

Hoffman Falls Wind Project

Case No. 23-00038

900-2.4 Exhibit 3

Location of Facilities and Surrounding Land Use

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EXHIBIT 3 LOCATION OF FACILITIES AND SURROUNDING LAND USE

Hoffman Falls Wind LLC (the Applicant or Hoffman Falls Wind) assessed the location of the proposed Hoffman Falls Wind Project (the Facility) with respect to existing and planned facilities and land uses within the Facility Site and the 5-mile Study Area (defined as a 5-mile radius extended out from the Facility Site boundary) and evaluated the potential effect construction and operation may have on such facilities and land uses. The Facility Site is located within the Towns of Eaton, Fenner, Nelson, and Smithfield, Madison County, New York within the Allegheny Plateau physiographic province. The area can generally be described as an elevated plateau of rolling hills, dissected by stream valleys, and dominated by a mix of woodlots and agricultural land. The Facility turbines are generally located on elevated hills, while the access roads and electrical collection lines connect the turbines to each other and public roads, which are generally located in the valleys. The 115-kilovolt (kV) Fenner-Cortland electric transmission line and associated right-of-way (ROW), owned and operated by National Grid, runs southwest to northeast through the western portion of the Facility Site.

(a) Topographic Maps

(1) Proposed Major Electric Generating Facility Location

Figure 3-1 depicts the location of proposed Facility components displayed at a scale of 1:24,000 including:

- Wind turbines
- Access roads
- Buried electrical collection lines
- Collector substation
- Point of interconnection (POI) switchyard
- Meteorological tower
- Operations and maintenance (O&M) facility
- Aircraft detection lighting system (ADLS)
- Temporary intersection improvements
- Temporary laydown areas.

These components, collectively referred to as the "Facility," are mapped on the U.S. Geological Survey (USGS) 1:24,000 Cazenovia and Morrisville quadrangle topographic maps.

(2) Interconnection Location and Ancillary Features

All Facility components, including the interconnection facilities, will be located within the defined Facility Site and are mapped in Figure 3-1. No municipal interconnections (e.g., potable water mains, wastewater conveyances, etc.) will connect to or service the Facility Site. Off-site ancillary features (such as road improvements) will be constructed in association with the Facility.

(3) Construction Limits of Clearing and Disturbance

The proposed limits of clearing and disturbance for the Facility are mapped in Figure 3-1. The limit of disturbance (LOD) encompasses all areas to be cleared and disturbed during construction of the Facility; this limit also includes all necessary laydown and work areas, as well as room to install erosion and sediment controls. Additionally, Figure 11-1 includes the proposed limit of clearing and limit of impervious surface. The limit of clearing indicates areas to be cleared of all woody vegetation during construction. The limit of impervious surface includes areas where built facilities will be located (e.g., the collection substation, O&M facility, etc.). These areas will be cleared of all vegetation, graded, and maintained in an unvegetated state for the life of the Facility. Additional information regarding the limits of disturbance anticipated for Facility construction and operation is presented in Exhibit 11.

(b) Municipal Boundary Maps

Figure 3-2 depicts the location of the proposed Facility and Facility Site with respect to village, town, county, and school district boundaries. These locational relationships are described in Section 3(c).

(c) Description of Proposed Facility Locations

The Facility Site and all Facility components are located in Madison County within the Towns of Eaton, Fenner, Nelson, and Smithfield. The Facility Site is located within the Cazenovia Central School District and the Morrisville-Eaton Central School District and is partially located within the Cazenovia, Smithfield, and Morrisville Fire Districts. Table 3-1 presents a summary of Facility components within each of these jurisdictions. The Applicant is not aware of any other applicable municipal boundaries or taxing jurisdictions with jurisdiction intersecting the Facility Site.

Table 3-1. Facility Components by Municipal Boundary and Taxing Jurisdiction

Municipal Boundary/Taxing Jurisdiction		Facility Components
County	Madison	All Facility components.
Town	Eaton	Wind turbines (8), access roads, buried collection lines, a temporary concrete batch plant, and a temporary laydown area; 42% of the Facility Site (1,628.3 acres) and 33% of the Facility's LOD (138.7 acres) are located within the Town of Eaton.
	Fenner	O&M facility, collector substation, POI substation, wind turbines (12), access roads, buried collection lines, a short-length overhead transmission line connecting the collector sub to the POI, temporary laydown yards (2), and an ADLS tower; 41% of the Facility Site (1,604.4 acres) and 48% of the Facility's LOD (201.8 acres) are located within the Town of Fenner.
	Nelson	Wind turbines (1), access roads, and buried collection lines; 5% of the Facility Site (214.2 acres) and 4% of the Facility's LOD (18.6 acres) are located within the Town of Nelson.
	Smithfield	Wind turbines (3), access roads, buried collection lines, and a permanent meteorological tower; 12% of the Facility Site (449.6 acres) and 14% of the Facility's LOD (57.3 acres) are located within the Town of Smithfield.

Municipal Boundary/Taxing Jurisdiction		Facility Components
School District	Cazenovia Central School District	Wind turbines (8), access roads, buried collection lines, a short-length overhead transmission line connecting the collector sub to the POI, an O&M facility, a collector substation, a POI switchyard, ADLS tower, and two temporary laydown areas.
	Morrisville-Eaton Central School District	Wind turbines (16), access roads, buried collection lines, a permanent meteorological tower, a temporary concrete batch plant, and a temporary laydown area.
Fire District	Cazenovia	Wind turbines (4), an ADLS tower, O&M Facility, access roads, buried collection lines, and temporary laydown yards (2).
	Smithfield	Wind turbines (11), collector substation, POI substation, access roads, buried collection lines, a short-length overhead transmission line connecting the collector sub to the POI, and a permanent meteorological tower.
	Morrisville-Eaton	Wind turbines (9), access roads, buried collection lines, and a temporary laydown yard.

All temporary road intersection improvements are within Madison County, in the Towns of Eaton, Fenner, Nelson, and Smithfield (Figure 3-2).

(d) Map of Existing Land Uses

Figure 3-3 shows existing land uses for all parcels within the Facility Site and within the 5-mile Study Area. This map was prepared using publicly available data from the Madison County Real Property Tax Service Offices and the New York State Office of Real Property Services (NYSORPS) classification codes (NYSORPS, 2020). The following property type classification codes occur within the 5-mile Study Area:¹

- 100 – Agricultural
- 200 – Residential
- 300 – Vacant Land
- 400 – Commercial
- 500 – Recreation and Entertainment
- 600 – Community Services
- 700 – Industrial
- 800 – Public Services
- 900 – Wild, Forested, Conservation Lands and Public Parks.

Parcels without an associated property classification code are labeled "Unknown" in Figure 3-3. These are primarily associated with public road and utility rights-of-way.

The Facility Site is comprised of 180 parcels and according to the NYSORPS classification codes, land use within the Facility Site is mostly classified as agricultural land (55.6%), vacant land (25.2%), residential land

¹ Note: each of the primary land use classes have multiple sub-classes. For example, property type classification code 105 is defined as "Agricultural Vacant Land (Productive)."

(15.6%), or commercial land (3.3%). The following property type classification codes occur within the Facility Site:²

- 100 - Agricultural (2,167.2 acres)
 - 105 – Agricultural vacant land (productive) (930.9 acres, 24%)
 - 110 – Livestock and products (0.8 acre, <0.1%)
 - 112 – Dairy products: milk, butter, and cheese (1,101.0 acres, 28.3%)
 - 120 – Field Crops (134.5 acres, 3.5%)
- 200 – Residential (608.9 acres)
 - 210 – One family year-round residence (12.3 acres, 0.3%)
 - 240 – Rural residence with acreage (442.3 acres, 11.4%)
 - 270 – Mobile home (154.3 acres, 4.0%)
- 300 – Vacant (982.0 acres)
 - 311 – Residential vacant land (0.3 acre, < 0.1%)
 - 312 – Residential land including a small living improvement (not used for living accommodations) (444.8 acres, 11.4%)
 - 314 – Rural vacant lots of 10 acres or less (1.9 acres, < 0.1%)
 - 321 – Abandoned agricultural land (0.5 acres, < 0.1%)
 - 322 – Residential vacant land over 10 acres (218.6 acres, 5.7%)
 - 323 – Other rural vacant lands 299.3 acres, 7.7%)
 - 380 - Public utility vacant land (16.5 acre, 0.4%)
- 400 – Commercial (127.2 acres)
 - 411 – Apartments (3.7 acres, <0.1%)
 - 449 – Other storage, warehouse, and distribution facilities - (<0.1 acre, <0.1%)
 - 483 – Converted residence (123.2 acres, 3.2%)
 - 485 – One story small structure - multi-occupant (0.3 acre, <0.1%)
- 800 – Public Services (0.1 acre)
 - 837 – Cellular telephone towers (0.1 acre, <0.1%)
 - 872 – Electric substation/Electric power generation facilities (<0.1 acre, <0.1%)

Land use within the 5-mile Study Area is mostly classified as agricultural land (41%), residential land (28%), and vacant land (24%).

Agricultural Land

The following agricultural land use classification codes occur within the 5-mile Study Area:

- 105 – Agricultural vacant land (productive) (23,578.1 acres, 20%)
- 110 – Livestock and products (1,513.2 acres, 1%)
- 112 – Dairy products: milk, butter, and cheese (14,875.1, 13%)
- 113 – Cattle, calves, hogs (625.6 acres, 1%)

²Facility Site acreage is 3,897 as referenced earlier in this exhibit. Differences between the publicly available mapped tax parcel data and the surveyed Facility account for any discrepancies in acreage.

- 117 – Horse farm (749.6 acres, 1%)
- 120 – Field crops (6,481.1 acres, 6%)
- 151 – Apples, pears, peaches, cherries, etc. (4.9 acres, <0.1%)
- 160 – Other fruits (53.8 acres, <0.1%)
- 170 – Nursery and greenhouse (33.7 acres, <0.1%)

NYSORPS has classified approximately 23,578.1 acres (41%) within the 5-mile Study Area as agricultural vacant land. The agricultural vacant land (Class 105) is defined as, “land used as part of an operating farm. It does not have living accommodations and cannot be related to any other agricultural category. It is usually found when an operating farm is made up of a number of contiguous parcels.” See Exhibit 15 for further discussion of agricultural production within the Facility Site.

Residential Land

Approximately 32,921.4 acres (28%) within the 5-mile Study Area have been classified by the NYSORPS as Residential land (i.e., all 200-level property classes). Residential lands comprise 608.9 acres (16%) of the Facility Site.

Vacant Land

The NYSORPS defines vacant land as, “property that is not in use, is in temporary use, or lacks permanent improvement.” Approximately 28,464.7 acres (24%) within the 5-mile Study Area have been classified by the NYSORPS as vacant land (i.e., all 300-level property classes). Vacant lands comprise 982.0 acres (25%) of the Facility Site.

To determine the location of conservation program lands in the Facility Site and the 5-mile Study Area, the Applicant reviewed the National Conservation Easement Database (NCED), an initiative of the U.S. Endowment for Forestry and Communities, to compile records from land trusts and public agencies throughout the United States. There are no conservation easements within the Facility Site. There are 15 conservation easements within the 5-mile Study Area; five are associated with the Natural Resource Conservation Service Wetland Reserve Program and the remaining 10 are associated with the Cazenovia Preservation Foundation (see Figure 3-3).

(e) Existing Overhead and Underground Major Facilities Map

Figure 3-4 illustrates existing overhead and underground major facilities for electric, gas, and telecommunications within 5 miles of the Facility Site.

According to data obtained from the Electric Transmission Lines EV Energy Map, an overhead transmission line ROW runs southwest to northeast through the western portions of the Facility Site. The ROW is occupied by a 115 kV overhead transmission line owned and operated by National Grid which runs between the Cortland and Fenner Wind Substations. The Facility will interconnect to this existing overhead transmission line. Within the 5-mile Study Area, an additional four overhead lines are present. The Fenner Wind 4kV line runs southeast to northwest approximately 0.6 miles north of the Facility Site. The Fenner Wind to Whitman and Whitman to Oneida 115kV line runs south to north approximately 0.6 miles and 3.2 miles north of the

Facility Site, respectively. The West Hill Wind Farm 4kV line runs northwest to southeast approximately 4.9 miles north of the Facility Site. There are no other known high voltage overhead transmission lines present within the 5-mile Study Area.

According to data obtained from the U.S. Energy Information Administration, no natural gas or hazardous liquid pipelines are located within the Facility Site. Five interstate natural gas pipelines, three owned and operated by Dominion Transmission Co, and two owned and operated by Tennessee Gas Pipeline, run north to south through the northern, southern, and eastern portions of the 5-mile Study Area. The closest pipeline is 0.05 miles east of the Facility Site. Facility construction and operation will not adversely impact these existing pipeline resources, given the separation distances.

According to the New York State Department of Environmental Conservation's (NYSDEC's) Oil and Gas Well database, there are 15 mapped oil and gas wells within the 5-mile Study Area. These wells include seven plugged wells, five unplugged wells, and three wells identified as Not Listed (see Figure 3-4). The Applicant also conducted a magnetometer survey to identify potential wells and underground facilities within 500 feet of the Facility's proposed LOD. Please see Section 3(u) for a discussion of survey results and potential impacts to those resources.

The Applicant consulted with owners of fiber optic utilities in July of 2023 to gather information regarding the location of utilities in relation to the Facility Site. There are approximately 39 known overhead, and 15 buried, Windstream facilities within the Study Area (see Figure 20-1). Despite numerous attempts by the Applicant to secure spatial data from Charter Communications, which occurred in July, August, September, October, and December of 2023. No data was provided. Further information regarding potential effects on communications infrastructure in the Facility Site is presented in Exhibit 20.

