

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Project :

Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency’s reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>		

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property’s setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation The proposed action may result in a change to existing transportation systems. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy The proposed action may cause an increase in the use of any form of energy. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light The proposed action may result in an increase in noise, odors, or outdoor lighting. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health			
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans			
The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character			
The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Project :

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

Attachment A –

Part 3 – Evaluation of the Magnitude and Importance of Project Impacts
2150 Dryden Road Community Solar Project
State Environmental Quality Review
Full Environmental Assessment Form

Action: 2150 Dryden Road Community Solar Project

Location: 2150 Dryden Road, Freeville, NY - Tax Parcel No. 38.-1-3.1

Lead Agency: Town of Dryden Town Board

Description: The project involves the construction of five 2MWac solar photo-voltaic arrays for generation of 10 MWac of electricity for sale to local NYSEG rate payers through net metering bill credits under the community distributed generation program. The arrays will be situated on the 158.145-acre parcel owned by Mr. Scott Pinney. Sun 8 PDC, LLC is proposing to subdivide the parcel to create five separate lots which they will lease from Mr. Pinney for the construction of five solar photo-voltaic arrays. The five arrays will be fenced which will encompass an area of approximately 51.33 acres.

Solar arrays will consist of photo-voltaic modules mounted on galvanized metal racking systems anchored into the ground using helical ground screws. Arrays will be fenced and electric transformers will be installed on concrete pads. Gravel access drives will be constructed to access each site and the transformers. No significant land grading is proposed but tree clearing will be required to remove shading from the arrays.

The Town Board will consider granting a Special Use Permit and Site Plan approval for the project. The Town Planning Board will consider Subdivision approval for the creation of five parcels and the Town Zoning Board of Appeals will be considering an Area Variance to waive the 50-foot setback requirement from the subdivision parcel lines to the solar arrays. Other potential Regional, State or Federal agencies that may issue a funding approval or environmental permit include the Tompkins County Industrial Development Agency (IDA), New York State Energy Research and Development Authority (NYSERDA), New York State Department of Environmental Conservation (NYSDEC), New York State Department of Transportation (NYSDOT) and United States Army Corps of Engineers (USACE). The proposed action is Type 1 pursuant to 6 NYCRR 617 State Environmental Quality Review.

Part 2 of the Full Environmental Assessment Form (FEAF) was completed based on information contained in Part 1 of the FEAF and the following supplemental documents:

- Site Plan Drawings and ALTA Survey
- Phase 1 Environmental Site Assessment
- Aquatic Resources Report
- Habitat Assessment and Preliminary Impacts Determination
- Agricultural Data Statement
- Visual Impact Statement
- Storm Water Pollution Prevention Plan

- Ecological Assessment
- Phase 1 Archeological Investigation Report

In addition to the documents listed above, information submitted by Involved Agencies, the general public, and information presented by the applicant at Town Board meetings was reviewed and considered. The FEAF workbook provided guidance in determining the appropriate responses to questions 1-18 of Part 2.

Using the Part 2 guidance, the Board determined that there would be no negative impact to the environmental resources evaluated in Questions 2 (Geologic Features), 4 (Groundwater), 5 (Flooding), 6 (Air), 12 (Critical Environmental Areas), 13 (Transportation), 14 (Energy), and 16 (Human Health). Each of these were checked “No”.

The Board determined that questions 1 (Land), 3 (Surface Water), 7 (Plants & Animals), 8 (Agricultural Resources), 9 (Aesthetic Resources), 10 (Historic and Archeological Resources), 11 (Open Space & Recreation), 15 (Noise, Odor, Light), 17 (Consistency with Community Plans) and 18 (Consistency with Community Character) warranted further evaluation and were checked “Yes”. Although each principal question was checked “Yes”, further evaluation resulted in nearly all the subset of questions in each category receiving a “No, or small impact may occur” response.

The Board determined that a ‘Moderate to large impact may occur’ relative to 9 (Aesthetic Resources), 17 (Consistency with Community Plans) and 18 (Consistency with Community Character).

1. Impact on Land

Brief description of the impact on land:

The 158 +/- acre parcel consists of a mix of agricultural fields, woodlands, successional shrubland, wetlands and remnant warehouse structures of the prior commercial tree nursery. The parcel is generally bounded on the north by Virgil Creek, on the east by George Road and private residences, on the south by NYS Route 13 and the Willow Glen Cemetery, and on the west by active farmland and woodlands. The site has an existing curb cut on NYS Route 13 and a long gravel driveway (approximately 3,000 feet) that accesses the interior of the parcel.

