

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)

Draft Scoping Document

For a Draft Environmental Impact Statement (DEIS)

Applicant: Cambria ESS, LLC

Project: Cambria ESS

Authorized Representative

RIC Development, LLC

May 8, 2026

PROJECT LOCATION: 5147 Lockport Road
Lockport, New York 14094
Parcel Number: 121.00-2-46.211

SEQR CLASSIFICATION: Unlisted

LEAD AGENCY: Town of Cambria Planning Board
Attn: Planning Board Chairman – William J. Amacher

LIST OF INTERESTED AND INVOLVED AGENCIES

FEDERAL

- U.S. Army Corps of Engineers – Buffalo District
- United States Fish and Wildlife Service

NEW YORK STATE

- New York State Energy Research and Development Authority (NYSERDA)
- New York State Department of Environmental Conservation (NYSDEC)
- New York State Department of Transportation (NYSDOT)
- National Grid, PLC

NIAGARA COUNTY

- Niagara County Planning Department

- **Niagara County Emergency Management Office**
- **Niagara County Soil and Water Conservation District**

TOWN OF CAMBRIA

- **Cambria Town Board**
- **Cambria Zoning Board of Appeals**

INTRODUCTION

This document is intended to serve as the foundation for the identification of all potentially significant adverse environmental impacts pertinent to the proposed action. Furthermore, it is intended to identify the extent and quality of information needed to address significant impacts, appropriate mitigation measures, and reasonable alternatives to be considered, and to eliminate consideration of any impacts that may be irrelevant or non-significant. The Draft Environmental Impact Statement (DEIS) will be prepared based on the outline provided in this Scoping Document.

DESCRIPTION OF THE PROPOSED ACTION

The Applicant, Cambria ESS, LLC, is seeking Variance, Site Plan, and Erosion/Sediment Control Permit approval from the Town of Cambria Planning Board to construct a standalone Tier 3 Battery Energy Storage System (BESS), (the “Proposed Action”) on tax parcel 121.00-2-46.211 (the “Project Site” or “Site). The Project Site is an 18.60-acre property with frontage on Lockport Road, just northwest of the Campbell Blvd and Lockport Road intersection in the Town of Cambria. The Project Site is located in the Town’s Business 2 (B-2) Zoning District. The Proposed Project will be located on a 0.73-acre portion of the 18.60-acre project site, as depicted on the site plan drawing in Attachment 1.

The Proposed Action will be connected to the National Grid utility system via the existing 13.2kV utility circuit. The proposed point of connection to the National grid is located near the southeastern corner directly across from the Project Site on Lockport Road. The proposed action will be accessed via a permeable access road off Lockport Road. The system will consist of 6 Tesla Megapack 2xl unit batteries and 2 transformers. The Proposed action will be secured via a chain link fence and will operate as an energy storage facility, as prescribed by the requirements of the New York State Independent System Operator. The proposed action has an expected operation life of 30 years at which time the facility will be decommissioned.

In addition to the approvals sought through the Town of Cambria Planning Board, variances are required from the Town of Cambria Zoning Board of Appeals (ZBA). The Project will require a use variance as stand-alone BESS is not permitted in the Town (Cambria BESS Local Law. No. 2 of 2022, Section 3; Section 8) and a Tier 3 BESS is not a permitted use in the B-2 zoning district (Cambria BESS Local Law. No. 2 of 2022, Section 8). Additionally, the Project will require the following area variances: (1) permitting of a 5MW Project under BESS Law that limits size to 1MW (Cambria BESS Local Law. No. 2 of 2022, Section 3); and (2) setback variances from the 500’ setback requirement for all property lines which increases to 1,000’ feet for setbacks from adjoining parcels zoned residential or commercial (Cambria BESS Local Law. No. 2 of 2022, Section 8[A]).

Table 1 – Setback Variances Required

PROJECT SETBACK	REQUIRED (FT)	PROPOSED (FT)
Front	1000	682
Side	1000	51
Rear	500	219

POTENTIAL ENVIRONMENT IMPACTS

During a Planning Board meeting held on April 20, 2026, the Planning Board, as Lead Agency, determined that the Proposed Action may have a significant impact on the environment and issued a Positive Declaration pursuant to the State Environmental Quality Review Act. The Applicant intends to submit a DEIS that will discuss and address the potential adverse environmental impacts identified by the Planning Board in the Positive Declaration and identify resources that are likely to be impacted by the Proposed Action.

