

Matthew B. Liponis
Senior Associate
Direct Dial: 518.433.2417
mliponis@hodgsonruss.com



January 20, 2026

VIA EMAIL

Town of Clarence Town Board
c/o Supervisor Patrick Casilio
One Town Place
Clarence, New York 14031
pcasilio@clarence.ny.us

Re: Applicant Responses to Comments
Roll Road Solar and Self-Storage Application

Dear Members of the Town of Clarence Town Board:

Our firm represents NY Clarence I, LLC, NY Roll Road III, LLC, and Epic Storage Solutions, LLC (together, the "Applicant"), in connection with their efforts to permit and construct two co-located solar farms, a self-storage facility, and a flexible commercial/warehouse space on three parcels located within the Industrial Business Park zoning district on Roll Road in the Town of Clarence, New York (together, the "Properties").

In connection with the Applicant's Site Plan and Special Use Permit Application, please find responses to (1) comments provided by the New York State Department of Environmental Conservation on October 29, 2025; (2) comments provided by the Erie County Department of Environment and Planning on November 7, 2025; (3) comments provided by the Erie County Water Authority on October 20, 2025; and (4) comments provided by the New York State Office of Parks, Recreation, and Historic Preservation office on November 26, 2025.

We look forward to answering any questions regarding these materials at the Board's next regularly scheduled meeting. In the meantime, should you have any questions or require additional information with regard to this correspondence, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink that reads "Matt Liponis".

Matthew B. Liponis

Town of Clarence Town Board

January 20, 2026

Page 2 of 2

Encl.

cc: Via Email Only

Carolyn Dorr (cdorr@clarence.ny.us)

Jonathan Bleuer (jbleuer@clarence.ny.us)

Lawrence Meckler (lmeckler@clarence.ny.us)

Gregg Beldock (gregg@bullrockcorp.com)

Jessica O'Hearn (jessica@bullrockcorp.com)

Charles W. Malcomb (cmalcomb@hodgsonruss.com)

I. COMMENTS OF THE NYSDEC DATED OCTOBER 29, 2025:

The memorandum issued by Lisa Czechowicz, Regional Permit Administrator, dated October 29, 2025 provided the following comments:

Comment #1: DEC's amended Article 24, Freshwater Wetlands Jurisdiction and Classification regulations (6 NYCRR Part 664) went into effect on January 1, 2025. Portions of New York State regulated freshwater wetlands and their adjacent areas may be located in the project area. Although some limited activities are exempt from permitting, most activities that involve disturbance within a wetland or its 100-foot adjacent area require an Environmental Conservation Law (ECL) Article 24, Freshwater Wetlands permit from the DEC. Information on regulated activities within freshwater wetlands and adjacent areas is available on DEC's website (see Regulated Activities), which contains examples of regulated activities and those exempt from wetland permits. To determine whether the property contains regulated freshwater wetlands, the project sponsor must submit a request for a Parcel Jurisdictional Determination (Parcel JD). A Parcel JD is a determination made by DEC whether a property contains regulated freshwater wetlands or adjacent areas within the parcel boundary. Please use the attached link to request a Parcel JD for the project site: <https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlandsprogram/> freshwater-wetland-jurisdictional-determination. If you have any problems submitting the Parcel JD request, please email: fwwjurisdiction@dec.ny.gov. Please note, there is an option for people who have hired consultants, and for other environmental professionals with wetland expertise, to bypass the Albany Parcel Jurisdictional Determination (JD) and follow the Parcel JD-Consultant Option. Guidance on that process is online (via the above referenced link). Please note that Region 9 has some information that is required in addition to the statewide requirements for the Consultant Option (attached). The project sponsor should utilize the attached Region 9 List of Requirements for their submission. The project sponsor must submit these requirements to the Region 9 Bureau of Ecosystem Health email address (R9BEH@dec.ny.gov) with a request to utilize the Consultant Option, and a request to schedule a boundary verification. If the property contains regulated freshwater wetlands or adjacent areas, further delineation of the wetland boundaries and a Project Jurisdictional Determination (Project JD) may be required. A Project JD is a determination made by the regional DEC office about whether a proposed activity within a parcel containing regulated freshwater wetlands or adjacent areas requires an Article 24 Freshwater Wetlands permit. Project JD requests should be sent to the Region 9 Bureau of Ecosystem Health (BEH) at R9BEH@dec.ny.gov. If regulated freshwater wetlands or adjacent areas are present, all efforts must be made to first avoid disturbing the wetland and adjacent area. If disturbance to the wetland and/or adjacent area cannot be avoided, the project sponsor must submit a Freshwater Wetland permit application and obtain a permit to conduct a regulated activity. In accordance with DEC's Freshwater Wetlands Permit Requirements Regulations (6 NYCRR Part 663), the applicant would need to justify the disturbance, discuss alternatives and minimize impacts as part of the Freshwater Wetlands permit application. More information on application procedures and permit issuance standards is available on DEC's website at: <https://dec.ny.gov/regulatory/permits-licenses/waterways-coastlineswetlands/freshwater-wetlands#Determine>.

Response to Comment #1: A wetland delineation for the Project Site was previously prepared in 2022 (Parcels 57.11-4-7.211, 57.11-4-14.1) and 2023 (Parcel 43.19-3-1.1) A "Parcel Jurisdictional Determination" was submitted to the NYSDEC for all three parcels and all three parcels received "Letters of Positive Jurisdiction" (attached as Exhibit A). Applicant is working with the NYSDEC with regards to the "Parcel JD Consultant Option" and will provide the results once received. The current project design, which has been reduced in footprint to mitigate any potential impacts to wetlands, reflects wetland boundaries identified on the site. Additionally, to the extent such potential impacts qualify for coverage under DEC's General Permit authorizing certain disturbances within areas adjacent to DEC wetlands (GP-0-25-004), the Applicant will seek such coverage.

Comment #2: The project area may include federally regulated wetlands based on a review of the National Wetlands Inventory wetland mapping. The project sponsor should consult with the United States Army Corps of Engineers (USACE), telephone: 716/879-4330, concerning USACE regulatory jurisdiction to determine if the project will impact federally regulated wetlands or require any other approval from that agency. If federal wetlands are involved, USACE may require the project sponsor to obtain a Section 401 Water Quality Certification (WQC) from NYSDEC. More information related to this requirement can be found on NYSDEC's website at: <https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlandsprogram/conserves/federal-regulatory-programs>

Response to Comment #2: The wetland delineation report prepared by EDI for Parcels 57.11-4-7.211 and 57.11-4-14.1 was submitted to USACE with a request for jurisdictional determination. An "Approved Jurisdictional Determination and Delineation Verification for Department of the Army Processing No. LRB-2006002278" was received on November 28, 2022

(Parcels 57.11-4-7.211, 57.11-4-14.1) from the Department of the Army, Buffalo District, Corps of Engineers indicating the delineated wetlands are accurately reflected (attached as Exhibit B).

The wetland delineation report prepared by EDI for Parcel 43.19-3-1.1 is being submitted to USACE with a request for an Approved Jurisdictional Determination and Delineation Verification for Department of the Army Processing” and will be provided once received.

Comment #3: *Please note that Gott Creek has a water classification of C and standard of C(T), pursuant to 6 NYCRR Part 837, Item 49. Therefore, any physical alteration (i.e. land clearing, filling, drainage pipe/ditch installation, etc.) to the bed or banks (within 50 feet of the stream) will require an Article 15, Title 5, Protection of Waters Permit from the NYSDEC.*

Response to Comment #3: While the proposed development site of the self-storage and warehousing facility will remain 50 feet away from the top of bank of the stream, there is a proposed crossing of Gott Creek that will require disturbances to the banks of the creek for the proposed culvert. The proposed culvert will be further detailed, and sizing calculations will be provided during the Development Plan stage. It is anticipated that an Article 15, Title 5, Protection of Waters Permit from the NYSDEC will be necessary for the crossing.

Comment #4: *Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-25-001, as well as information on how to electronically submit the eNOI form, is available on the NYSDEC’s website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the NYSDEC’s website at www.dec.ny.gov/chemical/8468.html. The Town of Clarence is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principal executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the eNOI to receive NYSDEC approval before construction commences.*

Response to Comment #4: A full SWPPP for the proposed development with all the required approvals will be completed in compliance with the NYSDEC Stormwater Design Manual, dated July 2024 and the NYSDEC SPDES Construction General Permit GP-0-25-001 during the Development Plan stage.

Comment #5: *We have reviewed the available information in the New York State Natural Heritage Program databases on known occurrences of rare or state-listed animals and plants, of significant natural communities, and other significant habitats. Northern Harrier (*Circus cyaneus*), a NYS listed threatened species, was last identified in 2000 in Clarence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment. Depending on the nature of the project and the conditions at the project site, further information from onsite surveys or other sources may be required to fully assess impacts on biological resources.*

Response to Comment #5: The Applicant acknowledges the limitations of the New York State Natural Heritage Program database review and understands that the database does not represent a comprehensive field survey. Based on site reconnaissance and the existing condition of the project site, the site does not contain suitable habitat for Northern Harrier or other rare or state-listed species, and no significant natural communities were observed. Northern Harrier was last documented in the Town of Clarence in 2000, and no recent records are known in the vicinity of the project site. The project site is previously disturbed and actively managed, and therefore does not provide the large, undisturbed grassland or wetland habitat typically associated with this species.

Further, the Applicant has conducted a review of various wildlife and habitat resources using the NYSDEC Mapper, which show there are no “significant natural communities” and no “rare plants or animals”. Based on the above, additional surveys of natural communities are not necessary, particularly given the limited scope of disturbance. Should conditions change or should a reviewing agency determine that additional information is necessary, the Applicant will coordinate with the appropriate agencies to determine whether targeted site-specific surveys are warranted.

The results of such review show that the project does not present the potential for a significant adverse environmental impact to the various wildlife and habitat resources, individually or cumulatively, and a negative declaration would be appropriate. As such, additional surveys of natural communities are not necessary, particularly given the limited scope of disturbance involved. Additionally, to the extent any such species are identified on the Property during construction or other site work, the Applicant will notify all relevant agencies and comply with applicable rules, regulations, and guidance with respect to the protection of such species and associated habitat.

Comment #6: *It was noted on the Federal Emergency Management Agency's (FEMA) FIRM Map No. 36029C0093H that the site is located within the designated 100-year floodplain. The proposed project should be designed in accordance with all applicable local municipal laws for flood damage reduction.*

Response to Comment #6: The 100-year floodplain and corresponding 100-year storm event has been considered and incorporated to properly design and size the proposed stormwater management system for the proposed development. As there will be impacts to the 100 year floodplain from the proposed project, we will be working with the Town of Clarence Floodplain Administrator to obtain a Floodplain Development Permit. Additionally, as the proposed Gott Creek crossing will impact the Floodway on the property, a CLOMR that models the culvert's impact will be submitted directly to FEMA for review and approval.

Comment #7: *The project site was noted to be located in an archaeologically sensitive area based on information obtained through the Cultural Resource Information System (CRIS) on the New York State Office of Parks, Recreation and Historic Preservation's (OPRHP) website at <https://cris.parks.ny.gov/>. As part of the SEQR process, this concern should be evaluated, unless it can be verified by appropriate documentation that the site has been significantly disturbed in a way that would destroy potential artifacts. Please recognize that normal agricultural activities, such as plowing, would not constitute such land disturbance. If there are any questions regarding this, contact OPRHP (telephone: 518/237-8643).*

Response to Comment #7: The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has declared within their letter dated November 26, 2025 that the proposed development will have no impact to any archaeologically sensitive areas nor historic resources.

II. COMMENTS OF THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING DIVISION OF PLANNING AND COMMUNITY DEVELOPMENT DATED NOVEMBER 7, 2025:

The memorandum issued by Timothy German, Planner, dated November 7, 2025 provided the following comments:

Comment #1: *According to the Erie-Niagara Framework for Regional for Regional Growth (2006), the proposed action is located within the Developed Area. The Framework recommends, "support efforts to plan and zone for employment-intensive commercial and industrial development on sites with ready access to the region's highway and rail networks" (Page 47). The Erie-Niagara region has a finite supply of shovel-ready industrial sites which are intentionally planned and zoned for. The Town should consider that the proposed solar array would occupy approximately 64 acres while providing little employment opportunity.*

Response to Comment #1: This issue was previously raised by the Town. Since then, the Applicant has gone to great lengths to address this concern by entering into a common business venture in order to develop and construct a self-storage facility and flexible warehouse space on the Property. The revised design is anticipated to provide both tax revenue for the Town and County, as well as jobs for local community members.

Comment #2: *According to the Clarence 2030 Plan (2016), the proposed action is located within the Light Industry future land use area. The Plan recommends, "Market existing industrial centers to attract further growth and development, particularly within the science and medical technology industry" (Page 42). The Town should consider whether the proposed solar array would advance the Town's economic development goals given the proposal's low employment potential.*

Response to Comment #2: The proposed Project, including the proposed solar array, aligns with the Town of Clarence Comprehensive Plan (Clarence 2030) and furthers the Town's economic development goals for several reasons. First, as alluded to above, the proposed Project includes the development of a flexible commercial/warehouse space, which could potentially house a variety of commercial activities, including those falling within the scope of the science and medical technology industry. Second, the solar array does not just produce clean, renewable energy for local community members,

potentially lowering electricity costs for those who enroll in the State's community solar program. It also (1) presents an opportunity for local operations and maintenance, landscaping, and construction jobs; (2) increases the local tax base and share thereof attributed to commercial developments (see Clarence 2030 Plan, at p. 39 ["the Town has adopted an economic development strategy to attract and support new and expanding industrial and commercial operations to offset the large share tax base provided by residential developments. With over 75% of the Town's assessed land value coming from single-family residential developments ... there is a need for the Town to diversify and increase its value and share of nonresidential properties."]); and (3) allows for commercial development within the Town's light industrial zone without the need for significant public sewer or water improvements.

By increasing the tax base, increasing employment opportunities, and decreasing energy costs for local community members, this Project, including the solar array, advance the Town's economic development goals.

Comment #3: *Should the project proceed as proposed, the Town and applicant should ensure that the proposed solar array is adequately screened from neighboring properties, particularly the single-family residences located to the west of the site.*

Response to Comment #3: The applicant acknowledges this comment and will ensure that the proposed solar array is adequately screened from adjacent properties. Landscape buffering will be provided along the western property line adjacent to the single-family residences, utilizing a combination of existing vegetation and supplemental plantings as necessary. Screening details will be shown on the final site plan and will comply with Town of Clarence landscaping and screening requirements.

III. COMMENTS OF THE ERIE COUNTY DIVISION OF ERIE COUNTY WATER AUTHORITY DATED OCTOBER 20, 2025:

The memorandum issued by Mark Carney, General Counsel, dated October 20, 2025 provided the following comments:

Comment #1: *The project will require Erie County Water Authority review and approval for any new water service.*

Response to Comment #1: There is an existing private water service to the first phase of the storage facility which was previously installed. The existing water service is metered and has a backflow prevention device separating the private water service to the site and the public watermain along Roll Road. The proposed development's water service connection will be an extension of this private water service with no modifications being proposed to the public watermain and will therefore not require ECWA review.

IV. COMMENTS OF THE NEW YORK STATE OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION DATED NOVEMBER 26, 2025:

The memorandum issued by Daniel Mackay, Deputy Commissioner for Historic Preservation, dated November 26, 2025 provided the following comments:

Comment #1: *Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.*

Response to Comment #1: Acknowledged. Further, the Town of Clarence Planning Department received a "Letter of No Impact" from OPRHP dated November 26, 2025. Accordingly, no further coordination with OPRHP is required at this time.

EXHIBIT A
Letters of Positive Jurisdiction – Freshwater Wetlands



LETTER OF POSITIVE JURISDICTION – FRESHWATER WETLANDS

05/15/2025
Scott Livingstone
1091 Jamison Road
Sent via email to: amolik@labellapc.com

Re: DEC Freshwater Wetlands Parcel Jurisdictional Determination for Parcel 1.11-4-14.1, Erie County

Dear Scott Livingstone,

Based on the parcel identified in your request, the New York State Department of Environmental Conservation (DEC) has determined that the parcel contains freshwater wetlands and/or freshwater wetlands adjacent areas (AA) regulated by DEC pursuant to Article 24 of the Environmental Conservation Law (ECL). Specifically, the parcel contains freshwater wetland that meets an Unusual Importance (UI) Criterion by being in an urban area.

The table below identifies the orientation of jurisdictional wetlands and adjacent areas within the parcel, the wetland class, and the classification characteristic(s) identifying it as a Class 1 wetland.

Table with 3 columns: Tax ID #, Wetland / AA Location, Classification. Row 1: 1.11-4-14.1, Freshwater wetland and adjacent area in southern portion of parcel and extends offsite to the west and east, Class 1: is in an area designated as a FEMA floodway

This determination shall remain valid for five years from the date of this letter (through 05/13/2030).

A freshwater wetlands permit from DEC is required for any regulated activity planned or proposed to be undertaken within regulated wetlands or their regulated adjacent areas.

A freshwater wetlands delineation is necessary to determine the precise boundary of jurisdictional wetlands areas on the subject parcel.

Please use this link https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination to identify and contact the appropriate DEC Regional Office prior to undertaking any regulated activities on the referenced parcel to determine whether a permit is required. In addition, you can visit

DEC's website to learn more about the types of jurisdictional determinations and wetland delineations:

<https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination>

Pursuant to ECL section 24-0301(4), there is a rebuttable presumption that areas meeting the definition of Freshwater Wetland are regulated and subject to permit requirements. If you believe this jurisdictional determination has been made in error, you may request an initial consultation with DEC by scheduling a meeting on the parcel or property with the appropriate regional office to review the jurisdictional determination, pursuant to 6 NYCRR 664.9.