Based on Part 1 of the FEAF, 20% of the site contains slopes between 10-15%. Upon review of the Existing Site Plan (Drawing C-101) the land associated with these slopes is active agriculture fields and fenced meadow used previously for the tree nursery. Depth to bedrock is reported at greater than 6 feet per on-site screw foundation tests.

No significant grading is proposed for the arrays, however, excavation for roughly 3,700 feet of gravel access drives and 5 transformer/inverter concrete pads (300 square feet each) is expected. Trench excavation for installing roughly 14,500 feet of buried electric cables will also be necessary. The metal racking system supporting the photo-voltaic modules will be anchored into the ground using helical ground screws. According to the Stormwater Pollution Prevention Plan (SWPPP) the project will disturb 6.4 acres of soil primarily from the removal of tree stumps and ultimately convert approximately 1.1 acres

of land to impervious surfaces in the form of access drives and inverter pads. The SWPPP also identifies temporary and permanent erosion control measures to stabilize disturbed soils.

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘no impact’:

- a. *The proposed action may involve construction on land where depth to water table is less than 3 feet.*
- b. *The proposed action may involve construction on slopes of 15% or greater.*
- c. *The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.*
- d. *The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.*
- e. *The proposed action may involve construction that continues for more than one year or in multiple phases.*
- f. *The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).*
- g. *The proposed action is, or may be, located within a Coastal Erosion hazard area.*

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘small impact’:

- h. *Other impacts: Construction of Access Drives*

The typical detail for construction of the 12-foot wide access drives, as illustrated on Drawing C-108 titled Miscellaneous Details indicates that 8 inches of crushed stone will be placed on geotextile fabric. Without changing the contours of the land adjoining either side of the access drive it will be necessary to excavate existing soil to a depth of 8 inches for placement of the fabric and stone. The temporary erosion and sediment controls required by the SWPPP and Drawing C-104 titled Erosion and Sediment Control Plan will minimize the impacts of exposed subgrade soils to erosion, therefore, no significant adverse impacts to land are anticipated as a result of the proposed action.

3. Impacts on Surface Water

Brief description of impacts on surface water:

The USFWS National Wetland Inventory (NWI) identifies three mapped wetlands within the site boundaries. There are no NYSDEC delineated freshwater wetlands on the site. Virgil Creek is a perennial stream and runs through the northeastern corner of the property. NYSDEC has classified Virgil Creek as a Class C (T) (i.e., trout water) stream. An unnamed Class C perennial stream tributary to Virgil Creek is also identified flowing through the eastern side of the site. The applicant has submitted an Aquatic Resources Report (Report) dated April 2017 and prepared by Tetra Tech, Inc. which summarizes the results of a survey conducted for the purpose of determining the presence and extent of wetlands meeting either the criteria for federal designation according to USACE or NYSDEC Freshwater Wetlands. Within the boundaries of the property, the survey identified six wetlands totaling approximately 53.8 acres that meet the criteria for USACE wetland identification. The footprints of these six wetlands encompass and expand the delineation boundaries of the previously mapped NWI wetlands. No NYSDEC Freshwater Wetlands

Program wetland features or 100-foot adjacent areas were located in the immediate proximity or within the site boundary.

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘no impact’:

- a. *The proposed action may create a new water body.*
- b. *The proposed action may result in an increase or decrease of over 10% or more than 10 acre increase or decrease in the surface area of any body of water.*
- c. *The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.*
- e. *The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.*
- f. *The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.*
- g. *The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).*
- h. *The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.*
- i. *The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.*
- j. *The proposed action may involve the application of pesticides or herbicides in or around any water body.*
- k. *The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.*

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘small impact’:

- d. *The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.*

Drawing C-102 titled Proposed Site Plan indicates minor disturbance will occur on the banks of Virgil Creek within a 20-foot wide path to remove trees for the installation of overhead electric lines. Drawing C-104 titled Erosion and Sediment Control Plan includes the layout of the array perimeter fencing and access drives relative to the boundaries of the delineated wetlands. Based on this drawing, the installation of solar panel arrays, access drives and fencing is not encroaching into delineated wetlands. Therefore, there will be no discharge of dredged or fill material into wetlands or waters of the United States which would trigger possible review and permitting by USACE. Accordingly, USACE has issued a letter on June 23, 2017 to the applicant stating that “a Department of the Army (DA) permit is not required”. Similarly, the NYSDEC provided a letter of ‘no jurisdiction’ stating an Article 15 permit would not be required for the work.

