal thereto.
- 3.5.2. Potential Impacts The DEIS will discuss the possibility and extent of impacts to local schools, police and emergency responders serving the site and community. The DEIS will describe how the project does not change or adversely impact the character of any public, cultural, and/or recreational facilities/public resources on or within 1 mile of the site contributing to community enjoyment and / or quality of life, along with the character of the existing natural landscape and predominant architectural scale and character on or within 1 mile of the site and the inconsistencies of the proposal thereto.
- 3.5.3. Mitigation Measures The DEIS shall describe design features that will serve to mitigate impacts to community character, including existing facilities, structures, or areas of historic importance to this community specifically open farm land, shall be described, including native evergreen screening to match character of nearby tree lines and wooded areas. Measures to ensure the final screening survives and develops into the proposed screen shall be included.
- 
- 3.5.4. Reasonable Alternatives Means of avoiding impacts to community character not currently proposed shall be explored with a description of options both assumed acceptable and unacceptable, with details on the pros and cons of both. This may include alternative Project design and other means such as developing a Host Community Agreement with the Town of Concord that helps address issues associated with community character.

#### **4. UNAVOIDABLE ADVERSE IMPACTS**

The DEIS shall identify all adverse environmental effects, whether short term construction impacts or long-term impacts to the site and community, as identified in Section 3.0, that can be expected to occur regardless of the mitigation measures considered. This may include construction impacts from traffic / transportation and storage of materials, construction equipment and workers, provision of utilities during construction period, air quality, dust, erosion, odor, noise, visibility, etc. The anticipated duration of the construction phase will be detailed, along with the potential for the permanent loss of farmland and mitigation measures taken. The DEIS will discuss the potential for the loss of farmland and mitigation measures taken.

#### **5. ALTERNATIVES**

In addition to alternatives discussed within Section 3 specific to individual impacts, this section of the DEIS will evaluate and compare alternatives to the proposed action. The evaluation and comparison will include potential benefits and impacts as well as consideration of the proposed action Project purpose and need. The following alternatives will be studied:

- 5.1. The "No Action" Alternative as required under 6 NYCRR 617.9.b.5.
- 5.2. Site Location Alternative (within the existing site boundary).
- 5.3. Alternative site locations (outside the existing site boundary).

5.4. Smaller Project Scale Alternative.

5.5. Larger Project Scale Alternative.

## **6. IRREVERSIBLE AND IRRETREIVEABLE COMMITMENT OF RESOURCES**

The DEIS will identify those natural, agricultural lands and man-made resources consumed, converted or otherwise made unavailable for future use as a consequence of the proposed action.

## **7. GROWTH INDUCING ASPECTS**

Potential growth-inducing aspects, including short/long term, primary and secondary/indirect impacts, generated by the Project will be described and mitigation measures discussed. Discussion will include evaluation of population / development density, use of existing infrastructure, capacity of existing infrastructure and the need for new / improved infrastructure, and precedent for increased development pressure on farmland.

## **8. EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES**

A description of the effect of the proposed action on the short- and long-term use and conservation of energy resources will be provided including ways to reduce inefficient or unnecessary consumption during construction and long-term operation. Demonstration that the facility will satisfy electric generating capacity needs or other electric systems needs in a manner reasonably consistent with the most recent State energy plan will be included.

## **9. CONCERNS/IMPACTS DETERMINED TO BE IRRELEVANT OR INSIGNIFICANT**

### **9.1. IMPACT ON LAND**

9.1.1 Existing Condition The DEIS will address that the water table is 0-7 feet which is not anticipated to be significantly impacted by the proposed construction. The DEIS will address that small portions of the work area are estimated to be greater than 15% slope; however, impacts are not significant.

9.1.2 Avoidance and Mitigation The DEIS will discuss proposed erosion and sediment controls and the Stormwater Pollution Prevention Plan to be implemented to reduce construction related erosion.