Please note that this determination pertains only to state-regulated, freshwater wetlands and regulated adjacent areas. DEC also regulates protected streams, tidal wetlands, coastal erosion hazard areas, and other important environmental resources. Work affecting those areas may also require DEC permits. More information on other DEC permit programs is available online at <https://dec.ny.gov/regulatory/permits-licenses/environmental-permits>.

In addition, please note that this letter does not relieve you of the responsibility of obtaining any other necessary permits or approvals from other local, state, or federal agencies.

If you have questions regarding this determination, please email FWWjurisdiction@dec.ny.gov.



LETTER OF POSITIVE JURISDICTION – FRESHWATER WETLANDS

05/16/2025
Scott Livingstone
1091 Jamison Road
Sent via email to: amolik@labellapc.com

Re: DEC Freshwater Wetlands Parcel Jurisdictional Determination for Parcel 43.19-3-1.1, Erie County

Dear Scott Livingstone,

Based on the parcel identified in your request, the New York State Department of Environmental Conservation (DEC) has determined that the parcel contains freshwater wetlands and/or freshwater wetlands adjacent areas (AA) regulated by DEC pursuant to Article 24 of the Environmental Conservation Law (ECL). Specifically, the parcel contains freshwater wetland that exceeds the 12.4-acre threshold.

The table below identifies the orientation of jurisdictional wetlands and adjacent areas within the parcel, the wetland class, and the classification characteristic(s) identifying it as a Class 2 wetland.

Table with 3 columns: Tax ID #, Wetland / AA Location, Classification. Row 1: 43.19-3-1.1, Freshwater wetland and adjacent area in central and northern portion of wetland and extends offsite to the north, east, and west, Class 2: is located wholly within an urban area

This determination shall remain valid for five years from the date of this letter (through 05/14/2030).

A freshwater wetlands permit from DEC is required for any regulated activity planned or proposed to be undertaken within regulated wetlands or their regulated adjacent areas.

A freshwater wetlands delineation is necessary to determine the precise boundary of jurisdictional wetlands areas on the subject parcel.

Please use this link https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination to identify and contact the appropriate DEC Regional Office prior to undertaking any regulated activities on the referenced parcel to determine whether a permit is required. In addition, you can visit

DEC's website to learn more about the types of jurisdictional determinations and wetland delineations:

<https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination>

Pursuant to ECL section 24-0301(4), there is a rebuttable presumption that areas meeting the definition of Freshwater Wetland are regulated and subject to permit requirements. If you believe this jurisdictional determination has been made in error, you may request an initial consultation with DEC by scheduling a meeting on the parcel or property with the appropriate regional office to review the jurisdictional determination, pursuant to 6 NYCRR 664.9.

Please note that this determination pertains only to state-regulated, freshwater wetlands and regulated adjacent areas. DEC also regulates protected streams, tidal wetlands, coastal erosion hazard areas, and other important environmental resources. Work affecting those areas may also require DEC permits. More information on other DEC permit programs is available online at <https://dec.ny.gov/regulatory/permits-licenses/environmental-permits>.

In addition, please note that this letter does not relieve you of the responsibility of obtaining any other necessary permits or approvals from other local, state, or federal agencies.

If you have questions regarding this determination, please email FWWjurisdiction@dec.ny.gov.



LETTER OF POSITIVE JURISDICTION – FRESHWATER WETLANDS

05/15/2025
Scott Livingstone
1091 Jamison Road
Sent via email to: amolik@labellapc.com

Re: DEC Freshwater Wetlands Parcel Jurisdictional Determination for Parcel
57.11-4-7.211, Erie County

Dear Scott Livingstone,

Based on the parcel identified in your request, the New York State Department of Environmental Conservation (DEC) has determined that the parcel contains freshwater wetlands and/or freshwater wetlands adjacent areas (AA) regulated by DEC pursuant to Article 24 of the Environmental Conservation Law (ECL). Specifically, the parcel contains freshwater wetland that exceeds the 12.4-acre threshold.

The table below identifies the orientation of jurisdictional wetlands and adjacent areas within the parcel, the wetland class, and the classification characteristic(s) identifying it as a Class 1 wetland.

Tax ID #:	Wetland / AA Location	Classification
57.11-4-7.211	Freshwater wetland and adjacent area in central and western portion of parcel and extends offsite to the west	Class 1: is in an area designated as a FEMA floodway

This determination shall remain valid for five years from the date of this letter (through 05/13/2030).

A freshwater wetlands permit from DEC is required for any regulated activity planned or proposed to be undertaken within regulated wetlands or their regulated adjacent areas.

A freshwater wetlands delineation is necessary to determine the precise boundary of jurisdictional wetlands areas on the subject parcel.

Please use this link <https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination> to identify and contact the appropriate DEC Regional Office prior to undertaking any regulated activities on the referenced parcel to determine whether a permit is required. In addition, you can visit DEC’s website to learn more about the types of jurisdictional determinations and wetland delineations:

<https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination>

Pursuant to ECL section 24-0301(4), there is a rebuttable presumption that areas meeting the definition of Freshwater Wetland are regulated and subject to permit requirements. If you believe this jurisdictional determination has been made in error, you may request an initial consultation with DEC by scheduling a meeting on the parcel or property with the appropriate regional office to review the jurisdictional determination, pursuant to 6 NYCRR 664.9.

Please note that this determination pertains only to state-regulated, freshwater wetlands and regulated adjacent areas. DEC also regulates protected streams, tidal wetlands, coastal erosion hazard areas, and other important environmental resources. Work affecting those areas may also require DEC permits. More information on other DEC permit programs is available online at <https://dec.ny.gov/regulatory/permits-licenses/environmental-permits>.

In addition, please note that this letter does not relieve you of the responsibility of obtaining any other necessary permits or approvals from other local, state, or federal agencies.

If you have questions regarding this determination, please email FWWjurisdiction@dec.ny.gov.

EXHIBIT B

Approved Jurisdictional Determination and Delineation Verification
for Department of the Army Processing No. LRB-2006002278



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

November 28, 2022

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination and Delineation Verification for Department of the Army Processing No. LRB-2006-02278

National Energy Development, LLC
166 Taylor Drive
Buffalo, New York 14043
Attn: Paul Vargovich

Dear Mr. Vargovich:

I have reviewed the aquatic resource delineation report and supporting materials submitted on your behalf by Earth Dimensions, Inc. requesting an approved jurisdictional determination (JD) for aquatic resources (Wetlands 2, 3, 4, 5; Pond 1) delineated on the 28.9-acre parcel located at 8550 Roll Road, Clarence Center, Town of Clarence, Erie County, New York.

I have determined that the location and extent of Wetlands 2, 3, 4, 5 and Pond 1, shown on the attached map accurately represents conditions identified within the review area.

Enclosed is an approved JD which verifies the limits of waters of the United States for the subject wetlands and pond within the review area as depicted on Sheet 2 of 2. This approved JD will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the approved JD before the expiration date. At the end of this period, a new aquatic resource delineation will be required to support any request for a new JD.

I have determined that subject wetlands and pond **are not** waters of the United States as noted on the attached JD Form. Therefore, these aquatic resources **are not** regulated under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899. Department of the Army authorization **is not** required if you propose work, installation of structures, or a discharge of dredged or fill material in these aquatic resources.

Further, the delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the review area identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination and Delineation Verification for Department of the Army Processing No. LRB-2006-02278

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above JD, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

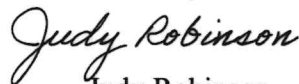
Katherine McCafferty
Regulatory Appeals Officer
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10780
Cincinnati, Ohio 45202-3222
Phone: 513-684-2699 Fax: 513-684-2460
e-mail: katherine.a.mccafferty@usace.army.mil

In order for an RFA to be accepted, the Corps must determine that it is complete; that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **January 26, 2023**.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

Questions pertaining to this matter should be directed to me at (716) 879-6330 by writing to: Judy A. Robinson, U.S. Army Corps of Engineers Regulatory Branch, 7413 County House Road, Auburn, New York 13021, or by e-mail at: Judy.A.Robinson@usace.army.mil.

Sincerely,



Judy Robinson
Biologist

Enclosures

cc: Scott Livingstone, Earth Dimensions, Inc.

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: National Energy Development, LLC		File Number: LRB-2006-02278	Date: 11/28/2022
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Judy A. Robinson
U.S. Army Corps of Engineers
7413 County House Road
Auburn, New York 13021
Judy.a.robinson@usace.army.mil
703-772-7376

If you only have questions regarding the appeal process you may also contact:

Katherine McCafferty
Regulatory Appeals Review Officer
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10780
Cincinnati, Ohio 45202-3222
Phone: 513-684-2699 Fax: 513-684-2460

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 11/28/2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Buffalo District; Auburn Field Office; National Energy Development (Clarence Solar – Roll Road); File No.: LRB-2006-02278

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: New York County: Erie City: Town of Clarence

Center coordinates of site (lat/long in degree decimal format): Lat: 43.000256 Long: -78.675595
Universal Transverse Mercator: X: 689461.345519 Y: 4763464.962649 Zone: 17

Name of nearest waterbody: on-site Streams 1 and 2 (processed under a preliminary JD)

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A

Name of watershed or Hydrologic Unit Code (HUC): 04120140

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form. A Preliminary JD for Wetland 1, Streams 1 and 2 was processed concurrently with this approved JD using the same reference number (LRB-2006-02278)

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination Date: November 28, 2022
- Field Determination. Date: October 27, 2022

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **ARE NO** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
- Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **ARE NO** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.
Wetlands: acres.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

c. Limits (boundaries) of jurisdiction based on: **Pick List**
Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

The site appears to have been pasture-land and is now the fields consist of expanses of goldenrod with patches of gray dogwood.

Wetland 2	0.02 acre	PSS	Wetland 4	0.16 acre	PEM
Wetland 3	0.03 acre	PSS	Wetland 5	0.30 acre	PEM

The subject wetlands are shallow depressional wetlands that are topographically isolated and are not or could not be used by interstate or foreign travelers for recreational or other purposes; or from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or are used or could be used for industrial purposes by industries in interstate commerce. Further, the subject wetlands do not meet adjacency criteria and were determined to be isolated, intrastate wetlands with no interstate or foreign commerce nexus.

Pond 1 (labeled as Wetland 6) POW 0.28 acre

This is an excavated farm pond constructed in an upland area. Such features were clarified as generally non-jurisdictional in the preamble of the November 13, 1986, Federal Register as follows: Artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the

³ Supporting documentation is presented in Section III.F.

significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: **Pick List**
Drainage area: **Pick List**
Average annual rainfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.
 Tributary flows through **Pick List** tributaries before entering TNW
Project waters are **Pick List** river miles from TNW
Project waters are **Pick List** river miles from RPW
Project waters are **Pick List** aerial (straight) miles from TNW
Project waters are **Pick List** aerial (straight) miles from RPW
Project waters cross or serve as state boundaries. Explain:
Identify flow route to TNW⁵:
Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:
Tributary properties with respect to top of bank (estimate):
Average width: feet
Average depth: feet
Average side slopes: **Pick List**
Primary tributary substrate composition (check all that apply):
 Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Pick List**

(c) Flow:

Tributary provides for: **Pick List**
Estimate average number of flow events in review area/year: **Pick List**
Describe flow regime:
Other information on duration and volume:
Surface flow is: **Pick List**. Characteristics:
Subsurface flow: **Pick List**. Explain findings:
 Dye (or other) test performed:
Tributary has (check all that apply):
 Bed and banks

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

- OHWM⁶ (check all indicators that apply):
 - clear, natural line impressed on the bank
 - changes in the character of soil
 - shelving
 - vegetation matted down, bent, or absent
 - leaf litter disturbed or washed away
 - multiple observed or predicted flow events
 - abrupt change in plant community
 - other (list):
- Discontinuous OHWM.⁷ Explain:
- the presence of litter and debris
- destruction of terrestrial vegetation
- the presence of wrack line
- sediment sorting
- scour
- sediment deposition
- water staining

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- High Tide Line indicated by:
 - oil or scum line along shore objects
 - fine shell or debris deposits (foreshore)
 - physical markings/characteristics
 - tidal gauges
 - other (list):
- Mean High Water Mark indicated by:
 - survey to available datum;
 - physical markings;
 - vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain:

Identify specific pollutants, if known:

(iv) Biological Characteristics. Channel supports (check all that apply):

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting
- Not directly abutting

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

- Discrete wetland hydrologic connection. Explain:
- Ecological connection. Explain:
- Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. **SIGNIFICANT NEXUS DETERMINATION**

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

- 1. TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- TNWs: linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.

- 2. RPWs that flow directly or indirectly into TNWs.**

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.

Identify type(s) of waters:

- 3. Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.

Identify type(s) of waters:

- 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

- 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

⁸See Footnote # 3.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.
 Provide estimates for jurisdictional wetlands in the review area: _____ acres.

7. Impoundments of jurisdictional waters.⁹

- As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
- Demonstrate that impoundment was created from “waters of the U.S.,” or
 - Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 - Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain:
- Other factors. Explain:

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: _____ linear feet _____ width (ft).
- Other non-wetland waters: _____ acres.
 Identify type(s) of waters:
- Wetlands: _____ acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in “SWANCC,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain:
- Other: (explain, if not covered above):

The site appears to have been pasture-land and is now a large expanse of goldenrod with patches of gray dogwood. A large commercial trucking center is located along the entire eastern portion of the property. Google Earth aeriels indicate historic agricultural use to the north. There are rows of planted spruce trees located on the northwestern portion of the parcel. The USACE conducted a site visit on October 27, 2022 and confirmed location and boundaries of the subject wetlands and pond.

The subject wetlands are shallow depressional wetlands that are topographically isolated.

Wetland 2	0.02 acre	PSS
Wetland 3	0.03 acre	PSS
Wetland 4	0.16 acre	PEM
Wetland 5	0.30 acre	PEM

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Form 1 of 1
Wetlands 2, 3, 4, 5
Pond 1 (labeled as Wetland 6 on the delineation map)
Page 8

According to the on-line Web Soil Survey, three wetlands are located in soils having a hydric rating of 5 and Wetland 3 is mapped in an area labeled as “dump”. None of the wetlands are depicted on the NWI map.

The closest tributary to all of the wetlands is on-site Stream 1 (Gott Creek) in the southern portion of the site. The Google Earth measuring tool estimates that the distance between Stream 1 and Wetland 2 is less than 100-feet, 600-feet for Wetland 3, 800-feet for Wetland 4, and 1500 feet for Wetland 5. Topography and distance impede connectivity by any of the wetlands to Stream 1.

Explain: The wetlands are not or could not be used by interstate or foreign travelers for recreational or other purposes; or from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or are used or could be used for industrial purposes by industries in interstate commerce. Further, the subject wetlands do not meet adjacency criteria and were determined to be isolated, intrastate wetlands with no interstate or foreign commerce nexus.

Based on USACE on-site observations and submitted information, the subject wetlands are determined to be isolated, intrastate wetlands with no interstate or foreign commerce nexus which do not meet adjacency criteria. Further, due to topography and distance to the nearest tributary, the presence of a shallow subsurface flow connection for the wetlands is very unlikely.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.

Pond 1 (labeled as Wetland 6 on the delineation map) POW 0.28 acre

Google Earth and Historic Aerials indicate the pond was constructed between 1984 and 1995. The pond is depicted on the NWI map. According to the on-line Web Soil Survey, the pond was excavated in soils identified as Teel Silt loam with a hydric rating of 5.

The Google Earth measuring tool estimates that the pond is approximately 50-75 feet from Wetland 1 (which is between the pond and Stream 1 and 200-feet from Stream 1.

This is an excavated farm pond constructed in an upland area. Such features were clarified as generally non-jurisdictional in the preamble of the November 13, 1986, Federal Register as follows: Artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.

- Other non-wetland waters: acres. List type of aquatic resource: Swales, ditches, lagoons go here with explanation
- Wetlands:

Wetland 2	0.02 acre	PSS
Wetland 3	0.03 acre	PSS
Wetland 4	0.16 acre	PEM
Wetland 5	0.30 acre	PEM

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by Earth Dimension, Inc. on behalf of National Energy Development, LLC (Clarence Solar – Roll Road)
- Data sheets prepared/submitted by Earth Dimension, Inc. on behalf of National Energy Development, LLC (Clarence Solar – Roll Road)
 - Office concurs with delineation data sheets dated December 3, 2021, on a 28.9-acre parcel and summarized in the delineation report dated January 5, 2022.
 - Office does not concur with data sheets/delineation report.

- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.

- U.S. Geological Survey map(s). Cite scale & quad name: Scale: 24k; Clarence Center, NY
- USDA Natural Resources Conservation Service Soil Survey. Citation: on-line Web Soil Survey generated 12/30/2021
- National wetlands inventory map(s). Cite name: Clarence Center, NY
The USFWS on-line Wetland Mapper provides only the decade for the image – 2000s
- State/Local wetland inventory map(s): Cite name: Clarence Center, NY generated 12/30/2021
New York State on-line Environmental Resource Mapper

- FEMA/FIRM maps: According to the FEMA map the site is located within a Special Flood Hazard Area (SFHA) identified as Zone AE. Panel #36029C0093H; Effective Date: 06/07/2019
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)

- Photographs:
 - Aerial (Name & Date): Google Earth 2002, 2005, 2015, 2021; Historic Aerial 1958, 1974
 - Other (Name & Date): Photos dated December 3, 2021 contained in the delineation report.