The existing National Grid overhead transmission line (115 kV) will be crossed by Facility components (i.e., collection line and access road). Potential crossings of existing overhead and underground fiberoptic and communications infrastructure by Facility components are also likely. The Applicant will coordinate directly with all communications owners as needed and secure any necessary crossing agreements prior to construction.

The Applicant has consulted with and will continue consulting with owners of overhead and underground utilities within the Facility Site. Impacts to existing infrastructure within the Facility Site will be avoided through marking utility locations prior to construction and through coordination with the affected utilities to ensure construction and installation methods avoid any impacts. To further minimize potential impacts to underground facilities, the Applicant will become a member of Udig NY in accordance with Title 19 New York Codes, Rules and Regulations (19 NYCRR) §900-6.4(f), as well as comply with 19 NYCRR §900-6.4(g), to the extent applicable. Additional details regarding crossing or adjacent components are shown on the Design Drawings (Appendix 5-A).

The Applicant is working with National Grid on an interconnection agreement, which is further described in Exhibit 21. Final interconnection with the electrical grid will occur at the existing National Grid 115kv transmission line, with the POI switchyard and POI to be owned and operated by National Grid. Upon

agreement with National Grid, the Applicant will build the specified POI switchyard and POI, which will be transferred to National Grid to own and operate. Additional details regarding crossing or adjacent components are detailed in Appendix 5-A.

(f) Tax Parcel Map

Figure 3-5 illustrates land uses and tax parcel information for all properties within the Facility Site and 2,000 feet from the Facility Site boundary. This map shows current land use based on the NYSORPS property class code (as discussed in Section 3(d)), tax parcel number, and owner of record of each property. Parcel and land use data were obtained from Madison County and NYSORPS. Information regarding proposed land uses within the 5-mile Study Area is presented in Section 3(i).

(g) Zoning District Map

Figure 3-6 illustrates existing zoning districts within the 5-mile Study Area which occur at the village and town level. No proposed changes to existing zoning or overlay districts are known to the Applicant. A description of zoning and other land use controls, as well as the permitted and prohibited uses within designated zoning districts is described below, based on data obtained from local governments. The Applicant has reviewed the applicable local laws and zoning regulations where available for each of the 10 towns and three villages within the 5-mile Study Area, including: Augusta (Town), Cazenovia (Town & Village), Eaton (Town), Fenner (Town), Madison (Town), Morrisville (Village), Munnsville (Village), Nelson (Town), Lincoln (Town), Smithfield (Town), Stockbridge (Town), and Sullivan (Town). A summary of each municipality's zoning regulations is presented below, with a focus on the permitted and prohibited uses of those zoning districts located within the 5-mile Study Area. Note that the level of detail in these summaries varies based on the level of detail included in each municipality's zoning regulations. See Exhibit 24 for additional details regarding zoning and local laws within the Facility Site.

Town of Augusta

Zoning regulations were adopted in the Town of Augusta on January 14, 1986, and subsequently amended by local laws in 1989, 1998, and 2012. The Town is divided into the following six zoning districts: Agricultural (A-1), Residential (R-1 and R-2), Industrial (I-1 and I-2), and Commercial (C-1). No portions of the Facility Site are located within the Town of Augusta. However, a portion of the A-1 zoning district is located within 5 miles of the Facility Site.

Permitted uses within the A-1 district include agriculture, dairying, forestry, general farming, greenhouses, horticulture, livestock raising, truck farming, single family dwellings, public parks, and factory manufactured homes. Permitted accessory uses include accessory uses customarily incidental to the principal use, home occupations, and signs incidental to farming or permitted home occupations. Uses permitted through a special use permit include golf courses, sanitary landfill, extraction of stone, sand and gravel, signs, travel trailer park, and temporary mobile homes.

Permitted uses within the R-1 district include single family dwellings, churches and similar places of worship, public parks, and two facility owner occupied dwellings. Permitted uses in the R-2 zoning district include all

uses permitted in the R-1 district, and livestock raising for domestic home use. Permitted accessory uses in both the R-1 and R-2 districts include home occupations, other uses customarily incidental to the principal use, and signs incidental to permitted home occupations. Uses permitted through a special use permit in the R-1 district include unit development, senior citizen housing, garden apartments, town housing, temporary mobile homes, and golf courses. Uses permitted through a special use permit in the R-2 district include all described in the R-1 district, and mobile home parks, outdoor amusements, planned unit development, individual mobile homes, factory manufactured homes, and temporary mobile homes. Prohibited uses in the R-1 district include junk yards, home industries, signs of any kind other than "For Sale or Rent", medical or psychiatric centers or homes, convalescent R-2 district include commercial farming, dog kennels, junkyards, and individual mobile homes.

Permitted uses within the I-1 district include: any manufacturing, assembly or other industrial or research operation meeting the requirement of the performance standards of this ordinance, farm uses and customary farm occupation, warehouse for enclosed storage of goods and materials, distribution plants, wholesale businesses, lumber yards and similar storage yards, and essential services. Permitted accessory uses in this district include signs and customary accessory uses incidental to a permitted use. Uses permitted through a special use permit include junk yards and automobile wrecking yards, planned unit development, and travel trailer campgrounds.

Permitted uses within the I-2 district include the extraction of natural mineral deposits and resources from the ground, together with all related industrial processes necessary for the extraction and processing of such natural mineral resources. Permitted accessory uses in the I-2 district include uses customarily incidental to the principal use.

Permitted uses within the C-1 district include: retail stores, liquor stores, drug stores, cigar stores, dry goods and variety stores, wearing apparel and accessory stores, tailors and dressmakers, sporting and athletic goods stores, furniture, home furnishings and equipment stores, hardware stores and locksmiths, electrical appliance sales and repair stores, book and stationery stores, eating and drinking places, hotels and motels, barber shops and beauty parlors, shoeshine and repair shops, hand or automatic laundries, dry cleaning and clothes pressing establishments, business and professional offices banks and other financial institutions, churches and similar places of worship, funeral parlors, theaters, billiard and pool parlors, bowling alleys, and other similar uses. Permitted accessory uses within this district include off street parking, and other accessory uses customarily incidental to the principal use. Uses permitted through a special use permit include automobile service and repair, limited light industrial uses when conducted in an enclosed building, gasoline service station, planned unit development, replacement of a nonconforming residential structure to its original form in compliance with current New York State Building and Fire Code after destruction by fire or natural disaster temporary mobile homes. Prohibited uses in the C-1 district include junkyards and individual mobile homes.

Town of Cazenovia

Zoning regulations were adopted in the Town of Cazenovia in 2017 and subsequently amended most recently in 2018. The town is divided into the following 3 districts: Rural A (RA), Rural B (RB), and Lake

Watershed and Riparian Corridor (LW&RC). No portions of the Facility Site are located within the Town of Cazenovia. However, portions of the RA, RB, and LW&RC zoning districts are located within 5 miles of the Facility Site.

Permitted uses within the RA district include single family and two-family dwellings, farm and farming, home occupation in a principal residential structure, and residential accessory uses. Uses permitted through a special use permit include animal day care, kennel or shelter, bed-and-breakfasts, cemetery/crypt, educational facilities, emergency service facilities, family day-care homes, government facilities, private stables, golf course/country club, religious uses, temporary uses, veterinary practices, law-impact service businesses, and day-care centers. Additionally, a principal use and structure may also have one accessory structure, provided such accessory structure is secondary to the principal use and structure and is commonly considered to be associated with the principal use.

Permitted uses within the RB district include business offices, continuing care and nursing homes, day-care centers, educational facilities, emergency service facilities, farms and farming, funeral homes/mortuary, government facilities, home occupation in a previously existing principal residential structure, hospitals, clinics, health care and medical offices, public utilities, publishing, scientific and technical services, and veterinary practices. Uses permitted through a special use permit include: animal day cares, kennels, or shelters, apartment complex and senior housing, assembly, fabrication or packaging of previously prepared materials, construction services, hotel and motels, light manufacturing, outdoor seating/assembly areas, packaging of pharmaceutical and/or food products, private clubs, recreational and entertainment facilities, religious uses, self-storage, temporary outdoor sales, temporary uses, vehicle sales and services, warehousing, art/athletic instruction studios, farm equipment sales and repair businesses, breweries, cideries, distilleries, nursery or greenhouses, wineries, horticulture, landscape business, garden center, florist operations, and luxury camping/tenting. Additionally, a principal use and structure may also have one accessory structure, provided such accessory structure is secondary to the principal use and structure and is commonly considered to be associated with the principal use.

Permitted uses within the LW&RC district include all uses permitted in RA districts. Similarly, uses permitted with a special use permit in this district are the same as described in the RA district. Additionally, a one-story boathouse may be erected in this district for the sole purpose of boat storage and associated boating equipment on the lake shore of a lakefront lot, the maximum width of the boathouse not to exceed 12 feet and the maximum depth not to exceed 15 feet. Storage is prohibited within this district, as no machinery, equipment or motor vehicles commonly used in a business shall be stored out-of-doors, except, when necessary, agricultural equipment on farm operations located within a county-adopted, state-certified Agricultural District. The use of a lot or parcel of land in the LW&RC district for recreational purposes including but not limited to lake access by means of rights-of-way or easements is prohibited unless such use complies with the following:

- Any such recreational use of a lake lot or parcel or any such lake access right must be accessory to a permitted residential dwelling.

- Any such lake access right may only be permitted on or over a lot or parcel which has at least 250 feet of frontage on Cazenovia Lake, and no more than one such lake access right for a non-fronting parcel in the Town of Cazenovia shall be permitted for each single-family residential dwelling with qualifying frontage.

In addition, to the zoning districts described above, the following seven overlay districts exist in the Town of Cazenovia:

- Agricultural Overlay (AO): intended to provide land use regulations which encourage agricultural land uses and similar uses supportive of farms and farming).
- New Woodstock Hamlet Overlay (NWHO): intended to maintain the mixed-use traditional character of the existing Hamlet of New Woodstock.
- New Woodstock Central Business Overlay (NWCB): to allow for additional commercial uses in the central portion of the New Woodstock Hamlet area).
- Commercial Overlay (COMO): intended to allow areas for light manufacturing, retail and nonretail commercial (in certain designated areas of the Town of Cazenovia), professional office, agricultural and associated businesses, and agribusiness and research facilities on large tracts of land.
- Industrial Overlay (IO): intended to provide land use controls for certain specified uses more appropriate to an industrial district.
- Wellhead Protection Overlay (WPO): intended to protect the residents of the Town and Village of Cazenovia through the prevention of contamination of groundwater in the vicinity of areas that supply public drinking water to the residents of the Town and Village of Cazenovia and the Hamlet of New Woodstock.
- Village Edge Overlay (VEO): intended to provide for a village-type density for designated uses and parcels which demonstrate the ability to provide public water and sewers.

As previously stated, no portions of the Facility Site are located within the Town of Cazenovia, however portions of WPO, IO, and COMO overlay districts are located within 5 miles of the Facility Site.

Town of Eaton

Zoning regulations were adopted in the Town of Eaton in 1997, and subsequently amended by local laws most recently in 2020. The Town of Eaton is divided into the following three zoning districts: Agricultural/Residential/Commercial (ARC), Agricultural/Residential/Commercial District No. 2 (ARC2), and Residential District No. 2 (RD-2). All portions of the Facility Site which intersect the Town of Eaton are located within the ARC zoning district.

Permitted uses within the ARC district include single-family dwellings and two-family dwellings (excluding mobile dwellings), farm and farm buildings for related agricultural activities, and on a farm, either two one-family dwellings; one-family dwelling and one mobile dwelling; or two mobile dwellings for close relatives or hired hands. Accessory uses permitted within the ARC district include: private garages with floor space not to exceed 1,500 square feet, off-street parking, customary accessory structures with floor space not to exceed 1,500 square feet, accessory buildings necessary to the principal use and which do not include any

activity commonly conducted as a separate business and which do not exceed 1,500 square feet in floor area, customary farm buildings located on the same parcel as the principal use, animal shelters for domestic pets properly maintained and stables for equine animals, other structures such as private swimming pools and fireplaces, customary home businesses or professional offices conducted by the residents, roadside stands for the sale of seasonal farm produce or homemade items, the keeping of animals for 4-H and similarly organized youth groups, wildlife conservation and harvesting, noncommercial fishing and hunting preserves, and non-intensive, noncommercial, outdoor recreation. Uses requiring a special use permit within the ARC district include: multifamily housing, mobile dwellings, mobile dwelling parks, garages and all accessory buildings larger than 1,500 square feet in planar area, churches and other similar places of worship, business, commercial, and professional establishments, day camps, campgrounds, bed-and-breakfast operations, guest or vacation homes for pay and private clubs, commercial outdoor recreation (e.g., ski runs, snowmobile parks, golf courses, etc.), development within 100 year floodplains, development of steep slopes (defined as areas with slopes exceeding 15%), public recreation areas, public buildings, libraries, museums, and public and nonprofit private schools, hospitals, nursing homes, and other health care facilities, colleges and private schools, public utility uses, industrial and manufacturing enterprises, keeping animals other than domestic pets on a property which is less than 5 acres in size, and temporary installation of one separate dwelling unit for the care of disabled or elderly family members.

Permitted and accessory uses within the ARC2 district include all those described within the ARC district. Uses requiring a special use permit within this district include: multifamily housing, churches and other similar places of worship, business, commercial and professional establishments, day camps, guest of vacation homes for pay and private clubs, commercial outdoor recreation (e.g., ski runs, campgrounds, driving ranges, etc.), development in special flood hazard areas designated by the Federal Government, swamps, wetlands, streams, lakes, steep slopes (greater than 15%), and in agricultural districts certified by the NYS Department of Agriculture and Markets, public recreation areas (parks, playgrounds, etc.), public utility uses, and keeping animals other than domestic pets on a property which is less than 5 acres in size.