Construction activities will cause soil disturbance on approximately 6.4 acres of land which requires filing a Notice of Intent with NYSDEC to obtain coverage under SPDES General Permit for Stormwater Discharge

from Construction Activity (GP-0-15-002). A Stormwater Pollution Prevention Plan (SWPPP) dated June 2017 and prepared by Maser Engineering describes temporary erosion and sediment control practices that will be utilized during construction within the site to protect adjacent wetlands and waterbodies from unintentional discharges of sediment laden runoff.

Solar panel arrays, access drives and fencing will not encroach into delineated wetlands and temporary erosion and sediment control measures will be implemented during construction, therefore, no significant impacts on surface waters are anticipated as a result of the proposed action.

7. Impacts on Plants and Animals

Brief description of impacts on plants and animals:

An ecological assessment field survey was conducted by a Tetra Tech, Inc. qualified biologist on March 28, 2017 to observe and record the presence and extents of natural communities, vegetation, hydrology and soils. The ecological communities identified on the site during the survey, and further described in the Ecological Assessment Report (EAR), include the following:

1. Cropland
2. Successional old field
3. Successional Northern Hardwoods
4. Shrub swamp
5. Shallow emergent marsh
6. Red maple-hardwood swamp
7. Successional shrublands

A letter dated March 1, 2017 from the New York Natural Heritage Program (NYNHP) stated there are “no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity”. The USFWS did indicate that the federally-threatened northern long-eared bat may occur within the boundary of the site and/or may be affected by the project. USFWS did not identify any bald eagle nests or records in the vicinity.

An additional field survey was completed by the qualified biologist on June 13, 2017 to “ensure the site was evaluated in the heart of the growing season, and identify any significant changes or additional analysis required due to the change of seasons”. Additional species of vegetation noted during the site visit, generally herbaceous plants, included: true forget-me-not (*Myosotis scorpioides*), spotted jewelweed (*Impatiens capensis*), swamp buttercup (*Ranunculus caricetorium*), great bladder sedge (*Carex intumescens*), fringed sedge (*Carex crinita*) and hop sedge (*Carex lupulina*). Additional fauna largely consisted of the presence of common migratory song birds. Song birds that were either directly observed or identified by call included the common yellowthroat (*Geothlypis trichas*), blue-winged warbler (*Vermivora cyanoptera*), American redstart (*Setophaga ruticilla*), black-throated green warbler (*Setophaga virens*), ovenbird (*Seiurus aurocapilla*), yellow warbler (*Setophaga petechial*), alder flycatcher (*Empidonax alnorum*), red-tailed hawk (*Buteo jamaicensis*) and wild turkey (*Meleagris gallopavo*). As stated by Tetra Tech, Inc. “none of the species identified were rare, endangered or threatened and so would not warrant further permitting or coordination with regulatory agencies”.

The proposed fence is a 7-foot high woven wire fence on wood posts (also called an agricultural fence). Each of the five solar sites will be contained within a 7-foot tall agricultural fence (6-foot knotted fence fabric with a single string wire on top). No barbed wire or razor wire is being proposed. The fence style will allow small animals to pass freely through the arrays while restricting larger predatory animals, such as coyotes. There are currently two areas on the site totaling approximately 19 acres that are enclosed with 10-foot tall fencing. This fence will be removed completely for the solar panel installation. Two wildlife corridors, each 15-feet wide, are proposed between Sites 1-2 and Sites 3-4 to allow larger animals to move east/west through the site.

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘no impact’:

- a. *The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.*
- c. *The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.*
- d. *The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.*
- e. *The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.*
- f. *The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.*
- g. *The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.*
- i. *Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.*

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘small impact’:

- b. *The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.*

The USFWS indicated that the federally-threatened northern long-eared bat (NLEB) could potentially be affected by the project, as all forested habitats are potential habitat for NLEB. The majority of the project occurs in open areas (or impacts narrow hedgerows), but potential habitat for the NLEB is proposed to be cleared. No winter habitats were identified in either the NYSDEC environmental resource mapper or the USFWS IPaC search so it is unlikely that any hibernacula are in the vicinity of the Project. Further, the NYSDEC listing of NLEB occupied habitat dated May 18, 2017 does not identify any summer or winter locations in Tompkins County. The final USFWS 4(d) Rule for the NLEB indicates that if maternity roosts

and their 150-foot buffer are avoided during June and July (i.e. pup season), and no hibernacula are identified within 0.25 mile of the project, tree clearing poses no impact to the NLEB species. The applicant has voluntarily committed to not clearing NLEB roosting habitat on the site from May 1 to August 31. This window encompasses the majority of the primary active season for the NLEB. In addition, NYSDEC has provided a jurisdictional determination that the project will not likely result in the “take” of a threatened or endangered species.