The Positive Declaration identifies the potential for the Proposed Action to have the following significant adverse environmental impacts:

- Land
- Surface Water
- Groundwater
- Flooding
- Air
- Agricultural Resources
- Transportation
- Energy
- Noise
- Human Health
- Consistency with the Community Plans
- Consistency with Community Character

The above impacts, after close review by the Planning Board as Lead Agency, were deemed to be of potentially moderate or large concern and should be fully described in the EIS, relative to existing conditions, potential impacts, and mitigating measures (See Section 3).

Some impacts initially considered by the Planning Board were determined to be of no or small impact and thus do not warrant consideration in the DEIS (See Section 10 at the end of this Scoping Document).

This Scoping Document has been prepared, filed, distributed, and published as prescribed in 6 NYCRR 617.12.

REQUIRED ELEMENTS OF THE DEIS – GENERAL GUIDANCE

The DEIS is intended to convey general and technical information regarding the potential environmental impacts of the Proposed Action to the Planning Board (as SEQRA Lead Agency) as well as other agencies involved in the review of the Proposed Action. The DEIS is also intended to convey the same information to the interested public. Enough detail should be provided in each subject area to ensure that most readers of the document will understand, and be able to make decisions based upon, the information provided.

Narrative discussions should be accompanied by appropriate tables, charts, graphs, figures and renderings whenever possible. If a particular subject can be most effectively described in graphic format, the narrative discussion should merely summarize and highlight the information presented graphically. Plans and maps showing the Site and the Proposed Action should include adjacent properties (if appropriate), neighboring uses and structures, and roads.

The DEIS shall contain an analysis of environmental impacts in the subject areas outlined below and shall identify significant adverse environmental effects that cannot be avoided if the Proposed Action is implemented. Information for each of the subject areas shall be provided in individual chapters describing existing conditions, potential impacts of the Proposed Action, and mitigation measures for significant adverse impacts identified. Each chapter shall include a brief introduction identifying the major topics to be considered, relevant methodology used, and thresholds for determining if significant adverse impacts exist. The current conditions on the Site shall be considered as the existing conditions throughout the technical analyses.

An Executive Summary describing the Proposed Action, significant adverse impacts, and mitigation measures identified, shall also be included.

ORGANIZATION AND EXPECTED CONTENTS OF THE DEIS

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

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

1. EXECUTIVE SUMMARY

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

2. DESCRIPTION OF THE PROPOSED ACTION (DEIS CHAPTER 1)

2.1. Location and Environmental Setting of the Project Site/ Description of the Proposed Action

- 2.1.1. A written and graphic description of the location of the Project Site in the context of the County of Niagara, the Town of Cambria, including tax map numbers, zoning classification, and list of abutting properties tax map numbers. The Site shall be described relative to surrounding zoning and land uses, main transportation corridors, streams, water bodies, wetlands and other prominent natural and man-made features on and in the immediate vicinity of the Project Site.
- 2.1.2. A description of the environmental setting of the Site, and the natural resources identified thereon and in the adjoining areas. This description shall include current uses of the Site.
- 2.1.3. Identification of any easements, rights-of-way, restrictions, special district boundaries or other legal devices affecting the Project Site's development potential.
- 2.1.4. Description of the existing infrastructure serving the Project Site and/or its immediate environs, including existing Site access as well as electrical utility.
- 2.1.5. Description of the Proposed Action in detail with text and illustrative graphical depictions, with full size detailed drawings included as an appendix. Describe and illustrate the location and characteristics of the Battery Energy System and supporting equipment, fencing, access roads, as well as other improvements (e.g. landscaping, stormwater management) that are proposed as part of the proposal.
- 2.1.6. Description of the Applicant's purpose and need for the Proposed Action and public needs related to the Proposed Action. Summarize the extent to which the Proposed Action may meet the identified public needs. Describe other benefits of the Proposed Action.

2.2. Approvals, Reviews and Permits Required

- 2.2.1. A list of approvals required by Town, County, State, and Federal agencies as well as those agencies to which the Proposed Project will be referred. List all Involved and Interested Agencies for DEIS distribution.