Permitted uses within the RD-2 district include one-family and two-family dwellings, farms, and farm buildings for related agricultural activities. Accessory uses permitted in this district include private garages, customary accessory structures not to exceed 1,500 square feet, animal shelters for domestic pets properly maintained, private swimming pools and fireplaces, off-street parking, and customary farm structures related to the principal agricultural use. Uses requiring a special permit in the RD-2 district include home businesses, accessory structures greater than 1,500 square feet, public utility uses, development within 100-year floodplains or within wetlands as defined by the U.S. Army Corps of Engineers, development of steep slopes (greater than 15%), and expansion of any existing nonconforming use (e.g., rental of cottages and other commercial activities).

Town of Fenner

Zoning regulations were adopted in the Town of Fenner in 1997, and subsequently amended by local laws most recently in 2010. The Town of Fenner is divided into the following two zoning districts: District A and District B. Portions of the Facility Site which intersect the Town of Fenner are located within both the District A and District B zoning districts.

Permitted uses within District A include one and two-family dwellings built on a foundation, including modular dwellings (mobile dwellings are not permitted), farms, and farm buildings for related agricultural activities. Accessory uses permitted in this district include private garages, customary accessory structures other than private garages not to exceed 750 square feet, animal shelters for domestic pets, and horses, other structures such as private swimming pools and fireplaces, customary buildings including roadside stands for the sale of seasonal produce and handmade items, and off-street parking. Uses requiring a special use permit within District A include multi-family housing, churches and other similar places of worship, public and private recreation areas (e.g., parks, playgrounds, etc.), public buildings, libraries, museums, public and non-public schools accredited by the State Education Department, hospitals, nursing homes, colleges, home businesses provided they are carried on in conjunction with the residential use of the property by residents, public utility uses, development of flood hazard areas, Special Flood Hazard Areas designed by the federal government, swamps, wetlands, streams, lakes, steep slopes, and agricultural districts certified by the New York State Department of Environmental Conservation, and on farms only, not more than two residence structures, in addition to the principal residence structure, one or both of which may, but need not be, a mobile dwelling, for supplemental housing. All other uses that are not described above are deemed prohibited in this district.

Permitted uses within District B include one and two-family dwellings built on foundation, including modular dwellings, farms and farm buildings for related agricultural activities, and mobile dwellings on individual lots. Accessory uses permitting in District B include all those described in District A, as well as home businesses conducted by the residents, and accessory buildings necessary to the principal use and which do not include any activity commonly conducted as a separate business. Uses requiring a special permit in District B include mobile dwelling parks, all retail sales, eating, service and professional establishments, day camps, guest or vacation homes for pay, private clubs and seasonal camps, commercial outdoor recreation (e.g., ski runs, snowmobile parks, driving ranges, etc.), more than one residence structure on a lot or a farm, and all special uses described in District A. All other uses that are not described above are deemed prohibited in this district.

The Town of Fenner created a third district, District C, in 2000, in response to the proposed Fenner Wind Farm project. District C was created to “foster the development of the Town’s windpower resource while preserving the farmlands and adjoining settlements as compatible adjoining uses”. District C includes just those parcels hosting wind turbines for the Fenner Wind project and has been amended twice, once in 2001 and again in 2005 to encompass all parcels hosting Fenner Wind project components. The Town has not expanded District C to include parcels hosting the proposed Facility. See Exhibit 24 for further details on the Applicant’s waiver request and compliance with the Town of Fenner’s zoning districts.

Town of Lincoln

Zoning regulations were adopted in the Town of Lincoln in 2011. The Town of Lincoln is divided into the following four zoning districts: Agricultural Residential Zone 1 (AR-1), Agricultural Residential Zone 2 (AR-2), Neighborhood Commercial Zone (NC), and the Industrial-Commercial Zone (I-C). No portions of the Facility Site are within the Town of Lincoln. However, portions of all zoning districts are located within the 5-mile Study Area.

Permitted uses within the AR-1 district include farms and farm buildings for related agricultural activities, one-family residential use, home occupations, one private garage, and one accessory building. Uses permitted through a special use permit include hobby farms, additional accessory buildings, religious institutions, schools, community centers, hospitals, recreation areas, cemeteries, public utility substations, bed and breakfasts, private communications towers, and on farms only, not more than two residence structures, in addition to the principal residence structure, one or both of which may, but need not be, a mobile dwelling for supplemental housing. All other uses that are not described above are deemed prohibited uses in this district.

Permitted uses within the AR-2 district include farms and farm buildings for related agricultural activities, one- and two-family residential use, home occupations, mobile dwellings, one private garage, one accessory building, hobby farm uses, wildlife refuges, and private stables. Uses permitted through a special use permit include additional accessory buildings, religious institutions, schools, hospitals, cemeteries, multiple dwellings, utility substations, private aircraft landing strips, recreation areas, private membership clubs, private communication towers, kennels and catteries, public stables, bed and breakfasts, veterinary hospitals, community centers, mobile dwelling parks, and on farms only, not more than two residence structures, in addition to the principal residence structure, one or both of which may, but need not be, a mobile dwelling for supplemental housing. All other uses not described above are deemed prohibited in this district.

Permitted uses within the NC district include all uses allowed in the AR-1 district described above. Permitted uses that require site plan review and approval by the Planning Board include retail convenience stores less than 3,000 square feet, personal services less than 3,000 square feet, business offices and financial institutions less than 6,000 square feet, daycares, inns and bed-breakfasts, health clubs less than 6,000 square feet, religious institutions, community centers, health clinics, private membership club houses less than 6,000 square feet, and off-site parking lots less than 18,000 square feet. Uses permitted through a special use permit include gas stations, car washes, public garages, drive-in services, mortuaries, accessory buildings, private communication towers, offsite parking greater than 18,000 square feet, and utility substations. All other uses not described above are deemed prohibited in this district.

Permitted uses within the I-C district include all uses allowed in the AR-2 and NC districts described above. Uses permitted through a special use permit include salvage yards, quarries, commercial use types allowable in the NC district, offsite parking, private energy facilities, public aircraft landing strips, commercial communication towers, enclosed manufacturing industries, enclosed warehouses or wholesale use, public utilities, enclosed service and repair, machinery and transportation equipment, sales, service and repair, enclosed industrial processes and service, freight or trucking terminals, contractor's yards, garages, gas stations, car washes, parking, accessory building uses, research laboratories, other commercial and industrial uses upon the finding by the Planning Board that such use is of the same general character as those permitted and which will not be detrimental to the other uses within the district or to the adjoining land uses, and all uses allowed in AR-2 and NC districts described above.

Town of Lebanon

The Town of Lebanon has no adopted zoning ordinance. No portions of the Facility Site are located within the Town of Lebanon.

Town of Madison

The Town of Madison has no adopted zoning ordinance. No portions of the Facility Site are located within the Town of Madison.

Town of Nelson

Zoning regulations were adopted in the Town of Nelson in 2011. The Town of Nelson is divided into the following six zoning districts: Rural (R), Neighborhood (N), Nelson Corridor (NC), Erieville Hamlet (EH), Waterfront Zone (WF), and Business Commercial (BC). All portions of the Facility Site located within the Town of Nelson are within the R zoning district.

Permitted uses within the R district include agricultural uses, one- and two-family residences, home occupations minors, agricultural roadside stands, two accessory buildings, farm use (if larger than 5 acres), and private wind energy facilities. Uses permitted through a special use permit within this district include home occupation majors, wildlife refuges, stables, additional residential accessory buildings, religious institutions, schools, community centers, hospitals, private clubs, membership clubhouses, recreation areas, cemeteries, quarries, kennels, veterinary hospitals, campgrounds, retail sales, farm use (if under 5 acres), utility electric substations, bed and breakfasts, commercial wind energy facilities, aircraft landing strips, mobile home parks, mobile home for housing of employee(s) of agricultural operation located on a parcel used for agricultural use, and more than one residential dwelling for family members and/or hired help on premises devoted to agricultural use. All other uses that are not described above are deemed prohibited within this district.

Permitted uses within the N district include agricultural uses, one-family residential uses, minor home occupations, two accessory buildings, and farm use (if larger than 5 acres). Uses permitted through a special use permit include additional residential accessory buildings and two-family residential uses. All other uses that are not described above are deemed prohibited within this district.

Permitted uses within the NC district include one- and two-family residential uses, once accessory building, and minor home occupations. Uses permitted in this zone upon prior site plan approval include bed and breakfasts, retail shops less than 1,500 square feet, retail stores with less than 3,000 square feet, diners, restaurants, personal service establishments, professional services offices, religious institutions, and single-family dwellings in the same building and in combination with personal service establishments and professional services offices. Uses permitted through a special use permit within this district include convenience stores, automotive, farm machinery and recreational vehicle sales, service and repair, light industrial uses, multiple family dwellings, one additional residential accessory building, major home occupations, and recreation facilities. All other uses that are not described above are deemed prohibited within this district.

Permitted uses within the EH district include one- and two-family residential uses, one accessory building, and minor home occupations. Uses permitted through a special use permit in this district include bed and breakfasts, retail shops less than 900 square feet of sales floor, retail stores with less than 1,500 square feet of sales floor, diners, restaurants, personal service establishments, religious institutions, one additional residential accessory building, major home occupations, and single family dwellings in the same building and in combination with retail stores with less than 1,500 square feet of sales floor, diners, personal service establishments, and professional services offices. All other uses that are not described above are deemed prohibited within this district.

Permitted uses within the WF district include one family residential uses, minor home occupations, one accessory building, and docks for private, non-commercial use. In addition, each lot within the WF Zone is permitted one dock extending into the lake waters (subject to restrictions stated in the Towns Land use and Development Laws). Uses permitted through a special use permit within this district include bed and breakfasts, diners and restaurants, and one additional residential accessory building. All other uses that are not described above are deemed prohibited within this district.

Permitted uses within the BC district include enclosed manufacturing industries, enclosed warehouses or wholesale uses, public utilities, vehicle sales, services and repairs, machinery and transportation equipment, sales, services and repairs, enclosed industrial processes and services, research laboratories, retail shops, retail stores, diners, restaurants, personal service establishments, professional services offices, convenience stores, automotive, farm machinery and recreational vehicle sales, services and repairs, light industrial uses, multiple family dwellings, private and commercial wind energy facilities, and recreational facilities. All other uses that are not described above are deemed prohibited within this district.

In addition to the zoning districts described above, there is also one overlay district that exists in the Town of Nelson. The Scenic Vista | Scenic Highway overlay district comprises areas of the town where sweeping vistas of minimally developed ridges, valleys and rolling hills are visible from public highways. The intention of this overlay district is to preserve the Town's significant viewsheds and their corresponding viewing locations from designated scenic public highways (as denominated on the Official Zoning Map) by applying specific development standards (compatible with the underlying zoning designation) that serve to minimize visual impacts. Portions of the Facility Site which fall within the Town of Nelson are partially located within this overlay district. Wind energy facilities such as the proposed Project are not explicitly called out as an allowed/prohibited use within this overlay district.

Town of Smithfield

The Town of Smithfield has adopted a Building and Development Control Local Law, originally adopted in 1992, and recently amended to provide for the regulation of Wind Energy Facilities within the Town (Local Law No. 2 of the year 2023). The Building and Development Control Local Law provides for the orderly growth of the Town, to encourage the most appropriate use of land, to promote compatible land uses, to protect and conserve the value of property, to prevent the overcrowding of land, and to promote the health, safety, and general welfare of the public. The law does not provide for zoning districts but does regulate certain uses within the town. Permitted uses in the town include single family dwellings, farms and farm

buildings, orchards, tree and plant nurseries, municipal buildings, parks, libraries, museums, schools and churches. Special Use Permit uses include multifamily dwellings, all commercial uses, all industrial uses, and private clubs. Wind energy conversions systems are permitted with site plan approval and special use permit in all areas of the Town of Smithfield except within the Peterboro Hamlet (which is located in the Town of Smithfield) and the Hamlet Buffer District. Portions of the Facility Site are located within the Town of Smithfield and are outside the Peterboro Hamlet and the Hamlet Buffer District.

Town of Stockbridge

Zoning regulations were adopted in the Town of Stockbridge in 1989, and were subsequently amended by local laws, most recently in 2003. The Town of Stockbridge is divided into the following two zoning districts: Residential District (RD), and Agricultural-Residential Commercial District (ARC). No portions of the Facility Site are within the Town of Lincoln. However, the ARC zoning district is located within the 5-mile Study Area.

Permitted uses within the RD district include one- and two-family dwellings, farms and farm buildings already present, orchards, tree nurseries, and reforestation areas. Accessory uses permitted in this district include private garages, customary accessory structures (not to exceed 750 square feet), animal shelters for domestic pets, other structures (e.g., private swimming pools and fireplaces), customary farm buildings located on the same parcel as the principal use, and off-street parking. Uses requiring a special use permit within the RD district include multi-family housing, cluster development of dwellings, planned development districts, churches and other places of worship, public recreation areas (e.g., parks, playgrounds, etc.), public buildings, libraries, museums, public and non-profit private schools, hospitals, colleges, professional offices, public utility uses, wind power electricity generation and transmission facilities, and development as defined in the Section 301.3 of the Towns Land Use Law.

