



**BROOKSIDE SOLAR, LLC**

**Matter No. 21-00917**

**900-2.4 Exhibit 3**

**Location of Facilities and Surrounding Land Use**

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## Acronym List

AES	The AES Corporation, Inc.
Ag	Agricultural Zoning District
ANCA	Adirondack North Country Association
C	Countryside Zoning District
CEDS	Comprehensive Economic Development Strategy
CG	Commercial General Zoning District
CUGIR	Cornell University Geospatial Information Repository
CRIS	Cultural Resources Information System
DANC	New York State Development Authority of the North Country
DSNY	Dig Safely New York
EPA	United States Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FRAN 1	Agriculture District 1 in Franklin County
GIS	geographic information system
HDD	horizontal direction drill
kV	Kilovolt
LOD	limit of disturbance
LWRP	Local Waterfront Revitalization Program
M	Mixed-Use Zoning District
MRLC	Multi-Resolution Land Characteristics
MW	Megawatt
MWdc	Megawatt Direct Current
NRIS	National Register Information System
NHD	National Hydrography Dataset
NOAA	National Oceanographic and Atmospheric Administration
NPS	National Park Service
NRCS	Natural Resources Conservation Service
NYCRR	New York Codes, Rules and Regulations
NYS	New York State
NYSAGM	New York State Department of Agriculture and Markets
NYSDEC	New York State Department of Environmental Conservation

NYSDOS	New York State Department of State
NYSDOT	New York State Department of Transportation
NYSEG	New York State Electric and Gas
NYSGIS	New York State GIS Clearinghouse
NYSORPTS	New York State Office of Real Property Tax Services
OPRHP	New York State Office of Parks, Recreation, and Historic Preservation
ORES	Office of Renewable Energy Siting
ORPTS	Franklin County Office of Real Property Tax Service
OS	Open Space Zoning District
PD	Planned Development Zoning District
R	Residential District
R/R	Rural/Residential District
ROW	right-of-way
RS	Residential Seasonal Zoning District
STP	Shovel Test Pit
SWPPP	Storm Water Pollution Prevention Plan
USCs	Uniform Standards and Conditions
USDA	United States Department of Agriculture
USGS	United States Geological Survey
VIA	Visual Impact Assessment

## Glossary Terms

<b>Applicant</b>	Brookside Solar, LLC, a subsidiary of The AES Corporation, Inc. (AES), the entity seeking a siting permit for the Facility from the Office of Renewable Energy Siting (ORES) under Section 94-c of the New York State Executive Law.
<b>Facility</b>	The proposed components to be constructed for the collection and distribution of energy for the Brookside Solar Project, which includes solar arrays, inverters, electric collection lines, and the collection substation.
<b>Facility Site</b>	The parcels encompassing Facility components which totals 1,471 acres in the Towns of Burke and Chateaugay, Franklin County, New York (Figure 2-1).
<b>Study Area</b>	In accordance with the Section 94-c Regulations, the Study Area for the Facility includes a radius of 5 miles around the Facility Site boundary, unless otherwise noted for a specific resource study or Exhibit. The 5-mile Study Area encompasses 69,963 acres, inclusive of the 1,471-acre Facility Site.

## **Exhibit 3: Location of Facilities and Surrounding Land Use**

This Exhibit provides information to satisfy the requirements of Chapter XVIII, Title 19 of New York Codes, Rules and Regulations (NYCRR) §900-2.4 of the Section 94-c Regulations including a series of figures showing the proposed location of Facility components relative to existing land uses, zoning districts, and other information as specified in §900-2.4 with accompanying discussion. The evaluation includes the Facility Site as well as the 5-mile Study Area, where noted.

### **3(a) Topographic Maps**

The United States Geological Survey (USGS) maintains the National Map online database, which contains historical and recent USGS 7.5-minute (1:24,000) quadrangle topographic maps for the United States, as well as land cover imagery for the world. The Facility is located in the Burke, New York, quadrangle and the Chateaugay, New York, quadrangle. The most recent USGS mapping for both quadrangles are dated 2019. This information was used to produce the figures referenced throughout this Exhibit and described in the following subsections.

#### ***(1) Location of Facility Components and Electric Transmission Facility***

The Facility Site is 1,471 acres in size and consists of 30 parcels currently under lease option from private landowners in the Towns of Burke and Chateaugay, Franklin County, New York. The location of the Facility Site parcels is shown on Figure 4-1 in Exhibit 4 (Real Property).

Figure 3-1 depicts the locations of the Facility Site and Facility components, including solar panel arrays, electric collection lines, the collection substation, inverters, haul roads, and fence lines, overlain on USGS mapping (2019). There are no Facility components that fall outside the Facility Site.

#### ***(2) Proposed Interconnection Locations***

The Facility will connect to New York State Electric and Gas's (NYSEG) existing Line 911 Willis Road to Chateaugay 115-kilovolt (kV) transmission line via two adjacent overhead 115-kV lines spanning 173 and 210 linear feet extending from the onsite collection substation to the onsite existing transmission line. This interconnection is shown on Figure 3-1. The collection substation will be situated in the southeast central portion of the Facility Site, adjacent to a panel

array. The Facility will have no need for potable water or wastewater interconnections, offsite communication lines, or stormwater drainage lines.

### **(3) Construction Clearing and Disturbance**

Proposed areas of vegetative clearing and ground disturbance associated with grading and installation of Facility components has been limited to the maximum extent practicable. The limits and locations of vegetative clearing required for the Facility are shown on Figure 3-1 and on Sheets PV-C.00.01 through PC.00.21 (Existing Conditions and Clearing Plan) of the Facility Design Drawings in Appendix 5-1. Additional information regarding vegetative clearing at the Facility Site is presented in Exhibit 11 (Terrestrial Ecology) of the Application.

#### **3(b) Proposed Facility Location Relations Maps**

Figure 3-2 illustrates the Facility Site in relation to the municipal boundaries and taxing jurisdictions. The Facility is in the Towns of Burke and Chateaugay, in Franklin County, New York, and is entirely within the Chateaugay Central School District.