- h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: 7.6 +/- ac of forest to be cleared and converted to meadow.*

The project proposes to remove approximately 7.6 acres of forested land for the installation of solar arrays and to prevent shading of the panels. Newly cleared areas will be seeded with a pollinator-friendly seed mix to foster birds and insects that may use the area. As identified on Drawing C-105 titled Tree Cutting Plan, the area of tree clearing activity occurs in hedgerows, isolated wood lots and along the perimeter, but outside of, the shrub swamp. No clearing is anticipated within the red maple hardwood swamp, shallow emergent marsh or shrub swamp communities. Further, the applicant has stated in writing a preference “to only clear trees that are deemed to be either a fall hazard or pose a shading concern, within permissible environmental constraints. Consistent with its normal approach, SUN8 agrees to review each grove of trees for potential fall hazards or shading concerns before clearing; only those trees that fit the criteria of either being a fall hazard or a shading concern will selectively be removed”. Vegetation removal notes echoing this preference have been added to Drawing C-105. Also, the timing of clearing of the forested land has been voluntarily restricted by the applicant to avoid potential impact to habitat of the NLEB.

Given the avoidance of tree removal in the swamp and marsh communities together with the voluntary commitments for selective tree clearing and calendar restrictions, no significant impacts on plants and animals are anticipated as a result of the proposed action.

8. Impact on Agricultural Resources

Brief description of impact on agricultural resources:

The property is located within the Tompkins County Agriculture District #1 and approximately 37 acres of the site are being actively tilled. The Ecological Assessment Report delineated two tilled fields as part of the “Cropland” ecological community. The soil groups mapped by NRCS within these fields include Genesee, Howard, Langford and Phelps. All but the Howard soils are considered by the NY Department of Agriculture and Markets to be highly productive soils. The applicant has determined that approximately 35 acres of these highly productive soils are located within the proposed fenced areas of the solar arrays.

The Agricultural Data Statement (ADS) submitted by the applicant identified three farm owners within 500 feet of the property; the Petrillose horse farm, the R. Carpenter dairy farm and the G. Carpenter dairy farm.

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘no impact’:

- b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).*
- c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.*
- e. The proposed action may disrupt or prevent installation of an agricultural land management system.*
- f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.*
- g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.*

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘small impact’:

- a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.*
- d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.*

The majority of the property is located in the Town’s Rural Agriculture District with the north portion adjacent to Virgil Creek and George Road falling within the Conservation District. Zoning districts to the east and west of the property include Rural Residential and to the south along NYS Route 13 is Mixed Use Commercial. Aside from the Petrillose horse farm at 334 George Road, there are no other farm operations that abut the project site. At the time, the 2005 Town Comprehensive Plan estimated approximately 13,500 acres of land in the town were actively farmed. Another 3,500 acres were classified as inactive agricultural land. The Town’s Zoning Law allows the installation of ground-mounted, large-scale solar arrays in both the Conservation and Rural Agriculture Zones, however, locating the solar energy system on prime farmland soils requires approval by the Town Board in conjunction with the Special Use Permit approval process.

The solar panels have a relatively long useful life (30 +/- years) but the system can be decommissioned and removed relatively easily, allowing the land and the underlying 35 acres of highly productive soils to revert back to agricultural uses.

The project will reduce the actively farmed land in the Town by less than 0.5%. The site does not immediately abut other farm operations and, therefore will not fragment agricultural land resources. If the system is ever decommissioned, the underlying land could revert to agricultural use without having lost the highly productive soils. Based on this information, no significant impacts on agricultural resources are anticipated as a result of the proposed action.

9. Impact on Aesthetic Resources

Brief description of impact on aesthetic resources:

The project will introduce approximately 19.26 acres of solar panel surfaces across the 158 +/- acre site. The solar arrays maintain a relatively low profile, the lower edge of a panel being 2 feet above grade and the upper edge 8 feet above grade. The panels are tilted at 20 degrees to the horizon and facing south. The land generally slopes from south to north toward Virgil Creek and the relative difference in ground elevation between the southernmost array of Site 5 and the northernmost array of Site 1 is 70 feet lower. The arrays will follow the natural contours of the land and no significant grading is proposed.

Given the footprint of the solar panel arrays, the change in view sheds will be large for the immediate neighbors and visitors of the Willow Glen Cemetery (Cemetery). Landowners and the general public at distant vantage points to the south, such as along Irish Settlement Road and Ferguson Road will also experience a change in the view shed, primarily from the solar arrays on Site 5 adjacent to NYS Route 13. Motorists traveling along NYS Route 13 will have a very transient view of Site 5.