- Previous determination(s):** An approved JD was issued in 2007 and 2017 for three (3) wetlands and a pond which were determined to be isolated and non-jurisdictional respectively in addition to 1 wetland and 2 streams found to be jurisdictional.

All wetlands, stream and pond identified in the 2022 delineation correspond with the aquatic features identified in 2007 and 2017 with the exception of Wetland 2 which was identified in 2022, but not in 2007 or 2017. An approved JD for all aquatic resources was issued in 2007 and 2017. For the 2022 delineation, an approved JD was processed for Wetlands 2, 3, 4, 5 and Pond 1; a preliminary JD was processed for Wetland 1 and Streams 1 and 2.

- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:



**DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199**

November 28, 2022

Regulatory Branch

SUBJECT: Preliminary Jurisdictional Determination for Department of the Army Reference No. LRB-2006-02278

National Energy Development, LLC
166 Taylor Drive
Buffalo, New York 14043
Attn: Paul Vargovich

Dear Mr. Vargovich:

I have reviewed the aquatic resource delineation report and supporting materials submitted on your behalf by Earth Dimensions, Inc. requesting a preliminary jurisdictional determination (JD) for aquatic resources (Wetland 1, Streams 1 and 2), delineated on a 28.9-acre parcel located at 8550 Roll Road, Clarence Center, Town of Clarence, Erie County, New York.

I have evaluated the submitted materials and have determined that the aquatic resource boundaries shown on the map accurately represent on-site conditions. Please note that this is a preliminary JD. Preliminary JDs are non-binding written indications that there may be waters of the United States (WOUS) on your parcel and approximate locations of those waters. Preliminary JDs are advisory in nature and may not be appealed.

Pursuant to Regulatory Guidance Letter 16-01, any permit application made in reliance on this preliminary JD will be evaluated as though all aquatic resources on the site are regulated by the Corps. Further, all aquatic resources will be used for purposes of assessing the extent of project related impacts and compensatory mitigation. If you require a definitive response regarding Department of the Army jurisdiction for any or all of the aquatic resources identified on the submitted drawings, you may request an approved JD from this office. If an approved JD is requested, please be aware that this is often a lengthy process and we may require the submittal of additional information.

I have enclosed the signed preliminary JD Form dated November 25, 2022, with this letter. The form and attached table identify the extent of aquatic resources on the site and specific terms and conditions of the preliminary JD.

In accordance with Regulatory Guidance Letter 05-02, "Preliminary jurisdictional determinations are not definitive determinations of areas within regulatory jurisdiction and do not have expiration dates." However, I strongly recommend that the boundaries of all aquatic resources on the parcel be re-evaluated by a qualified wetland biologist after five (5) years of the date of the signed preliminary JD. This will ensure that any changes are appropriately identified;

Regulatory Branch

SUBJECT: Preliminary Jurisdictional Determination for Department of the Army Reference No. LRB-2006-02278

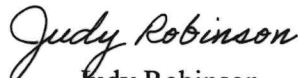
and you do not inadvertently incur a violation of Federal law while constructing your project or working on your project site.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request.

Note that this delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

Questions pertaining to this matter should be directed to me at (716) 879-6330, by writing to Judy A. Robinson, U.S. Army Corps of Engineers, Auburn Field Office, 7413 County House Road, Auburn, New York, 13021, or by e-mail at: Judy.A.Robinson@usace.army.mil.

Sincerely,


Judy Robinson
Biologist

Enclosures

cc: Scott Livingstone, Earth Dimensions, Inc.

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: November 25, 2022

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

National Energy Development, LLC
166 Taylor Drive
Buffalo, New York 14043
Attn: Paul Vargovich

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Buffalo District, Auburn Field Office; National Energy Development LLC (Clarence Solar – Roll Road); File No.: LRB-2006-02278

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

State: NY **County:** Erie **City:** Town of Clarence

Center coordinates of site (lat/long in degree decimal format):

Lat.: 43.000256 **Long.:** -78.675595

Name of nearest waterbody: **On-site Stream 1 (Got Creek)**

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination: Date: November 25, 2022

Field Determination: Date: October 27, 2022

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Wetland 1	43.00139	-78.67488	1.54 acres	PEM	Section 404
Stream 1	43.00157	-78.67512	850 linear feet	Perennial	Section 404
Stream 2	43.00097	-78.67512	451 linear feet	Perennial	Section 404

1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.

2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that:

(1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources;

(2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions;

(3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization;

(4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary;

5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD;

(6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and

(7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331.

If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable.

This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- (X) Maps, plans, plots or plat submitted by Earth Dimension, Inc. on behalf of National Energy Development, LLC (Clarence Solar – Roll Road)
Map: See below for map details
- (X) Data sheets prepared/submitted by Earth Dimension, Inc. on behalf of National Energy Development, LLC (Clarence Solar – Roll Road)
- (X) Office concurs with delineation data sheets dated December 3, 2021, on a 28.9-acre parcel and summarized in the delineation report dated January 5, 2022.
 - () Office does not concur with data sheets/delineation report.

- () Data sheets prepared by the Corps
- () Corps navigable waters' study
- () U.S. Geological Survey Hydrologic Atlas
 - () USGS NHD data
 - () USGS 8 and 12 digit HUC maps

- (X) U.S. Geological Survey map(s). Cite scale & quad name: 24K; Clarence Center, NY
- (X) Natural Resources Conservation Service Soil Survey Citation: On-Line Web Soil Survey generated 12/30/2021
- (X) National wetlands inventory map(s) Cite name: Clarence Center, NY
The USFWS on-line Wetland Mapper provides only the decade for the image – 2000s
- (X) State/local wetland inventory map(s) Cite name: Clarence Center, NY generated 12/30/2021
New York State on-line Environmental Resource Mapper

- (X) FEMA/FIRM maps: According to the FEMA map the site is located within a Special Flood Hazard Area (SFHA) identified as Zone AE. Panel #36029C0093H; Effective Date: 06/07/2019
- () 100-year Floodplain Elevation is: _____. (National Geodetic Vertical Datum of 1929)

- (X) Photographs:
 - (x) Aerial (Name & Date): Google Earth 2002, 2005, 2015, 2021; Historic Aerial 1958, 1974
 - (x) Other (Name & Date): Photos dated December 3, 2021, contained in the delineation report.

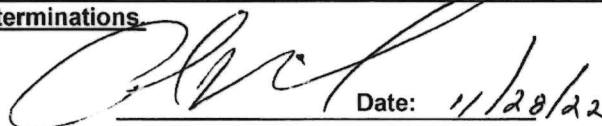
(X) Previous determination(s). An approved JD was issued in 2007 and 2017 for three (3) wetlands and a pond which were determined to be isolated and non-jurisdictional respectively in addition to 1 wetland and 2 streams found to be jurisdictional.

All wetlands, streams and pond identified in the 2022 delineation correspond with the aquatic features identified in 2007 and 2017 with the exception of Wetland 2 which was identified in 2022, but not in 2007 or 2017. An approved JD for all aquatic resources was issued in 2007 and 2017. For the 2022 delineation, an approved JD was processed for Wetlands 2, 3, 4, 5 and Pond 1; a preliminary JD was processed for Wetland 1 and Streams 1 and 2.

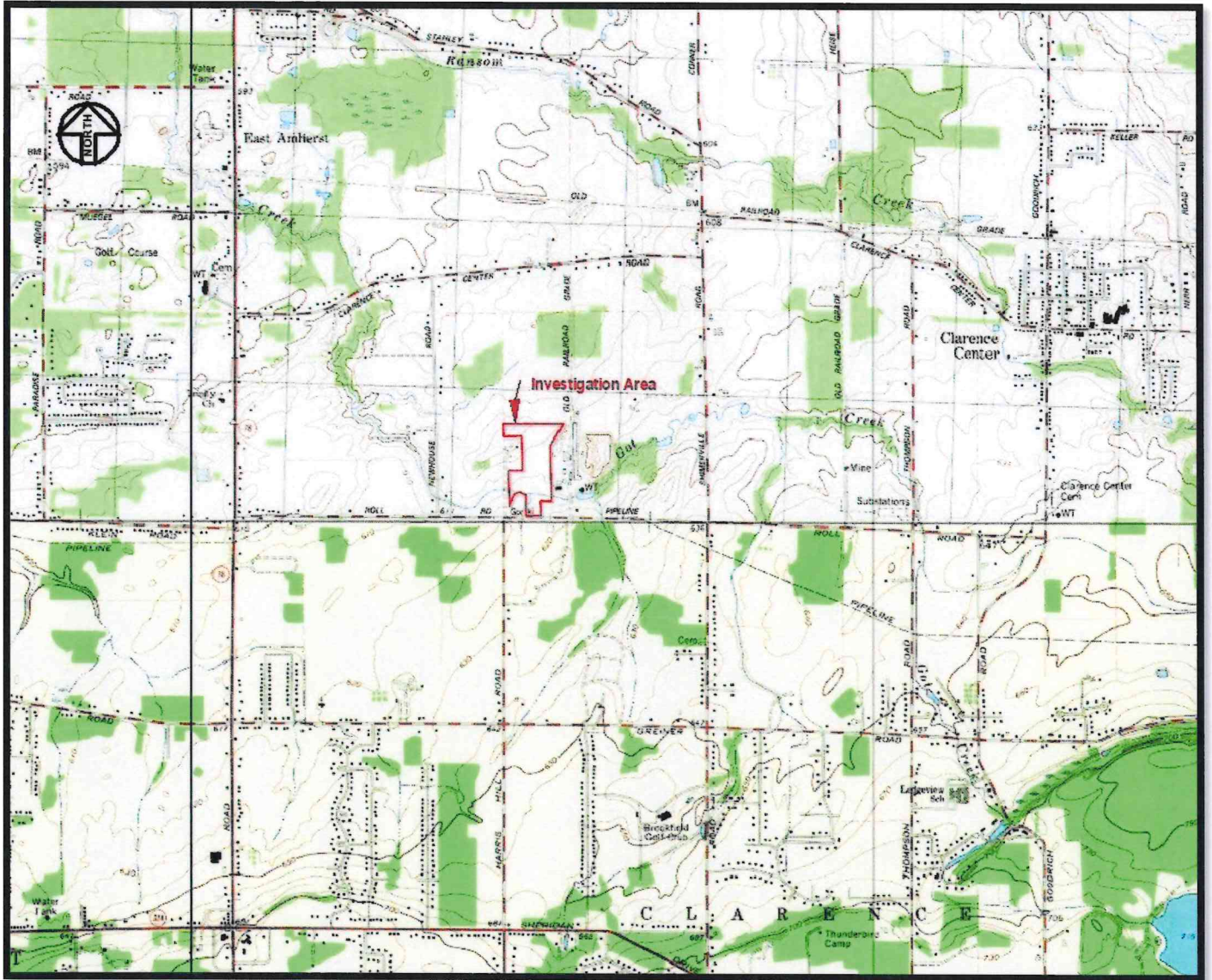
- (X) Other information (please specify). An approved JD for Wetlands 2, 3, 4, 5 and Pond 1 was processed concurrently with this preliminary JD using the same reference number (LRB-2006-02278)

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.


Date: 11/22/2022
Signature Regulatory staff member


Date: 11/28/22
Signature of person requesting PJD
(REQUIRED, unless obtaining the signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.



**NATIONAL ENERGY DEVELOPMENT, LLC
(Clarence Solar - Roll Road)
File No.: LRB-2006-02278
County: Erie, NY
Quad: Clarence Center, NY
Page 1 of 4**

FIGURE 7: DRAINAGE MAP

Clarence Center Quadrangle / U.S. Geological Survey

Clarence Solar- 8550 Roll Road

Town of Clarence, Erie County, New York



NATIONAL ENERGY DEVELOPMENT, LLC
 (Clarence Solar - Roll Road)
 File No.: LRB-2006-02278
 County: Erie, NY
 Quad: Clarence Center, NY
 Page 2 of 4

Figure 9: Aerial Photo With Wetlands
 GoogleEarth.com (Visited 12/3/21)
 Clarence Solar - 8550 Roll Road
 Town of Clarence, Erie County, New York








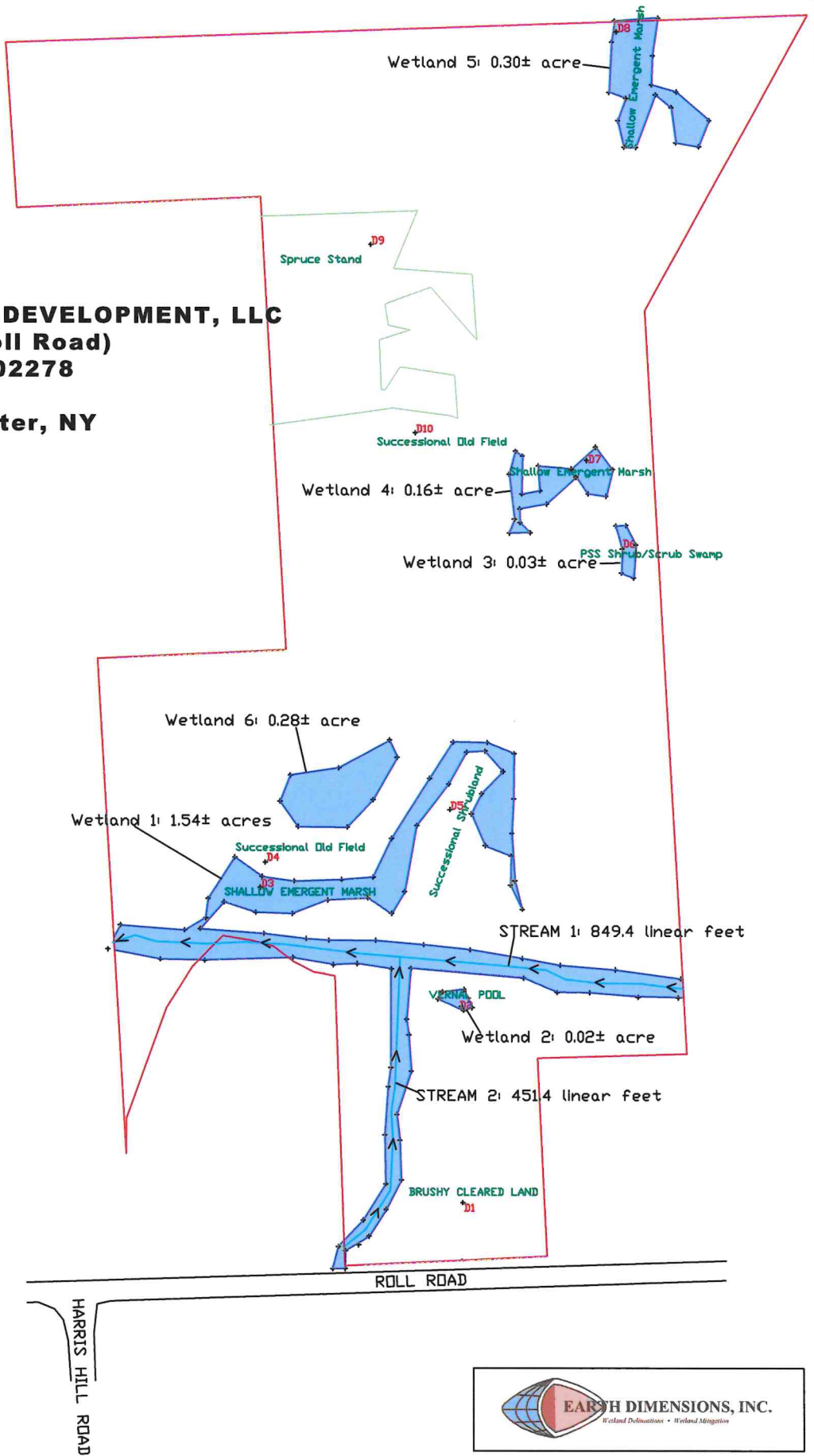
Figure 5: General Vegetation Map
 Clarence Solar- 8550 Roll Road
 Town of Clarence Erie County, New York



NATIONAL ENERGY DEVELOPMENT, LLC
 (Clarence Solar - Roll Road)
 File No.: LRB-2006-02278
 County: Erie, NY
 Quad: Clarence Center, NY
 Page 3 of 4

LEGEND

-  Investigation Area
-  Data point location
-  Tree Line
-  Stream
-  Wetland Area










Scale: As shown
Map Date: January 5, 2022 JMC/EDI Revised:
Base Map Provided By: GPS MAPPING
File Name: VEGMAP.DWG
EDI Project Code: W2B06d