### **9.2 IMPACT ON SURFACE WATER**

9.2.1 Existing Condition The DEIS will discuss that construction adjacent to freshwater wetlands will require compliance with State and Federal regulations for work adjacent to wetlands and wetland buffer zones.

9.2.2 No Impact The DEIS will discuss that the action will not disturb wetlands during construction and post-construction and therefore there are no anticipated impacts on wetlands. Impacts to surface waters and downstream waterbodies will be mitigated by proposed installation methods, erosion and sediment control measures and Stormwater Pollution Plan measures to mitigate potential runoff. Project construction and operation does not include the use of pesticides or herbicides.

### **9.3. IMPACT ON PLANTS AND ANIMALS**

9.3.1 Existing Condition The DEIS will discuss a letter from the United States Fish and Wildlife Service dated 6/3/24 identifying the following Official Species List:

Northern Long-eared Bat:	endangered
Tricolored Bat:	proposed endangered
Monarch Butterfly:	candidate

9.3.2 Avoidance and Mitigation The Habitat Survey Report concluded that the number of suitable roost trees for the Northern long-eared bat is low and therefore the action will not have an effect on this endangered species.

### **9.4. IMPACT ON NOISE, ODOR AND LIGHT**

9.4.1 Existing Condition The DEIS will address that construction activities will likely produce noise levels above current ambient levels during normal work hours and noise levels are not expected to substantially exceed ambient levels at any adjacent residential structures after construction is completed.

9.4.2 Avoidance and Mitigation Most construction related activities include exceedances of ambient noise levels; however, these impacts are temporary. Post-construction, there will not be significant impacts resulting from noise. While the potential for glare impacts from modern solar panels is minimal, the action will utilize a single-axis tracking system which will maintain a more direct angle between the panels and the sun at all times, further reducing potential impacts from glare. The Project site has existing vegetative screening and the applicant has proposed additional vegetative screening which will reduce the potential for glare.

## **10. APPENDICES**

The appendices will include all underlying documents relied upon in preparing the DEIS, as well as the adopted Scoping Document and other relevant SEQR documents, and relevant correspondence meeting the requirements of 6 NYCRR 617.8 (e).

# Exhibit B

# Drop-Off Package Receipt: 1 of 2

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The UPS Store #5490  
174 Main Street  
EAST AURORA NY 14052-1633

DROP-OFF DATE/TIME:  
Thu 27 Mar 2025 2:46 PM

ESTIMATED PICKUP DATE:  
UPS Thu 27 Mar 2025 12pkgs

TOTAL PACKAGES: 12pkgs

TRACKING/REFERENCE	CARRIER & SERVICE	WEIGHT
12001YK51393521162	UPS Next Day Air Saver Com	0 lb 0.0 oz mw
12001YK51394833752	UPS Next Day Air Saver Com	0 lb 0.0 oz mw
12001YK51392618542	UPS Next Day Air Saver Com	0 lb 0.0 oz mw
12001YK51395393253	UPS Next Day Air Saver Com	0 lb 0.0 oz mw
12001YK51398961044	UPS Next Day Air Saver Com	0 lb 0.0 oz mw
12001YK51393185820	UPS Next Day Air Saver Com	0 lb 0.0 oz mw
12001YK51391591217	UPS Next Day Air Saver Com	0 lb 0.0 oz mw
12001YK51390884777	UPS Next Day Air Saver Com	0 lb 0.0 oz mw
12001YK51390872806	UPS Next Day Air Saver Com	0 lb 0.0 oz mw
12001YK51391456595	UPS Next Day Air Saver Com	0 lb 0.0 oz mw

# Drop-Off Package Receipt: 2 of 2

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DROP-OFF LOCATION:  
The UPS Store #5490  
174 Main Street  
EAST AURORA NY 14052-1633