#### **3(c) Description of the Proposed Facility Location**

As described above and shown on Figure 3-2, the Facility Site and all Facility components are located within the Towns of Burke and Chateaugay in Franklin County, New York. The Facility Site is located within designated agriculture, residential, rural/residential, and mixed-use zoning districts within the Town of Burke. Additional information regarding local zoning designations is presented in Exhibit 24 (Local Laws and Ordinances). The nearest village is the Village of Chateaugay located approximately 0.6 miles east of the Facility Site. The nearest city is the City of Plattsburg, located approximately 35 miles southeast of the Facility Site. The Facility Site is located within the Chateaugay Central School District and the 5-mile Study Area encompasses both the Chateaugay Central School District and the Malone Central School District. Additional information regarding taxing jurisdictions is provided in Exhibit 18 (Socioeconomic Effects).

Portions of the Facility Site are located within the New York State Department of Agriculture and Markets (NYSAGM) Agriculture District 1 in Franklin County (FRAN 1). Rural residences and other structures such as farm buildings are located along the boundaries of Facility parcels, and Facility features will be located away from residences and other structures in accordance with the



Section 94-c setback requirements for solar projects. Exhibit 5 (Design Drawings) includes additional information regarding setbacks applied for the Facility.

### 3(d) Existing Land Use

Figure 3-3 has been prepared using available geographic information system (GIS) data from the Development Authority of the North Country Department Data and Mapping Services, Franklin County Office of Real Property Tax Service (ORPTS), New York State Office of Information Technology Services GIS Program Office, and classification codes of the New York State Office of Real Property Tax Services (NYSORPTS) within the Study Area. The Study Area includes approximately 69,963 acres of land (inclusive of the 1,471-acre Facility Site). The “Franklin County Parcel Data” data set derived from the Property Class attribute was used to produce Figure 3-3. Land Use Classification Codes have been implemented by the County to each parcel within the County to describe its primary use. These Land Use Classification Code descriptions and applications are consistent throughout New York State (NYS).

#### (1) Land Use Classification Codes

Land Use Classification Codes describe the primary use of each parcel and are consistent throughout NYS. Land Use Classification Code Categories, as defined by the NYSORPTS, that are classified within the Study Area include agricultural, residential, vacant land, commercial, community services, industrial, public services, and wild, forested, and conservation lands, and public parks. Each land use classification that occurs within the Study Area is described below and shown on Figure 3-3. Land Use Classification Codes within the Facility Site and Study Area by acreage are provided in Table 3-1 below.

**Table 3-1. Land Use Classification Codes within the Facility Site and Study Area**

Land Use Classification Code	Acreage within the Facility Site <sup>1</sup>	Acreage within Study Area <sup>2</sup>	Percentage of Study Area (%)
Agricultural (100)	1,187	33,733	46
Residential (200)	126	15,733	21
Vacant Land (300)	51	16,666	23
Commercial (400)	33	172	<1
Recreation and Entertainment (500)	0	283	<1
Community Services (600)	74	368	<1

**Table 3-1. Land Use Classification Codes within the Facility Site and Study Area**

Land Use Classification Code	Acreage within the Facility Site <sup>1</sup>	Acreage within Study Area <sup>2</sup>	Percentage of Study Area (%)
Industrial (700)	0	212	<1
Public Services (800)	0	221	<1
Wild, Forested, Conservation Lands and Public Parks (900)	0	948	1
Roads/Non-Parcel Areas	0	1,358	2
Unclassified Parcels	1	269	<1
Canada <sup>3</sup>	N/A	4,046	6

<sup>1</sup> The Facility Site is defined as the parcels encompassing Facility components which totals 1,471 acres. This is the entire parcel which includes leased and non-leased areas. Non-leased areas are referred to as Landowner Imposed Development Restriction Areas.

<sup>2</sup> The Study Area is defined as a radius of 5 miles around the Facility Site boundary, which totals 69,963 acres.

<sup>3</sup> Canadian territory makes up 5% of the land within the Study Area. This land is not included in the land use analysis for this exhibit.

**Agricultural – 100**

The NYSORPTS describes agricultural land as property used for the production of crops or livestock. Approximately 33,733 acres within the Study Area are classified as Agricultural Land (Code 100). The NYSAGM further classifies lands that are certified as Agricultural Districts pursuant to the New York Agricultural Districts Law (article 25-AA of the Agriculture and Markets Law). Approximately 118,163 acres of land are mapped as an Agricultural District in Franklin County, of which 66,983 acres are farmed (NYSAGM, 2019). Within the Town of Burke, 21,250.6 acres are mapped within an Agricultural District. Within the Town of Chateaugay, 13,544.4 acres are mapped within an Agricultural District.

The Facility Site was evaluated to determine potential impacts to Agricultural Districts, as part of the Facility. The Facility Site consists of a total of 17 parcels of NYSORPTS-classified Agricultural Land (Code 100), while 14 are enrolled in Agricultural District 1 of Franklin County. The Facility will have a fenced-in area of approximately 333 acres, including the collection substation, proposed within the mapped Agricultural Districts. Although the Facility is sited within mapped Agricultural Districts, the Facility Site will only occupy 319 acres (0.27 percent) of all lands designated as mapped Agricultural Districts within Franklin County. Furthermore, the Facility will only occupy 212 acres (0.99 percent) of all lands designated as mapped Agricultural

Districts within the Town of Burke and 107 acres (0.79 percent) of lands designated as mapped Agricultural Districts within the Town of Chateaugay.

Solar facilities have minimal soil impacts on agricultural land being developed and landowners can restore the land to its agricultural potential following decommissioning. This is due, in part, to the use of driven posts for the solar array racking system's foundation, which results in significantly less soil disturbance than typical foundation/excavation requirements for other types of development.

### ***Residential – 200***

The NYSORPTS describes residential land as property used for human habitation. Living accommodations such as hotels, motels, and apartments are included in the commercial category (400). The NYSORPS classifies 15,733 acres of the Study Area as Residential Land (Code 200). There are five parcels (comprising approximately 126 acres) classified as Residential Land within the Facility Site.