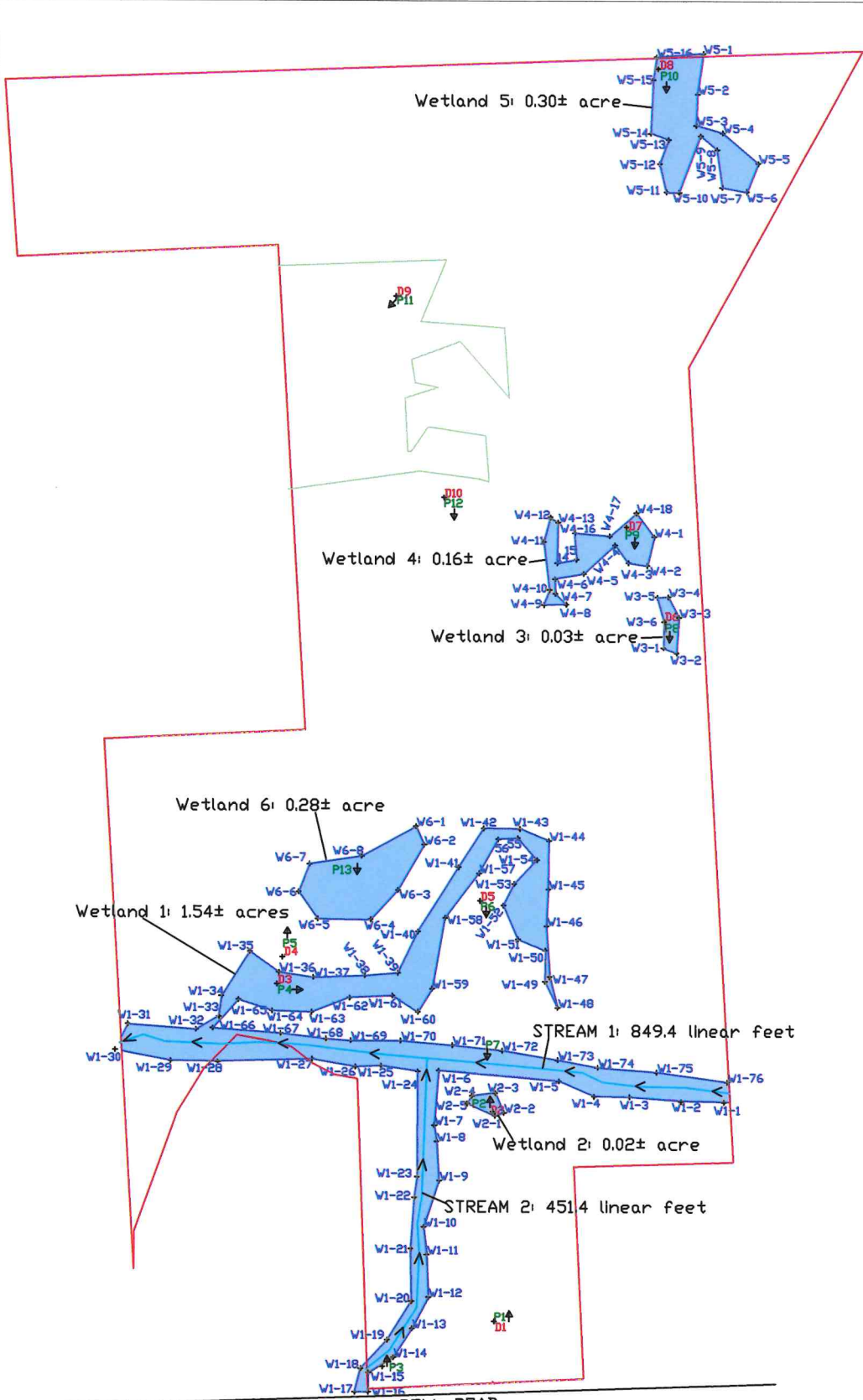


Figure 6: Wetland Delineation Map
 Clarence Solar- 8550 Roll Road
 Town of Clarence Erie County, New York



LEGEND

-  Investigation Area
-  Data point location
-  Photo Location
-  Tree Line
-  Stream
-  Wetland Area
-  Wetland Flag



Scale: As shown
Map Date: January 4, 2022 JMC/EDI Revised:
Base Map Provided By: GPS MAPPING
File Name: DDMAP.DWG
EDI Project Code: W2B06d

NATIONAL ENERGY DEVELOPMENT, LLC
 (Clarence Solar - Roll Road)
 File No.: LRB-2006-02278
 County: Erie, NY
 Quad: Clarence Center, NY
 Page 4 of 4



March 4, 2026

Jonathan Bleuer
Office of Planning and Zoning
Town of Clarence
One Town Place
Clarence, NY 14031

**RE: PRELIMINARY GRADING & DRAINAGE
8550 ROLL ROAD - STORAGE & SOLAR FACILITY**

Dear Mr. Bleuer:

This letter and the enclosed project documentation are being submitted to respond to the comments provided by the Engineering and Building Departments regarding the proposed storage and solar facility located at 8550 Roll Road. Two (2) copies of the following revised plan materials are being provided:

- Response letter from PWGC dated March 4, 2026 responding to February 20, 2026 comments by Joseph Saletta
- Emergency Response and Safety Plan for the Solar Facility
- Preliminary Grading and Drainage Plan for Solar Facility and Project Narrative
- Hydrant Layout Exhibit for the Storage Site
- Vehicle Tracing Exhibit for the Storage Site

The preliminary grading and drainage plan for the solar facility are being submitted at the request of Joe Lancellotti of the Engineering Department for the department's review and comment.

Below are our responses to comments of Joseph Saletta, Code Enforcement Officer dated February 20, 2026 regarding 8550 Roll Road – Phase 2 Storage:

1. A truck turning plan has been prepared per the specifications provided. While the proposed plan does accommodate the turning movements we acknowledge that there is no margin of error. During Development Plan stage we will expand the fire route drive aisles further to provide a larger buffer to accommodate the necessary movements of the vehicle.
2. A second hydrant has been added to the south end of the site in order to provide the necessary coverage of the proposed buildings.
3. We acknowledge that the proposed culvert and drive lanes will need to be constructed to withstand a 75,000lb load.

The responses to comments of Joseph Saletta, Code Enforcement Officer dated February 20, 2026 regarding 8550 Roll Road – Solar Farm are provided in the enclosed separate response letter by Usman Chaudhry of PWGC.

We request that the enclosed documentation be forwarded to the appropriate departments for their review. Separate PDF versions of the enclosed documents will be e-mailed directly to the Town.

Please feel free to contact me at 989-3342 if you have any questions. Thank you for your consideration in this matter.

Sincerely,
GREENMAN-PEDERSEN, INC.



Kenneth C. Zollitsch
Director of Land Planning

cc: Joseph Lancellotti, Clarence Engineering Dept.
Joseph Saletta, Clarence Building Dept.
Natale Building Corp.
NY Clarence I, LLC & NY Roll Road III, LLC
PWGC
File No. 2004110



March 04, 2026

Re: NY Clarence I, LLC (Section 43.19, Block 3, Lot 1.1) & NY Roll Road III, LLC (Section 57.11, Block 4, Lot 14.11)
Solar Energy Power System
Response to Town of Clarence Building Department
Joseph Salleta
Code Enforcement Officer

Dear Mr. Salleta,

P.W. Grosser Consulting (PWGC), as the project engineer and environmental consultant to NY Clarence I, LLC and NY Roll Road III, LLC, is in receipt of the comments provided by Town of Clarence Building Department, dated February 20, 2026, via email. This letter has been prepared by P.W. Grosser Consulting (PWGC), to respond to such comments, and modified plans and documentation are enclosed and/or attached, as noted below.

Town of Clarence Building Department, Comments dated 02/20/2026.

Comment 1: *Knox Gate Switch to be installed at new sliding gate*

PWGC Response: A Knox Box has been provided on the gate entering the solar farm.

Comment 2: *Additional access roads running east to west with turn arounds that comply with Appendix D (2025 NYS Fire Code [NY] 503.1)*

PWGC Response: The Applicant acknowledges the comment regarding additional east-west access roads and turnaround areas in accordance with Appendix D of the 2025 NYS Fire Code. However, this project is a ground-mounted solar farm, and no occupied buildings or structures are proposed that would require traditional fire apparatus access in the same manner as a developed site with buildings. In the event of a fire involving photovoltaic equipment, emergency response practices do not typically rely on direct water application onto energized panels, but instead emphasize establishing a safe perimeter or buffer, isolating the affected area, and addressing exposures while avoiding unnecessary proximity to energized equipment. Guidance on PV fire operations emphasizes responder safety, electrical shock awareness, and maintaining appropriate stand-off distances around energized solar equipment.

Given the nature of the proposed facility, the more relevant emergency-access concern is generally the ability to provide assistance to persons along the perimeter or within the array field and to allow limited site access for inspection or emergency support. For those scenarios, smaller response vehicles such as a UTV or pickup truck are typically better suited than large fire apparatus to navigate the site efficiently. Accordingly, the proposed access configuration is considered appropriate for the intended use of the property and the type of emergency response reasonably anticipated at a solar farm, without the need for additional full east-west fire apparatus roads and turnarounds throughout the array field.

Comment 3: *Fire apparatus access roads to be constructed at 26' in width with approved turn arounds. (2025 NYS Fire Code 103.4)*

PWGC Response: The fire apparatus access road has been revised to be 26' wide with approved fire apparatus turn arounds.





Comment 4: *Fire apparatus access roads to be constructed to withstand a 75,000lb load. (2025 NYS Fire Code D102.1)*

PWGC Response: The fire apparatus access road will be constructed to withstand a 75,000lb load, which is stated on sheet C-300. The proposed access road is designed to support H20 loading/80,000 lbs per axel load.

Comment 5: *Create an emergency response procedure to distribute to emergency response agencies and employees. (Fire Code Chapter 4)*

Bullrock Response: A DRAFT “Emergency Response Plan” is attached for review. Please note, the “blanks” and “figures” will be completed during the review and approval of the site plans.

Comment 6: *Site plan indicating utility access, emergency shut offs, contact personnel and other important emergency operations. Equipment on site to be clearly labeled for emergency use. (Fire Code Chapter 4)*

PWGC Response: Sheet C-100 shows an access road adjacent to all utilities and a callout showing the location of emergency shut offs. A signage detail has been provided on sheet C-300 that displays important emergency operations and contact personnel.

Comment 7: *Planned areas for snow pile accumulation (Fire Code Chapter 4)*

PWGC Response: An area for snow pile accumulation has been shown on sheet C-100.

Comment 8: *Annual on-site training available to emergency responders (Fire Code Chapter 4)*

Bullrock Response: Applicant will include as part of its Operation & Maintenance procedures annual on-site training for emergency responders (police and fire). Applicant’s “Emergency Response Procedures” (see comment 5 above) will include reference to annual on-site training.

Comment 9: *Outline how vegetation control will be handled. (Fire Code 1205.5.1)*

Bullrock Response: Applicant’s Operation & Maintenance Plan/Contract will include a vegetation management requirement. Vegetation management procedures will include, but are not limited to, (a) within the fence line of the project, mowing twice per year, or at such frequency necessary to avoid solar production loss and (b) immediately outside the perimeter of the fence line, mowing twice per year and removal of any accumulated debris.

Sincerely,
P.W. Grosser Consulting

Usman Chaudhry
Senior Project Manager

Michael Scanlon P.E.
Senior Project Manager

Enc. (1)

1.Town of Clarence/ NY Clarence I, LLC and NY Roll Road III, LLC– Site Plans dated 2026-02-27



**NY Clarence I, LLC and Roll Road III, LLC
Emergency Response and Safety Plan**

Date: March 2026 **[DRAFT]**

**Roll Road
Clarence, NY
SBLs: 43.19-3-1.1 and 57.11-4-14.1
Solar Facilities**

Prepared for:
**Town of Clarence
Erie County, New York**

Prepared by:
NY Clarence I, LLC and NY Roll Road III, LLC
228 Aviation Avenue, Suite 200
South Burlington, VT 05403

Contents

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SECTION 2.	GENERAL FACILITY INFORMATION	3
SECTION 3.	GENERAL SAFETY AND OPERATIONAL INFORMATION.....	4
SECTION 4.	EMERGENCY SITUATIONS	5

SECTION 1. PURPOSE

This Emergency Response and Fire Safety Plan (“**Plan**”) describes actions to ensure the safety of the Solar Project (defined below) employees, emergency service members serving the Solar Project, and the surrounding community in the event of an emergency. This Plan provides emergency personnel contact information and outlines procedures to prevent, mitigate, and effectively respond to an incident should one arise at the Project Site (defined below).

SECTION 2. GENERAL INFORMATION

NY Clarence I, LLC and Roll Road III, LLC (each a “**Project Owner**” and together the “**Project Owners**”) propose to build a photovoltaic (PV) solar facility (each a “**Solar Project**” and together the “**Solar Projects**”) north of Roll Road in the Town of Clarence (“**Town**”) under New York State’s Community Solar initiative. The Solar Projects are planned to have a nameplate capacity of approximately [] and [] megawatts (MW) alternating current (AC) total, to be constructed on private land leased by the Project Owner (“**Project Site**”) from the property owner (“**Property Owner**”).

The access driveway to the Project Site is located north of Roll Road (between Newhouse Road and Shimerville Road). The utility point-of-interconnection is located along this access driveway. This access driveway is the access and for emergency or maintenance needs at this location.

The access driveway leads to the Solar Project area enclosed by deer fencing with locking gates to ensure public safety. Gates will be outfitted with a “Knox Box” to allow site access by emergency personnel. All gravel access roads have been designed to facilitate access throughout the Project Site. Gravel roads are [] feet wide and will accommodate large truck movement (e.g. pumper or ladder type fire trucks). The approximate []-foot spacing between each row of panels can also provide access, if needed. In addition, the site includes approximately []-foot wide clear path between the fence and panels to allow for additional vehicle access (e.g. pickup truck, ATV, etc.) throughout the Project Site. Solar Project components, including solar panels, fencing, inverters, access roads, the substation, and gates, are depicted on Figure 1.

2.A Fire Detection

Each Project Owner will execute an “Operations and Maintenance Contract” with an “O&M Contractor” prior to the Solar Project being placed in service. In the event of a fire, the monitoring entity will detect equipment faults which will then lead to an investigation or dispatch of personnel. There is no fire suppression system for the inverters or other equipment located on-site.

2.B. Primary Contacts

The following individuals are responsible for the operation, maintenance and safety of the Solar Project. The Project Owner conducts local monitoring of the site on a regular basis

NY Clarence I, LLC: _____
Phone Number: _____
E-Mail: _____

O&M Contractor: _____
Phone Number: _____
E-Mail: _____

Roll Road III, LLC: _____
Phone Number: _____
E-Mail: _____

O&M Contractor: _____
Phone Number: _____
E-Mail: _____

2.C Emergency Contacts

Additional contacts that may require coordination regarding this plan and operation of the Solar Project include the following departments and agencies:

Fire Department:	
Police Department:	
Ambulance:	

In the event of an emergency dial 911

SECTION 3. GENERAL SAFETY AND OPERATIONAL INFORMATION

Solar panels, located throughout the Project Site, convert sunlight to electricity. The process involves solid-state technology that consumes no materials and is completely self-contained. As such, the primary concern for first responders is exposure to electrical components that present a hazard to electric shock. During a response, it should be assumed that:

- **All solar equipment on site contains lethal AC and DC voltages.**
- All electrical equipment on-site will be clearly labeled for emergency use.
- The Project Site should only be accessed by Solar Project personnel or emergency responders
- The inverter has breakers that will trip in the event of an electrical issue.
- The transformers have fuses that will trip in the event of an electrical issue.
- There is a manual “disconnect switch” that can be pulled to shut down the Solar Project (which the fire department will be provided the location).
- There Solar Project has no “fire suppression” system (i.e. sprinklers or foam).

3.A Precautions While in the Vicinity of the Solar Project

- Only trained personnel should work near the solar arrays, modules, electrical boxes, or wiring.
- It is recommended to always have at least two people present when working on the array or handling modules. Do not attempt to service or respond to an emergency unless another person capable of rendering first aid and cardiopulmonary resuscitation (CPR) is also present.
- Any accidents should be immediately reported to the Project Owner or O&M Contractor, as soon as it is safe to do so.
- Photovoltaic panels are made of glass and may break. If any cracks occur in the modules, touching a crack may expose a person to the full voltage and current of the array. **Do not touch the modules without wearing electrical insulating gloves.**

3.B Orientation

Appropriate training of first responders is key to their understanding of the hazards that are present within the Project Site and to mitigate potential risks to their life during a response. The Project Owner will work with Fire Department and other Town Departments, as well as county and state safety officials, as appropriate, to provide site-specific orientation to emergency response leadership and their assigned staff. During operation, annual on-site training will be available to the Fire Department and Police Department.

3.C *Maintenance*

- The Project Owner will submit an Operation and Maintenance Plan to the Planning Board that will outline the Operation and Maintenance of the Solar Project and Project Site.
- The Project Owner will enter an Operations and Maintenance Contract for the life of the Solar Project covering both scheduled maintenance and corrective maintenance to ensure the proper operation of the Solar Project. Scheduled maintenance will generally include the following:
 - Compliance with the Local, State and Federal Rules, Codes, Regulations and Laws regarding the health and safety of any operation and maintenance works
 - Semi-Annual interim maintenance visit.
 - Annual full maintenance visit.
 - System testing and verification of data acquisition systems, at least once per calendar year.
 - Module cleaning once a year, or as determined by Project Owner.
 - Solar Project field inspection: visual, electrical and mechanical once per month, or as determined by Project Owner.
 - Inverter cleaning and servicing to ensure proper operation. Scheduled maintenance and testing as required to maintain manufacturer's warranties.
 - Scheduled maintenance and testing required to maintain all manufacturers' warranties on Solar Project components.
 - Maintain and operate all the infrastructures, equipment and facilities related to the Solar Project required for the proper operation.

SECTION 4. EMERGENCY SITUATIONS

Emergency situation critical points:

- In the event of an emergency, dial 911.
- Solar and substation components are always hot and should always be considered electrically energized. DC voltage is always present (even at night).
- All inverters contain energy storage devices that require 15 minutes to safely discharge lethal voltages.
- Do not touch the modules without wearing electrical insulating gloves.