DROP-OFF DATE/TIME:  
Thu 27 Mar 2025 2:46 PM

ESTIMATED PICKUP DATE:  
UPS Thu 27 Mar 2025 12pkgs

TOTAL PACKAGES: 12pkgs

TRACKING/REFERENCE	CARRIER & SERVICE	WEIGHT
12001YK51391408584	UPS Next Day Air Saver Com	0 lb 0.0 oz mw
12001YK51390570632	UPS Next Day Air Saver Com	0 lb 0.0 oz mw

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Get 10% Off Your Next Print Job  
With \$10 minimum order.  
IN-STORE AT PARTICIPATING LOCATIONS ONLY

813B39EA803A4DBB803C0C25595823C6

813B39EA803A4DBB803C0C25595823C6

03/27/2025 02:46 PM Pacific Time  
Powered by iShip(r) :C

03/27/2025 02:46 PM Pacific Time  
Powered by iShip(r) :C



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# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1Z001YX51390884777

Service

UPS Next Day Air Saver®

Shipped / Billed On

03/26/2025

Delivered On

03/28/2025 11:59 A.M.

Delivered To

95 FRANKLIN ST  
BUFFALO, NY, 14202, US

Received By

DEMIREVA

Left At

Inside Delivery

Please print for your records as photo and details are only available for a limited time.

Sincerely,

UPS

Tracking results provided by UPS: 04/06/2025 8:28 A.M. EST

UPS Proof of Delivery to:

Erie County Department of Environment and Planning



# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1Z001YX51393521162

Service

UPS Next Day Air Saver®

Shipped / Billed On

03/26/2025

Delivered On

03/31/2025 10:02 A.M.

Delivered To

17 COLUMBIA CIR  
ALBANY, NY, 12203, US

Received By

JILLIAN

Left At

Receiver

Please print for your records as photo and details are only available for a limited time.

Sincerely,

UPS

Tracking results provided by UPS: 04/01/2025 2:07 P.M. EST

UPS Proof of Delivery to:

NYSERDA

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1Z001YX51394833752

Service

UPS Next Day Air Saver®

Shipped / Billed On

03/26/2025

Delivered On

03/28/2025 1:18 P.M.

Delivered To

700 DELAWARE AVE  
BUFFALO, NY, 14209, US

Received By

REYNOLDS

Left At

Front Desk

Please print for your records as photo and details are only available for a limited time.

Sincerely,

UPS

Tracking results provided by UPS: 04/01/2025 2:08 P.M. EST

UPS Proof of Delivery to:

NYS Department of Environmental Conservation

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1Z001YX51392618542

Service

UPS Next Day Air Saver®

Shipped / Billed On

03/26/2025

Delivered On

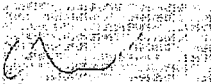
03/28/2025 11:14 A.M.

Delivered To

108 AIRLINE DR  
ALBANY, NY, 12235, US

Received By

ERIC



Left At

Receiver

Please print for your records as photo and details are only available for a limited time.

Sincerely,

UPS

Tracking results provided by UPS: 04/01/2025 2:09 P.M. EST

UPS Proof of Delivery to:

NYS Department of Agriculture and Markets

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1Z001YX51391408584

Service

UPS Next Day Air Saver®

Shipped / Billed On

03/26/2025

Delivered On

03/28/2025 1:51 P.M.

Delivered To

10 KREY BLVD  
RENSSELAER, NY, 12144, US

Received By

MIKE

Left At

Inside Delivery

Reference Number(s)

RIC ENERGY

Please print for your records as photo and details are only available for a limited time.

Sincerely,

UPS

Tracking results provided by UPS: 04/01/2025 2:06 P.M. EST

UPS Proof of Delivery to:

New York Independent System Operator

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1Z001YX51391456595

Service

UPS Next Day Air Saver®

Shipped / Billed On

03/26/2025

Delivered On

03/28/2025 1:00 P.M.

Delivered To

1 PEBBLES ISLAND RD  
WATERFORD, NY, 12188, US

Received By

HESS

Left At

Office

Reference Number(s)

RIC ENERGY

Please print for your records as photo and details are only available for a limited time.