3. ANALYSIS OF POTENTIAL IMPACTS AND MITIGATION

Following Chapter 1 (Description of the Proposed Action) will be a series of technical chapters intended to analyze the potentially significant adverse impacts identified in Part 3 of the Environmental Assessment Form and the Lead Agency's Determination of Significance (Positive Declaration) relative to the existing conditions of the Site and surroundings. Within each chapter there will also be an initial identification of any measures proposed to mitigate the potential impacts.

Sufficient detail and technical information in plain language shall be provided for reviewers to gain an understanding of existing conditions, potential impacts, and mitigation. Special effort shall be made to explain technical information in plain language. Supporting tables, maps (per Niagara County, New York GIS and other sources as will be noted), current Site Plans, and other data deemed relevant and necessary shall be utilized to supplement discussions where appropriate.

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

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

- Existing Conditions
- Potential Impacts
- Mitigation Measures

3.1. Impact on Land (DEIS Chapter 2)

3.1.1. Existing Conditions: The DEIS will evaluate potential impacts to land resources resulting from construction, operation, and decommissioning of the Proposed Action. The analysis will characterize existing site conditions and assess the nature, extent, and duration of land disturbance within the proposed limits of disturbance.

Specifically, the DEIS will include an evaluation of site soils, topography, and subsurface conditions, including a review of available USDA Soil Survey data to confirm soil characteristics and depth to bedrock. The analysis will address whether proposed grading, excavation, and foundation installation may require blasting or other intensive subsurface disturbance and will document that no blasting into bedrock is anticipated based on existing soil data and project design parameters.

Finally, the DEIS will describe decommissioning and site restoration measures to be implemented at the end of the Project's useful life. This evaluation will include removal of above-ground and subsurface Project components, restoration of disturbed areas, and the role of a decommissioning plan and financial assurance mechanism to ensure that land resources are returned to pre-project conditions to the maximum extent practicable.

- 3.1.2. Potential Impacts: Will describe the extent to which construction activities will cause disturbance to subsurface conditions during construction. Utilizing subsurface geotechnical studies, the applicant will provide an analysis of the existing soil and bedrock profile.
- 3.1.3. Mitigation Measures: The geotechnical survey will include 3 to 4 geotechnical borings that explore the subsurface conditions and groundwater within the Proposed Action. The borings will advance to a depth ranging from 15-25 feet, or until bedrock refusal. Once the survey is complete, the plans will be compared to the standards found within Local and State regulations.

3.2. Impact on Surface Water and Ground Water Resources (Chapter 3)

- 3.2.1. Existing Conditions: The DEIS will evaluate potential impacts to surface water resources that may result from construction, operation, and decommissioning of the Proposed Action. The analysis will identify and describe surface water features within and adjacent to the Project Site, including any streams, drainage features, wetlands, or other surface waters mapped through available state and federal datasets and site-specific investigations.
- 3.2.2. Potential Impacts: The DEIS will assess the potential for temporary and permanent impacts to surface waters associated with site grading, soil disturbance, construction of equipment foundations, and installation of the gravel or permeable access road. Particular attention will be given to erosion, sedimentation, and stormwater runoff during construction, including the potential for sediment transport to nearby surface waters. The DEIS will describe erosion and sediment control measures to be implemented in accordance with the approved Stormwater Pollution Prevention Plan (SWPPP) and applicable New York State Department of Environmental Conservation (NYSDEC) requirements to minimize such impacts.
- 3.2.3. Mitigation Measures: Operational impacts to surface waters will also be evaluated, including the potential for accidental releases or emergency response activities to affect nearby water resources. The DEIS will document design features of the battery energy storage system intended to minimize the risk of surface water impacts, including containment measures, separation distances from water resources, and operational controls.

3.3. Impact on Flooding (Chapter 4)

- 3.3.1. Existing Conditions: The DEIS will describe the location of the Project site in relation to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel 36063C0219E (effective date: 9/17/2010), which confirmed that the entire parcel lies outside of both the Regulatory Floodway and the 1%-annual chance floodplain (Zone A). The DEIS shall also describe the applicable standards found in the Town of Cambria's Flood Damage Prevention Ordinance
- 3.3.2. Potential Impacts: The DEIS will describe the extent to which construction of the proposed Project will potentially impact flooding and flood-prone lands within the Town of Cambria, including potential changes to existing grades and elevations within the Project site to facilitate installation of the Project. Descriptions will include acknowledgement that the Project shall comply with the Town of Cambria's Flood Damage Prevention Ordinance and minimize changes to existing grades and elevations as much as practicable.
- 3.3.3. Mitigation Measures: The DEIS will document the avoidance and minimization measures implemented, including avoiding work on lands subject to flooding, as identified by FEMA in the Community's FIRM, and minimizing changes to existing grades and elevations to the maximum extent practicable to ensure significant changes to flooding will not occur as a result of the construction or operation of the proposed Project.