4.A *Fire Response*

In the event of a fire, the individual discovering the emergency shall:

- Assess the situation to determine potential safety concerns to life and the environment, with life safety as the priority.
- Notify the appropriate local authorities by dialing 911 and direct them to the entry point identified in Figure 1.
- Local authorities should contact the Project Owner.

Upon arrival to the Project Site, responders shall:

- Evacuate and secure the area and keep people a minimum of 300 feet away, provided there are no immediate threats to people or non-solar property.

- Let the Solar Project burn. Burning electrical equipment is already damaged and must be replaced.
- Protect adjacent exposures, such as homes and forested areas, as needed, to limit the potential of the fire spreading.
- If fire must be suppressed within the Solar Project fence line, the fire department has immediate control of the emergency situation. If the Project Owner is contacted Project Owner can direct local authorities on how to proceed.

The following are the most important considerations when responding to a fire or other emergency at the Project Site:

- Solar and substation components are always hot and should always be considered electrically energized. DC voltage is always present, even at night.
- Identify and validate the hazard in order to minimize injury.
- Electrical components produce gas during combustion. All responders should use a self-contained breathing apparatus (SCBA).
- Before committing apparatus to the access roads within any of the fenced panel array enclosures, understand that turn arounds will often be well over 1,000 feet away.
- Isolate or shutdown the electrical power at the site of the fire, if possible.
- Do not assume the system is de-energized and do not attempt to de-energize any equipment.
- Do not open any inverter doors until at least 48 hours have passed since the initiation of the event or conditions are verified safe and entry is approved by the Project Owner.
- Leave the scene in a safe condition after mitigating hazards.

4.B *Natural Disasters*

Severe weather events such as snowstorms, hurricanes, and tornadoes are possible at the Project Site. Although much less common, there is also the potential for minor earthquakes, flooding or high wind events (e.g., microbursts). These events should have limited impact on the Project Site. The Solar Project is designed and constructed to withstand the extreme weather likely to occur at the Project Site (e.g. high winds, hail, lightning, snowstorms, etc.). After an extreme weather event, the Project Owner will evaluate all equipment for damages and repair, as necessary, to restore full Solar Project operations.

4.C *Public Safety*

Access to the Project Site is limited to trained staff and maintenance personnel only.

Solar panel arrays, including the inverter pad, are surrounded by an eight-foot-tall deer fence. Access to the Project Site occurs through gates in the deer fence that are secured with a padlock, and only Project Owner personnel have access to the Project Site (as previously noted, Knox Box will be installed at each gate).

In the event of personnel injury from electric shock or if personnel should become incapacitated while within the Project Site, the following procedures should be followed:

1. Assess the area for hazards and secure the area to protect additional life from injury.
2. Notify the appropriate local authorities by dialing 911 and direct them to the Solar Project access point identified on Figures 1.

3. Local authorities should contact the Project Owner, contact information as found in Section 2.C, to determine the appropriate response procedures and methods for shutting down the nearest components to ensure safe access.

Figure 1

TO BE ADDED



March 2, 2026

**Re: NY Clarence I, LLC – Project Narrative
(Section 43.19, Block 3, Lot 1.1) & NY Roll Road III, LLC (Section 57.11, Block 4, Lot 14.11)
Solar Energy Power System
Response to Town of Clarence Building Department
Joseph Salleta
Code Enforcement Officer**

Dear Mr. Salleta,

P.W. Grosser Consulting (PWGC), as the project engineer and environmental consultant to NY Clarence I, LLC and NY Roll Road III, LLC, has prepared this project narrative for your review and consideration to provide an overview of the civil design of the proposed project.

NY Clarence I, LLC is proposing a ±5.0 MW AC Solar Farm located at 8550 Roll Road, Clarence Center, NY 14032, on the tax map parcel identified as TM#: 57.11-4-14.1 on the NYS GIS Clearinghouse database. Minor grading will occur for the access road. Approximately 1.21 acres of trees will be removed to facilitate construction of the solar farm. Gravel diaphragms will be installed as necessary to mitigate any increase in runoff from the site per NYSDEC standards. Grass filter strips will be installed downslope of concrete pads to mitigate Water Quality Volume requirements per NYSDEC standards. A pervious access road will be utilized for solar farm access, therefore no stormwater controls are required for the access road.

NY Roll Road III, LLC is proposing a ±5.0 MW AC Solar Farm located at 8550 Roll Road, Clarence Center, NY 14032, on the tax map parcel identified as TM#: 43.19-3-1.1 on the NYS GIS Clearinghouse database. Minor grading will occur for the access road and over sink holes located within the panel area. Approximately 2.41 acres of trees will be removed to facilitate construction of the solar farm. Gravel diaphragms will be installed as necessary to mitigate any increase in runoff from the site per NYSDEC standards. Grass filter strips will be installed downslope of concrete pads to mitigate Water Quality Volume requirements per NYSDEC standards. A pervious access road will be utilized for solar farm access; therefore, no stormwater controls are required for the access road.

Sincerely,
P.W. Grosser Consulting

Enc. (1)

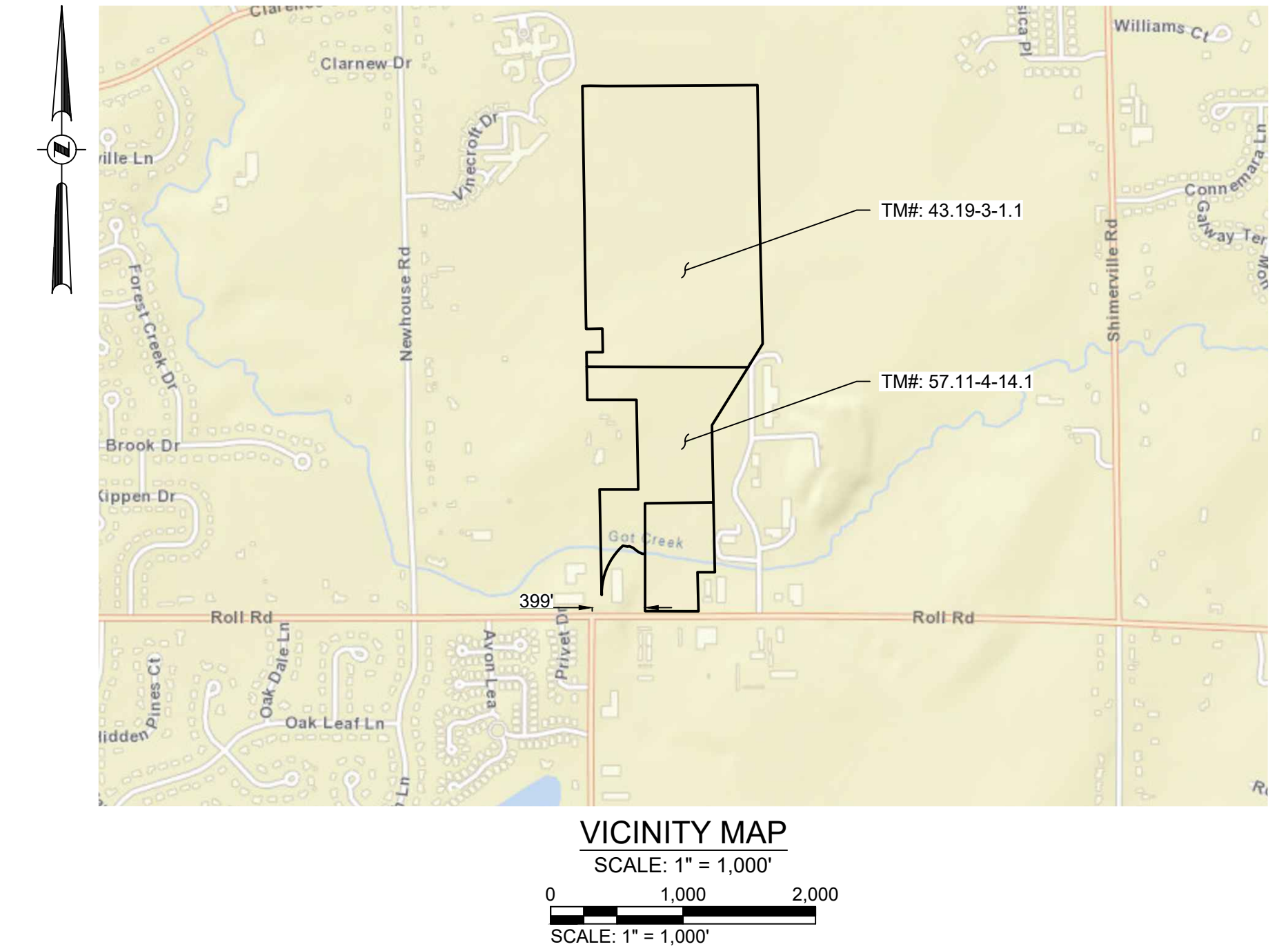
1.Town of Clarence/ NY Clarence I, LLC and NY Roll Road III, LLC– Site Plans dated 2026-02-27



NY CLARENCE I, LLC AND NY ROLL ROAD III, LLC

8550 ROLL ROAD SOLAR PROJECT

CLARENCE, NEW YORK



PLANS

ISSUED FOR: TOWN SUBMISSION
 ISSUE DATE: 03/02/2026
 LAST REVISED: 03/02/2026

PROJECT CONTACTS

ENGINEER:
 P.W. GROSSER CONSULTING, DPC
 630 JOHNSON AVENUE, SUITE 7, BOHEMIA, NY 11716
 TEL: (631) 589-6353
 FAX: (631) 589-8705

MUNICIPAL CONTACTS

TOWN:
 TOWN OF CLARENCE
 1 TOWN PLACE
 CLARENCE, NY 14031
 TEL 716-741-8938

COUNTY:
 ERIE COUNTY
 92 FRANKLIN STREET
 BUFFALO, NY 14202
 TEL 716-858-8785

SITE INFORMATION

SITE: 8550 ROLL ROAD,
 CLARENCE CENTER, NY 14032
 TM #: 43.19-3-1.1 & 57.11-4-14.11
 LOT AREA: 64.02 AC (43.19-3-1.1) & 20.83 AC. (57.11-4-14.11)

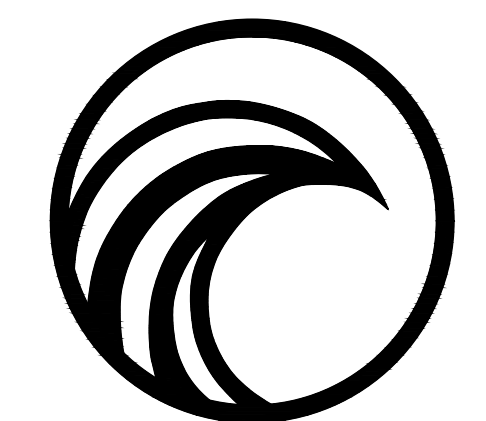
SHEET INDEX

NO.	SHEET	TITLE
1.	C-000	COVER SHEET
2.	C-001	GENERAL NOTES AND LEGEND INFORMATION
3.	C-100	OVERALL SITE PLAN
4.	C-200	GRADING AND DRAINAGE PLAN - NY CLARENCE I, LLC
5.	C-201	GRADING AND DRAINAGE PLAN - NY ROLL ROAD III, LLC
6.	C-300	SITE DETAILS

CLIENT INFORMATION

CLIENT :
 NY CLARENCE I, LLC AND NY ROLL ROAD III, LLC
 228 AVIATION AVENUE, SUITE 200
 SOUTH BURLINGTON, VT 05403

**FOR PERMITTING PURPOSES ONLY
 NOT FOR CONSTRUCTION**



PWGC
 ENVIRONMENTAL ENGINEERING & CONSULTING

P.W. GROSSER CONSULTING ENGINEER
 & HYDROGEOLOGIST, D.P.C.

630 Johnson Avenue, Suite 7
 Bohemia, NY 11716-2618
 Phone: (631) 589-6353 • Fax: (631) 589-8705
 E-mail: PWGC.INFO@PWGROSSER.COM

**COVER
 SHEET 1 OF 6**



GENERAL NOTES

1. THE INFORMATION IN THIS DRAWING SET IS CONCEPTUAL AND IS INTENDED FOR TOWN BOARD PLANNING AND DISCUSSION PURPOSES ONLY. THIS DRAWING SET IS NOT TO BE USED FOR CONSTRUCTION OR BIDDING PURPOSES.
2. CONTRACTOR SHALL BE RESPONSIBLE TO FIELD VERIFY ALL EXISTING CONDITIONS AND SITE FEATURES PRIOR TO CONSTRUCTION. ANY DISCREPANCIES FOUND SHALL BE DOCUMENTED IN WRITING AND SUBMITTED TO THE ENGINEER FOR REVIEW PRIOR TO CONSTRUCTION.
3. CONTRACTOR SHALL BE RESPONSIBLE TO LOCATE AND MARK OUT ALL EXISTING UTILITIES, INCLUDING THOSE UNDERGROUND, PRIOR TO CONSTRUCTION. ANY POTENTIAL INTERFERENCES WITH PROPOSED FEATURES SHALL BE DOCUMENTED IN WRITING AND SUBMITTED TO THE ENGINEER FOR REVIEW PRIOR TO CONSTRUCTION.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING SITE FEATURES AND UTILITIES THAT ARE NOT DESIGNATED FOR REMOVAL. ANY SITE FEATURE, UTILITY, STREET APPURTENANCE, OR OTHER ITEM THIS IS DAMAGED BY THE CONTRACTOR OR ITS SUBCONTRACTORS DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED IN-KIND BY THE CONTRACTOR, AS DETERMINED BY THE OWNER OR ENGINEER, AT NO ADDITIONAL COST TO THE OWNER.
5. CONTRACTOR SHALL BE REQUIRED TO OBTAIN ANY ADDITIONAL PERMITS REQUIRED TO DO THE WORK OR DELIVER MATERIALS TO THE SITE THAT ARE NOT PROVIDED BY THE OWNER OR ENGINEER. ALL WORK WITHIN AN EXISTING RIGHT-OF-WAY WILL REQUIRE PERMITTING WITH RESPECTIVE OWNER, STATE OR COUNTY AGENCY, TOWN DEPARTMENT OF PUBLIC WORKS, OR HIGHWAY DEPARTMENT AS APPLICABLE.

7. ALL SURVEY AND SITE STAKEOUTS FOR PROPOSED FEATURES SHALL BE PERFORMED BY A NEW YORK STATE LICENSED PROFESSIONAL LAND SURVEYOR.
8. CONTRACTOR SHALL BE RESPONSIBLE TO LOCATE, MARK AND PROTECT ALL EXISTING SURVEY, PROPERTY, AND RIGHT-OF-WAY MARKERS FOR THE SITE. ANY MARKERS, PINS, MONUMENTS OR OTHER FEATURES DEFINING PROPERTY LIMITS THAT MAY BE DISTURBED BY CONSTRUCTION ACTIVITIES SHALL BE PROPERLY TIED AND RESET BY A NEW YORK STATE LICENSED PROFESSIONAL LAND SURVEYOR UPON COMPLETION OF THE WORK.

EXISTING CONDITIONS

1. EXISTING CONDITIONS BASEMAP INFORMATION IS BASED ON SURVEY PROVIDED BY NUSSBAUMER & CLARKE, INC. ENGINEERS AND SURVEYORS, TITLED "OVERALL SITE PLAN", DATED JUNE 30, 2025.
2. LOT LINES BASED ON SURVEY PROVIDED BY NUSSBAUMER & CLARKE, INC. ENGINEERS AND SURVEYORS, TITLED "OVERALL SITE PLAN", DATED JUNE 30, 2025.
3. TOPOGRAPHIC INFORMATION IS BASED ON SURVEY PROVIDED BY NUSSBAUMER & CLARKE, INC. ENGINEERS AND SURVEYORS, TITLED "OVERALL SITE PLAN", DATED JUNE 30, 2025.
4. WETLANDS EXTENTS BASED ON SURVEY PROVIDED BY NUSSBAUMER & CLARKE, INC. ENGINEERS AND SURVEYORS, TITLED "OVERALL SITE PLAN", DATED JUNE 30, 2025.
5. PROPOSED SOLAR DEVELOPMENT LAYOUT INFORMATION IS BASED ON SURVEY PROVIDED BY NUSSBAUMER & CLARKE, INC. ENGINEERS AND SURVEYORS, TITLED "OVERALL SITE PLAN", DATED JUNE 30, 2025. ALL BASEMAP INFORMATION IS TO BE CONSIDERED APPROXIMATE AND IS TO BE FIELD VERIFIED BY A NEW YORK STATE LICENSED SURVEYOR PRIOR TO FINALIZING DESIGN.
6. THE HORIZONTAL DATUM IS NAD83 NEW YORK STATE PLANE COORDINATE SYSTEM, (US FT).
7. THE VERTICAL DATUM IS NAVD88.