Neither the Town's 2005 Comprehensive Plan nor Open Space Inventory designate scenic or aesthetic resources that incorporate this site. Further, this site is not included in a viewshed considered either 'distinctive' or 'noteworthy' in the 2007 Tompkins County Scenic Resources Inventory. The Willow Glen Cemetery, however, is a place of local significance whose visitors have enjoyed and appreciated the vistas that are afforded from this location.

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of 'no impact':

- a. *Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.*
- b. *The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.*
- e. *The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.*
- f. *There are similar projects visible within the following distance of the proposed project:*
 - 0-1/2 mile*
 - 1/2 -3 mile*
 - 3-5 mile*
 - 5+ mile*

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of 'moderate to large impact':

- c. *The proposed action may be visible from publicly accessible vantage points:*
 - i. Seasonally (e.g., screened by summer foliage, but visible during other seasons)*
 - ii. Year round*
- d. *The situation or activity in which viewers are engaged while viewing the proposed action is:*
 - iii. Routine travel by residents, including travel to and from work*
 - iv. Recreational or tourism based activities*

The applicant has submitted a Visual Impact Statement (Statement) dated May 31, 2017 and prepared by LaBella Associates, PC. The Statement follows the guidelines contained in the NYSDEC Program Policy document titled "Assessing and Mitigating Visual Impacts" and specifically the procedure to verify the

visual assessment using either graphic viewshed analysis or more sophisticated visual simulations and digital viewshed analysis. The applicant's inventory of scenic resources included the views from the northern and eastern edge of the Cemetery property, the westerly view from the Osmeloski property at #2180 Dryden Road toward the Verizon Wireless telecommunications tower site, and from a point in the southbound lane of NYS Route 13 looking west. The Statement utilized visual simulations to assess the viewshed changes experienced at the Cemetery and NYS Route 13 locations while line-of-sight profiles were generated for the Osmeloski view of the telecommunications tower.

With respect to the sight profile from the Osmeloski property, it is proposed in this project that an existing hedgerow consisting principally of mature, 40-foot tall willow trees be removed along the western edge of the Site 5 arrays. In the process of approving a Special Use Permit and Site Plan application in 2017 for the Verizon Wireless telecommunications tower on this parcel, the Town Board findings included "(c) *The tower base and much of the lattice structure will be screened by trees and land features, site is so situated as to minimize the physical impacts to the environment*". Proposed removal of the willow hedgerow will negate this prior finding for those views from the east that would be interrupted by willow trees. As equivalent mitigation, the applicant has incorporated into the line-of-sight profile new vegetative screening that will be planted adjacent to the west boundary of the Osmeloski parcel and along Route 13.

Simulated views from the Cemetery (Views 1-4 in Exhibit A of the Statement), without the addition of vegetative screening or 'buffer', depict the solar arrays to be in sharp contrast to the existing agricultural field setting. Simulated views from NYS Route 13 (View 5 in Exhibit A of the Statement) reveal the leading, or southern, edge of arrays within Sites 4 and 5. The mature row of evergreens on the Osmeloski property initially blocks the majority of the view to Site 5. The line-of-sight analysis for the Osmeloski view indicates that a vegetative screen planted along the east boundary of Site 5 with an initial height of 16 feet will replicate masking of the communications tower base, the condition expected to be afforded by the existing willow tree hedge.

Mitigation strategies that the applicant is utilizing to reduce the visibility of the project include the following:

1. Vegetative Screening:

- a. Drawing L-101 titled Proposed Planting Plan included in Exhibit A of the Statement illustrates a layout of evergreen trees and clump or multi-stemmed deciduous trees abutting the north property line of the Cemetery. In addition, the entire south edge of the fence line for Site 4 is planted with deciduous shrubs. The selected species of trees and shrubs are not on the NYSDEC Nuisance or Invasive Species lists or the Tompkins County invasive species list. The height of the trees at time of planting is indicated to be 14-16 feet tall. At maturity, the trees could be 25-35 feet tall. As noted on Drawing C-102 titled Proposed Site Plan and described in the Statement, the vegetative screening immediately behind the Cemetery building will be 'bushes' 6-8 feet tall at time of planting, reaching maturity at 8-10 feet so as to retain the vista view. Simulated views from the Cemetery (Views 1-4) depict the effect of the vegetative screening at time of planting and at maturity.
- b. Drawing C-102 also indicates 'Additional vegetative barrier' that will be planted along the south and east edges of Site 5. This screen extends from the east edge of the existing access drive to the west boundary of Osmeloski and is located between the NYS Route 13 right-of-way and the Site 5 fence. It then continues north parallel to the Osmeloski boundary to the north end of the Site 5 arrays. The Statement describes that portion of