3.4. Impact on Air (Chapter 5)

- 3.4.1. Existing Conditions: The DEIS will acknowledge that there is no existing or proposed NYS regulated air emission source or other air emissions beyond temporary exhaust of construction or maintenance vehicles.
- 3.4.2. Potential Impacts: The DEIS shall discuss the potential air quality impacts, described as an area of concern for the Lead Agency, in reference to air emissions that may occur during the event of a fire. The DEIS will describe the proposed BESS (the Tesla Megapack 2XL) fire safety mechanisms, including the dedicated Battery Management System (BMS) that ensures all cells operate within approved limits. Further, the DEIS will describe the other systems that the Tesla Megapack 2XL systems have incorporated to ensure risk to emergency response personnel, neighboring residences, and other nearby facilities is minimized, such as vents that are designed to direct any gases, smoke, or flame that may be present during a fire event out the top of the system.
- 3.4.3. Mitigation Measures: The DEIS will describe the avoidance, minimization, and mitigation measures taken in design of the site to ensure there is no significant impact to air quality. This includes the selection of the BESS system presented in the design, which was selected because of its numerous safety controls and proven commitment to safety via third-party testing and validation, including UL 6540A Large-Scale Fire Testing.

Additionally, the DEIS will provide an overview of proper emergency response procedures in the unlikely event of a fire, which shall be provided in more detail in a Hazard Mitigation Plan to be developed for the site. Further details on mitigation measures are described below in the section titled “Impact on Human Health (Chapter 10).”

3.5. Impact on Agricultural Resources (Chapter 6)

- 3.5.1. Existing Conditions: As noted in the Part 3 FEAF Expanded Attachment recorded by the lead agency, the DEIS will describe and show text, photographs and figures that “The project is in New York State Agricultural District #4. The subject parcel contains MSG 1-4 soils, which are classified as Farmland of Statewide Importance, Prime Farmland if drained, and Prime Farmland. While the site is zoned B-2, it is currently utilized for agricultural purposes, specifically for cultivated row crops.”
- 3.5.2. Potential Impacts: The DEIS will analyze the consistency of the Proposed Action with the land use and zoning patterns of the Site and Study area, and the relevant Niagara County Agricultural & Farmland Protection Plan (2018).
- 3.5.3. Mitigation Measures: The DEIS will describe measures to avoid, minimize, or mitigate significant adverse impacts, if identified.

3.6. Impact on Transportation (Chapter 7)

- 3.6.1. Existing Conditions: The DEIS will describe the Site as currently being utilized partially as agricultural and partially as a storage unit complex business. The traffic use for the Proposed Action will be analyzed both during construction and operation.
- 3.6.2. Potential Impacts: As noted in the Part 3 FEAF Expanded Attachment recorded by the lead agency, the proposed project will have no anticipated impact on transportation.
- 3.6.3. Mitigation Measures: Describe measures to avoid, minimize, or mitigate significant adverse impacts, if identified.

3.7. Impact on Energy (Chapter 8)

- 3.7.1. Existing Conditions: The DEIS will analyze the current electrical grid in the area and will provide information related to the existing energy supply in the area.
- 3.7.2. Potential Impacts: Information regarding potential impacts on the electrical grid will be provided in the DEIS.
- 3.7.3. Mitigation Measures: Describe measures to avoid, minimize, or mitigate significant adverse impacts, if identified.

3.8. Impact on Noise (Chapter 9)

- 3.8.1. Existing Conditions: The DEIS will define existing noise conditions within and surrounding the Project Site, including prevailing ambient sound levels and primary existing noise sources. Existing conditions will be characterized with consideration of the rural setting of the Project area, nearby land uses, and the proximity of noise-sensitive receptors such as residences.

Baseline noise levels will be evaluated to provide context for assessing potential construction- and operation-related noise impacts associated with the Project. The DEIS shall also describe the standards applicable to construction and operational noise found in Chapter 135 of the Town of Cambria Code, as well as the noise impact criteria described in the NYSDEC's "Assessing and Mitigating Noise Impacts" guidance document.