GRADING NOTES

1. GRADING DESIGN SHOWN IN THESE PLANS IS BASED ON NYS LIDAR INFORMATION PROVIDED TO PWGC BY THEW ASSOCIATES AND IS TO BE CONSIDERED APPROXIMATE. GRADING DESIGN IS SUBJECT TO CHANGE BASED ON FURTHER SITE INVESTIGATIONS AND ANALYSIS.
2. PRIOR TO MASS GRADING, TOPSOIL SHALL BE STRIPPED, STOCKPILED, AND SAVED FOR LATER USE PRIOR TO FINAL STABILIZATION.
3. ADDITIONAL SITE GEOTECHNICAL ANALYSIS IS REQUIRED TO VERIFY GRADING CONSTRAINTS AND FEASIBILITY.
4. GRADING SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE STATE AND OSHA REQUIREMENTS. THE CONTRACTOR SHALL CONFORM TO THE REQUIREMENTS OF OSHA, AND ANY OTHER AGENCY HAVING JURISDICTION WITH REGARD TO SAFETY PRECAUTIONS WITH TRENCHING OR EXCAVATION AND GRADING OPERATIONS. THE REQUIREMENTS SET FORTH HEREIN ARE INTENDED TO SUPPLEMENT REQUIREMENTS ESTABLISHED BY THESE AGENCIES. IN THE CASE OF A CONFLICT BETWEEN REQUIREMENTS OF OTHER JURISDICTIONAL AGENCIES AND THESE DOCUMENTS, THE MORE STRINGENT REQUIREMENT ON THE CONTRACTOR SHALL APPLY.
5. VOIDS LEFT BY UTILITY OR STRUCTURE EXCAVATIONS, OR GRUBBING OPERATIONS SHALL BE BACKFILLED AND PROPERLY COMPACTED WITH STRUCTURAL FILL (NYS DOT ITEM 304.12 OR EQUIVALENT) IN AREAS UNDER AND WITHIN 5 FEET HORIZONTALLY OF ALL STRUCTURES, AND PAVEMENTS. IN GRASSED AREAS, VOIDS LEFT SHALL BE FILLED AND PROPERLY COMPACTED WITH SUITABLE ON-SITE BACKFILL AS APPROVED BY THE ENGINEER.
6. THE CONTRACTOR SHALL DEWATER ALL EXCAVATIONS TO PREVENT THE INTRODUCTION OF GROUNDWATER OR PONDED WATER INTO THE TRENCHES/EXCAVATIONS AND WILL PROVIDE ALL EQUIPMENT NECESSARY TO MAINTAIN THE WATER AS NECESSARY. DEWATERING SHALL BE PERFORMED IN ACCORDANCE WITH THE PROJECT SWPPP.

7. ALL GRADED OR DISTURBED AREAS INCLUDING SLOPES SHALL BE PROTECTED DURING CLEARING AND CONSTRUCTION IN ACCORDANCE WITH THE APPROVED SEDIMENT CONTROL PLAN UNTIL THEY ARE PERMANENTLY STABILIZED.
8. ALL SEDIMENT CONTROL PRACTICES AND MEASURES SHALL BE CONSTRUCTED, APPLIED AND MAINTAINED IN ACCORDANCE WITH THE APPROVED SEDIMENT CONTROL PLAN AND THE "STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL IN DEVELOPING AREAS".
9. TOPSOIL REQUIRED FOR THE ESTABLISHMENT OF VEGETATION SHALL BE STOCKPILED IN AMOUNT NECESSARY TO COMPLETE FINISHED GRADING OF ALL EXPOSED AREAS.
10. AREAS TO BE FILLED SHALL BE CLEARED, GRUBBED, AND STRIPPED OF TOPSOIL TO REMOVE TREES, VEGETATION, ROOTS OR OTHER OBJECTIONABLE MATERIAL.
11. AREAS WHICH ARE TO BE TOPSOILED SHALL BE SCARIFIED TO A MINIMUM DEPTH OF FOUR INCHES PRIOR TO PLACEMENT OF TOPSOIL.
12. ALL FILLS SHALL BE COMPACTED AS REQUIRED TO REDUCE EROSION, SLIPPAGE, SETTLEMENT, SUBSIDENCE OR OTHER RELATED PROBLEMS. FILL INTENDED TO SUPPORT BUILDINGS, STRUCTURES AND CONDUITS, ETC. SHALL BE COMPACTED IN ACCORDANCE WITH LOCAL REQUIREMENTS OR CODES.
13. ALL FILL TO BE PLACED AND COMPACTED IN LAYERS NOT TO EXCEED 8 INCHES IN THICKNESS.
14. EXCEPT FOR APPROVED LANDFILLS, FILL MATERIAL SHALL BE FREE OF FROZEN PARTICLES, BRUSH, ROOTS, SOD, OR OTHER FOREIGN OR OTHER OBJECTIONABLE MATERIALS THAT WOULD INTERFERE WITH OR PREVENT CONSTRUCTION OF SATISFACTORY FILLS.
15. FROZEN MATERIALS OR SOFT, MUCKY OR HIGHLY COMPRESSIBLE MATERIALS SHALL NOT BE INCORPORATED IN FILLS.
16. FILL SHALL NOT BE PLACED ON SATURATED OR FROZEN SURFACES.
17. ALL BENCHES SHALL BE KEPT FREE OF SEDIMENT DURING ALL PHASES OF DEVELOPMENT.
18. SEEPS OR SPRINGS ENCOUNTERED DURING CONSTRUCTION SHALL BE HANDLED IN ACCORDANCE WITH THE STANDARD AND SPECIFICATION FOR SUBSURFACE DRAIN OR OTHER APPROVED METHOD.
19. ALL GRADED AREAS SHALL BE PERMANENTLY STABILIZED IMMEDIATELY FOLLOWING FINISHED GRADING.
20. STOCKPILES, BORROW AREAS AND SPOIL AREAS SHALL BE SHOWN ON THE PLANS AND SHALL BE SUBJECT TO THE PROVISIONS OF THIS STANDARD AND SPECIFICATION.

LANDSCAPING NOTES

1. PLANTINGS AND SEEDING SHALL OCCUR DURING THE FOLLOWING PERIODS. WEATHER AND SOIL CONDITIONS PERMITTING: SPRING APRIL 1ST - JUNE 1ST, OR FALL SEPTEMBER 1ST - NOVEMBER 15TH. PLANTING OUTSIDE THESE DATES SHALL ONLY BE ALLOWED WITH WRITTEN APPROVAL OF THE MUNICIPALITY.
2. SEEDING SPECIFICATION: ERNEST CONSERVATION SEEDS NORTHEAST POLLINATOR 3' MIX - ERNMX-612 (OR APPROVED EQUAL) TO BE SEEDED BELOW SOLAR PANELS. SEED AT 40 LB/AC WITH 30 LB/AC OF A COVER CROP. FOR A COVER CROP USE EITHER GRAIN OATS (1 JAN TO 31 JUL) OR GRAIN RYE (1 AUG TO 31 DEC) OR APPROVED EQUAL.
 - 2.1. NORTHEAST SOLAR POLLINATOR 3' MIX - ERNMX-612
 - 2.1.1. SHEEP FESCUE, VARIETY NOT STATED - 94.90%
 - 2.1.2. BUTTERFLY MILKWEED - 2.50%
 - 2.1.3. PARTRIDGE PEA, PA ECOTYPE - 2.00%
 - 2.1.4. SHOWY EVENING PRIMROSE - 0.30%
 - 2.1.5. ZIGZAG SPIDERWORT, VA ECOTYPE - 0.30%

EROSION AND SEDIMENT CONTROL

1. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL (BLUE BOOK), AND LOCAL GOVERNING SOIL AND WATER CONSERVATION DISTRICT STANDARDS. THE EROSION AND SEDIMENT CONTROLS SHOWN ON THESE PLANS AND AS DESCRIBED IN THE PROJECT SWPPP REPRESENT THE MINIMUM REQUIREMENTS AND ADDITIONAL EROSION AND SEDIMENT CONTROLS MAY BE REQUIRED BASED ON CONDITIONS ENCOUNTERED IN THE FIELD. CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING PROJECT REMAINS IN COMPLIANCE WITH ALL APPLICABLE REGULATIONS AND STANDARDS PERTAINING TO EROSION AND SEDIMENT CONTROLS.
2. EROSION AND SEDIMENT CONTROLS SHALL BE INSTALLED PRIOR TO ANY EARTH DISTURBING ACTIVITIES AND SHALL BE MAINTAINED FOR THE DURATION OF THE WORK, INCLUDING TEMPORARY CONSTRUCTION SWALES AND DETENTION POND WITH OUTLET STRUCTURE AND ROCK OUTLET PROTECTION.
3. CONTRACTOR SHALL UTILIZE MEANS, METHODS AND SEQUENCING THAT MINIMIZE THE AMOUNT OF EARTH DISTURBANCE TO THE EXTENT PRACTICAL, AND NOT TO EXCEED MORE THAN 5.0 ACRES AT ANY GIVEN TIME.
4. CONTRACTOR SHALL PROTECT ALL ON-SITE, ADJACENT AND/OR DOWNSTREAM STORM/SANITARY SEWERS, AND/OR OTHER WATER COURSES FROM CONTAMINATION BY WATER BORNE SILTS, SEDIMENTS, FUELS, SOLVENTS, LUBRICANTS OR OTHER POLLUTANTS ORIGINATING FROM THE SITE OR WORK BEING PERFORMED.
5. CONTRACTOR SHALL FOLLOW GOOD HOUSEKEEPING AND SPILL CONTROL PRACTICES DURING SITE ACTIVITIES TO MINIMIZE STORMWATER CONTAMINATION FROM CONCRETE, PETROLEUM PRODUCTS AND WASTE MATERIALS. NO WET OR FRESH CONCRETE, LEACHATE OR WASHINGS FROM

EQUIPMENT SHALL BE ALLOWED TO MIGRATE INTO EXISTING STORM/SANITARY SEWERS, DITCHES OR OTHER WATERS OF NEW YORK STATE.

6. ALL EXCAVATED OR IMPORTED MATERIAL STOCKPILES SHALL BE SUITABLY STABILIZED AND SURROUNDED BY SILT FENCE TO MINIMIZE POTENTIAL FOR SEDIMENT LADEN RUNOFF DISCHARGING TO DOWNSTREAM AREAS OR DRAINAGE FEATURES. DISTURBED SOILS OR STOCKPILES THAT ARE TO BE EXPOSED FOR MORE THAN 14 CALENDAR DAYS SHALL BE TEMPORARY STABILIZED WITH SEED MIX CONSISTING OF RYEGRASS (ANNUAL OR PERENNIAL) APPLIED AT 30 LBS PER ACRES (0.7 LBS PER 1,000 SQ. FT.), OR CERTIFIED "AROOSTOOK" WINTER RYE (CEREAL RYE) APPLIED AT 100 LBS PER ACRES (2.5 LBS PER 1,000 SQ. FT.) IF SEEDING IN OCTOBER OR NOVEMBER.
7. CONTRACTOR'S MATERIAL AND EQUIPMENT STAGING AREAS AND CONSTRUCTION ENTRANCE LOCATIONS SHALL BE COORDINATED WITH THE OWNER PRIOR TO START OF CONSTRUCTION. CONSTRUCTION ENTRANCES AS SHOWN ON THE PLANS MAY BE MODIFIED BY THE CONTRACTOR WITH PRIOR APPROVAL FROM THE OWNER AND ENGINEER.
8. ALL EXISTING OR NEWLY INSTALLED CATCH BASINS/DRAINAGE INLETS SHALL HAVE DROP INLET PROTECTION INSTALLED THROUGHOUT THE DURATION OF CONSTRUCTION TO PREVENT SEDIMENTATION FROM ENTERING THE STORM SYSTEM. CONTRACTOR SHALL MAINTAIN OR REPLACE DROP INLET PROTECTION WHEN SIGNIFICANT SEDIMENT BUILDUP IS OBSERVED OR IS NOT FUNCTIONING CORRECTLY.
9. CONTRACTOR SHALL TAKE ALL NECESSARY AND APPROPRIATE MEASURES TO MITIGATE OR PREVENT FUGITIVE DUST THROUGHOUT THE DURATION OF CONSTRUCTION. CONTRACTOR SHALL ADHERE TO METHODS AS DESCRIBED IN THE PROJECT SWPPP.
10. COMPLETED WORK THAT IS NOT SUBJECT TO FURTHER EARTHWORK OR CONSTRUCTION ACTIVITIES SHALL BE PERMANENTLY SEEDED AND MULCHED WITH HAY OR STRAW WITHIN ONE WEEK OF FINAL DISTURBANCE. MULCH SHALL BE MAINTAINED UNTIL A SUITABLE VEGETATIVE COVER IS ESTABLISHED.

WINTER SHUTDOWN CONSTRUCTION SCHEDULE

- 11.1. POST CLEARING THE EXPOSED SOIL SHALL BE COVERED WITH MATERIAL(S) AS SET FORTH IN THE TECHNICAL STANDARD, NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL, TO PREVENT THE EXPOSED SOIL FROM ERODING (SEE STANDARD AND SPECIFICATIONS FOR TEMPORARY CONSTRUCTION AREA SEEDING/STABILIZATION FOR WINTER SHUT DOWN, ABOVE).
- 12.1. REGULARLY INSPECT, MAINTAIN AND RE-SEED ANY AREAS THAT ARE NOT ADEQUATELY STABILIZED UP UNTIL THE JULY 1 START DATE AND THEREAFTER, UNTIL ALL DISTURBED AREAS ARE PERMANENTLY STABILIZED.
- 12.2. SITE INSPECTIONS ARE TO TAKE PLACE TWICE PER MONTH WITH PHOTOS PROVIDED TO THE TOWN TO DEMONSTRATE THAT THE SITE REMAINS STABILIZED/PROTECTED UNTIL CONSTRUCTION STARTS.
- 13.1. ONCE CONSTRUCTION STARTS, INSPECTIONS SHALL CONTINUE MONTHLY, WITH PHOTOS SUBMITTED TO THE TOWN, TO ENSURE THAT THE TEMPORARY STABILIZATION MEASURES REMAIN IN PLACE IN AREAS NOT UNDER ACTIVE CONSTRUCTION.

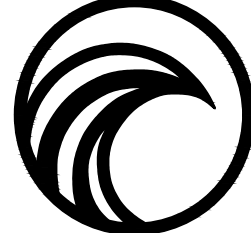
WETLANDS NOTES

1. ACTUAL LIMITS OF ALL STREAMS, WETLANDS AND WETLAND ADJACENT AREAS ARE TO BE FIELD VERIFIED VIA SURVEY AND WILL BE MARKED IN THE FIELD BY SURVEY MARKERS, RIBBON, FLAGS, OR EQUIVALENT PRIOR TO START OF CONSTRUCTION.
2. EFFORTS SHALL BE MADE TO MINIMIZE DISTURBANCE TO ANY STATE OR FEDERALLY REGULATED WETLANDS. UNNECESSARY REMOVAL OF VEGETATION OR DEGRADATION ALONG STREAM BANKS IS PROHIBITED.
3. ONLY HAND CLEARING SHALL BE ALLOWED IN WETLAND AREAS AS NECESSARY. MACHINE CLEARING IS PROHIBITED WITHIN WETLAND AREAS.
4. IF TEMPORARY ACCESS IS REQUIRED IN WETLAND AREAS, TEMPORARY TIMBER MATS WILL BE USED TO MINIMIZE DISTURBANCE TO UNDERLYING WETLAND SOILS.
5. STAGING OF ANY CONSTRUCTION MATERIALS OR EQUIPMENT IS PROHIBITED IN WETLAND AREAS.
6. ANY WETLAND DISTURBANCE IS TO BE RESTORED WITH APPROPRIATE WETLAND SEED MIX IN ACCORDANCE WITH NYS DOT ITEM 203.01920007 OR MOST CURRENT NYSDEC REQUIREMENTS RELATED TO WETLAND RESTORATION. COMPONENT OF THE SEED MIX MAY BE SUBSTITUTED WITH THE ENGINEER'S APPROVAL.

SOIL RESTORATION NOTES

1. PERFORM MECHANICAL DECOMPACTION ("SOIL RESTORATION") ON DISTURBED AREAS WITHIN THE SOLAR FACILITY LIMITS AFTER HEAVY CONSTRUCTION TRAFFIC HAS CEASED AND PRIOR TO PERMANENT STABILIZATION, TO RECOVER SOIL POROSITY, IMPROVE INFILTRATION, REDUCE RUNOFF, AND PROVIDE A SUSTAINABLE GROWTH MEDIUM FOR VEGETATION. WORK INCLUDES DEEP RIPPING, TOPSOIL REPLACEMENT/AMENDMENT, AND DEEP SUBSOILING (DECOMPACTION).
2. SOLAR-FARM SCOPE:
 - 2.1. ARRAY FIELD (ROW MIDDLES/UNDER-PANEL VEGETATION ZONES): FULL SOIL RESTORATION.
 - 2.2. INVERTER/TRANSFORMER PADS EXCLUDE FROM DECOMPACTION (INTENTIONALLY COMPACTED STRUCTURAL SURFACES).
 - 2.3. ALLOW TRENCH SETTLEMENT; DECOMPACT ONLY AFTER BACKFILL CONSOLIDATION AND UTILITY CLEARANCE. MAINTAIN MINIMUM HORIZONTAL/VERTICAL OFFSETS FROM CABLES AND FOUNDATIONS.
 - 2.4. WET AREAS/HSG-D OR SHALLOW BEDROCK: EVALUATE FEASIBILITY; WHERE DECOMPACTION IS IMPRACTICABLE OR UNSAFE, SUBSTITUTE DESIGN/OPERATIONAL MEASURES PER ENGINEER DIRECTION.