### ***Vacant Land – 300***

The NYSORPTS describes vacant land as property that is not in use, is in temporary use, or lacks permanent improvement. There are 16,666 acres within the Study Area classified as Vacant Land (Code 300). There are four parcels (comprising approximately 51 acres) classified as Vacant Land within the Facility Site. Within the Facility Site, there are two parcels (5.3 and 7.4 acres) classified as rural vacant land within rural residential areas (Code 314), one parcel (10.0 acres) classified as residential vacant land within rural areas (Code 322), and one parcel (28.8 acres) classified as other rural vacant land (Code 323).

### ***Commercial – 400***

The NYSORPTS describes commercial land as property used for the sale of goods and/or services. There are 172 acres of land classified as Commercial Land Use (Code 400) properties within the Study Area. There are 33 acres classified as Commercial Land within the Facility Site.

### ***Recreation & Entertainment – 500***

The NYSORPTS describes recreation and entertainment land use as property used by groups for recreation, amusement, or entertainment. There are 283 acres of Recreation and

Entertainment Land (Code 500) within the Study Area of the Facility. There are no Recreation and Entertainment Land parcels identified within the Facility Site.

### ***Community Services – 600***

The NYSORPTS describes community service land as property used for the well-being of the community. There are 368 acres of Community Service Land (Code 600) within the Study Area of the Facility. There are 74 acres of Community Service Land Use parcels identified within the Facility Site.

### ***Industrial – 700***

The NYSORPTS describes industrial land as property used for the production and fabrication of durable and nondurable man-made goods. There are 212 acres of Industrial Land Use within the Study Area. There are no Industrial Land Use parcels identified within the Facility Site.

### ***Public Services – 800***

The NYSORPTS describes public services as property used to provide services. There are 221 acres of Public Land Service Land Use (Code 800) within the Study Area. There are no Public Service Land Use parcels identified within the Facility Site.

### ***Wild, Forested, or Conservation Lands and Public Parks – 900***

The NYSORPTS describes Wild, Forested, Conservation Lands, and Public Parks and reforested lands, preserves, and private hunting and fishing clubs. There are 948 acres of land identified as Wild, Forested, Conservation Lands, and Public Park Lands Use (Code 900) within the Study Area. There are no Wild, Forested, Conservation Lands, and Public Park Land Use parcels identified within the Facility Site.

## **3(e) Existing Utility Facilities Map and Consultations**

Figure 3-3 illustrates known existing major electric, gas, water, and telecommunication (fiber optic) facilities within the 5-mile Study Area. These facilities include existing as overhead or underground lines for electric and telecommunication companies. Utility facilities within the Facility Site include overhead electric wiring, (further described in Exhibit 21 Electric System Effects and Interconnection). Table 3-2 outlines known existing major electric and telecommunication facilities within the Facility Site.

**Table 3-2. Existing Utilities Within the Facility Site**

Easement/Structure	Owner	Site Plan/Figure/ Exhibit Reference	Impact
Fiber Optic Cable	NY Development Authority of the North Country (DANC)	Exhibit 20	Underground utility/Dig Safely New York (DSNY) coordination needed
Electrical transmission line	NYSEG	Figure 3-3	Major utility/interconnection
Stuart Road	Town of Burke	PV-C.01.03 PV-C.01.04	Horizontal direction drill (HDD)
US Route 11	New York State	PV-C.01.08 PV-C.01.10 PV-C.01.12 PV-C.01.15	HDD
County Route 23	Franklin County	PV-C.01.17	HDD

There is one NYSEG major utility/interconnection line that runs through the Facility Site (Figures 3-3 and 4-1). The Applicant will coordinate with Dig Safely New York (DSNY) to ensure that all utility and communication infrastructure within the Facility Site has been identified. There are no impacts anticipated to major communication or utility infrastructure associated with this construction or operation of the Facility.

**3(f) Tax Parcel Map**

Information on the current land use, tax parcel number, and owner of record for each property within the Facility Site, as well as those adjacent parcels within 1,000 feet is depicted on Figure 3-4. This information is based on data obtained from Franklin County GIS Parcel Data and field observations of vacant land, where possible.

**3(g) Existing and Proposed Zoning Districts**

A scaled map of the existing zoning districts within the Study Area is included as Figure 3-5. The Study Area includes the Towns of Bellmont, Burke, Chateaugay, Clinton, Constable, and Malone and the Villages of Burke and Chateaugay in Franklin County. The northern portion of the Study Area extends across the United States-Canadian border into the Province Quebec. The Towns of Burke and Malone have adopted local zoning laws and designated zoning maps, which can be found in the Local Zoning Map in Figure 3-5. The Towns of Bellmont, Chateaugay,

Clinton, and Constable and the Villages of Burke and Chateaugay do not have adopted zoning laws or zoning maps.

The zoning districts for the Towns of Burke and Malone that fall within the Facility Site or the Study Area are described below. Each description includes the permitted and prohibited uses for the Town of Burke and the permitted primary uses for the Town of Malone (Town of Burke, 1991; Town of Malone, 1974).

### ***Town of Burke***

The Zoning Law of the Town of Burke, adopted in 1991, established four zoning districts: including the Agricultural District (Ag), Residential District (R), Rural/Residential District (R/R), and Mixed-Use District (M). The M District includes residential, commercial/industrial, and agricultural uses.

The Facility Site within the Town of Burke consists primarily of the Ag District, with some portions zoned as R/R District and M District. The Study Area within the Town of Burke consists of the following zoning districts: Ag, M, R/R, and R, with zoning district R being predominately located within the Village of Burke, approximately 1.4 miles southwest of the Facility Site. The permitted and prohibited uses for each district are listed below.

Permitted uses in the Ag District include single-family dwellings, two-family dwellings, and mobile homes; public and semi-public buildings and grounds, clubs, and essential services; agriculture structures and uses; home occupation, nursery, florist, and greenhouses. Prohibited uses in the Ag District include indoor recreation; motel, hotel, or cabin; restaurant; used merchandise or furniture; gasoline and auto service station, motor vehicle repair shop; retail store or shopping center; waste disposal area; race track; and manufacturing.