- 3.8.2. Potential Impacts: The DEIS will address extent to which construction activities will produce noise levels above current ambient levels during normal work hours and the normal operation noise impacts. The Project includes the introduction of onsite equipment that produces sounds, including cooling fans and equipment, dehumidifiers, inverters, and transformers. The onsite equipment produces sound that is considered steady in nature but will cycle with changing power demands.

The DEIS will include an analysis of the scenario in which all equipment operates simultaneously, thereby evaluating the highest possible noise levels produced by the site. The DEIS will provide analysis to the nearest noise receptors, which include the adjacent residences located on Campbell Blvd and neighboring commercial uses. The DEIS will also provide relevant comparisons to other noise sources within the Town of Cambria to aid in the Lead Agency's understanding of potential impacts, such as noise produced by neighboring commercial facilities and noise produced by nearby roadways such as I-190 or South Transit Road.

- 3.8.3. Mitigation Measures: The DEIS will discuss whether long-term noise impact may be audible from nearby receptors including the neighboring residences and nearby commercial facilities. The DEIS shall also describe any measures to avoid, minimize, or mitigate potential impacts, including incorporation of acoustic shielding or other noise attenuation measures should noise analysis identify the need for such mitigation measures.

3.9. Impact on Human Health (Chapter 10)

- 3.9.1. Existing Conditions: The DEIS will present any current human health-based risks on the Site. This will include any hazardous materials or substances that may pose a threat to human health for the surrounding area. The DEIS will characterize baseline human health conditions at and around the Project Site, including existing land uses, proximity to residences and businesses, emergency access routes, and applicable local, county, and

state emergency response capabilities.

The analysis will document that, under existing conditions, no hazardous substances are maintained on site, and the Project does not propose the routine use or application of pesticides or herbicides. Existing solid waste generation patterns and local disposal facilities will also be described to establish baseline conditions

- 3.9.2. Potential Impacts: Potential health and safety concerns associated with a potential fire or other incidents will be studied and will be presented in the DEIS. The DEIS will evaluate potential human health impacts during construction, including temporary increases in solid waste generation, construction vehicle traffic, and worker health and safety considerations. The analysis will address whether construction-related wastes could pose risks to public health and will evaluate such impacts in the context of compliance with applicable local, county, and state waste handling and disposal regulations.

Operational-phase impacts will be assessed with a focus on potential emergency scenarios, including fire or system failure events. The DEIS will evaluate potential health and safety risks associated with credible failure modes of lithium-ion battery systems, including the potential release of heat, gases, or other byproducts during a thermal event. The analysis will consider Planning Board and County Planning Board concerns regarding airborne emissions, potential pollutant runoff, and exposure pathways to the public, emergency responders, and nearby receptors.

The DEIS will also assess emergency access and response considerations, including site access design (H-20 loading), internal circulation, emergency egress, and coordination with local fire and emergency services. Potential impacts to surrounding properties and businesses during emergency response activities, including the possible need for evacuations, will be evaluated at a programmatic level.

Decommissioning-related human health impacts will also be analyzed, including removal and disposal of battery units, associated infrastructure, and any materials that could pose a risk if improperly handled. The DEIS will assess whether decommissioning activities could result in residual hazardous materials remaining on site and how such risks will be avoided.

- 3.9.3. Mitigation Measures: The DEIS will identify and evaluate measures to avoid, minimize, or mitigate potential human health impacts. This will include documentation of the Project's compliance with applicable safety and fire protection standards, including UL 9540 (Standard for Energy Storage Systems and Equipment) and UL 9540A (Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems). UL 9540A large-scale fire testing results will be included as appendices to the DEIS and evaluated in the analysis.

The DEIS will include documentation of Large-Scale Fire Testing (LSFT) conducted by an approved testing laboratory, as required by Fire Code of New York State (FCNYS). In addition, an Emergency Response Plan (ERP) will be included as an appendix to the DEIS. The ERP will describe emergency procedures, coordination with local fire departments, notification protocols, and the roles and responsibilities of Hazard Support Personnel, including anticipated dispatch times, consistent with FCNYS requirements.