Permitted uses within the ARC district include all permitted uses in the RD district as well as farms and farm buildings for related agricultural activities. Accessory uses permitted in the ARC district include roadside stands for the sale of seasonal farm produce, customary home businesses or professional offices conducted by the residents, seasonal camps, wildlife conservation and harvesting, fishing and hunting preserves, non-intensive outdoor recreation, accessory buildings necessary to the principal use and which do not include any activity commonly conducted as a separate business, and all accessory uses permitted in the RD district. Uses permitted in the ARC district through a special use permit include housing of animals other than domestic animals or pets which are also not kept for commercial purposes, mobile homes, all business, professional, and industrial establishments, day camps, guest or vacation homes for pay, private clubs, commercial outdoor recreation (e.g., ski runs, race tracks, driving ranges, etc.), development as described in Section 302.3 of the Towns Land Use Law, and all special uses allowed in the RD district.

In addition to the zoning districts described above, there is also one overlay district that exists within the Town of Stockbridge. The Aquifer Protection overlay district was established to preserve the quality and quantity of the Town's groundwater resources in order to insure a safe and healthy drinking water supply. No portion of the Facility Site is located within this overlay district. However, the portions of the 5-Mile Study Area are within this overlay district.

Town of Sullivan

Zoning regulations were adopted in the Town of Sullivan in 1979, and were subsequently amended by local laws, most recently in 2019. The Town of Sullivan is divided into the following seven zoning districts: Agricultural (A), Low Density Residential (LR-40), Medium Density Residential (MR-12), Business (B), Industrial (I), Planned Development District (PDD), and Manufactured Home Park District (MHPD). No portions of the Facility Site are located within the Town of Sullivan. However, portions of the 5-mile Study Area fall within the A, LR-40, B, and I zoning districts.

Permitted uses within the LR-40 district include one- and two-family dwellings, and farm-related structures. Uses require a special use permit include public utilities, public use, religious institutions, schools, golf courses, medical facilities, multiple-family dwellings, orphanages, and accessory buildings. All other uses that are not described above are deemed prohibited within this district and will require a use variance and site plan approval.

Permitted uses within the MR-12 district include one-family dwellings and farm-related structures. Uses requiring a special use permit include all special uses described in the LR-40 district, and marinas. All other uses that are not described above are deemed prohibited within this district and will require a use variance and site plan approval.

Permitted uses within the A district include all permitted uses described in the LR-40 district, as well as agricultural uses, and agricultural associated low-impact storage/warehousing. Uses requiring a special use permit include all special uses described in the LR-40 district as well as tourist homes, veterinary practices, cemeteries, hotel/motels, clubs, motor vehicle wrecking yards, riding stables, mobile dwellings (farm use), accessory buildings, low-impact tree service businesses, and kennels. All other uses that are not described above are deemed prohibited within this district and will require a use variance and site plan approval.

All uses in the B district require a special use permit. These uses include all special uses described in the LR-40 district, as well as retail establishments, personal services, restaurants, professional offices, fast food restaurants, funeral homes, motor vehicle sales & services, gas stations, accessory buildings, and kennels. All other uses that are not described above are deemed prohibited within this district and will require a use variance and site plan approval.

All uses in the I district require a special use permit. These uses include all special uses described in the B district as well as agricultural uses, industrial uses, lumberyards, wholesale, laundry, oil/gas storage, accessory buildings, and kennels. All other uses that are not described above are deemed prohibited within this district and will require a use variance and site plan approval.

Permitted uses within the PDD district include residential, public, religious, and civic uses, light manufacturing and assembly enterprises, business and professional offices, retail and service stores, restaurants, marinas, commercial recreation facilities, funeral homes, research laboratories, and other uses compatible with the foregoing uses in the exercise of the discretion of the Planning Board. Uses permitted by a special use permit include public utilities, public uses, schools, and golf courses. All other uses that are

not described above are deemed prohibited within this district and will require a use variance and site plan approval.

Permitted uses within the MHPD district include all uses permitted in the PDD district, and the clustering of manufactured homes. Uses permitted by a special use permit include public utilities, public uses, religious institutions, schools, and golf courses. All other uses that are not described above are deemed prohibited within this district and will require a use variance and site plan approval.

In addition to the zoning districts described above, there is also one overlay district that exists within the Town of Sullivan. The Resource Management overlay district was established to depict land and water areas with particularly significant limitations to development that necessitate a more careful evaluation of the likely impact of such development. No portion of the Facility Site, or 5-mile Study Area are located within this overlay district.

Village of Cazenovia

Zoning regulations were adopted in the Village of Cazenovia in 1993, and were subsequently amended by local laws, most recently in 2018. The Village of Cazenovia is divided into the following 17 zoning districts: Conservation Area District (AC), Residential Districts (R-30, R-20, R-10, and R-6), Residential Multifamily District (RM), College Districts (C-1 and C-2), General Business District 1 (B-1), General Business District 2 (B-2), Village Edge North District (VEN), Village Edge South Residential District (VES-R), Village Edge South Mixed Use District (VES-MU), Western Gateway (WG), Light Manufacturing District (LM), Planned Development District (PD), and Creekside Development District (CD). No portions of the Facility Site are located within the Village of Cazenovia. However, portions of the 5-mile Study Area fall within all 17 zoning districts defined in the Village of Cazenovia Zoning Law.

Permitted uses within the AC district include agricultural uses, public outdoor recreation, wildlife refuges, cemeteries, and accessory uses. Uses requiring a special use permit within this district include religious institutions, schools and post-secondary educational institutions, community centers, and private clubs.

Permitted uses within the R-30, R-20, R-10, and R-6 districts include one-family dwellings, residential accessory structures (limited to garages, storage sheds, gazebos, pools, barbeque pits, swing sets and similar play equipment), and limited home occupations. Uses requiring a special use permit within these four residential districts include home occupations, bed-and-breakfasts, group residences, private and public schools, religious facilities, public outdoor recreation, post-secondary educational institutions, owner-occupied transient occupancy lodging, and non-owner-occupied transient occupancy lodging established and hosting transient occupants in an existing residence prior to July 2, 2018, and for which a complete initial application for approval is received by the Village Clerk by October 1, 2018, subject to the provisions described in Section 180-104 of the Village Zoning Laws.

Permitted uses within the RM district include one- and two-family dwellings, multifamily dwellings, limited home occupations, and accessory buildings (accessory buildings associated with a one- or two-family dwelling shall be limited to garages, storage sheds, gazebos, pools, barbeque pits, swing sets and similar play equipment). Uses permitted through a special use permit within this district include home occupations,

medical centers, hospitals, clinics, clubs, private and public schools, private outdoor recreation, indoor recreation, community centers, funeral homes, religious facilities, public outdoor recreation, post-secondary educational institutions, day-care facilities, group residences, owner-occupied transient occupancy lodging, and non-owner-occupied transient occupancy lodging established and hosting transient occupants in an existing residence prior to July 2, 2018, and for which a complete initial application for approval is received by the Village Clerk by October 1, 2018, subject to the provisions described in Section 180-104 of the Village Zoning Laws.

Permitted uses upon site plan approval within the C-1 and C-2 districts include religious facilities, post-secondary educational uses, public schools, and private schools.

Permitted uses within the B-1 district include retail businesses, offices, restaurants, taverns, motel/hotels, indoor recreation, community centers, and clubs. Uses permitted through a special use permit include parking facilities, banks and bank branch offices with drive-in facilities, medical centers, clinics, hospitals, animal day care facilities, and dwellings, owner-occupied transient occupancy lodging, non-owner-occupied transient occupancy lodging, and dormitories in upper stories of a building only in combination with permitted nonresidential use(s) on the first floor in the same building.

Permitted uses within the B-2 district include offices, warehouse/service businesses, mini warehouses, retail businesses, utility structures, public outdoor recreation, restaurants, and motel/hotels. Uses permitted through a special use permit include convenience stores, car washes, parking facilities, multifamily dwellings, private outdoor recreation, indoor recreation, medical centers, clinics, hospitals, community centers, clubs, animal day care facilities, owner-occupied transient occupancy lodging, non-owner-occupied transient occupancy lodging, and restaurants, pharmacies, banks and bank branch offices with drive-in facilities.

Permitted uses within the VEN district include one- and two-family dwellings, limited home occupations, and residential accessory structures limited to garages, storage sheds, gazebos, pools, barbeque pits, swing sets and similar play equipment. Uses permitted upon grant of site plan approval include retail businesses, restaurants, offices, indoor recreation, funeral homes, motel/hotels, home occupations, medical centers, clinics, and hospitals. Uses requiring a special use permit within the VEN district include restaurants, pharmacies and banks and bank branch offices with drive-in facilities, automotive and recreational vehicle sales, service and repair, multifamily dwellings, convenience stores, car washes, kennels, pet stores, animal day care facilities, veterinary care facilities, panned developments, owner-occupied transient occupancy lodging, and non-owner-occupied transient occupancy lodging.

Permitted uses within the VES-R district upon site plan approval include one- and two-family dwellings, residential accessory structures, including garages, storage sheds, gazebos and pools, and multifamily dwellings, including townhouses. Uses permitted through a special use permit include churches and other religious institutions, bed-and-breakfasts, public outdoor recreation, educational facilities, and owner-occupied transient occupancy lodging. All uses not listed above are expressly prohibited within this district.

Permitted uses within the VES-MU district following site plan approval include day-care centers, offices, hotel/motels, nursery/greenhouses, restaurants, retail businesses, theaters, multifamily dwellings, accessory

units, senior care facilities, fitness centers/spas, education uses, libraries, lodges or clubs, religious institutions, and medical centers. Uses permitted through a special permit include light manufacturing, retreat/conference centers, indoor and public outdoor recreation, pharmacies and banks and bank branch offices with drive-in facilities, animal day care facilities, owner-occupied transient occupancy lodging, and non-owner-occupied transient occupancy lodging. All uses not listed above are expressly prohibited within this district.

Permitted uses within the LM district include offices, light manufacturing, motor vehicle services, accessory buildings, and public outdoor recreation. Uses permitted through a special use permit include private outdoor recreation, indoor recreation, and adult businesses.

Permitted uses within the WG district include one-family dwellings, and residential accessory structures (including garages, storage sheds, gazebos, and pools). Uses permitted through a special use permit include bed-and-breakfasts, office uses, conservation areas, public outdoor recreation, clubs, museums, public and private schools, home occupations, owner-occupied transient occupancy lodging, inns and similar facilities with not more than 15 guest rooms providing temporary overnight lodging for transient guests, including related guest services, including spas, dining rooms, restaurant, banquet and conference facilities, and retail sales, and non-owner-occupied transient occupancy lodging established and hosting transient occupants in an existing residence prior to July 2, 2018, and for which a complete initial application for approval is received by the Village Clerk by October 1, 2018.

Permitted uses within the CD district include home occupation limited. Uses permitted through special use permit include multifamily dwellings, medical centers or clinics, senior care facilities, museums, community centers, public outdoor recreation, conservation areas which may include public and/or privately owned walking trails and associated facilities, mixed uses of otherwise permitted and special permit uses in the CD District, owner-occupied transient occupancy lodging, non-owner-occupied transient occupancy lodging established and hosting transient occupants in an existing residence prior to July 2, 2018, and for which a complete initial application for approval is received by the Village Clerk by October 1, 2018, and office uses (excluding space for the garaging and/or dispatching of motor vehicles).

Permitted uses within the PDD district must be compatible with existing and allowed uses in adjoining districts. Combinations of such uses may be permitted, even if such uses are not expressly permitted in an adjoining district.

In addition to the 17 zoning districts described above, there are also two overlay districts that exist within the Village of Cazenovia: the Historic Preservation Overlay District (HPO) and the Wellhead Protection Overlay District (WPO). The HPO district was established to:

- Protect and enhance the landmarks and historic areas which represent distinctive elements of Cazenovia's historic, architectural, and cultural heritage.
- Foster civic pride in the accomplishments of the past.
- Protect and enhance Cazenovia's attractiveness to visitors and to support and stimulate the economy thereby provided.

- Ensure the harmonious, orderly, and efficient growth and development of the Village.

The WPO district, was established to assist in the preservation of public health, general welfare, and safety of the residents of the Village through the elimination or prevention of groundwater contamination in the vicinity of wells that supply public drinking water. Although neither of these overlay districts are within the Facility Site, they are both located within the 5-mile Study Area.

Village of Hamilton

Zoning regulations were adopted in the Village of Hamilton in 2017, and were subsequently amended by local laws, most recently in 2023. The Village of Hamilton is divided into the following 14 zoning districts: Business Districts (BA, BD, BH, and BN), Mixed Use Districts (MU-B, MU-C, MU-E, MU-G, and MU-P), University Districts (U1, U2, and U3), Planned Development District (PD), and Family Residential District (R). Additionally, the Village of Hamilton includes the following four overlay districts: Airport Overlay District, Conservation Overlay District (OC), Overlay Flood Area District (OF), and Overlay Wetlands Area District (OW). No portions of the Facility Site are located within the Village of Hamilton. However, portions of the 5-mile Study Area fall within the Business Aviation (BA) district, the Conservation Overlay District (OC), the Overlay Wetlands Area District (OW), and the Overlay Flood Area District (OF).

The Business Aviation (BA) District supports aviation uses and commercial uses associated with the Hamilton Municipal Airport. Permitted uses include aviation-related service, recreational, and commercial uses; parks; and agricultural uses. Other uses, including residential, retail, restaurants, offices, light industrial uses, and private alternative energy supply installation may be permitted under special conditions. Prohibited uses include non-aviation-dependent or retail, commercial, industrial, residential, or educational uses by degree-granting institutions.

The purpose of the Airport Overlay District is to support the orderly growth of the Hamilton Municipal Airport while providing additional safety safeguards. Within the Airport Noise Overlay Zone, the following uses are restricted: residential, commercial, institutional, hotels and motels, and outdoor recreational uses. Within the Airport Obstruction Zones, "no structures or trees shall be erected altered, allowed to grow, or be maintained in any Airport Overlay Zone to a height in excess of the specified height limitation". Airport Obstruction Zones include the following four zones: Primary Surface Zone, Approach Zone (AZ), Transition Zone (TZ), and Horizontal Zone (HZ).