Permitted uses in the R District include single-family dwellings, two-family dwellings, multi-family dwellings, and mobile homes; public and semi-public buildings and grounds, clubs, essential services, and home occupation. Prohibited uses in the R District include campgrounds or travel trailer park; antique craft, gift shop, used merchandise or furniture; nursery, florist, and greenhouse; tavern, bar, or nightclub; veterinary hospitals or kennels; gasoline and auto service station, motor vehicle repair shop; gun or fish tackle shop, retail store, or shopping center; trucking, warehousing and distribution or construction business; excavation (sand, gravel, heavy equipment), junkyard or waste disposal area; race track; slaughterhouse and chicken/pig farm.

Permitted uses in the R/R District include single-family dwellings, two-family dwellings, multi-family dwellings, and mobile homes; public and semi-public buildings and grounds, clubs, and essential services; agriculture structures and uses, and home occupation. Prohibited uses in the R/R District include campgrounds or travel trailer park; excavation (sand, gravel, heavy equipment), junkyard or waste disposal area; race track; slaughterhouse, and chicken/pig farm.

Permitted uses in the M District include single-family dwellings, two-family dwellings, and mobile homes; public and semi-public buildings and grounds, clubs, and essential services; agriculture structures and uses; home occupation and restaurants. Prohibited uses in the M District include campgrounds or travel trailer park; junkyard or waste disposal area; and a chicken/pig farm.

### ***Town of Malone***

The Town of Malone's Zoning Law was adopted in 1974 and established six zoning districts: Residential (R), Residential Seasonal (RS), Countryside (C), Planned Development (PD), Commercial General (CG), and Open Space (OS).

The northeast corner of the Town of Malone is located within the Facility's 5-mile Study Area and is zoned as C District. The permitted primary uses for the C District is listed below.

Permitted primary uses in the C District include single-family dwellings, two-family dwellings, farms, schools, churches or houses of worship, cemeteries, government buildings, private clubs, camps and seasonal dwellings, outdoor recreation developments, nurseries, animal hospitals, kennels, roadside stands, and public utility facilities.

### **3(h) Adopted Comprehensive Plans**

#### ***Franklin County***

The Towns of Burke and Chateaugay<sup>1</sup> do not have existing adopted comprehensive plans or farmland protection plans. However, Franklin County Industrial Development Agency adopted a comprehensive economic development strategy (CEDS) in December 2014 (Appendix 3-1); which can also be found on their website

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<sup>1</sup> The Applicant has contacted the Towns of Burke and Chateaugay to confirm neither Town has adopted a comprehensive plan.

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([http://www.franklinida.org/files/public/pdf/CEDS\\_2014/Full Document - CEDS 1 5 2015 - Franklin County IDA.pdf](http://www.franklinida.org/files/public/pdf/CEDS_2014/Full_Document_-_CEDS_1_5_2015_-_Franklin_County_IDA.pdf)). The #1 Energy Goal outlined in the economic development plan was to “Improve Economic Development Climate and Implementation Capacity.” One of the strategies outlined to meet this goal was to review and assess the energy infrastructure within the county and determine where improvements and upgrades need to be made (Franklin County Development Strategy, 2014). One of the action plans highlighted for the County to improve and upgrade their infrastructure was to support the development of alternative energy production, including solar energy. The Brookside Solar Facility will support this action plan by developing a modern, renewable energy facility with the latest technology.

The final way in which the Facility aligns with and supports the adopted comprehensive economic development strategy is by creating jobs and boosting the local economy. Franklin County set a goal of creating +1,000 construction jobs for the improvement to their energy infrastructures. The Brookside Solar Facility will provide an opportunity for +150 construction jobs and 2-3 permanent jobs, which directly supports Franklin County’s economic development plan.

### ***North Country Regional Sustainability Plan***

Franklin County is an entity that is a part of New York’s North Country. The Adirondack North Country Association developed the North Country Regional Sustainability Plan that discusses the opportunities for environmental science to play a role in the region’s economic growth. This includes the conversion of traditional energy sources (natural gas), to renewable energy sources, which is why the Brookside Solar Facility aligns well with the goals of New York State’s North Country and Franklin County. The North Country Regional Sustainability Plan can be found in Appendix 3-2 and on the Adirondack North Country Association website (<https://adirondack.org/sites/default/files/pdf/Final-Report-6-14-13.pdf>).

The North Country Regional Sustainability Plan was adopted in 2013 and highlighted five common themes and six technical focus areas. The five common themes are as followed:

1. Economic Development
2. Education
3. Greenhouse Gas Emission Reduction



4. Governance
5. Climate Adaption

The Facility strongly aligns with three of the five common themes: Economic Development, Greenhouse Gas Emission Reduction, and Climate Adaption.

In relation to the Economic Development theme, the Facility will boost the local economy in Franklin County by providing +150 jobs during construction and 2-3 jobs for operation and maintenance for the operational life of the Facility, which will result in an increase in local spending within Franklin County.

There will be tax benefits and electric bill credit benefits to the local community as well, including \$9 million in estimated taxes over 20 years of operation to Franklin County, the Towns of Burke and Chateaugay, and the Chateaugay Central School District, and \$500/megawatt (MW) per year electric utility bill credit (a total of \$500,000). Finally, the Applicant intends to enter into a Host Community Agreement with the Towns of Burke and Chateaugay, which will greatly benefit the local communities.

The Facility will support the Greenhouse Gas Emission Reduction theme as the Facility will produce clean, renewable energy and contribute to New York State's goal to reduce greenhouse gas emissions to 40 percent of 1990 levels by 2030. The Facility will also support the State's goal of producing 70 percent renewable electricity by 2030. This Facility alone will reduce CO<sub>2</sub> emissions by ~131,000 metric tons per year, which is equivalent to powering ~16,500 homes' electricity use per year. This analysis demonstrates how the Facility will generously support the Greenhouse Gas Emission Reduction theme.