LEGEND	
	PROJECT PROPERTY LINE
	ADJACENT PROPERTY LINE
	ZONING SETBACK LINE
	8-FT TALL FENCE LINE
	CULVERT SYMBOL
	SOLAR PANEL ARRAY SYMBOL
	GRAVEL ACCESS ROAD PATTERN
	PAVED ROAD PATTERN
	APPROXIMATE WOODS EDGE LINE
	APPROXIMATE NYSDEC WETLANDS LIMIT PATTERN
	APPROXIMATE ACOE WETLANDS LIMIT PATTERN
	SEED RESTORATION LIMIT PATTERN
	50 FOOT WETLANDS SETBACK LINE
	100 FOOT WETLANDS SETBACK LINE
	OVERHEAD ELECTRICAL UTILITY LINE
	UTILITY POLE SYMBOL
	UNDERGROUND ELECTRICAL UTILITY LINE
	MINOR CONTOURS LINE (1-FT INTERVAL)
	MAJOR CONTOURS LINE (5-FT INTERVAL)



PWGC
ENVIRONMENTAL ENGINEERING & CONSULTING

P.W. GROSSER CONSULTING ENGINEER AND HYDROGEOLOGIST, D.P.C.

630 Johnson Avenue - Suite 7
Bohemia, NY - 11716-2618
Phone: (631) 589-6353 • Fax: (631) 589-8705
E-mail: PWGC.INFO@PWGROSSER.COM

CONSULTANTS

Number	Revision Description	Revision Date
7		
6		
5		
4		
3		
2		
1		

Designed By	Date Submitted
Drawn By	Date Created
Approved By	Scale
Client	AS NOTED

NY CLARENCE I, LLC AND ROLL ROAD III, LLC
228 AVIATION AVENUE, SUITE 200
SOUTH BURLINGTON, VT 05403


8550 ROLL ROAD SOLAR FARM

Project Address:
8550 ROLL ROAD
TOWN OF CLARENCE
ERIE COUNTY, NY 14032

County Tax Map Number: 57.11-4-7.211, 57.11-4-14.1, 43.19-3-1.1
Regulatory Reference Number:

Title of Drawing:

GENERAL NOTES, LEGEND, AND ZONING

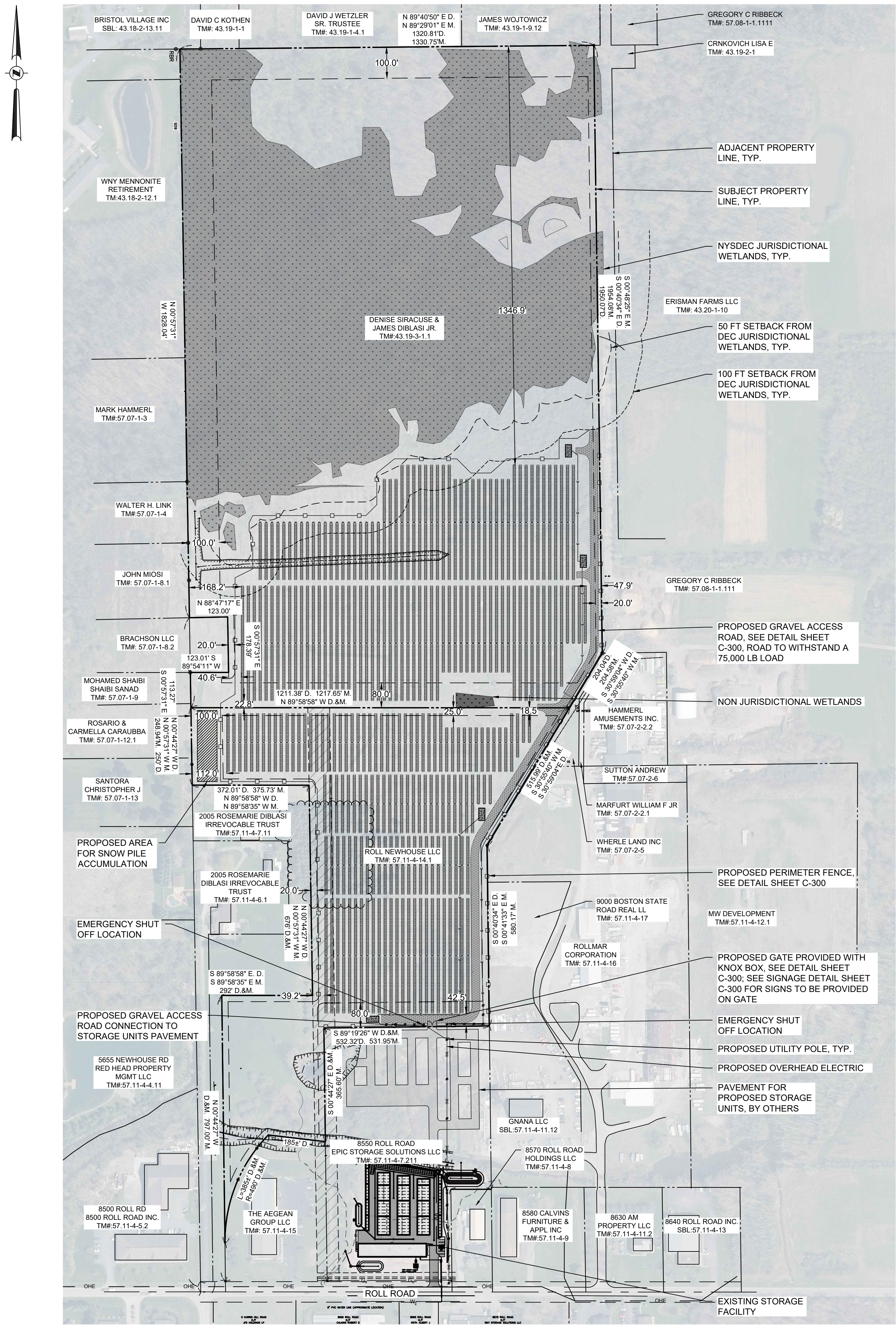


C-001

Sheet 2 of 6

PWGC Project Number: BRR2519 & BRR2520

Unauthorized alteration or addition to this drawing and related documents is a violation of Section 2209 of the New York State Education Law.



OVERALL SITE PLAN
SCALE: 1" = 200'

ZONING COMPLIANCE TABLE
TM #: 43.19-3-1.1
EXISTING ZONING: INDUSTRIAL BUSINESS PARK

SECTION	DESCRIPTION	REQUIRED	EXISTING	PROPOSED	VARIANCE REQ'D
§184	PERMITTED USES	N/A	N/A	TYPE 1	NO
§184	LOT AREA	1 AC.	64.02 AC.	64.02 AC.	NO
§229-102	MAX LOT COVERAGE	75%	N/A	0.06%	NO
§184	HEIGHT	16'	N/A	15'	NO
§229-102	PROPERTY SETBACK (FRONT)	80'	N/A	22.8'	YES
§229-102	PROPERTY SETBACK (SIDE)	20'	N/A	40.6'	NO
§229-102	PROPERTY SETBACK (BACK)	25'	N/A	1,346.9'	NO
§229-102	PROPERTY SETBACK (RESIDENTIAL ZONE)	100'	N/A	168.2'	NO

SITE COVERAGE CALCULATIONS:
IMPERVIOUS AREA (CONCRETE PAD): 0.04 AC.
TOTAL SITE AREA: 64.02 AC.
SITE COVERAGE: 0.04 AC. / 64.02 AC. = 0.06%

ZONING COMPLIANCE TABLE
TM #: 57.11-4-14.11
EXISTING ZONING: INDUSTRIAL BUSINESS PARK

SECTION	DESCRIPTION	REQUIRED	EXISTING	PROPOSED	VARIANCE REQ'D
§184	PERMITTED USES	N/A	N/A	TYPE 1	NO
§184	LOT AREA	1 AC.	20.83 AC.	20.83 AC.	NO
§229-102	MAX LOT COVERAGE	75%	N/A	NO	NO
§184	HEIGHT	16'	N/A	15'	NO
§229-102	PROPERTY SETBACK (FRONT)	80'	N/A	42.5'	YES
§229-102	PROPERTY SETBACK (SIDE)	20'	N/A	39.2'	NO
§229-102	PROPERTY SETBACK (BACK)	25'	N/A	18.5'	YES
§229-102	PROPERTY SETBACK (RESIDENTIAL ZONE)	100'	N/A	112'	NO

SITE COVERAGE CALCULATIONS:
IMPERVIOUS AREA (CONCRETE PAD): 0.04 AC.
TOTAL SITE AREA: 20.83 AC.
SITE COVERAGE: 0.04 AC. / 20.83 AC. = 0.19%

CONSULTANTS

FOR PERMITTING PURPOSES ONLY, NOT FOR CONSTRUCTION

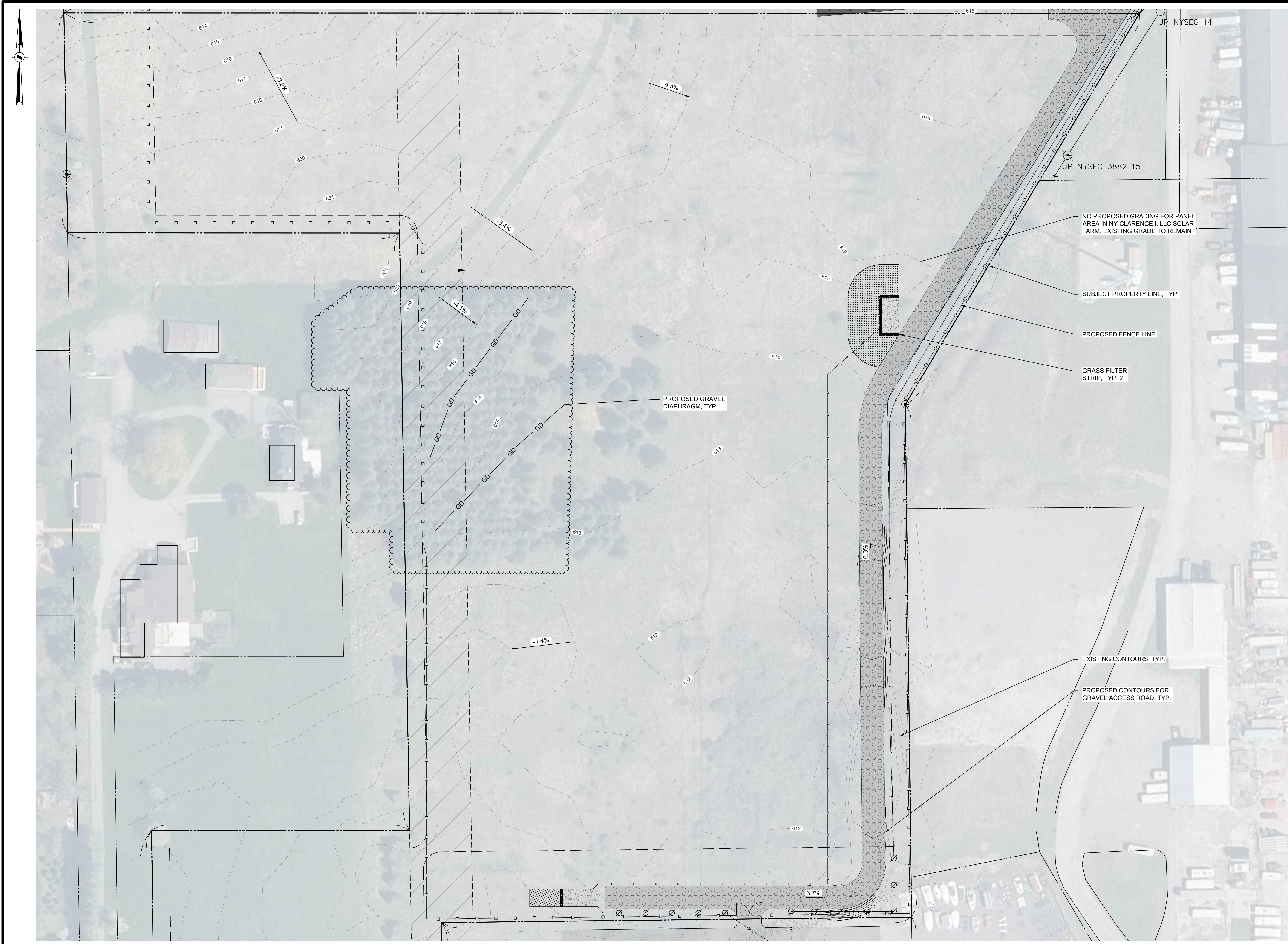
Number	Revision Description	Revision Date
7		
6		
5		
4		
3		
2		
1		

Designed By: _____ Date Submitted: _____
 Drawn By: **RPV** Date Created: **2026-02-24**
 Approved By: **MTS** Scale: **AS NOTED**

Client: **NY CLARENCE I, LLC AND ROLL ROAD III, LLC**
 228 AVIATION AVENUE, SUITE 200
 SOUTH BURLINGTON, VT 05403
8550 ROLL ROAD SOLAR FARM
 Project Address: **8550 ROLL ROAD TOWN OF CLARENCE ERIE COUNTY, NY 14032**

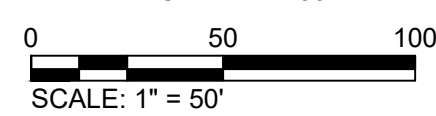
OVERALL SITE PLAN

Drawing Number: _____
 Sheet **3** of **6**
 PWGC Project Number: **BRR2519 & BRR2520**



GRADING AND DRAINAGE PLAN - NY CLARENCE I, LLC

SCALE: 1" = 50'



ENVIRONMENTAL ENGINEERING & CONSULTING

P.W. GROSSER CONSULTING ENGINEER AND HYDROGEOLOGIST, D.P.C.

630 Johnson Avenue - Suite 7
 Bohemia, NY - 11716-2618
 Phone: (631) 589-6353 - Fax: (631) 589-8705
 E-mail: PWGC.INFO@PWGROSSER.COM

CONSULTANTS

- NO PROPOSED GRADING FOR PANEL AREA IN NY CLARENCE I, LLC SOLAR FARM, EXISTING GRADE TO REMAIN
- SUBJECT PROPERTY LINE, TYP.
- PROPOSED FENCE LINE
- GRASS FILTER STRIP, TYP. 2

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7		
6		
5		
4		
3		
2		
1		

Number	Revision Description	Revision Date

Designed By	Date Submitted
Drawn By	Date Created
Approved By	Scale

Client:
 NY CLARENCE I, LLC AND ROLL ROAD III, LLC
 228 AVIATION AVENUE, SUITE 200
 SOUTH BURLINGTON, VT 05403

8550 ROLL ROAD SOLAR FARM

Project Address:
 8550 ROLL ROAD
 TOWN OF CLARENCE
 ERIE COUNTY, NY 14032

County Tax Map Number:	Contract Number:
Regulatory Reference Number:	

Title of Drawing:

GRADING AND DRAINAGE PLAN - NY CLARENCE I, LLC

Drawing Number: **C-200**

Sheet **4** of **6**

PWGC Project Number: **BRR2519 & BRR2520**



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CONSULTANTS

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 PURPOSES ONLY, NOT FOR
 CONSTRUCTION**

7		
6		
5		
4		
3		
2		
1		
Number	Revision Description	Revision Date

Designed By	Date Submitted
Drawn By RPV	Date Created 2026-02-24
Approved By MTS	Scale AS NOTED

Client:
NY CLARENCE I, LLC AND ROLL ROAD III, LLC
 228 AVIATION AVENUE, SUITE 200
 SOUTH BURLINGTON, VT 05403
8550 ROLL ROAD
SOLAR FARM

Project Address:
8550 ROLL ROAD
TOWN OF CLARENCE
ERIE COUNTY, NY 14032


County Tax Map Number: **57.11-4-7.211, 57.11-4-14.1, 43.19-3-1.1** Contract Number:
 Regulatory Reference Number:

**GRADING AND
 DRAINAGE PLAN - NY
 ROLL ROAD III, LLC**

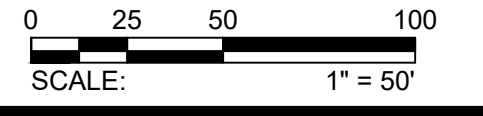
Drawing Number: **C-201**

Sheet **5** of **6**

PWGC Project Number: **BRR2519 & BRR2520**



GRADING AND DRAINAGE PLAN - NY ROLL ROAD III, LLC



PWGC FILE NAME: J:\Projects\BRR2519-2520\BRR2520 - Roll Road III\Drawings\Roll Road III.dwg (C-201)
 PLOT DATE/TIME: Sat, 02/25/2026 10:58:19 AM

