

**New York State  
Environmental Quality Review Act (SEQR)  
Determination of Significance**

**Part 3. Determination of Significance**

**for**

**Atlas Solar  
Kirkland 1 & 2 Solar Farms**

**Lead Agency**

**Town of Kirkland Planning Board**

July 2024

## **I. Description of Proposed Action**

Kirkland Solar LLC (the Applicant), a wholly owned subsidiary of Atlas Renewables LLC, is proposing to construct a solar energy generating facility on five tax parcels located off Utica Street (NYS Route 12-B) in the Town of Kirkland, Oneida County, New York. The main parcel (tax ID No. 338.000-1-8), currently owned by Clinton View Farms, LLC, will be purchased by the Applicant to accommodate the proposed generating facility. Four additional parcels (tax ID Nos. 338.000-1-6.0, 338.000-1-6.1, 328.003-1-26.5, and NYS Liber 164) will be leased to provide access to the generating site from Route 12-B. Acreage under the Applicant's control will total 96.01 acres, of which, 94 acres will be purchased to accommodate the generating facility (parcel #338.000-1-8). The project site is currently undeveloped and characterized by irregular sloping topography. It is dominated by forest land that has been selectively logged, but also includes wetlands and unnamed tributaries to Mud Creek.

Development of the facility will require clearing of trees and removal of stumps on an approximately 47-acre portion of the 94-acre generating site. No mass grading or significant changes in topography are proposed. Development of the site as proposed will involve construction of one 5.0-megawatt (MW) solar project and one 4.6-MW solar project. Both projects will be located within a fenced 47-acre area set back a minimum of 50 feet from adjacent properties. The generating facility will include multiple rows of single access pole mounted photovoltaic (PV) panels with an average height of 13 feet and a maximum height of 15 feet above grade. Other facility components include buried electrical lines within the PV array, pad mounted inverters to convert the direct current (DC) generated by the PV panels to alternating current (AC), a gravel access road, and interconnection wiring connecting the solar array to the National Grid point of interconnection (POI) at the overhead line along Route 12-B (Utica Street). Interconnection wiring from the fenced facility to the POI will be underground except for the last 200 feet where it will transition to an overhead line carried on up to eight wooden utility poles. The solar facility will generate enough energy to meet the needs of 2,200 average sized homes.

## II. Potentially Significant Impacts

This determination of significance is based on review of Part 1 of the Full Environmental Assessment Form (EAF) and supporting documentation provided by the Applicant, as well as input provided by interested and involved agencies and the public. Specific documents reviewed in making this determination include the following:

1. Part 1 of the EAF
2. Letter from the New York State Department of Environmental Conservation (NYSDEC) dated March 22, 2024.
3. email from the New York State Department of Transportation (NYSDOT) dated March 25, 2024.
4. Letters from the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) dated August 3, 2023, and January 25, 2023.
5. Letter from Federal Aviation Administration dated February 3, 2022.
6. Solar Panel Construction Stormwater Permitting/SWPPP Guidance memo from the NYSDEC dated April 15, 2018.
7. Maryland Department of the Environmental Stormwater Design Guidance – Solar Panel Installations, undated.
8. Letters and emails from over 50 neighboring municipalities, local organizations, and members of the public.
9. The transcript from the public hearing held on March 25, 2024.
10. Meeting minutes from continuation of the public hearing at the Town of Kirkland Planning Board meeting of April 22, 2024.
11. Summary of Key Project Effects prepared by Hickory Creek Consulting, LLC dated November 7, 2022.
12. Summary of Comments prepared by Margaret H. Reilly, PE, undated.
13. Site Stormwater Review prepared by Delta Engineers, Architects, & Surveyors dated April 16, 2024
14. The following supporting documentation provided by the Applicant:
  - Application cover letter dated December 24, 2023.
  - Predevelopment Site Conditions dated November 30, 2023.
  - Wetland Delineation Report and T&E Species Assessment prepared by C. T. Male Associates dated July 24, 2023 (supplement) and April 22, 2024 (original).
  - Geotechnical Report prepared by CME Associates dated September 30, 2022.
  - Site plan Drawing Set prepared by Creighton Manning Engineering LLP dated October 2023.
  - Construction schedule, undated.

- Stormwater Pollution Prevention Plan (SWPPP) prepared by Creighton Manning Engineering LLP dated October 2023.
- Traffic/Transportation Analysis prepared by Creighton Manning Engineering LLP dated October 3, 2022.
- Visual Assessment Study dated July 18, 2023.
- Noise Study prepared by Barton & Loguidice dated May 20, 2022.
- Phase 1A Cultural Resources Study prepared by Birchwood Archaeological Services, Inc. dated March 2022.
- Land Use/Community Character Assessment dated November 2023.
- Facility Operation and Management plan dated November 2023.
- Land Use Application to cross an existing National Grid transmission line dated April 21, 2022.
- Forestry Report (including undated Forest Quality Assessment prepared Newman Forest & Wildlife Management, LLC) dated May 17, 2024 (supplemental analysis) and September 30, 2023 (original).
- Decommissioning Plan dated November 30, 2023
- Agricultural data Statement dated September 30, 2023.
- Mud Creek Watershed analysis prepared by Creighton Manning Engineers, Planners, Surveyors dated May 20, 2024