There is a need to design new infrastructure to be resilient to climate change which can withstand unpredictable seasons, extreme temperatures, and severe storm events. The Facility will be viable option for a source of renewable energy within the North Country region northern climates. It will be constructed with the most up-to-date technology to be resilient to the changing climate and ensure the production of reliable and renewable energy. Because the Facility will produce clean energy, it will not produce greenhouse gas emissions. A reduction in greenhouse gas emissions will improve the local air quality, which directly supports the public health within the local community. Reducing greenhouse gas emissions will also decrease the amount of heat that is trapped within the atmosphere (EPA, 2020). The Brookside Solar Facility

contributes to the North Country's goal to improve their energy infrastructure and address climate change.

The six technical focus areas highlighted within the North Country Regional Sustainability Plan are as followed:

1. Energy
2. Livable Communities & Land Use
3. Working Landscapes
4. Transportation
5. Water Management
6. Materials Management

Of the six technical focus areas, the one that the Facility aligns most with is the Energy focus area. The overall intent for the Energy focus area within North Country Regional Sustainability Plan is for the North Country to "create the greenest and most self-reliant energy economy in New York State" (North Country Regional Sustainability Plan, 2014). Through the installation of the Brookside Solar Facility, the Towns of Burke and Chateaugay will be supporting Franklin County and the North Country to create new energy infrastructure that is reliable and dependable. The Facility will also benefit the region through the production and use of clean, green energy. Within the Energy focus area, there were three goals that were laid out as follows:

1. Increase the local generation and distribution of renewable energy;
2. Increase energy efficiency of the region's building stock; and
3. Reduce energy use through consumer decision-making and behavioral changes.

The Facility will directly support the Energy focus area goal 1 by generating clean, renewable energy to the local communities and the North Country region. Solar energy was specifically stated within the North Country Regional Sustainability Plan as a potential benefit to the community because it is a viable option for renewable energy within the North Country region northern climates.

### **3(i) Publicly Known Proposed Land Uses**

Figure 3-5 identifies all publicly known proposed land uses within the Study Area. The Applicant has reviewed publicly available information, including town documents, public notices, Article 10/Section 94-c docket, and town board meeting minutes and has determined that within the Study Area, there are four known proposed land uses, two within the Town of Burke and two within the Town of Chateaugay. Aside from the Facility, there are no proposed land uses within the Facility Site. The nearby wind projects (Jericho Rise [in operation] and North Country Wind [proposed]) overlap with some of the Facility's parcels, but the Facility will not impact either project.

Within in Town of Burke, there are two proposed solar projects: NexAmp Inc. is proposing to develop a 5 MW solar facility and the AES Corporation Inc. is proposing to develop a 5 MW solar facility titled the Glengarry Solar Project. Neither of these proposed project's locations have been disclosed at the time of this application filing.

Within the Town of Chateaugay, Norbut is proposing to construct an approximately 15 MW direct current (MWdc) solar facility on State Route 11, approximately 3.4-miles east of the Facility Site (Figure 3-5). Within the Towns of Burke and Chateaugay, Terra-Gen is proposing to construct North Country Wind Project, a 298-MW wind farm. The exact location of the North Country Wind Project was not disclosed at the time of this Application filing.

### **3(j) Maps of Designated Areas**

Figure 3-6 illustrates the Facility Site in relation to NY State Historic Preservation Sites, Cultural Resource Sites, local parks, local waterfront revitalization program (LWRP) areas, principal aquifers, designated agricultural districts, flood-prone areas, conservation easements, local and state protected areas, and NYS mines that are located within the Study Area. Figure 3-6 was prepared using the following databases: Adirondack North Country Association (ANCA), Cornell University Geospatial Information Repository (CUGIR), NYSDEC, Federal Emergency Mapping Agency (FEMA), National Hydrography Dataset (NHD), National Register Information System (NRIS), New York State Department of State (NYSDOS), New York State GIS Clearinghouse (NYSGIS) and TRC.

There are no NYS-designated coastal areas, inland waterways, State Environmental Quality Review critical environmental areas, groundwater management zones, or coastal erosion

hazard areas located within the Study Area (NYSDOS, 2021; NYSDOS.a., 2021; NYSDEC.b., n.d.; NYSDEC.c., n.d.).

Tax parcels within the Facility Site are located within Franklin County Agriculture District 1 (FRAN 1). Of the 30 tax parcels within the Facility Site, 11 are located within this district. Franklin County Agriculture District 1 was established in September of 1988, it was last reviewed in November 2020 (CUGIR, 2021).

The Facility Site that is within the Town of Burke lies within the FEMA flood mapping area number 3613940010B, which went into effect on February 19, 1986. The Facility Site is defined as Zone C, which is an area that is determined to have minimal flooding (FEMA, 1986). Therefore, it can be concluded that the Facility Site within the Town of Burke is not located within a flood prone area. According to the FEMA flood mapping, the Town of Chateaugay is unmapped. It can be inferred that the Facility Site located within the Town of Chateaugay is not within a flood prone zone as there is no significant change in hydrologic or topographic conditions compared to the Facility Site located within the Town of Burke.

**3(k) Maps of Recreational and Other Sensitive Land Uses**

Figure 4 of Appendix 8-1: Visual Impact Assessment (VIA) includes recreation and other land uses reviewed within the Study Area that, theoretically, might be affected by the sight, sound, or odor of the construction or operation of the Facility, or the onsite interconnection and related facilities. Table 3-3 and Exhibit 8 identifies the sources used to populate Figure 4 of Appendix 8-1.