The Overlay Conservation (OC) includes all land within 100 feet of Woodman Pond. The purpose of the OC District is to protect locations where backup water resources of the Village are located. Permitted uses within the OC include public park and recreation, nature trails, shooting ranges, and storage.

The Overlay Flood Area District (OF) is located where Federal Emergency Management Agency (FEMA) Flood Hazard Zones are located within the Town of Hamilton Boundary. The Purpose of the OF District is to designate areas where construction controls may be imposed within flood hazard areas. Buildings within this zone will be in conformance with Chapter 82, Flood Damage Prevention, of the Village of Hamilton Code.

The Overlay Wetlands Area District (OW) is located where the NYSDEC mapped wetlands are located within the Village of Hamilton. The Purpose of the OW District is to designate areas where construction controls may be imposed within wetland areas. Buildings within this zone will be in conformance with Chapter 86, Freshwater Wetlands, of the Village of Hamilton Code.

Village of Morrisville

Zoning regulations were adopted in the Village of Morrisville in 1963, and were subsequently amended by local laws, most recently in 2019. The Village of Morrisville is divided into the following six zoning districts: Residence 1 District (R-1), Residence 2 District (R-2), Residence 3 District (R-3), Business 1 District (B-1), Business 2 District (B-2), and Industrial District (I). No portions of the Facility Site are located within the Village of Morrisville; however, the entire Village is located within the 5-mile Study Area.

Permitted uses within the R-1 district include single-family dwellings, the leasing to a nonresident of the premises of space for one noncommercial motor vehicle, public utility lines, poles and pipes necessary for the service of the area, and customary accessory buildings and uses, provided that such buildings and uses are incidental to the principal use. Uses permitted through a special use permit include public utility substations, bed-and-breakfasts, religious institution, school building or other place of worship or religious instruction, convent, parish house or rectory, home occupations, single-family group residences, and owner-occupied transient occupancy lodging.

Permitted uses within the R-2 district include the leasing to a nonresident of the premises of space for one noncommercial motor vehicle, one- and two-family dwellings, customary accessory buildings and uses, provided that such buildings and uses are incidental to the principal use, and public utility lines, poles and pipes necessary for the service of the Village. Uses permitted through a special use permit include public utility substations, bed-and-breakfasts, religious institution, school building or other place of worship or religious instruction, convent, parish house or rectory, home occupations, education or philanthropic institutions, medical care facilities, funeral homes, clubs, lodges, social and recreational center buildings, nursing homes, single-family group residences, two-family group residences, and owner-occupied transient lodging.

Permitted uses within the R-3 district include the leasing to a nonresident of the premises of space for one noncommercial motor vehicle, one- and two- family dwellings, customary accessory buildings and uses, provided that such buildings and uses are incidental to the principal use, and public utility lines, poles and pipes necessary for the service of the Village. Uses permitted through a special use permit include public utility substations, bed-and-breakfasts, religious institution, school building or other place of worship or religious instruction, convent, parish house or rectory, home occupations, educational or philanthropic institutions, medical care facilities, funeral homes, club, lodge, social and recreational center buildings, nursing homes, multiple-unit dwellings, one- and two-family group residences, rooming houses, and owner-occupied transient occupancy lodging.

Permitted uses within the B-1 district include parking lots, one- and two-family dwellings, customary accessory buildings and uses, provided that such buildings and uses are incidental to the principal use,

public utility lines, poles and pipes necessary for the service of the Village, retail stores, businesses or professional offices, banks or other monetary institutions, hotels or motels, restaurants or other places for serving food and beverages, clubs, lodges, social and recreation center buildings, service shops and studios, such as barbershop, shoe repair shop, beauty parlor, photographer's studio or optician shops, confectionery, millinery, dressmaking, tailoring and similar shops, provided that all goods made or processed are sold at retail on the premises, retail outlets for laundry, cleaning, pressing, dyeing and florist businesses, nurseries and greenhouses, indoor theaters, indoor hand fabrication or hand assembly of materials which does not produce smoke, odor, vibration, dirt, glare or noise beyond the boundaries of the subject premises, buildings containing telephone switchboards or dial equipment in use or communication systems.

Permitted uses within the B-2 district include parking lots, one- and two-family dwellings, customary accessory buildings and uses, provided that such buildings and uses are incidental to the principal use, public utility lines, poles and pipes necessary for the service of the Village, retail stores, businesses or professional offices, banks or other monetary institutions, hotel/motels, restaurants or other places services food and beverages, club, lodge, social and recreational center buildings, service shops and studios, such as barbershop, shoe repair shop, beauty parlor, photographer's studio or optician shop, confectionery, millinery, dressmaking, tailoring and similar shops, provided that all goods made or processed are sold at retail on the premises, retail outlets for laundry, cleaning, pressing, dyeing and florist businesses, nurseries and greenhouses, indoor theaters, indoor hand fabrication or hand assembly of materials which does not produce smoke, odor, vibration, dirt, glare or noise beyond the boundaries of the subject premises, buildings containing telephone switchboards or dial equipment in use or communication systems, automobile or farm machinery sales agency, sales lot, parking lot or garages, garages for the repair or storage of automobiles, service stations for the sale of fuel and lubricants and for washing and lubricating vehicles, bowling alleys and billiard halls, dry-cleaning and laundry establishments, dance hall, skating rink or other place of amusement, assembly or entertainment, provided that all nearest residents agree to such use in writing, printing shop and heating, air-conditioning, plumbing and electrical business and similar uses customarily utilizing hand fabrication methods, and multi-unit dwellings. Uses permitted through a special use permit include owner- and nonowner-occupied transient occupancy lodging.

Permitted uses within the I district include public utility lines, poles and pipes necessary for the service of the Village, retail stores, businesses or professional offices, banks or other monetary institutions, hotel/motels, restaurants or other places for serving food and beverages, club, lodge, social and recreational center building, service shops and studios, such as barbershop, shoe repair shop, beauty parlor, photographer's studio or optician shops, confectionery, millinery, dressmaking, tailoring and similar shops, provided that all goods made or processed are sold at retail on the premise, retail outlets for laundry, cleaning, pressing, dyeing and florist business, nurseries and greenhouses, indoor theaters, indoor hand fabrication or hand assembly of materials which does not produce smoke, odor, vibration, dirt, glare or noise beyond the boundaries of the subject premises, buildings containing telephone switchboards or dial equipment in use or communication systems, automobile or farm machinery sales agency, sales lot, parking lot or garage, garages for the repair or storage of automobiles, service stations for the sale of fuel and lubricants and for washing and lubricating vehicles, bowling alleys and billiard halls, dry-cleaning and

laundry establishments, dance hall, skating rink or other place of amusement, assembly or entertainment, provided that all nearest residents agree to such use in writing, printing shop and heating, air-conditioning, plumbing and electrical business and similar uses customarily utilizing hand fabrication methods, multiple-unit dwellings, storage yard and shop for the municipality or other governmental unit or public utility or contractor, veterinary hospital, commercial kennel, commercial raising of fur-bearing animals other than customary farm livestock and riding stable, wholesale storages and warehouse facilities, yards for the storage and sale of lumber, wood, feed, solid fuel and similar products, bulk storage of flammable liquids above ground for commercial or industrial purposes, industrial uses employing electric power or other unobjectionable motor power or utilizing hand labor for fabrication or assembly and which cause or emit no objectionable odors, fumes, dirt, vibration, glare, electrical interference or noise beyond the immediate site of the building or buildings in which such uses are conducted, and municipal or public utility structure or station necessary to the installation and maintenance of utility service in the Village of Morrisville.

In all districts within the Village of Morrisville, the following buildings and uses are prohibited facilities for the manufacture or bulk storage of acetylene gas, ammonia, bleaching powder, chlorine, asphalt, celluloid, fertilizer, fireworks or explosives, gasoline, naphtha or petroleum refining facilities, rubber-reclaiming facilities, smelters, blast furnaces, coke ovens and incinerators, junkyards, auto graveyards, automobile salvage operations and similar enterprises, any use which would be injurious to the safety or welfare of the neighborhood by reason of smoke, odor, vibration, dirt, glare, noise or danger of fire and explosion, animal slaughterhouses and facilities for the storage, curing or tanning of raw hides or skins, outdoor solid-fuel-burning furnaces and boilers and any other solid-fuel-burning unit or device designed and/or intended to generate heat for the interior of a principal or accessory structure which, with the exception of a connected chimney or similar exhaust gas vent pipe, is not located completely within the structure for which the heat is, or is intended to be generated, and the use of motor homes or travel trailers as residences.

Village of Munnsville

The Village of Munnsville has no adopted zoning ordinance. No portions of the Facility Site are located within the Village of Munnsville.

(h) Comprehensive Plans

The proposed Facility was reviewed for consistency with existing comprehensive plans adopted by municipalities where Facility components or ancillary facilities are located. As previously stated, all Facility components are located within the Towns of Eaton, Fenner, Nelson, and Smithfield, Madison County, New York. The Towns of Eaton, Fenner, Nelson, and Smithfield have each adopted their own Comprehensive Plans.

Town of Eaton

The Town of Eaton adopted a Comprehensive Plan in 2019 as an update to the 2009 Plan, which served as a comprehensive review of existing land use regulations, and to provide municipal officials and residents with direction and guidance into the future. The plan aims to maintain clean water, natural environment,

and rural areas, and have an economic focus on agriculture and small, locally-owned businesses that contribute to the town.

The plan focuses on six main topics relevant to the Town's goals: land use, economic development, housing, recreation, environment, and agriculture. For each topic, Madison County Planning Staff and Comprehensive Plan Committee members solicited comments, outlined their status, and described goals in the Plan. The proposed Facility is not expected to conflict with any of the six topics or their associated goals.

Although the plan does not specifically contemplate wind energy development, of relevance to the proposed Facility are the "Economic Development" (contribute to a diverse economy), and "Land Use" (maintain open space), and "Environment" (Renewable Energy & Climate Change goals) topic sections. In the "Economic Development" section, the plan states that "[t]here has been community initiative on economic development recently, with the recent formation of Center of New York Economic Alliance (CONYEA) which is made up of several local officials and business owners to promote economic development in Eaton" and that "[w]ith a careful, thought-out approach, Eaton can continue to expand the economic opportunities available to its residents". In the "Land Use" section, the plan outlines goals to "encourage open space preservation, conservation of resources such as productive agricultural soils, and a diverse economy that builds on the agrarian culture and landscape." In the "Environment" section, goals relating to renewable energy and climate change are identified. Although wind energy is not specified, the town has objectives of developing a Climate Action and Adaptation and Greenhouse Gas Inventory and joining and engaging in climate change targets and actions.

Since wind energy development is not specifically considered in the Comprehensive Plan, there are no restrictions for the siting of wind turbines within zoning districts in the Town of Eaton. Additionally, Article VC of the town code, Commercial Wind Energy Facilities, provides standards and requirements for commercial wind energy facilities, which are permitted through site plan review and special permit. Therefore, the proposed Facility is compatible with the 2019 Eaton Comprehensive Plan. The proposed Facility will bring clean energy development to the area, will not result in significant adverse environmental impacts, and will help ensure the agricultural viability of the area by supplementing the income of participating farmers. A copy of the Town of Eaton Comprehensive Plan is included in Appendix 3-A.

Town of Fenner Comprehensive Plan

The Town of Fenner adopted an updated Comprehensive Plan in 2023 to prepare the Town for future development. The plan features information about the Town's history, existing conditions (including land use), important issues to the residents, and comparisons and recommendations for the future. The plan makes recommendations for the future regarding renewable energy, agriculture, natural resources, transportation, and housing.

According to the comprehensive plan, striking a balance between agricultural preservation and the development of large-scale commercial wind and solar development is important to the future vision of the Town. Within the Town, there is strong support for protecting the scenic character, active and inactive agricultural land, habitats, and residential property values. This sentiment as it relates to future wind and

solar development is reflected in the desire to adopt new solar and wind ordinances in the Town that provide revised setback requirements, natural resource and agricultural protection guidelines, design recommendations, decommissioning regulations, and zoning laws. Additionally, the Town of Fenner plans to work with solar and wind companies to utilize low impact technology and identify solutions to provide compensation to residents for the energy produced by large-scale commercial solar and wind. A copy of the Town of Fenner Comprehensive Plan is included in Appendix 3-A.

Town of Nelson Comprehensive Plan

The Town of Nelson adopted an updated Comprehensive Plan in 2018 that outlines the town's plans for growth and development over the next 10 years. The plan highlights the history of the town, features common issues faced by residents, and establishes a vision for the town to "to retain a pastoral, agricultural community that enjoys strong ties to a healthy, beautiful environment and is anchored by two historic hamlets, which are the center of community life."

The plan sets development goals in 10 distinct categories, including: land use and zoning, economic development, hamlets, sense of place and identity, infrastructure, lakes, housing, recreation, agriculture, and town operations. For each topic, Madison County Planning Department Staff and Comprehensive Plan Committee members solicited comments from residents, outlined the current status, and described goals in the plan. Overall, residents value Nelson's rural landscape, agricultural economy, and small-town feel, but see opportunities for improvement in areas like infrastructure and business development. Further, recommendations are made to evaluate zoning that promotes smart growth while protecting the town's agricultural assets. The proposed Facility is not expected to conflict with any of the 10 categories or their associated goals.

While the Comprehensive Plan does not contain dedicated discussion of development and siting of commercial wind farms, Section 512 of the Town of Nelson's 2011 Land Use and Development Law referenced within the plan provides standards and requirements for commercial wind energy facilities which are permitted through site plan review and special permit.