Sincerely,

UPS

Tracking results provided by UPS: 04/01/2025 2:05 P.M. EST

UPS Proof of Delivery to:

NYS Office of Parks, Recreation and Historic Preservation

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1Z001YX51390872806

Service

UPS Next Day Air Saver®

Shipped / Billed On

03/26/2025

Delivered On

03/31/2025 11:29 A.M.

Delivered To

95 PERRY ST  
BUFFALO, NY, 14203, US

Received By

TABLE

Left At

Receiver

Reference Number(s)

RIC ENERGY

Please print for your records as photo and details are only available for a limited time.

Sincerely,

UPS

Tracking results provided by UPS: 04/01/2025 2:04 P.M. EST

UPS Proof of Delivery to:

Erie County Industrial Development Agency

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1Z001YX51391581217

Service

UPS Next Day Air Saver®

Shipped / Billed On

03/26/2025

Delivered On

03/28/2025 12:08 P.M.

Delivered To

95 FRANKLIN ST  
1400  
BUFFALO, NY, 14202, US

Received By

KLASKALA

Left At

Inside Delivery

Reference Number(s)

RIC ENERGY

Please print for your records as photo and details are only available for a limited time.

Sincerely,

UPS

Tracking results provided by UPS: 04/01/2025 2:03 P.M. EST

UPS Proof of Delivery to:

Erie County Department of Public Works

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1Z001YX51390570632

Weight

1.00 LBS

Service

UPS Next Day Air Saver®

Shipped / Billed On

03/27/2025

Delivered On

03/28/2025 11:59 A.M.

Delivered To

95 FRANKLIN ST  
BUFFALO, NY, 14202, US

Received By

DEMIREVA

Left At

Inside Delivery

Reference Number(s)

RIC CONCORD

Please print for your records as photo and details are only available for a limited time.

Sincerely,

UPS

Tracking results provided by UPS: 04/06/2025 8:27 A.M. EST

UPS Proof of Delivery to:

Erie County Office of Agriculture



# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1Z001YX51396927308

Service

UPS Next Day Air Saver®

Shipped / Billed On

04/01/2025

Delivered On

04/02/2025 10:21 A.M.

Delivered To

300 WESTGATE CENTER DR  
HADLEY, MA, 01035, US

Received By

JOE

Left At

Receiver

Reference Number(s)

RIC CONCORD

Please print for your records as photo and details are only available for a limited time.

Sincerely,

UPS

Tracking results provided by UPS: 04/06/2025 6:37 A.M. EST

UPS Proof of Delivery to:

US Fish and Wildlife Service

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1Z001YX51398961044

Service

UPS Next Day Air Saver®

Shipped / Billed On

03/26/2025

Delivered On

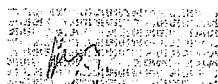
03/31/2025 1:16 P.M.

Delivered To

478 MAIN ST  
BUFFALO, NY, 14202, US

Received By

BRANCH

  
Left At

Inside Delivery

Reference Number(s)

RIC ENERGY

Please print for your records as photo and details are only available for a limited time.

Sincerely,

UPS

Tracking results provided by UPS: 04/01/2025 1:56 P.M. EST

UPS Proof of Delivery to:

US Army Corps of Engineers

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1Z001YX51395393253

Service

UPS Next Day Air Saver®

Shipped / Billed On

03/26/2025

Delivered On

03/28/2025 12:59 P.M.

Delivered To

5 W MAIN ST  
SPRINGVILLE, NY, 14141, US

Received By

MURTIFF

Left At

Front Desk

Reference Number(s)

RIC ENERGY

Please print for your records as photo and details are only available for a limited time.

Sincerely,

UPS

Tracking results provided by UPS: 04/01/2025 1:56 P.M. EST

UPS Proof of Delivery to:

Village of Springville