Using this information, the Planning Board answered questions 1 through 18 on Part 2 of the EAF. Using the Part 2 tools, the Planning Board determined that there would be no significant impact to the environmental resources evaluated in questions 2, 4, 6, 8, 10, 12, 13, 14, 15, and 16. These were all checked as “No” in Part 2. However, the Planning Board determined that questions 1, 3, 5, 7, 9, 11, 17, and 18 would need further evaluation in Part 3 because they identified one or more impacts that could potentially be “moderate to large”. The Part 2 evaluation indicated that the project may:

- Result in increased soil erosion;
- Directly impact on-site wetlands and streams;
- Result in turbidity and siltation of on-site and downstream waters;
- Modify existing drainage/runoff patterns and change floodwater flows;
- Impact wildlife habitat, including habitat for one or more species listed as endangered, threatened, of special concern, or of conservation need;
- Impact the existing forest ecosystem by removing over 10 acres of forest vegetation;
- Result in impairment of “ecosystem services” provided by the undeveloped site;
- Be visible from publicly accessible vantage points and adjacent private homes;
- Change community character because the project is in sharp contrast to land use patterns and the character of the existing natural landscape; and could result in

additional impact if the project contemplates further expansion (resulting in segmentation).

- Result in the loss of an area now used informally as an open space resource and limit future recreational opportunities.

The Planning Board evaluated the magnitude, duration, likelihood, and importance of these potential impacts and decided:

1. More information is needed regarding on-site soils and any construction and engineering constraints they may present. There appears to be a high likelihood that soil erosion and sedimentation will impact the streams and wetlands on site due to the presence of steep slopes, the extent of proposed vegetation removal and soil disturbance, and the duration of construction activity. Although a Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the project and the Maryland Department of the Environment guidance is mentioned within the SWPPP, Planning Board review and agency correspondence indicates that more information is required regarding proposed/required engineered measures on the steeper slopes. The need/requirement for wider riparian buffers along on-site streams and proposed on-site monitoring to ensure SWPPP compliance also need additional discussion. Additional information on construction timing/sequencing, temporary site stabilization, construction oversight/SWPPP compliance monitoring, and the installation and maintenance of Erosion and Sediment controls needs to be provided.
2. The significance of proposed forest removal needs to be evaluated in more detail. The percent of forest loss within the town/watershed needs to be accurately quantified, and a clearer evaluation of the project in terms of loss of carbon sequestration function by the forest versus reduced CO<sub>2</sub> emissions from solar energy generation needs to be provided.
3. The ecological characteristics of the existing forest need to be further described, including its existing fish and wildlife habitat value. The fish and wildlife species found on site are not adequately described. The potential occurrence of tricolored bat (proposed for listing as endangered) and species listed as being of special concern or of conservation need should be discussed. The ecological impacts of proposed forest clearing, soil disturbance, and loss/alteration of fish and wildlife habitat, including habitat for listed species, need to be described.
4. The project could affect the downstream hydrology and water quality of Mud Creek. However, based on the results of two separate watershed analyses (Delta Engineers, 2024 and Creighton Manning, 2024) it was determined that the impact of the proposed project would be relatively small in regard to the overall Mud Creek watershed. Regarding the larger Sauquoit Creek watershed (to which Mud Creek contributes) and the flooding concerns within the basin, the impact becomes even less. Although potential flooding impacts have been adequately addressed by two independent studies, the results of these studies should be summarized and made available to downstream municipalities and residents.
5. The effect of the project on adjacent receptors/resources that could be sensitive to visual impact has not been adequately evaluated and could be significant due to the project's sharp contrast with the existing land use patterns. Specifically, a viewshed analysis or

line-of-sight cross sections should be prepared to evaluate project visibility from the surrounding area, with a focus on visibility of the proposed overhead interconnection from Utica Street and views of the PV panels from residences of Homewood Drive.

6. The project will preclude current informal recreational use of the site, but because it is private land, the public has no inherent right to such use. Although provisions for a future public trail through the site are proposed, additional assurances and details on how this will be accomplished need to be provided.
7. The proposed use was not envisioned when the Town of Comprehensive Plan was prepared. Although not inconsistent with several of the goals outlined in that plan, the project would be in sharp contrast with existing site conditions and nearby land uses. Future expansion of the proposed project, or development of a new solar project, on the remaining undeveloped acreage of the Clinton View Farms property in the Town of Kirkland and/or the Town of New Hartford have the potential to result in cumulative adverse impacts that require additional evaluation.

### **III. Determination of Significance**

As a result of the analysis described above, topics 1, 3, 7, 9, 11, 17, and 18 as defined in Part 2 of the EAF, have been determined to be potentially significant impacts. There is not adequate information or analysis on those impacts or how they could be mitigated in the information provided to date. Therefore, the Planning Board has determined that the project has the potential to result in adverse environmental impact to soil and water resources, forest resources, fish and wildlife resources, community character, and future recreational opportunities, and an environmental impact statement focused on these topics is therefore necessary.