In the time since the Comprehensive Plan was finalized, the Town of Nelson has adopted a local law that pertains to wind energy projects. See Exhibit 24 for a discussion of the Town of Nelson's applicable local laws. A copy of the Town of Nelson Comprehensive Plan is included in Appendix 3-A.

Town of Smithfield Comprehensive Plan

The Town of Smithfield adopted an updated Comprehensive Plan in 2003. The intent of the Plan is to establish a consensus about the community's future, prepare it for future demographic and economic changes, protect its natural and agricultural resources, and provide direction to the Town and other governmental agencies in the consideration and enactment of future land use policies and regulations. The plan features information about the Town's geographic and historical background, population and demographic conditions, current land use trends, important issues that have been identified, and outlines goals and objectives for implementation.

According to the comprehensive plan, potential development of wind power resources for generation of electricity is one of the land use policy challenges currently facing the Town. The Plan states that these projects promise significant environmental and national security benefits and have the potential to enhance local real estate property tax revenues; however, the biggest concern with wind power generation is that of visual impact, and the possible introduction of such facilities is a significant land use issue in the Town.

The Plan states that presently the Town has no land use regulations dealing specifically with wind power projects, and that those uses are only governed by the existing special permit requirements. Two of the final actions for implementation identified in the Plan summary state that the Town will review setback and other lot dimension requirements of the existing land use law and consider using district zoning for towers and wind power facilities, and/or development of detailed special use permit criteria for such developments.

In the time since the Comprehensive Plan was finalized, the Town of Smithfield has adopted a local law that pertains to wind energy projects. See Exhibit 24 for a discussion of the Town of Smithfield's applicable local laws. A copy of the Town of Smithfield Comprehensive Plan is included in Appendix 3-A.

(i) Map of Proposed Land Uses

The Applicant has identified proposed land uses within the 5-mile Study Area based on discussions and consultation with State and local planning officials (including the Towns of Augusta, Cazenovia, Eaton, Fenner, Lebanon, Lincoln, Madison, Nelson, Smithfield, Stockbridge, and Sullivan), open houses, and other sources. Figure 3-7 illustrates all publicly known proposed land uses within the 5-mile Study Area.

To obtain information regarding publicly known proposed land use plans, the Applicant distributed consultation letters to the municipalities within the 5-mile Study Area on September 20, 2023, with copies provided to the Town Supervisor/Village Mayor, Code Enforcement Officer, and municipal attorney, requesting local feedback regarding any proposed land uses in the vicinity of the proposed Facility. As of the date of this Application, the Town of Cazenovia, and Villages of Cazenovia and Morrisville have provided a response identifying proposed land uses within the 5-mile Study Area. Copies of this correspondence are provided in Appendix 2-B. Proposed land uses identified in this correspondence and relevant to this discussion are listed in Table 3-2 below.

As outlined in Table 3-2, for the purposes of this Application, the Oxbow Hill Solar Project is not identified as a proposed land use as no Section 94-c Application for that project has been submitted. It is understood that the Oxbow Hill Wind Project intends to submit a Section 94-c Application. However, the timing of this submittal is unclear as a 60-day notice of Application filing was submitted for the project approximately six months ago. Furthermore, the only publicly available layout and design information for the project is approximately eight months old and does not include information that is important in understanding the potential impacts of the proposed Facility (e.g., limits of disturbance and tree clearing, limits of grading, visual landscape screening, and proposed panel height and design).

Further, the Applicant reviewed publicly available project information and meeting minutes for local planning and zoning board meetings for the Towns and Villages in the 5-mile Study Area to identify

potential new land use plans which might warrant consideration in this Application. The most recent six months of meeting minutes were reviewed, to the extent available, for references to large development projects, residential subdivisions, or other land use projects of note. Thus, the Application reflects publicly known proposed land uses within the 5-mile Study Area, to the extent they exist. See Table 3-2 for a list of proposed land uses relevant to this discussion.

Table 3-2. Proposed Land Uses within 5-Miles of the Facility Site

Assigned Map ID	Municipality	Proposed Use	Status Identified in Meeting Minutes or other Publicly Available Information
1	Town of Cazenovia	Solar Farm	Proposed
2	Town of Cazenovia	Self-Storage Expansion	Proposed
3	Village of Cazenovia	Burke Meadows Housing Development	Proposed
4	Village of Cazenovia	Caz Barns Apartment Complex	Proposed
5	Village of Cazenovia	Mixed Use Residential/Retail Development	Proposed
6	Town of Fenner	Oxbow Hill Solar Project	Preliminary
7	Town of Fenner	Cody Road Wind Farm	Proposed

The Applicant examined NYSDEC data on installed and proposed utility-scale wind projects to estimate potential land use changes from other renewable energy projects. The NYSDEC maintains a database of existing and proposed solar projects across New York State by cataloging project review requests submitted to the New York Natural Heritage Program (NYNHP). The database records provide a relatively complete inventory of projects across New York; however, the database contains duplicate data for projects that have submitted multiple review requests to the NYNHP and the project footprints (i.e., spatial extent) are not current in most cases. The other limitation of the project records in this database is that they don't always indicate the current project status. However, it is the only centralized source of solar project information in the state. In addition, the Applicant included utility-scale renewable energy project locations documented by the New York State Department of Public Service (NYS DPS) or the Office of Renewable Energy Siting (ORES), for which a case number has been issued. The only other proposed renewable energy project located within 5 miles of the Facility identified by these databases is the Oxbow Hill Solar Project. This project is labelled as preliminary in Table 3-2 because no formal application associated with this project has been filed or made public (Figure 3-7).

(j) Map of Specially Designated Areas

Figure 3-8 illustrates specially designated areas within the 5-mile Study Area, including designated agricultural districts, flood-prone areas, and critical environmental areas designated pursuant to Article 8 of the Environmental Conservation Law (ECL). Table 3-3 summarizes the sources of data used to prepare this

map and whether the specially designated areas listed in the Section 94-c regulations are found within the 5-mile Study Area.

Table 3-3. Sources of Data Used to Prepare Mapping of Specially Designated Areas

Mapping Requirement	Source	Specially Designated Area Present
Designated coastal areas	NYS GIS Clearinghouse, NYS Department of State	None
Inland waterways	NYS GIS Clearinghouse, NYS Department of State	None
Local waterfront revitalization program areas – approved plans	NYS GIS Clearinghouse, NYS Department of State	None
Groundwater management zones	NYS GIS Clearinghouse	None
Agricultural districts	NYS GIS Clearinghouse, Steuben County	Yes, see Figure 3-8
Flood hazard areas	NYS GIS Clearinghouse, FEMA	Yes, see Figure 3-8
Critical Environmental Areas	NYSDEC	Yes, see Figure 3-8
Coastal Erosion Hazard Areas	NYSDEC	None

According to FEMA Flood Map Service Center, there are mapped 100-year and 500-year flood zones located in various locations within the Facility Site and 5-mile Study Area, associated with the creeks and waterways (see Figure 3-8). There are no designated inland waterways, designated coastal areas or erosion zones, Local Waterfront Revitalization Program communities, or groundwater management zones within the 5-mile Study Area (NYSDEC 2021; NYSDOS, 2020).

Figure 3-8 depicts agricultural district land within and adjacent to the Facility Site. Approximately 53,816 acres (approximately 44% of the land) within the 5-mile Study Area is enrolled in an agricultural district. The purpose of agricultural districting is to encourage the continued use of farmland for agricultural production by providing a framework to limit local regulation on farm practices, modify public agencies’ ability to acquire land through eminent domain, modify the right to advance public funds to construct facilities that encourage development, require state agencies to modify regulations to encourage farming, and to provide Right to Farm provisions for protection from private nuisance suits. The Agricultural Districts Law also allows reduced property tax bills for land in agricultural production by limiting the property tax assessment of such land to its prescribed agricultural assessment value. Projects such as the Facility are generally consistent with and supportive of agricultural land uses and districts and allow a majority of the site to continue agricultural use during project operation. A detailed discussion of agricultural resources and impacts is provided in Exhibit 15.

Five New York State Certified Agricultural Districts are located within the 5-mile Study Area: the Madison County Agricultural District 1, which has 21,093 acres within the Study Area; the Madison County Agricultural District 2, which has 24,892 acres within the Study Area; the Madison County Agricultural District 3, which

has 7,328 acres within the Study Area; the Madison County Agricultural District 4, which has 69 acres within the Study Area; and the Oneida County Agricultural District 3, which has 182 acres within the Study Area. New York State Agriculture and Markets Law § 303b allows land to be added to agricultural districts through an annual process; however, land can only be removed from districts as part of a mandatory 8-year review. See Exhibit 15 for more details regarding agricultural resources within the Study Area.

Critical Environmental Areas are areas in the state which have been designated by a local or state agency to recognize a specific geographical area with one or more of the following characteristics: a feature that is a benefit or threat to human health; an exceptional or unique natural setting; an exceptional or unique social, historic, archaeological, recreational, or educational value; or an inherent ecological, geological, or hydrological sensitivity to change that maybe adversely affected by any physical disturbance. There are no Critical Environmental Areas in the Facility Site but there are three Critical Environmental Area within the 5-mile Study Area, including Chittenango Creek, Cazenovia Village Wellhead (Aquifer), and Cazenovia Lake, located approximately 2.8 miles, 3.0 miles, and 4.2 miles, respectively. All three resources were designated as Critical Environmental Areas because they are unique natural resources. See Exhibit 13 for additional information on aquifers.

(k) Recreational and Other Land Uses

Figure 3-9 illustrates recreational and other land uses known to the Applicant within the 5-mile Study Area. No impacts to resources identified in Figure 3-9 are anticipated as a result of Facility construction or operation.

During the Phase 1B Archaeological Survey, archaeological sites were identified within the Facility Site; however, per National Historic Preservation Act § 304, 9 NYCRR § 427.8, and New York State Public Service Law § 15, the location of these sites are not disclosed in Figure 3-9. The location of these sites is confidential and will be included in reports provided to the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) only.

State and National Heritage Areas are designated where historic, cultural, and natural resources combine to form cohesive, important landscapes, and are meant to be large, lived-in landscapes. Heritage area entities collaborate with local communities to determine how to make heritage relevant to local interests and needs, and to stimulate tourism in areas near the Erie Canal system in New York. The Applicant has reviewed the Comprehensive Plans developed by local governments in Section (h), and the Facility will support several renewable energy and economic goals listed in the Plans. In addition, the National Park Service's Erie Canalway Preservation and Management Plan (NPS, 2008) outlines the goals for the Heritage Area, several of which relate to the protection of historic and cultural resources, sustainable development, and conservation of natural resources along the canal.

Mohawk Valley & Erie Canalway National Heritage Corridors

The Applicant has conducted extensive study of the historic and cultural resources in the vicinity of the Facility and has sited components to avoid these areas where practicable (see Exhibit 9 for more

information). In addition, as a renewable energy generating facility, the Project will enhance the quality of water and air in the area by producing energy without the use of fossil fuels and by minimizing impacts to state-protected surface waterways.

Table 3-4 summarizes the sources of data used to prepare Figure 3-9 and identifies whether the respective land use is found within the 5-mile Study Area.

Table 3-4. Mapping of Recreational and Sensitive Areas

Mapping Requirement	Source	Recreational and Sensitive Areas Present
Wild, Scenic and Recreational River Corridors	National Wild and Scenic Rivers System	None
Open Space	NYS GIS Clearinghouse; NY Protected Areas Database	See Figure 3-9
Archaeological and Historic Resources	On-Site Survey, State and National Registers of Historic Places	See Figure 3-9
Geologic Resources	New York State Museum	See Figure 3-9
Wildlife management lands	NYS GIS Clearinghouse, NYSDEC, U.S. Fish and Wildlife Service	See Figure 3-9
Parks	NYS GIS Clearinghouse; NY Protected Areas Database, Local Consultation	See Figure 3-9
NYSDEC Lands	NYS GIS Clearinghouse, NYSDEC	See Figure 3-9
Conservation easement lands	National Conservation Easement Database; NYS GIS Clearinghouse	See Figure 3-9
State and federal scenic areas and byways	NYSDOT; NYS GIS Clearinghouse	See Figure 3-9
Nature preserves	NYS GIS Clearinghouse; NY Protected Areas Database	See Figure 3-9
Designated trails	NYS GIS Clearinghouse and local governments	See Figure 3-9
Historical Sites	NYS GIS Clearinghouse	See Figure 3-9
Designated Wilderness	NYS GIS Clearinghouse	None
Oil and gas production	NYSDEC	See Figure 3-4
Gas pipelines	NYSDEC, NYSDPS	See Figure 3-4
Public-access fishing areas, camping areas	NYS GIS Clearinghouse, NYSDEC	See Figure 3-9
Major communication and utility uses and infrastructure	Telecommunications Providers; Comsearch	Figure 20-1
Institutional, community and municipal uses and facilities	ESRI; TIGER/line files; NYS GIS Clearinghouse	See Figure 3-9

No Wild, Scenic, and Recreational River Corridors identified by the National Park Service (NPS), or designated wilderness areas exist within the 5-mile Study Area.

Areas identified in the New York Protected Areas Database (NYPAD) include local, municipal, and state owned and/or protected lands. The 5-mile Study Area contains one Nature Conservancy nature preserve (Fiddlers Green Preserve), four municipal parks (Lakeland Park, Gypsy Bay Park, Tuscarora Nature Park, and Lakeside Park), two county parks (Oxbow County Park and Nichols Pond County Park), five county forest parcels, one state park (Chittenango Falls State Park), one state forest (Stoney Pond State Forest), one state wildlife management area (WMA) (Tioughnioga WMA), and one state unique area (Nelson Swamp Unique Area). No national wildlife refuges, national forests, or other local parks are present within the 5-mile Study Area. Other conserved or preserved lands include 5 privately owned parcels enrolled in the Wetlands Reserve Program (WRP) through the U.S. Natural Resources Conservation Service, ten parcels under conservation easement by the Cazenovia Preservation Foundation. No designated New York Protected Areas are present within the Facility Site.