**Table 3-3. Recreational and Other Sensitive Land Uses within the Study Area**

Land Use	Sources Reviewed	Within Study Area?
Wild, Scenic, and Recreational River Corridors	New York State Department of Environmental Conservation (NYSDEC) List of Wild, Scenic, and Recreational Rivers (Accessed 2021) National Wild and Scenic Rivers Mapping (Accessed 2021)	No

**Table 3-3. Recreational and Other Sensitive Land Uses within the Study Area**

Land Use	Sources Reviewed	Within Study Area?
Open Space	NYS Department of State, Office of Planning & Development GIS Database (Accessed 2021) NYSDEC GIS Database (Accessed 2021)	No
Known Archaeological, Geologic, Historic, or Scenic Area	NYS Historic Preservation Office Cultural Resources Information System (CRIS) (Accessed 2021) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2021)	Yes
Parks	NYS Office of Parks, Recreation and Historic Preservation (OPRHP; Accessed 2021) NYSDEC State Lands Mapping (Accessed 2021) National Park Service Mapping (Accessed 2021)	Yes
Designated Wilderness, or Forest Preserve Lands	NYSDEC GIS Database (Accessed 2021) National Wilderness Preservation System (Accessed 2021)	Yes
Scenic Vistas	NYSDEC GIS Database (Accessed 2021)	No
Conservation Easement Lands	NYSDEC GIS Database (Accessed 2021) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2021) National Conservation Easement Database (Accessed 2021)	Yes
Designated Scenic Byways	NYS Department of State, Office of Planning & Development GIS Database (Accessed 2021) NYS Department of Transportation List of Scenic Byways (Accessed 2021)	Yes
Nature Preserves	NYSDEC GIS Database (Accessed 2021)	No
Designated Trails	NYSDEC GIS Database (Accessed 2021) NYS OPRHP (Accessed 2020)	Yes
Public-Access Fishing Areas	NYSDEC GIS Database (Accessed 2021) DECinfo Locator (Accessed 2021)	Yes

Potential impacts to each of the sensitive land uses within the Study Area have been evaluated and avoided to the maximum extent practicable. Scaled maps that show these designated areas, recreational, and other sensitive land uses are evaluated in detail in Exhibit 8 (Visual Impacts) and the VIA. The VIA assesses potential impacts of the Facility within two miles of the

boundaries of the Facility (the Visual Study Area). Local, state, and federal sensitive visual resource areas were investigated per 16 NYCRR §1001.24. An inventory of publicly available and accessible visual resources was explored through the acquisition of GIS data, review of town, county, and agency reports, topographic data, and site visits. Visual resources within five miles of the Facility are listed in Table 8-2 of Exhibit 8.

According to the NYS CRIS mapper, there are known archeological sensitive areas within the Facility Site and the Study Area. The Applicant conducted a Phase IA Archaeological Study and Sensitivity Assessment in September 2020. The Phase IA study identified eight previously recorded archeological sites within one mile of the proposed Facility, and one site within the Facility. No known cemeteries are located within the Facility Site. With the conclusion of the Phase IA study, the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) requested a Phase IB study to be conducted. The Applicant conducted a Phase IB Cultural Resource Assessment survey in November – December 2020, May – June 2021, and October – December 2021 to determine the presence or absence of cultural resources. The study concluded that a total of 4,907 shovel test pits (STPs) were excavated, and 16.37 acres of systematic surface survey were collected, resulting in the recovery of 326 artifacts from three historic sites. Based on the low density of artifacts and absence of identified cultural within the three historic sites, further analysis of the sites is not necessary.

There are no scenic vistas, open spaces, nature preserves, forest preserve lands, or wild, scenic, and recreational river corridors within the Study Area (NYSDEC, n.d.; NYSDEC.a., n.d.; NYSDEC.d., n.d.). However, there are recreational areas within the Study Area, which are illustrated on Figure 3-6. There is one snowmobile trail that is owned and operated by the Franklin Snowmobilers Club, one NYSDEC state forest, Valley View State Forest, and four local parks/campgrounds, including the Chateaugay Town Recreation Park, Feinberg Park, High Falls Park and Campground, and Ponderosa Campsite. Additionally, Burke Falls is a recreational area that is used as a swimming lake. Finally, there are multiple areas designated for public fishing access along the Marble and Chateaugay Rivers, but there are no public fishing piers or boat launches within the Study Area. These recreational areas will not be adversely impacted by the Facility as these areas are not located within the Facility Site.

According to the National Conservation Easement database, there are four conservation easements within the vicinity of the Facility that are a part of the Wetland Reserve Program and are held by the United States Natural Resources Conservation Service (NRCS). In total, they

add up to cover 405.7 acres of land, with 375.3 acres contained within the Study Area. There are no conservation easements within the Facility Site, therefore, no impacts are anticipated.

There is one NYS-designated scenic route within the Facility Site and the Study Area. The Military Trail, a NYS-designated scenic byway that transverses through the Facility Site along Route 11 in the Towns of Burke and Chateaugay. The Military Trail is 84 miles in length, and it stretches along Route 11 and Route 37 from Rouses Point to Massena. This trail is characterized as a scenic byway because it had a rich history within the United States Military. This trail was used to transport troops and equipment between the Saint Lawrence Seaway and Lake Champlain (NYSDOT, n.d.). As previously stated, the Facility's VIA (Exhibit 8) shows, to the maximum extent practicable, how the Applicant will protect the visual aesthetic along Route 11. Additionally, the Applicant developed a Landscape Plan for the Facility (Exhibit 5, Appendix 5-1 to illustrate how the Applicant will use a combination of topography and the strategic planting of native/indigenous pollinator-friendly plant species including trees, shrubs, and herbaceous vegetation to preserve the visual aesthetic along Route 11 and throughout the entire Facility Site. Landscape planting schemes were developed to provide year-round screening that is sustainable, hearty, and resilient. This will be accomplished by the primary use of opaque evergreen tree species and a variety of ornamental, pollinator-friendly, small tree and shrub species incorporated throughout the planting scheme as well. This approach will provide a more naturalized planting look that is aesthetically pleasing and complements the surrounding area.

There are two school districts within the Facility Site and Study Area: Chateaugay Central School District and Malone Central School District. Aside from an increase in traffic levels during construction, it is not anticipated that the Facility will impact the school districts, including the school district bus routes. Refer to Exhibit 16 for further information about transportation.

The Facility components will have no permanent impact on recreation resources or other sensitive land uses within the Study Area. The Applicant does not expect any impacts on major communications, utility uses or infrastructure, as discussed in Exhibit 20; or on institutional, community, and municipal uses and facilities, as discussed throughout this exhibit.