the screen along NYS Route 13 to consist of 'bushes' being 4-6 feet in height at planting and reaching 8-10 feet in height at maturity. The vegetative screen paralleling the Osmeloski boundary is described as "native trees (designated as non-invasive in NY)" with heights varying between 10-16 feet at time of planting and reaching heights varying between 24-30 feet at maturity. Simulated View 5 does not incorporate the effects of 'bushes' along the NYS Route 13 right-of-way.

2. Setbacks: Based on Drawing C-102, the applicant is proposing the following separation distances between the adjacent property lines and the fence lines enclosing the arrays:
 - a. The Site 4 fence line is at least 136 feet from the north property line of the Cemetery.
 - b. Along the west property line of the site, the distance to the fence line of Sites 2, 3 and 4 is minimally 140 feet.
 - c. The Site 5 fence line is at least 100 feet from the NYS Route 13 right-of-way as well as the Osmeloski property line.

The Statement also included a summary of the results from a solar glare hazard analysis performed using a web-based Solar Glare Hazard Analysis Tool (SGHAT) for PV systems, developed by Sandia National Laboratories, that provides a quantified assessment of when and where glare will occur throughout the year, as well as potential effects on the human eye at locations where glare occurs. Based on the coordinates provided in the Statement table, the receivers or 'vantage points' include the properties at 334 George Road (Petrillose) and 2180 Dryden Road (Osmeloski), a point on Dryden Road (NYS Route 13) traveling 'west', a point on Dryden Road east of the Johnson Road intersection, and a point in the loop drive of the Willow Glen Cemetery. The SGHAT output is in 3 categories; "low potential for temporary after-image", "potential for temporary after-image" and "potential for Permanent Eye Damage". After-image is a visual illusion in which retinal impressions persist after the removal of a stimulus (e.g. the spot of light one sees after a camera flash has been fired). Results of the analysis indicate there is a "low potential for temporary after-image" at the Petrillose and Osmeloski properties between 6:00-6:30 PM in the months between March and September. There is the "potential for temporary after-image" at the Dryden Road (traveling west) and Willow Glen Cemetery locations between 5:45-6:15 PM and 6:00-6:30 AM, respectively, for the majority of spring and summer months. The SGHAT, however, does not account for the presence of existing or proposed vegetation that will interrupt the line of site and thus separate the source of glare from the receiver.

An additional glare analysis was performed using SGHAT for the Ithaca-Tompkins Regional Airport following the FAA document titled "Technical Guidance for Evaluating Selected Solar Technologies on Airports". The resulting SGHAT simulation provided a "no glare" outcome for the flight path from 0 miles to 1 ¼ miles from the Runway 32 landing threshold and a "low potential for temporary after image" outcome for the control tower and the flight path between 1 ¼ miles to 2 miles. Again, existing and proposed vegetation between the site and the control tower is not accounted for in the analysis and while the results suggest a low potential for a temporary after-image, the vegetation in between mitigates any ocular impact from the solar arrays, which are 5 miles away.

The applicant has prepared numerous visual simulations to inform the selection of reasonable and effective mitigation strategies that lessen the visual presence of the solar panels to the immediate neighbors. These strategies include a combination of adjustments to the array layout and property line separation distances and very specific vegetative screening requirements. Therefore, no significant adverse impact to aesthetic resources are anticipated as a result of the proposed action.

10. Impacts on Historic and Archeological Resources

Brief description of impact on historic and archeological resources:

The project site is located within an Archaeologically Sensitive Area as designated by NYS Office of Parks, Recreation and Historic Preservation (OPRHP) due to the general cultural history of the region and the presence of favorable environmental features. The property is within approximately 640 feet of the “Plus Site”, a Late Woodland prehistoric archaeological site (OPRHP No. 10903.000243; SUBI-1736) which is considered eligible for listing on the National Register of Historical Places (NRHP). The Willow Glen Cemetery (undetermined NRHP-eligibility) is immediately adjacent to the south side of the property.