The State and National Registers of Historic Places (S/NRHP) provide a dataset of historic and archaeological resources within the 5-mile Study Area. NRHP-listed resources within the Study Area include three historic districts and residences and civic/religious buildings in rural or hamlet settings. The National Historic Preservation Act, the New York State Historic Preservation Act, and the New York State Historic Preservation Office (SHPO) policy all recommend protecting archaeological site locations from public disclosure to ensure preservation of important archaeological resources. The Applicant conducted on-site surveys for archaeological and historic resources in consultation with the SHPO. Resources found on site are not included in the mapping for this Exhibit and are further described in Exhibit 9.

The New York State Museum maintains a dataset of geology, lithology, and related structures throughout the state. According to this dataset, bedrock within the 5-mile Study Area can be described as sandstone, shale, black shale, limestone, and dolostone. Sandstone, shale, and limestone are also present within the Facility Site. In addition, 19 topographic linear features are present within the 5-mile Study Area. More information regarding geology of the Facility Site is presented in Exhibit 10 (Geology, Seismology and Soils).

Several trails are present within the 5-mile Study Area. The Lehigh Valley Link Bike Trail passes through the northwestern portion of the Study Area. The Finger Lakes Trail is also present within the western portion of the Study Area. The North Country National Scenic Trail is present within the eastern portion of the Study Area. The Chittenango Polar Bears, Central New York (CNY) Snow Travelers, Moonlight Riders, Snow Valley Riders, and Tri Valley Riders maintain a network of 15 snowmobile trails throughout the Study Area. Several foot and multipurpose trails associated with Chittenango Falls State Park, Nelson Swamp Unique Area, Stoney Pond State Forest, and Tioughnioga WMA are also present along the southern and western portions of the Study Area. No other designated trails are present in the 5-mile Study Area; however, two snowmobile trails maintained by the Moonlight Riders and Snow Valley Riders are present within the Facility Site.

The Applicant consulted with owners of major communication and other utilities within the 5-mile Study Area. Figure 20-1 shows the locations of major fiberoptic, electric, and gas infrastructure within the Study Area. Section (e) above provides more information regarding major utilities in the Facility Site and the 5-mile Study Area.

Several institutional, community and municipal uses and facilities are present within the 5-mile Study Area. These include six public schools (Edward R. Andrews Elementary School, Morrisville Middle School/High School, Stockbridge Valley Central School, Cazenovia Middle School, Cazenovia High School, Burton Street Elementary School), one college (State University of New York College of Agriculture and Technology at Morrisville), eleven Hamlets (Bouckville, Clockville, Eaton, Nelson, Perryville, Peterboro, Pierceville, Pine Woods, Pratts Hollow, Stockbridge, West Eaton), 15 Cemeteries, and several other municipal buildings.

(I) General Compatibility with Existing Land Use Within 1-Mile

According to NYSORPS, Residential land constitutes approximately 27% of the 1-mile Study Area and is defined as "property used for human habitation." A portion of the 1-mile Study Area (approximately 38%) can be categorized as Agricultural land and is defined as "property used for the production of crops or livestock." Of the land classified as Agricultural, the majority (52%) is property class code 105, productive agricultural vacant land. Land explicitly within the Vacant Land classification is defined as "property that is not in use, is in temporary use, or lacks permanent improvement" and constitutes approximately 33% of the 1-mile Study Area. Less than 1% of the 1-mile Study Area is characterized as Recreation and Entertainment land and is defined as "property used by groups for recreation, amusement, or entertainment." Less than 1% of the 1-mile Study Area is characterized as Community Services land and is defined as "property used for the wellbeing of the community." Less than 1% of the land in the 1-mile Study Area is classified in the Public Services category, defined as "property used to provide services to the general public." Less than 1% of the 1-mile Study Area is characterized as Commercial land and is defined as "property used for the sale of goods and/or services." Less than 1% of the 1-mile Study Area is characterized as Wild Forested, Conservation Lands and Public Parks land and is defined as "reforested lands, preserves, and private hunting and fishing clubs." Table 3-5 summarizes land use impacts to each of these categories, based on the impact calculations detailed in Exhibit 5.

Table 3-5. Land Use within 1-mile of the Facility Site

Land Use	Acres within the Facility Site	Acres within 1-Mile Study Area
100 - Agricultural	2,167	8,559
200 - Residential	609	6,060
300 - Vacant Land	982	7,339
400 - Commercial	127	201
500 - Recreation and Entertainment	--	123
600 - Community Services	--	166
700 - Industrial	--	--
800 - Public Services	< 1	11
900 - Wild, Forested, Conservation Lands and Public Parks	--	155
Unknown	3	162
Total	3,888¹	22,775

Land Use	Acres within the Facility Site	Acres within 1-Mile Study Area
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¹ Facility Site acreage is 3,897 as referenced earlier in this exhibit. Differences between the publicly available mapped tax parcel data and the surveyed Facility account for any discrepancies in acreage.

No substantial permanent changes in land use are anticipated as a result of Facility construction and operation, and no changes are predicted outside the Facility Site. The construction of turbine bases, crane pads, access roads, and the collector substation and POI switchyard, will result in the conversion of approximately 33.4 acres, or less than approximately 1% of the Facility Site, from its current use to built facilities and/or maintained areas during Facility operation. Additional impacts to land associated with Facility operation will be temporary, infrequent, and minimal. Aside from occasional maintenance and repair activities, Facility operation will not interfere with ongoing land use (e.g., farming and forestry activities, recreational facilities, schools and civic facilities, or commercial areas) immediately adjacent to the Facility or within 1-mile of the Facility. Overall, construction and decommissioning of the Facility are not anticipated to substantively affect the capacity for current land use practices, including agriculture, to resume following decommissioning.

Through community outreach, the Applicant has determined which land uses within 1-mile of the Facility are of particular concern to the community. This outreach has been primarily in the form of identification of viewpoints to determine potential visual impact of the Facility. See Exhibit 8 (Visual Impacts) and the Visual Impact Assessment (VIA; Appendix 8-A) for a further discussion of this outreach. Viewshed analysis based on existing topography, vegetation, and structures indicates that the proposed wind turbines will be screened from approximately 76.3% of the VSA (i.e., 23.7% of the VSA is indicated as having potential visibility of one or more wind turbines). This limited visibility from the surrounding area is primarily attributable to the presence of rolling topography and forestland throughout the VSA and woodlots and hedgerows abutting open agricultural area. Areas of actual visibility are anticipated to be more limited than indicated by the viewshed analysis due to the slender profile of the turbines (especially the blades, which make up the top 231 feet of each turbine), roadway vegetation not considered by the viewshed analysis, and other visibility limiting factors, such as atmospheric perspective and human visual acuity. Where visible, the presence of the turbines will likely result in a change in perceived land use from some viewpoints.

Evaluation by a rating panel of registered landscape architects and planners indicates that the Project's overall contrast with the visual/aesthetic character of the area will generally result in moderate contrast with the existing landscape. Based on the contrast rating scores and comments, greater levels of contrast can be anticipated where open views of multiple turbines are available from close distance (less than 1.0 mile), which tended to heighten the Facility's contrast with existing elements of the landscape in terms of line, form, and especially scale. Conversely, contrast is reduced when turbines are partially screened, viewed at greater distances, seen in the context of a working agricultural landscape, viewed in a setting with existing visual clutter, or co-located with currently operating wind project. High contrast also does not always indicate adverse visual impact. The visibility of the proposed turbines is not expected to affect the use and enjoyment of the Facility Site and surrounding areas for the current and planned land uses. For more information on the anticipated visual impacts of the Facility, see Exhibit 8 of this Application.

A shadow flicker analysis has been prepared for the proposed Facility and is included in the Visual Impacts Minimization and Mitigation Plan (see Attachment A to Appendix 8-B). This study indicates that 27 non-participating receptors are predicted to receive more than 30 hours of shadow flicker per year. The Applicant intends to execute good neighbor agreements with the owners of any non-participating residences that could receive over 30 hours of shadow flicker per year, at which point they would be considered participants. Ultimately, the Applicant will ensure that all non-participating residences will experience less than 30 hours of shadow flicker per year by including a shadow flicker detection and prevention system in each Facility wind turbine. See Exhibit 8 of this Application for more detailed information on shadow flicker impacts near the Facility Site.

The Applicant has conducted a study of the anticipated noise and traffic effects produced by the Facility, both during construction and operation. As described in Exhibit 7 (Noise and Vibration), noise levels at the Facility will not exceed the design goals (45 dbA) and will not have a negative effect on non-participating landowners or nearby sensitive receptors, such as schools, recreational and civic facilities. Any noise impacts of the Facility will be primarily experienced in the immediate vicinity of construction operations and are not expected to have an impact at the perimeter of the Facility. Traffic impacts of the Facility will be negligible following the commencement of Facility operation. Traffic impacts during construction are anticipated to be limited and primarily associated with component deliveries. Exhibit 16 (Effect on Transportation) provides more information regarding the anticipated traffic during construction and operation of the Facility as well as efforts to minimize and mitigate such impacts.

Compliance with NYSAGM Guidelines for Agricultural Mitigation for Wind Power Projects

The New York State Department of Agriculture and Markets (NYSAGM) has promulgated a guidance document that applies to wind power projects sited on agricultural lands (NYSAGM, 2018). The *Guidelines for Agricultural Mitigation for Wind Power Projects* include siting goals, construction requirements, restoration requirements, and post-construction monitoring and remediation requirements. To minimize and/or mitigate impacts to active agricultural land and farming operations, Facility siting and construction will generally comply with NYSAGM agricultural protection guidelines to the maximum extent practicable (see Exhibit 15 [Agricultural Resources] for a full analysis of the Facility's impacts to agricultural land). The Applicant and/or a designated third-party Environmental Monitor will consult with NYSAGM during construction if deviation from the approved plans is necessary. In addition, the Applicant will continue to consult with landowners and NYSAGM throughout the Section 94-c process and during construction and operation of the Facility to ensure impacts to active agricultural land and farming operations are minimized and/or mitigated to the extent practicable.

Following construction, subsoil decompaction will be implemented in accordance with the project plans and the Stormwater Pollution Prevention Plan (SWPPP), and in coordination with the landowner. The topsoil will be replaced to original depth and the original contours will be reestablished where possible. Impacts to surface and subsurface drainage features will be restored in accordance with commitments made to the landowner. No Facility restoration activities will occur in agricultural fields between the months of October through May unless favorable soil moisture conditions exist.

Facility Consistency with Regional Planning Documents

In addition to the regional Comprehensive Plans discussed in Section (h), the Facility is consistent with the regional and statewide plans outlined in Table 3-6 and state energy policies. See Exhibit 17 (Consistency with Energy Planning Objectives) for more information regarding consistency with statewide energy plans and policies. As shown below, the proposed Facility is generally consistent with the goals and objectives outlined in the statewide plans.

Table 3-6. Facility Consistency with Regional and Statewide Planning Documents

Plan	Relevant Goals and Objectives	Facility Consistencies	Facility Inconsistencies
New York Open Space Conservation Plan (2016)	<ul style="list-style-type: none"> - Maintain critical natural resource-based industries such as farming, forest products, commercial fishing, and tourism. - Address global climate change (through various means). - Preserve, restore, and/or create a matrix of natural systems sufficiently complex and interconnected to be self-sustaining while performing the critical natural functions necessary to sustain us. 	<ul style="list-style-type: none"> - The Facility utilizes a renewable resource to generate electric power without contributing to global climate change. - The Facility enhances the economic viability of participating farms, enabling them to maintain operations on lands not utilized for the Facility. 	None
New York State Historic Preservation Plan (2021-2025)	<ul style="list-style-type: none"> - Enhance collaboration to advance preservation. - Integrate preservation into local and regional decision making. 	<ul style="list-style-type: none"> - The Applicant has coordinated with New York State Office of Parks, Recreation and Historic Preservation to develop site-specific work plans. - The Applicant has adapted the design of the Facility to avoid impacts to cultural resources (see Exhibit 9) 	None

Plan	Relevant Goals and Objectives	Facility Consistencies	Facility Inconsistencies
Statewide Comprehensive Outdoor Recreation Plan (2020-2025)	<ul style="list-style-type: none"> - Reconnect children and adults with nature and recreation by improving access to outdoor recreation opportunities. - Continue to develop a comprehensive, interconnected recreation-way, water trails, greenway and blueway trail system. - Continue efforts to restore, conserve and protect the biodiversity of state lands. 	<ul style="list-style-type: none"> - The Facility does not have any direct impact on known public recreational resources. 	None
New York State Office of Parks, Recreation and Historic Preservation Sustainability Plan (2009)	<ul style="list-style-type: none"> - Advance a new agency-wide sustainability initiative to adopt green practices - Outline a plan to reduce impacts that the agency's daily activities have on natural resources - Adopted a goal of reducing greenhouse gases 30% by 2030 	<ul style="list-style-type: none"> - The Facility is aligned with the plan's stated goal of reducing greenhouse gases 30%. 	None
Madison County Agricultural and Farmland Protection Plan (2019)	<ul style="list-style-type: none"> - Encourage Towns to adopt solar ordinances that include protection mechanisms for prime soils and agricultural land. Encourage them to account for Climate Controlled Agriculture and other potential land-intensive uses and treat them in a similar fashion to solar farms in local land use codes. - Prioritize and support farm participation in climate initiatives and strategies as advocated by Cornell's Climate Smart Farming Program - Coordinate with County Energy and Sustainability Plan and ensure that agriculture is accounted for new Climate Action Plans in Towns going forward. - Support opportunities for farmers to employ alternative energy such as solar or wind to reduce energy costs and increase resilience to input cost fluctuations. 	<ul style="list-style-type: none"> - Utilizing renewable resources on agricultural land to generate electric power and provide local and regional economic benefits. - Maintaining agricultural land use patterns in the vicinity of the Facility. - Supplement farmers' income to ensure farms remain viable. 	None