### 3(l) Compatibility with Land Uses

The Facility is located in the Town of Burke and the Town of Chateaugay and is to be constructed primarily on agricultural land with some features set on undeveloped meadow and forested lands. Within one mile of the Facility Site, the primary land use is agricultural with some residential uses. Agricultural activities such as crop growth and harvest and raising livestock, as well as farm accessory buildings are common to the land surrounding the Facility Site and within the Study Area. Common residential uses are single-family dwellings, accessory buildings such as garages and storage sheds, and yards associated with residences. Agricultural land uses are important to the Towns of Burke and Chateaugay and Franklin County. Although the Facility will be located on agricultural land, the Facility will have primarily temporary impacts on the land. Once the economic life of the Facility is complete, the Applicant will follow the decommissioning plan to restore the Facility Site. Additionally, the Applicant plans on using fencing and natural landscaping to minimize the visual impact the Facility will have on the surrounding residential communities in the Towns of Burke and Chateaugay. The Facility will be relatively low in height, will not emit air or water pollution, will have no odors, and will produce minimal noise. There will be minimal traffic to the Facility Site during construction. These effects will have minimal impact on the community while generating clean energy. Therefore, in addition to the Facility's contribution to mitigating climate change and benefitting the environment in the long-term (which is compatible with local land use plans), the Facility will have minimal long-term impacts on the agricultural and residential communities of Franklin County and the Towns of Burke and Chateaugay.

As previously stated in Section 3(c), the Facility is situated within the Chateaugay Central School District, while the Study Area includes the Chateaugay Central School District and the Malone Central School District. The Facility is located approximately one mile west of the closest school, and the Applicant does not anticipate immediate impacts to the school from Facility construction and operation. Additionally, there are no civic facilities within the one mile radius of the Facility Site, therefore, the Facility will not affect the community's civic facilities. Commercial areas near the Facility Site include businesses within the Village of Chateaugay, which is approximately 0.6 miles east of the Facility Site. This area may face slight increase in traffic during construction, but any impact associated with increased traffic during construction is not expected to continue once Facility construction is completed.



### **3(m) Qualitative Assessment of Facility Compatibility with Existing, Potential, and Proposed Above-ground Facilities**

A qualitative assessment was completed for the Facility to determine the level of compatibility with existing, potential, and proposed above-ground facilities within the Study Area. The qualitative assessment evaluates short- and long-term effects of Facility-generated noise, odor, traffic, and visual impacts on the use and enjoyment areas within five miles of the Facility. The assessment includes evaluation of the compatibility of the Facility's aboveground structures including commercial-scale solar arrays, inverters, and fencing, as well as any aboveground interconnections. The Facility Site totals 1,471 acres and the area within the limit of disturbance (LOD) for the Facility totals 645 acres. Within the 645 acres, Facility components will physically occupy approximately 215 acres.

The collection lines will be placed underground for the entirety of their length and installed primarily via direct burial (cable plow) with some portions to be proposed via open trenching (as determined necessary), along with some portions via HDD in order to avoid wetland resources and roadways. The proposed aboveground interconnection line consists of two adjacent overhead 115-kV lines spanning 173 and 210 linear feet from the proposed collection substation to the existing NYSEG Line 911 Willis Road to Chateaugay 115-kV transmission line. Where the installation of the collection line will be via HDD, the impacts will be temporary and located at the entry and exit points of the HDD equipment. Once built, the Facility will not have any adverse impacts to existing or proposed land uses. Interconnection facilities within the Facility Site include limited above-ground collection lines, and the locations of these above-ground collection lines have been properly sited to avoid impacts to nearby land uses to the maximum extent practicable. The proposed collection substation, as well as the aboveground interconnection line, will be located on agricultural land, which will be restored and returned to pre-construction conditions following the useful life of the Facility. This will allow for continued agricultural use or allow the land to be used for other permitted land uses if desired by the landowner. Therefore, the Facility will not result in permanent impacts to existing or proposed land use and is compatible with existing use.

### **3(n) Qualitative Assessment of Facility Compatibility with Existing, Potential, and Proposed Underground Facilities**

Collection lines from the inverters to the collection substation will be placed underground within the Facility Site. Approximately 8.4 miles of collection lines will be sited within land designated as agricultural land. The collection circuit will be underground and will only require temporary impacts to land uses as part of installation. Underground collection lines will remain within the Facility footprint and will interconnect to the proposed substation also located within the Facility footprint. Therefore, the Facility will be compatible with existing and potential land uses within the Study Area by not encroaching on the land uses associated with adjacent and surrounding parcels.

### **3(o) Conformance with Coastal Zone Management**

The Facility Site and Study Area are not located within or adjacent to NYS-designated coastal areas, designated inland waterways or areas mapped by the National Oceanographic and Atmospheric Administration (NOAA) (NYS Department of State, 2019; NOAA, 2016). Therefore, this section is not applicable.

### **3(p) Aerial Photographs of All Properties**

Figure 3-7 represents aerial photographs of properties within the 5-mile Study Area. The Applicant is not aware of any material changes to natural and cultural features that have occurred since the aerial photographs were taken.

### **3(q) Aerial Photograph Overlays**

Figure 3-7 represents aerial photography overlaid with proposed Facility components and proposed limits of clearing to show the relationship with existing structures and vegetation cover types.

### **3(r) Current Land Use**

Figure 3-7 illustrates aerial photographs that reflect current land uses within the Facility Site. Photographs include the date the photo was taken, and the Applicant believes these photographs best capture the current land use of the Facility Site.

### **3(s) Community Character of the Study Area**

The Facility is located in Northern New York in a rural area of Franklin County, as shown on the figures included in this Exhibit. The Applicant worked with the Towns of Burke and Chateaugay, landowners, and stakeholders to identify specific characteristics of the community that are of particular importance in the region. Land within the Towns of Burke and Chateaugay is primarily used for agriculture and consists of agricultural fields, residences, farm buildings, farm ponds, outbuildings, secondary roads, small paved roads, and unimproved farm roads. While the Study Area occupies 69,963 acres, the amount of topical land used for the Facility components is minimal (215 acres) in comparison, thus the Facility will have little impact on existing land uses in the Study Area. The primary potential effects will be during construction, which is temporary and mitigation measures, described in the Stormwater Pollution Prevention Plan (SWPPP), will be employed to minimize impacts relating primarily to fugitive dust and noise (Exhibit 13 and Appendix 13-3). Current recreational, cultural, and other concurrent uses, such as farming, can continue uninterrupted as usual. Through a review of the Town of Burke Zoning ordinances, the Franklin County Comprehensive Economic Development Plan, the North Country Sustainability Plan, and the PIP Plan activities, the community character of the area was assessed.