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘no impact’:

- a. *The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.*
- b. *The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.*

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘small impact’:

- c. *The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.*

A Phase 1 Archaeological Investigation Report (Investigation) dated May 2017 was prepared by Tetra Tech, Inc. and submitted to OPRHP. The project Area of Potential Effect (APE) was determined in consultation with OPRHP and included the proposed access roads, utility trenching, concrete equipment pads, tree/brush clearing and the staging area. Within the APE, a total of 119 subsurface shovel test excavations were dug by hand. The soil from each shovel test was screened through ¼-inch mesh hardware cloth. The results of the testing recovered one prehistoric artifact, which was determined to be an isolated find. No additional cultural material was recovered. Further, the Investigation determined there are no historic structures or properties listed in or eligible for listing in the State/NRHP located within or immediately adjacent to the property.

Upon review of the Investigation, OPRHP issued an opinion letter dated May 17, 2017 that the “project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places”. An additional opinion letter dated 7-7-17 adds: “It is the opinion of OPRHP that the project will be appropriate on the following conditions: 1. The vegetative proposed screening is maintained as long as the solar panels remain in the proposed location. 2. The solar panels are removed from the site if they are not being used anymore.” Both conditions are being substantially met.

Based on the above information and the opinion of OPRHP, no significant impacts on historic and archeological resources are anticipated as a result of the proposed action.

11. Impacts on Open Space and Recreation

Brief description of impacts on open space and recreation:

The property is not located within or adjacent to a designated Unique Natural Area and is not associated with any Open Space Assets depicted in Map 2-2 of the Town's Comprehensive Plan. The Town is planning for the Dryden-Freeville Trail that would be routed along Virgil Creek and along the north end of the property. The trail project involves the extension of the Jim Schug Trail from the Village of Dryden to the Village of Freeville. The applicant had altered the solar array layout in this vicinity to facilitate the future trail corridor.

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of 'no impact':

- b. The proposed action may result in the loss of a current or future recreational resource.*
- c. The proposed action may eliminate open space or recreational resource in an area with few such resources.*
- d. The proposed action may result in loss of an area now used informally by the community as an open space resource.*

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of 'small impact':

- a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.*

As described in Section 7, Impacts on Plants and Animals agricultural fence will be used to secure the solar array sites. The fence style will allow small animals to pass freely through the arrays while restricting larger predatory animals, such as coyotes. Two wildlife corridors, each 15-feet wide, are proposed between Sites 1-2 and Sites 3-4 to allow larger animals to move east/west through the site. With the exception of the 20-foot wide clearing for overhead electric lines, the wooded corridor adjacent to Virgil Creek and Site 1 will remain and only selective tree cutting will be performed to manage panel shading and fall hazards. Based on this information, no significant impacts on open space and recreation are anticipated as a result of the proposed action.

15. Impact on Noise, Odor, and Light

Brief description of impacts on noise, odor and light:

During construction, it is anticipated that chainsaws will be used for tree cutting and hand-held power tools with portable generators will be used for array installation. Track mounted excavators, skid steers, wood chippers, dump trucks and tractor trailers will also be common and generate engine exhaust as well as noise. The applicant has indicated construction will occur in a single phase for a period of 6 months. The hours of operation during construction are proposed to be 6 AM and 6 PM Monday through Friday and possibly on Saturday.

The applicant has indicated that during sunlight operation, the inverters within each array will produce a low hum comparable to a refrigerator or an idling car and at a distance of 100 feet away the hum is indistinguishable from ambient noise. The nearest inverter to a neighboring residential property line is in

Site 5 at a distance of 300 feet. The distance between the Site 5 inverter and the nearest residence (Osmeloski) is approximately 600 feet.

There is no proposed outdoor lighting for the project.

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘no impact’:

- a. *The proposed action may produce sound above noise levels established by local regulation.*
- b. *The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.*
- c. *The proposed action may result in routine odors for more than one hour per day.*
- d. *The proposed action may result in light shining onto adjoining properties.*
- e. *The proposed action may result in lighting creating sky-glow brighter than existing area conditions.*

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘small impact’:

- f. *Other impacts: Construction noise.*

Common and ordinary construction equipment and tools used for the site clearing and installation of the solar array panels, underground electric cables, access drives and fencing will generate noise that is not uncommon in rural residential and agricultural settings. This construction noise will be of a temporary nature, therefore, no significant impacts on noise, odor and light are anticipated.