Plan	Relevant Goals and Objectives	Facility Consistencies	Facility Inconsistencies
Madison County Energy and Sustainability Plan (2016)	<ul style="list-style-type: none"> - Generate more electricity within the county boundaries. - Increase use of renewables and green building practices. - Strengthen and grow our green economy. - Increase the use of renewables. 	<ul style="list-style-type: none"> - Utilizing renewable resources to generate electric power and provide local and regional economic benefits. 	None
Central New York Regional Sustainability Plan (2013)	<ul style="list-style-type: none"> - Improve the region's energy management by increasing the use of local clean energy sources in place of fossil fuels - Provide infrastructure that reduces greenhouse gas emissions - Adapt successfully to a changing climate and improve the resilience of the region's communities, infrastructure and natural systems. 	<ul style="list-style-type: none"> - Utilizing a renewable resource to generate electric power and provide local and regional economic benefits. 	None

(m) Compatibility of Above-Ground Interconnections with Existing and Proposed Land Uses

The Applicant intends to install collection lines underground and no overhead collection lines will be used. The proposed Facility will connect the collection substation to the POI switchyard with a short length of above-ground transmission line. Specifically, the POI switchyard will connect to the New York electrical grid using a short generation-tie line. The collection substation and POI switchyard will be constructed consistent with applicable regulations and standards and will be visually similar to other electrical grid infrastructure in the area. The potential effects on visibility resulting from the short segment of overhead transmission line are described in Exhibit 8 and Appendix 8-A. Overall, the limited above-ground interconnections proposed for the Facility are not anticipated to have a significant impact.

(n) Compatibility of Underground Interconnections with Existing and Proposed Land Uses

The Facility will include approximately 31.3 miles of underground collection lines. A total of 1,303.8 acres will be located within 300 feet of the centerline of underground collection lines and related facilities. Land use within this area has been classified by the NYSORPS as follows: Agriculture, 748.3 acres (19%); Residential, 203.3 acres (5%); Vacant Land, 286.6 acres (7%); Commercial, 41.6 acres (1%). Approximately 790.4 acres (61%) of the land within 300 feet of an underground collection line is currently enrolled in a NYS Certified Agricultural District. The Facility's proposed underground collection lines will not prohibit or interfere with the continued use of the current and proposed land uses within 300 feet of these components.

The construction of buried interconnects will result in a temporary disturbance. As discussed in Section (l), in agricultural fields, construction will generally be conducted in accordance with the NYSAGM *Guidelines for Agricultural Mitigation for Wind Power Projects* (NYSAGM, 2019) by installing underground lines 48 inches or more below ground on agricultural lands. Otherwise, underground lines will be installed at least 36 inches below ground. At these depths, permanent land use impacts associated with underground interconnects are not anticipated. Buried underground electrical collection lines have been sited in areas of existing disturbance (e.g., existing farm roads and forest logging roads) to the maximum extent practicable. The Applicant has also developed a Drainage Remediation Plan (Appendix 15-C) to address any impacts to tile drains and associated infrastructure within agricultural areas where Facility construction is planned. Where impacts to important environmental resources would otherwise be unavoidable (e.g., stream crossings), trenchless technologies (e.g., horizontal directional drilling and subsurface boring) will be used to minimize impacts.

(o) Compliance with New York State Coastal Management Program Policies and Local Waterfront Revitalization Plans

The Facility Site is not located within a designated coastal area or in direct proximity of a designated inland waterway. Therefore, conformance with the Coastal Zone Management Act is not applicable.

(p) Aerial Photographs

Figure 3-10 contains aerial photographs within the 5-mile Study Area. This mapping was prepared 1-foot resolution natural color orthoimagery from the New York State Digital Orthoimagery Program (NYSDOP) captured during the 2022 growing season.

(q) Aerial Photograph Overlays

Figure 3-11 illustrates the Facility components along with the proposed limits of vegetation and soils disturbance overlaid on NYSDOP imagery captured in the 2022 growing season. These maps were created using ArcGIS software. Point symbols depict the wind turbines and meteorological towers; line symbols are used to depict the centerlines of proposed access roads and electrical collection lines; and polygon symbols to depict the POI switchyard, and construction laydown areas. Buffers around each Facility component show the anticipated limits of clearing, limits of grading, and permanent impervious surfaces (i.e., built facilities).

(r) Source of Aerial Photographs

Figures 3-10 and 3-11 were prepared using 1-foot resolution natural color orthoimagery from the NYSDOP captured during the 2022 growing season.

(s) Description of Community Character

The proposed Facility is consistent with the largely rural agricultural character of the surrounding community. The Applicant has evaluated the Facility's consistency with local comprehensive plans in Section (h), and an analysis of the land use of the surrounding community is presented below. In addition,

the Applicant has classified areas within 5 miles of the Facility into landscape similarity zones. Approximately 2,460 acres of the 3,897-acre Facility Site are enrolled in a NYSAGM certified agricultural district. While the proposed Facility will permanently disturb some of this certified agricultural land, the remainder of the land can continue to be farmed, preserving the character of the towns as farming communities. Moreover, as previously noted, the lease payments made to farmers will supplement their income, potentially preserving their ability to continue farming long-term and enhancing the opportunity to protect the agricultural nature of the communities hosting the Facility. See Exhibit 15 for a full discussion on impacts to agricultural land and mitigation measures.

Community Land Use Classifications

The Facility is proposed to be located in a rural portion of Madison County, which is characterized by a mix of agricultural and forested land surrounding relatively small rural communities. According to the *Madison County Agricultural & Farmland Protection Plan*, agricultural land uses include over 171,865 acres or 42% of the county's land area. The three largest agricultural land uses include cropland (61%), woodland (18%), and Pastureland (11%).

As provided in Section (d) of this Exhibit, NYSORPS land use classification data from 2023 was analyzed to classify the community character in the area of the Facility and the 5-mile Study Area, which is generally representative of Madison County. Land use within the 5-mile Study Area is mostly classified as agricultural land (41%), residential land (28%), and vacant land (24%).

Approximately 2,460 acres of the 3,897-acre Facility Site (63%) are enrolled in a NYSAGM certified agricultural district. These areas account for 1.5% of all lands enrolled in an agricultural district within Madison County. Within 1-mile of the Facility, land use is predominantly agricultural (38%), with lesser percentages of vacant land (32%) and residential (27%) (see Section (l) above for more information on land use within 1-mile of the Facility). Although it will add industrial visual elements to the surrounding area, the Facility is consistent with the active agricultural use of the region. Many of the farms are commercial scale operations with several industrial buildings and facilities associated with them. In addition, host landowner payments will allow farmers in the area to continue active operations on other lands in the vicinity of the Project, as further described in Exhibit 15, helping to preserve the area's agricultural character in the future.

Community Character and Landscape Similarity Zones

The Applicant has classified the landscape similarity zones and visually sensitive resources within the 5-mile Visual Study Area in Exhibit 8 (Visual Impacts) as one method of showing community character in the area of the Facility. Within the 5-mile Study Area, the following landscape similarity zones were identified using a combination of the 2021 NLCD dataset, datasets (streets, place locations, city, village, and town boundaries) published by the New York State Office of Information Technology Services GIS Program Office, the USGS National Hydrography Dataset, and the Environmental Systems Research Institute (ESRI) Land Use/Land Cover dataset:

- Agricultural/Rural Residential (50.5% of Visual Study Area)
- Forest (45.4% of Visual Study Area)
- Water (2.0% of Visual Study Area)

- Village (1.7% of Visual Study Area)
- Hamlet (0.5% of Visual F Study Area).

The landscape similarity zone classifications are based on mapped land cover, elevation, and proximity to various landscape or land use features. Forested lands are likely used by private landowners for hunting or logging, and some of these areas are likely associated with agricultural operations included in the Agricultural/Rural-Residential zone. Some features in the Wetland zone may also be associated with the Agricultural/Rural-Residential zone. Hamlets likely serve as the center of ongoing community activities and are likely the most heavily used areas by the general public, aside from the public roads throughout all zones and residences within the Agricultural/Rural-Residential zone.

The majority of the Facility Site is within the Agricultural/Rural Residential (96.7 square miles, 50.5%) and Forest (86.9 square miles, 45.4%) landscape similarity zones. Figure 5 of the VIA (Appendix 8-A) shows the distribution of landscape similarity zones within the 5-mile Visual Study Area.

Visually sensitive resources identified within the 5-mile Visual Study Area were also utilized to describe community character. Many of these resources (i.e., historic resources, public areas and recreational areas, etc.) are detailed above in Sections (j) and (k). The types of resources identified in the vicinity of the Facility are typical of what could be included in the landscape similarity zones above. The proposed Facility will add industrial features to areas immediately adjacent to the Project. However, commercial agricultural buildings, electrical transmission and distribution lines, and electrical substations are present in the area as well. Visual screening from topography will significantly reduce visibility of the Facility outside of immediate areas.

Potential Impacts and Proposed Avoidance, Mitigation, and/or Minimization Methods

The proposed Facility will convert approximately 19.5 acres (approximately 1%) of the certified agricultural district land within the Facility Site to built facilities and maintained areas necessary for Facility operation. The remainder of the land can continue to be farmed, preserving the character of the towns as farming communities. Moreover, the lease payments made to farmers will supplement their income, potentially preserving their ability to continue farming long-term and enhancing the opportunity to protect the agricultural nature of the communities hosting the Facility. Further information regarding agricultural resources is presented in Exhibit 15.

As discussed in Exhibit 7 (Noise and Vibration), construction and operation of the wind turbines and other Facility components will have noise impacts. However, these impacts will be minor and will not affect the character of the community. Operational noise levels of the Facility will comply with ordinances established by thresholds established by the Uniform Standards and Conditions (§900-6.5(a)). In addition, the Facility has been designed to avoid and minimize noise impacts by adhering to established setbacks.

The Facility will introduce new visible elements (e.g., wind turbines) into the existing landscape, which could be considered a change in community character for the primarily rural residential areas that surround the Facility Site. However, the visibility and visual impact of the Facility will be highly variable based on distance, number of turbines in view, weather conditions, sun angle, extent of visual screening from topography and

vegetation, scenic quality, viewer sensitivity and/or existing land uses. See Exhibit 8 for a further discussion of visual impacts.

Avoidance or mitigation measures that will minimize adverse impacts on community character include, but are not limited to, the following:

- Siting the Facility away from population centers and areas of dense residential development.
- Locating access roads and turbines to avoid or minimize disturbance of wetlands, streams, and cultural/historic resources.
- Using existing roads for turbine access whenever possible to avoid or minimize disturbance of wildlife habitat, wetlands, streams, and cultural/historic resources.
- Following setback requirements outlined in the Section 94-c regulations to site the Project away from non-participating boundary lines, structures, and public roadways.
- Burying electrical interconnection lines between turbines.
- Implementing agricultural protection measures to avoid, minimize, or mitigate impacts on agricultural land and farm operations.
- Consultation with various stakeholders to identify local resources of concern and to minimize any potential impacts to the community.

There are also numerous Facility-specific studies attached to this Application, such as a VIA (see Appendix 8-A), various sound-related appendices (see Appendices 7-A to 7-L), Cultural Resources Studies (see Appendices to Exhibit 9), and a Shadow Flicker Analysis (see Attachment A to Appendix 8-B). In addition to evaluating potential effects on their respective resources, these studies can also be used to evaluate the Facility's potential effects on community character. See Exhibit 16 of this Application for a discussion of Facility impacts on transportation, including any effect the Facility might have on the municipal airports. These exhibits also outline the various mitigation measures that are being implemented to minimize and avoid impacts on the environment and the community where the Facility is proposed.

(t) Historical Environmental Contamination

The Facility Site does not have a history of environmental contamination according to data from the NYSDEC Environmental Remediation Databases; therefore, this section is not applicable (NYSDEC, 2014).

(u) Oil, Gas, and Mining Solution Wells within 500-feet of Proposed Disturbance

The Applicant reviewed the NYSDEC's Oil and Gas Well database and found no oil, gas, or mining solution wells are located within the Facility Site or within 500 feet of the Facility's proposed disturbance (NYSDEC, 2019). The nearest known NYSDEC-regulated well is a dry hole well, with unknown status, located 1.4 miles south of the Facility Site. Additionally, six existing unplugged, seven plugged, and one unknown NYSDEC-regulated well(s) are located within the 5-mile Study Area (see Figure 3-12).

The Applicant contracted Westwood to conduct a magnetometer survey of the Facility Site in accordance with 19 NYCRR §900-2.4(u)(1) to identify potential oil and gas wells located within the Facility Site and within 500 feet of the proposed limit of disturbance (the Magnetometer Survey Study Area). As detailed in the

Magnetometer Survey Memorandum (Appendix 3-B), Westwood identified three anomalies of interest within the Magnetometer Survey Study Area, two of these anomalies were identified as the remains of structures by the applicable landowners and one anomaly was identified as a potential oil and gas well (see Appendix 3-B). The potential oil and gas well is located more than 100 feet from the Facility's limits of disturbance and the nearest proposed permanent structure. The locations of oil and gas wells, including those identified in the magnetometer survey, are depicted on Figure 3-12.

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