Community character includes defining features and interactions of the natural, social, and built environment, and how those features are used and appreciated in the community. The Applicant has taken these three aspects into account and consulted with local municipalities, landowners, and stakeholders to identify specific characteristics of the community that are of particular importance to the region.

The natural environment includes agricultural land, forested land, conservation lands, public parks, and water resources in the area. Approximately 32 acres of forested land will be cleared within the LOD, which is approximately 2.2 percent of the total 1,471-acre Facility Site. The Applicant has conducted outreach with landowners and determined that none of the related Facility Site parcels are currently enrolled in the 480a Forest Tax Law Program. Furthermore, approximately 15 acres of vegetative screening will be planted, offsetting the impact to forested land. The proposed vegetative screening contains native trees and shrubs (Exhibit 5, Appendix 5-1, Landscaping Plan). Facility components were sited away from forested land to the maximum extent practicable to prevent wildlife habitat loss. Approximately 522 acres of Agricultural Land will be used for the Facility. This land will be used during the economic life of the Facility. Thereafter, the land will be restored to its existing condition and will be available to

be reclaimed for agricultural use after the Facility is decommissioned, limiting the impacts to this land type.

There are no public parks, conservation lands, National Conservation Easements, or Natural Resource Conservation Service federal conservation easements within the Facility Site. There will not be a significant impact to the natural environment outside the Facility Site, as the only impact outside the Facility Site will be from limited and temporary construction traffic. The water resources in the Facility Site include onsite delineated wetlands and streams, which have been avoided to the maximum extent practicable when siting Facility components as discussed in Exhibit 14.

High Falls Park and Campground is an appreciated piece of the natural environment in the Town of Chateaugay, as it serves as a local campground and has hiking trails that lead to the High Falls Waterfall in the Chateaugay River. This park is located approximately one mile southeast of the Facility Site and it will not be significantly impacted by the Facility, aside from temporary construction traffic and noise. The Facility will not impact the local water resources, including the Chateaugay River, which runs along the Facility Site and is the river that the High Falls Park and Campground sits upon. The Applicant has prepared a SWPPP for the Facility to protect the local waterways and prevent runoff from entering the local streams and wetlands during construction (Exhibit 13 and Appendix 13-3).

The majority of the social environment surrounding the Facility Site is located within the center of the Villages of Burke and Chateaugay, which are 1.5 miles southwest and one mile east of the Facility Site, respectively. The social environment includes developed areas that encompass restaurants, shops, meeting places, churches, centers for community gatherings, and recreational land. There are churches, parks, and schools located within the Study Area including St Patrick's Church, which is located one mile east of the Facility Site; High Falls Park, located one mile southeast of the Facility Site; and the Chateaugay Central School, located 1.4 miles east of the Facility Site. Aside from a temporary increase in traffic and some construction noise during the construction phase, the Facility will have minimal impacts to the social environment because the Facility has been sited primarily on agricultural lands and away from these environments.

Lastly, the built environment includes some of the social buildings described above, plus commercial areas, public utilities, public service land, and residential buildings. The Villages of

Burke and Chateaugay have the greatest occupied area of built environments in the center of their villages. The centers of the Villages of Burke and Chateaugay are approximately 1.5 miles southwest and one mile east of the Facility Site, respectively. It is anticipated that these built areas will not be impacted from the Facility, aside from the temporary and minimal construction traffic.

A combination of built and natural environment that is important in the Town of Chateaugay is the Chateaugay Fish Hatchery. “This facility has a very diverse rearing program which includes Raquette Lake strain lake trout, brown trout, rainbow trout and brook trout, including the Temiscamiex domestic hybrid used extensively in Adirondack Mountain lakes and ponds. Annual production is approximately 90,000 pounds” (NYSDEC.e., n.d.). It is located 2.5 miles east of the Facility Site and will not be significantly impacted from the Facility.

Finally, the Facility components have been sited over 500 feet away from the nearest non-participating residence and 50 feet from any public or private right-of-way (ROW) to limit any impact. The primary potential impact considered for residential land is Facility visibility, which is thoroughly discussed in Exhibit 8. The Applicant prepared a Landscape Plan (Exhibit 5, Appendix 5-1 for the Facility to protect the visual aesthetics within the region and to mitigate the potential impact of Facility visibility.

All three of these features, natural, social, and built environments, contribute to the rural community character of the area. The Applicant intends to protect this character through the careful design and siting of the Brookside Solar Facility.

### **3(t) Historic Contamination in the Study Area**

The Brookside Solar site is not a repurposed site; therefore, this section is not applicable.

### **3(u) Oil, Gas, and Mining in the Study Area**

There are no known oil, gas, or mining solution wells within 500 feet of the proposed Facility Site. The NYSDEC NYS Mines and Wells viewer was reviewed and no mines or wells are located in the Facility Site (NYSDEC.f., n.d.). Because no mines or wells were found, this section is not applicable to the Facility.

## Conclusions

Solar panels maintain a rural character by not increasing the demand for housing, community services, or local infrastructure. Solar energy generation does not result in air emissions, smoke, steam plumes, odor, noise, wastewater generation, water use, or other negative impacts typical of other development types. The Applicant intends to minimize impacts to community character through strategically placing vegetative screening, maximizing setbacks from residential uses, and avoiding sensitive resources to the maximum extent practicable. The Facility will have little impact on the existing land use in the Study Area. The primary potential effects will be during construction, which is temporary. The Applicant has strived to balance the goals of the State and the Facility with the goals of the community, as outlined in the local comprehensive plans and discussed with local landowners. The Facility has been designed to comply with 19 NYCRR § 900-2.4 and the uniform standards and conditions (USCs) and impacts related to land use have been avoided and minimized to the maximum extent practicable.

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