17. Consistency with Community Plans

Brief description of the impact on community plans:

The Town 2005 Comprehensive Plan, as amended, envisions that relative to land use planning *“While small scale solar energy generation exists on some small private lots, there is a desire to provide more options for solar energy generation. Large solar installations will allow this but the impacts should be mitigated through careful siting and adequate buffering.”* Further, the Plan recommends *“To diversify our electrical supply grid large scale solar installations should be allowed in the town with careful siting and adequate buffering provided to mitigate adverse impacts.”* The Town’s Zoning Law permits ground-mounted large-scale solar energy systems as principal and accessory uses through the issuance of a Special Use Permit and Site Plan as approved by the Town Board with prior review and recommendations on the Site Plan by the Planning Board within Conservation, Rural Agriculture, Rural Residential, Mixed-Use Commercial, and Light Industrial Zoning Districts. The property is also located in the Rural Highway Corridor. The Commercial Development Design Guidelines applicable to this corridor dictate parking and access management, landscaping and site details. No parking lots are proposed, no new road cuts or access points are proposed and additional vegetative screening as described previously will be planted along NYS Route 13 and the neighboring Willow Glen Cemetery and Osmeloski property lines. With respect to other community plans, the Tompkins County Planning Department has written in the Section 239-l, -m and -n review letter that *“The proposed project has been adjusted in a way that better accommodates the natural features of the site and goes a long way to supporting the Tompkins County Comprehensive Plan (2015) policy to increase the use of local and regional renewable energy sources and technologies”.*

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘no impact’:

- b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.*
- d. The proposed action is inconsistent with any County plans, or other regional land use plans.*
- e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.*
- f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.*
- g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)*

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘small impact’:

- c. The proposed action is inconsistent with local land use plans or zoning regulations.*

The Town’s Zoning Law does permit ground-mounted, large-scale solar energy systems as principal and accessory uses in this district subject to Special Use Permit and Site Plan approval by the Town Board. However, the proposed layout of solar panel arrays relative to the proposed subdivision parcel lines will not conform to the 50-foot front yard, rear yard and side yard setback and, therefore will require approval of an Area Variance by the Town Zoning Board of Appeals. The separation distances between the fence line of Site 4 is at least 136 feet from the north property line of the Willow Glen Cemetery and minimally 140 feet from the east line of the Cemetery property. The Site 5 fence line is at least 100 feet from the NYS Route 13 right-of-way as well as the Osmeloski property line.

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘moderate to large impact’:

- a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).*

Ground-mounted, large-scale solar energy systems are an allowed use under the Zoning Law, but the erection of 19.26 acres of solar panel surfaces across the 158-acre site presents a land use that does not currently exist, and as such the solar energy systems will have a moderate to large impact on the surrounding land use pattern. This new land use will not be building up gradually but will immediately be on par with the business and agricultural use of the surrounding areas. There are no nearby businesses that erect structures at this scale. This large-scale solar facility shares some land use characteristics with the surrounding agriculture in that the fenced fields can support grazing opportunity for sheep and the land cover within the fenced areas will take on either a meadow or grazed pasture condition. Much of the discussion in Sections 9 and 18 applies here also.

Although the solar panels present a visual contrast to other surrounding land uses, over 96% of the 158-acre property will be maintained in a vegetative condition. Over 34% of the property will retain the wetland and surface water features.

The physical mitigation measures the applicant is utilizing (vegetative screening and setbacks from the Cemetery and Osmeloski property lines), along with site topography, vegetation that will be retained, and the low profile of the arrays, all minimize the impact of this contrast. Therefore, no significant adverse impacts on community plans are anticipated as a result of the proposed action.

18. Consistency with Community Character

Brief description of the impact on community character:

The architectural and landscape characteristics of current uses in the immediate vicinity of the property include single family residential; agriculture; cemetery; electric substation; church; and numerous businesses including auto repair, landscaping, auction house, and medical office. This is a Rural Highway Corridor with a very broad spectrum of uses and little pattern. If any uses predominate, they would be business and agriculture.

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘no impact’:

- a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.
- b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)
- c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.
- d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.

Based on the information contained in Part 1 of the FEAF and supplemental documents each of the following criteria are deemed to be of ‘moderate to large impact’:

- e. The proposed action is inconsistent with the predominant architectural scale and character.
- f. Proposed action is inconsistent with the character of the existing natural landscape.

By virtue of the structural characteristics of solar arrays, the proposed project introduces architectural components inconsistent with the character of the existing architectural and natural landscape. Much of the discussion in Sections 9 and 17 applies here also. Also as discussed in Sections 9 and 17, there are many design features and mitigation strategies to be implemented by the applicant that will lessen the visual impacts of this project. Once the project is operational, there are no traffic, noise, light, or other impacts that accompany many of the existing surrounding land uses. The design features and mitigation strategies that lessen the visual impacts, together with the lack of impacts that often accompany other types of development, mitigate the impact caused by the fact the solar energy facility is different from the current broad spectrum of surrounding uses. Therefore, no significant adverse impacts to community character are anticipated as a result of the proposed action.