A Hazard Mitigation Analysis (HMA) will be prepared and submitted in accordance with FCNYS and will be included as an appendix to the DEIS. The HMA will evaluate credible failure scenarios, including fire, explosion, and thermal runaway conditions, and will identify technology-specific and site-specific mitigation measures designed to reduce risks to human health and safety.

The DEIS will also describe decommissioning procedures in detail, including removal of lithium-ion batteries and associated equipment, off-site disposal or recycling at approved facilities, and verification that no hazardous materials remain on site following Project closure.

4. Consistency with Community Plans and Community Character (Combined Section) (Chapter 11)

- 4.1 Existing Conditions: The DEIS will describe existing community character and land use conditions at and surrounding the Project Site, including the mix of agricultural lands, forested areas, commercial businesses, and storage uses in the vicinity. The analysis will document that the Project Site is not designated as open space or recreational land and does not contain historic structures or districts. Existing community services, infrastructure, and housing conditions will also be described, including that the Project would not displace existing housing or create a long-term demand for additional community services beyond emergency response coordination.

The DEIS will identify and summarize relevant adopted plans and policies applicable to the Project Site, including the Town of Cambria Comprehensive Plan (2021), Niagara County Comprehensive Plan (2015), and Niagara County Agricultural Farmland Protection Plan (2018). Applicable zoning regulations, including the General Business District (B-2), Local Law No. 2 of 2022 for Battery Energy Storage Systems, and associated setback requirements, will be outlined to establish the regulatory framework under which the Project is being reviewed.

- 4.2 Potential Impacts: The DEIS will assess potential impacts related to the Proposed Project's consistency with adopted land use policies and zoning regulations. This analysis will include discussion of the Project's need for a Use Variance and Area Variances, and how those zoning inconsistencies relate to broader community planning goals rather than

adjudicating the merits of the variance requests themselves.

Potential impacts to community character will be evaluated, including changes to land use patterns through the conversion of agricultural land to utility infrastructure, consistency with the intended purposes of the General Business District as described in the Town Comprehensive Plan, and alignment with county-level goals related to agricultural preservation and economic development. The DEIS will also evaluate whether the scale, layout, and operational characteristics of the Project are consistent with or contrast against surrounding land uses.

The analysis will directly acknowledge Planning Board concerns that the Project may represent a departure from adopted planning documents and may contribute to the loss of prime farmland, which is identified in the Niagara County Agricultural Protection Plan as a future threat to the County if not carefully managed.

- 4.3 Mitigation Measures: In response to the Planning Board's determination of potential significance, the DEIS will include an alternatives analysis that examines reasonable alternatives to the Proposed Action with respect to community plans and community character. This will include evaluation of alternative sites, alternative layouts, and alternative orientations that could reduce or eliminate the need for a Use Variance or Area Variances, where feasible.

The DEIS will also identify practicable measures to minimize or mitigate potential adverse effects on community character, including design modifications, setbacks, landscaping and screening, site layout refinements, and operational controls intended to reduce visual, land use, and functional incompatibilities with surrounding uses.

Consistency with adopted agricultural preservation objectives will be addressed through analysis of the Project's limited footprint relative to the overall parcel, avoidance of unnecessary land disturbance, and inclusion of a decommissioning plan that restores the site and agricultural soils at the end of the Project's useful life.

5. ALTERNATIVES (DEIS Chapter 13)

As outlined in Section 617.9(b)(5)(v) of SEQRA regulations, the DEIS shall provide a narrative description and evaluation of potentially significant impacts for each alternative identified below. Pursuant to SEQRA regulations, the range of alternatives studied in the DEIS must include the No Action Alternative. The description and evaluation of each alternative should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed and should focus on those environmental impacts that are likely to differ from the Proposed Action, as applicable.

As part of this standalone chapter, the environmental categories included in the DEIS shall be analyzed for each alternative. In addition, the potential for an alternative to have a significant

adverse environmental impact with respect to a category not included in the DEIS shall be considered. Finally, the extent to which each alternative satisfies the Applicant's purpose and need, as well as public needs, shall be described.

5.1 "No Action" Alternative: As required under 6 NYCRR 617.9.b.5, this alternative analyzes the potential environmental impacts of the Proposed Action not being approved.

5.2 Reduced Footprint/Design Alternative: Design Alternatives (within the existing site boundary) intended to lessen impacts, including smaller project scale and alternative positioning.

6. UNAVOIDABLE ADVERSE IMPACTS (DEIS Chapter 14)

This chapter will identify those significant adverse environmental impacts that cannot be avoided or adequately mitigated if the Proposed Action is implemented.

7. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES (DEIS Chapter 15)

This chapter will identify any irreversible and irretrievable commitments of environmental resources that would be associated with the Proposed Action should it be implemented.

8. GROWTH INDUCING ASPECTS OF THE PROPOSED ACTION (DEIS Chapter 16)

This chapter will identify potential growth-inducing aspects related to the Proposed Action, including short and long-term primary and secondary impacts, capacity of existing infrastructure and the need for new/improved infrastructure, and the increasing development pressure on farmland.

9. EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES (DEIS Chapter 17)

This chapter will examine the effect of the Proposed Action on the use and conservation of energy, including energy demands associated with construction, operation and maintenance.

10. APPENDICES

The appendices will include the adopted Scoping Document, all underlying documents relied upon in the preparation of the DEIS, and other relevant SEQRA materials consistent with the requirements of 6 NYCRR 617.8(e). These materials will include, but are not limited to, applicable plans, reports, and studies; local laws and code excerpts; and project-related correspondence with the Town.

11. ISSUES NOT ADDRESSED IN THE DEIS DETERMINED BY LEAD AGENCY

Pursuant to §617.8(e)(7), the DEIS scoping document shall include a brief description of the prominent issues that were considered in the Lead Agency's review of Parts 1 and 2 of the EAF, raised during scoping, or both, and determined to be neither relevant nor environmentally

significant and the reasons why those issues were not included in the Final Scoping Document.

For the reasons set forth below, the following environmental categories do not require further analysis in the DEIS:

A. Impact on Plants and Animals: As addressed in the Part 3 FEAF Expanded Attachment recorded by the lead agency, “The proposed project site lies within the vicinity of the State and Federally endangered Northern Long-Eared bat. No tree clearing has been proposed for this site, and forested portions of the site have been excluded from the project’s limits of disturbance. The proposed endangered Tricolored bat was also identified as a potential species near the project site. Like the Northern Long-Eared bat, this species is negatively impacted by tree clearing, which will not be proposed on this site.

The applicant states that the USFWS noted the potential for the proposed endangered Salamander Mussel within the vicinity of the project area. The species inhabits fast-flowing rivers and streams with shelter under rocks and in crevices. This habitat does not occur on the project site.

Monarch Butterflies, a candidate species of concern, may also be present in the vicinity. The applicant states that the planting of pollinator supportive seed mix on the site will mitigate any potential impact to the Monarch Butterfly.

The applicant included these statements within their FEAF Part 1 Supplemental Documentation. The applicant should supply a copy of the U.S Fish and Wildlife documentation for the Town.

Based on the above, the Planning Board has determined that the project is not anticipated to have a significant impact on Plants and Animals.

B. Impact on Aesthetic Resources: As addressed in the Part 3 FEAF Expanded Attachment recorded by the lead agency, “There are no mapped or known federal, state or locally designated scenic or aesthetic resources in the immediate vicinity and/or adjacent to the project. The project will not be visible from any designated scenic or aesthetic resource.”

C. Impact on Historic and Archeological Resources: As addressed in the Part 3 FEAF Expanded Attachment recorded by the lead agency, “The applicant states in the expanded Part 1 that the proposed project has received a ‘Letter of No Impact’ from the NYS Office of Parks, Recreation, and Historic Preservation (NYSOPRHP). No properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project. Therefore, the Planning Board has determined that no significant impacts on historic or archaeological resources will occur.”

D. Impact on Open Space and Recreation: As addressed in the Part 3 FEAF Expanded Attachment recorded by the lead agency, “The site is not presently designated as open space or utilized for recreational purposes, and the applicant has demonstrated that the project will

not be visible from, nor impact any designated open space or recreational resources. The proposed action will not result in any reduction of open space resources as designated in any adopted municipal open space plan. Therefore, the Planning Board has determined that the project will not have any significant impact on open space and recreation resources.”

- E. Impact on Critical Environmental Areas:** As addressed in the Part 3 FEAF Expanded Attachment recorded by the lead agency, “The proposed project site is not located within or adjacent to a Critical Environmental Area (CEA). The proposed project will have no impact on Critical Environmental Areas.”

Attachments

Attachment 1 – Updated Site Plan

ATTACHMENT 1: UPDATED SITE PLAN