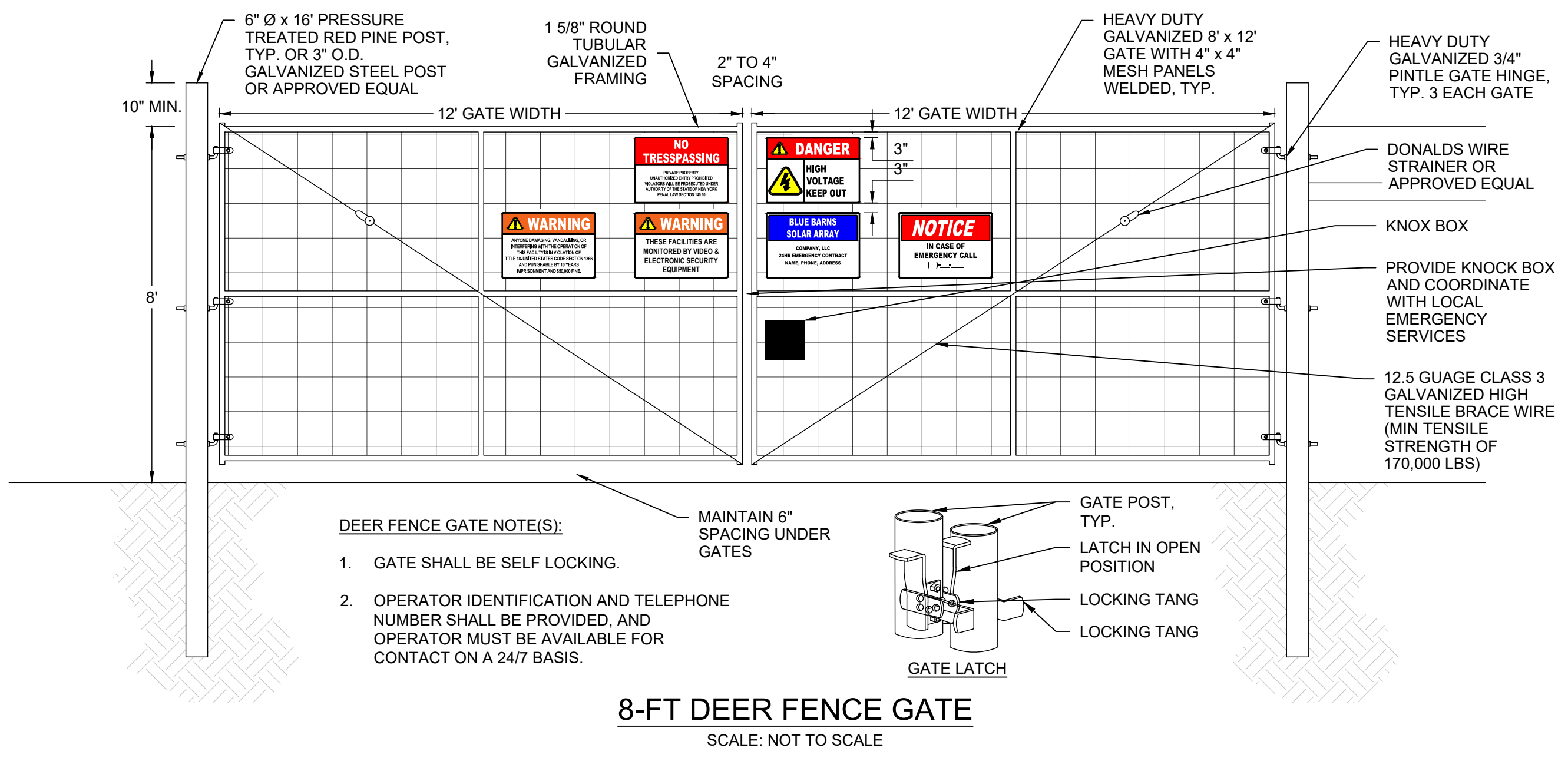


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630 Johnson Avenue - Suite 7
Bohemia, NY - 11716-2618
Phone: (631) 589-6353 - Fax: (631) 589-8705
E-mail: PWGC.INFO@PWGROSSER.COM

CONSULTANTS

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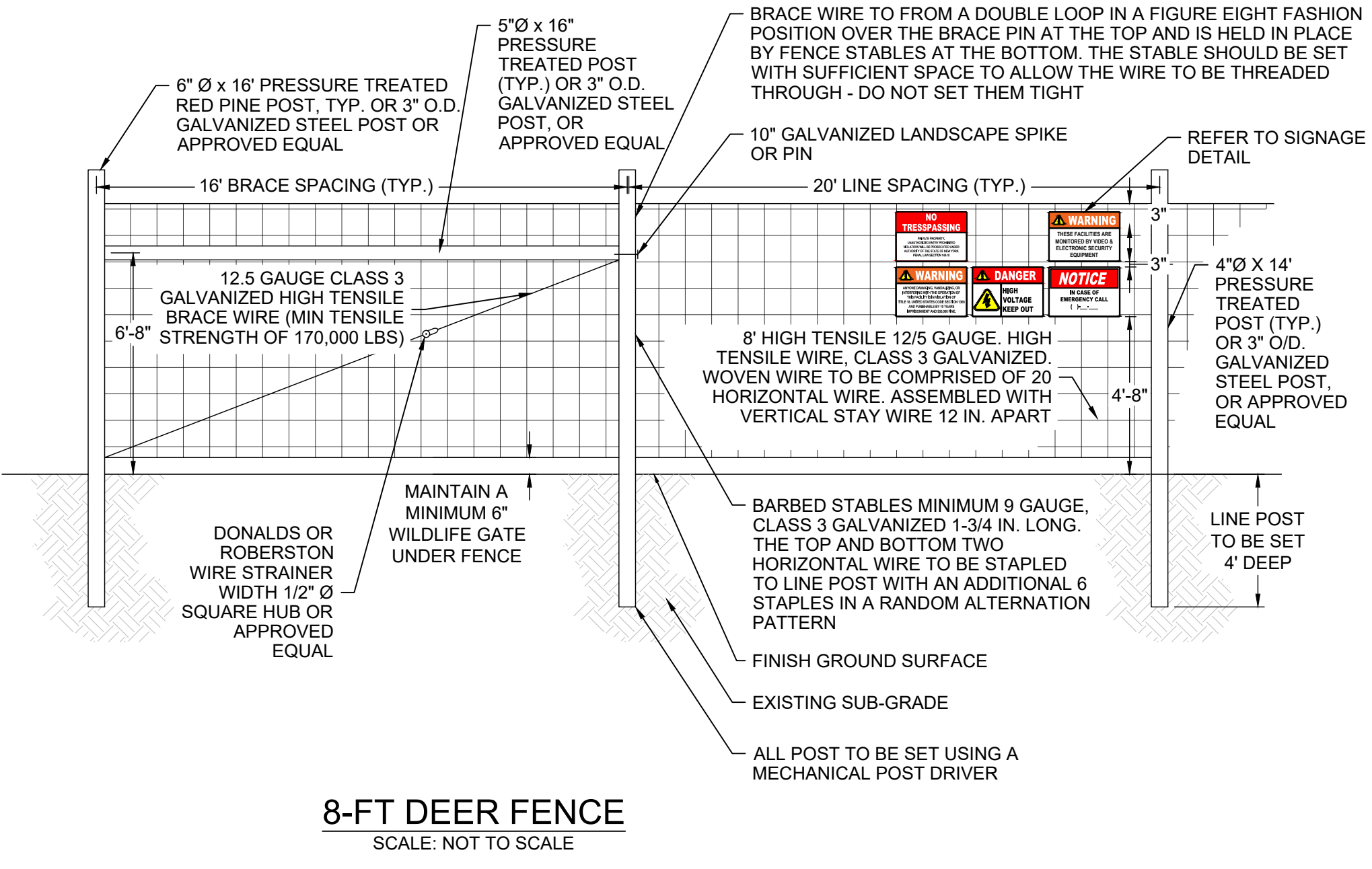


- DEER FENCE GATE NOTE(S):
1. GATE SHALL BE SELF LOCKING.
2. OPERATOR IDENTIFICATION AND TELEPHONE NUMBER SHALL BE PROVIDED, AND OPERATOR MUST BE AVAILABLE FOR CONTACT ON A 24/7 BASIS.

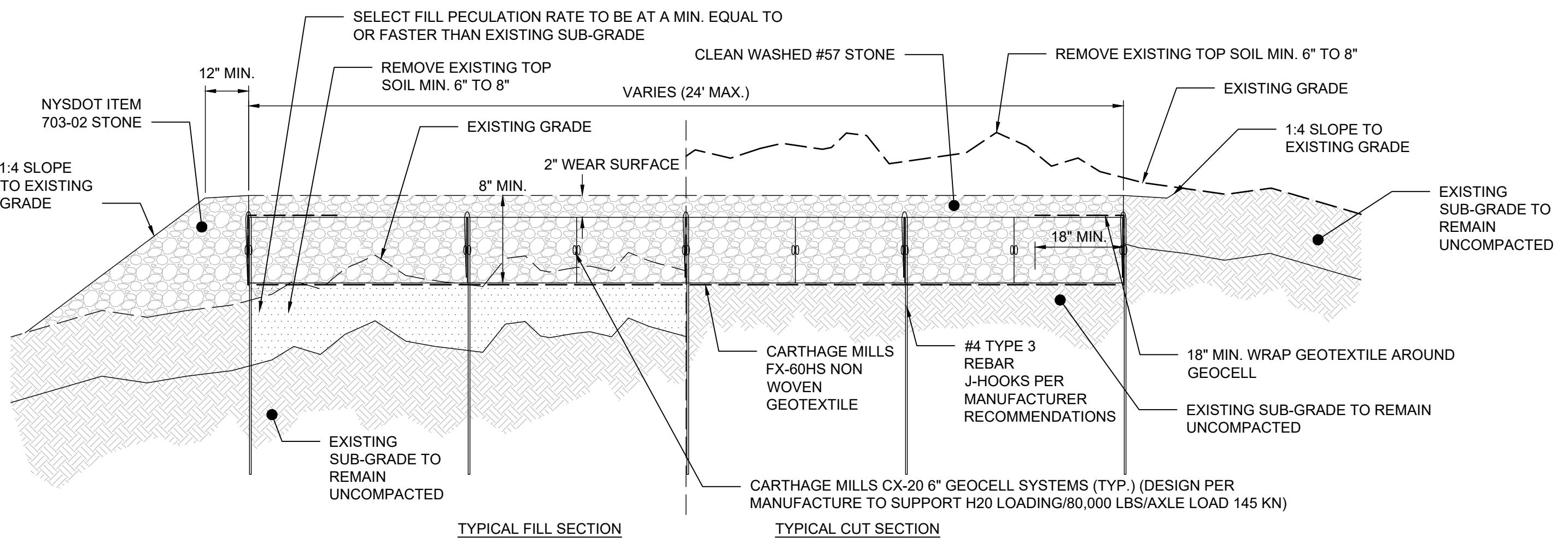
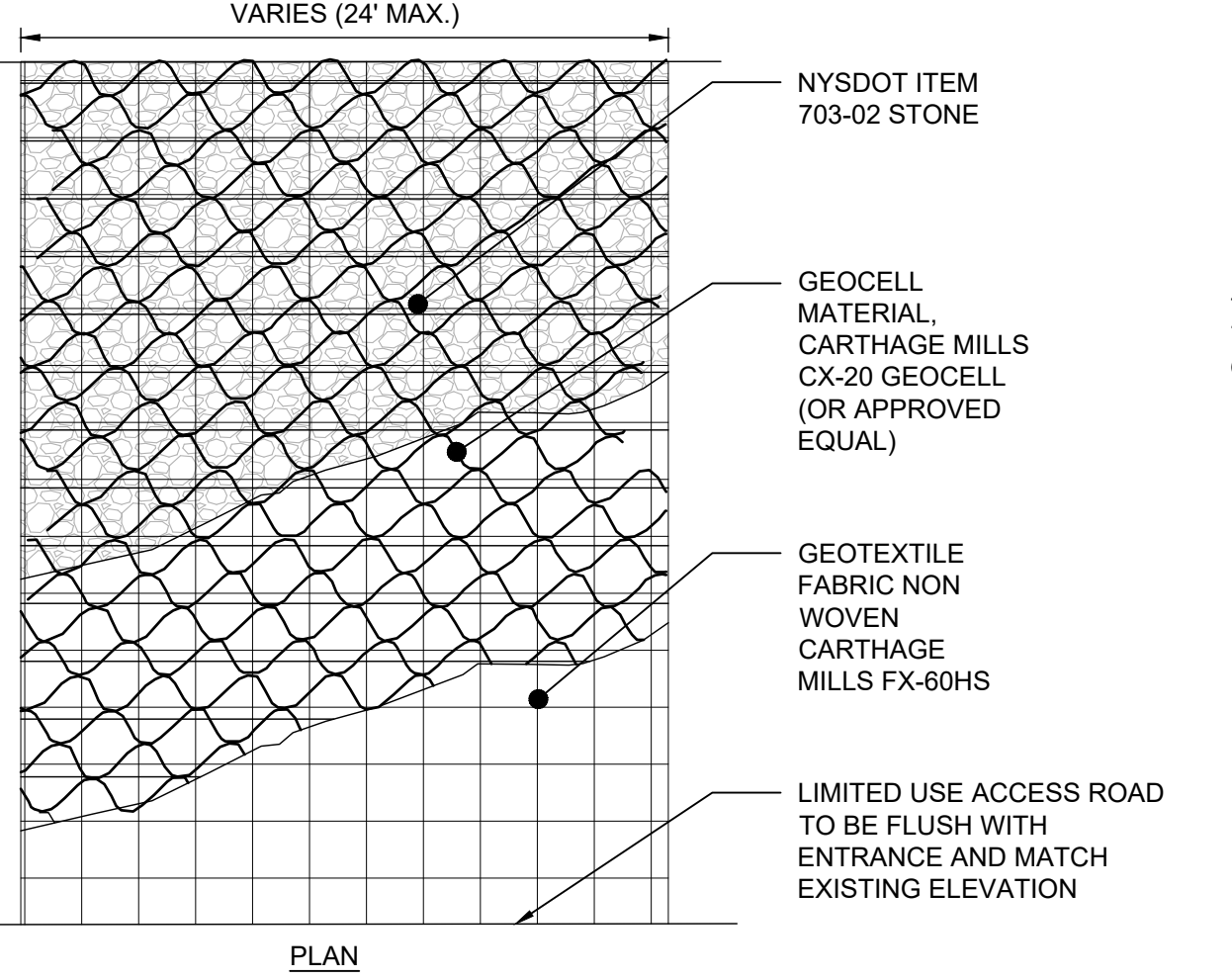
8-FT DEER FENCE GATE SCALE: NOT TO SCALE

BRACING NOTES

- 1. BRACING IS REQUIRED AT ALL CORNER, END GATE, AND PULL ASSEMBLIES IN THE FENCE.
2. CORNERS ARE REQUIRED AT ALL POINTS WHERE THE FENCE ALIGNMENT CHANGES 15 DEGREES OR MORE...
3. END BRACING IS REQUIRED WHERE THE FENCE ENDS AT A BUILDING OR ON EACH SIDE OF A GATE OPENING...
4. PULL ASSEMBLIES ARE REQUIRED IN STRAIGHT SECTIONS OF FENCE...
5. DOUBLE BRACES (FIGURE 4) SHOULD BE USED ON EACH END FOR STRAIGHT FENCE LINES EXCEEDING 1,000 FT...
6. FENCE SHALL HAVE A MINIMUM HEIGHT OF 8 FT.
7. A 5' GAP FROM GRADE TO THE BOTTOM OF THE FENCE TO ALLOW FOR THE MOVEMENT OF SMALL ANIMALS.



8-FT DEER FENCE SCALE: NOT TO SCALE



GENERAL NOTES

- 1. PROVIDE A 4800 LB/FT ENHANCED WOVEN GEOTEXTILE SEPERATION LAYER AND INSTALL PER MANUFACTURER RECOMMENDATIONS INCLUDING OVERLAPS BASED ON SUB GRADE CBR.
2. THE GEOCELL SHALL BE CONNECTED WITH TYP 3 REBAR J HOOKS.
3. PROVIDE TYP 3 ANCHORS TO KEEP PANELS OPEN FOR INFILL AS REQUIRED.
4. GEOCELL INFILL SHALL BE 3/4" TO 1.5" CRUSHED AGGREGATE WITH FINE LIMITED TO LESS THAN 10% TO ALLOW FREE DRAINAGE...
5. LIMIT THE DROP OF INFILL TO PREVENT PANEL DISTORTION.
6. ASSUME HS-20 LOADING

GEOCELL MATERIAL NOTES:

- 1. THE GEOCELL, OR COMPARABLE PRODUCT, IS SUGGESTED FOR USE ON ROAD PROFILES EXCEEDING 5% SLOPE...
2. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS...
4. GRAVEL FILL MATERIAL SHALL CONSIST OF 1-4" CLEAN, DURABLE, SHARP-ANGLED CRUSHED STONE...
5. GEOCELL SYSTEM SHALL BE CARTHAGE MILLS CX-20 6" HS20 LOADING OR APPROVED EQUAL...
6. LIMITED USE PERVIOUS ACCESS ROAD SHALL BE TOP DRESSED AS REQUIRED WITH ONLY 1-4" CRUSHED STONE...
7. THE TOP EDGES OF ADJACENT CELL WALLS SHALL BE FLUSH WHEN CONNECTING...
8. PREPARE THE SUBGRADE AS SHOWN ON THE CONSTRUCTION DRAWINGS.
9. COMPACT THE SOIL TO A MINIMUM 95% STANDARD PROCTOR.
10. IF UNACCEPPTABLE, THE SOILS SHALL BE REMOVED AND REPLACED AS DIRECTED BY THE ENGINEER.
11. WHERE REQUIRED, PROVIDE GEOTEXTILE SEPARATION LAYER.
12. EXPAND THE GEOCELL SECTIONS INTO POSITION AND CONNECT THE END TO END INTERLEAD CONNECTIONS WITH ATRA KEYS.
13. PLACE THE SPECIFIED INFILL MATERIAL TO 2 INCHES ABOVE CELL WALLS AND COMPACT TO A MINIMUM 95% STANDARD PROCTOR.
14. PROVIDE ADDITIONAL SURFACE MATERIAL AS SPECIFIED.

WOVEN GEOTEXTILE MATERIAL NOTES:

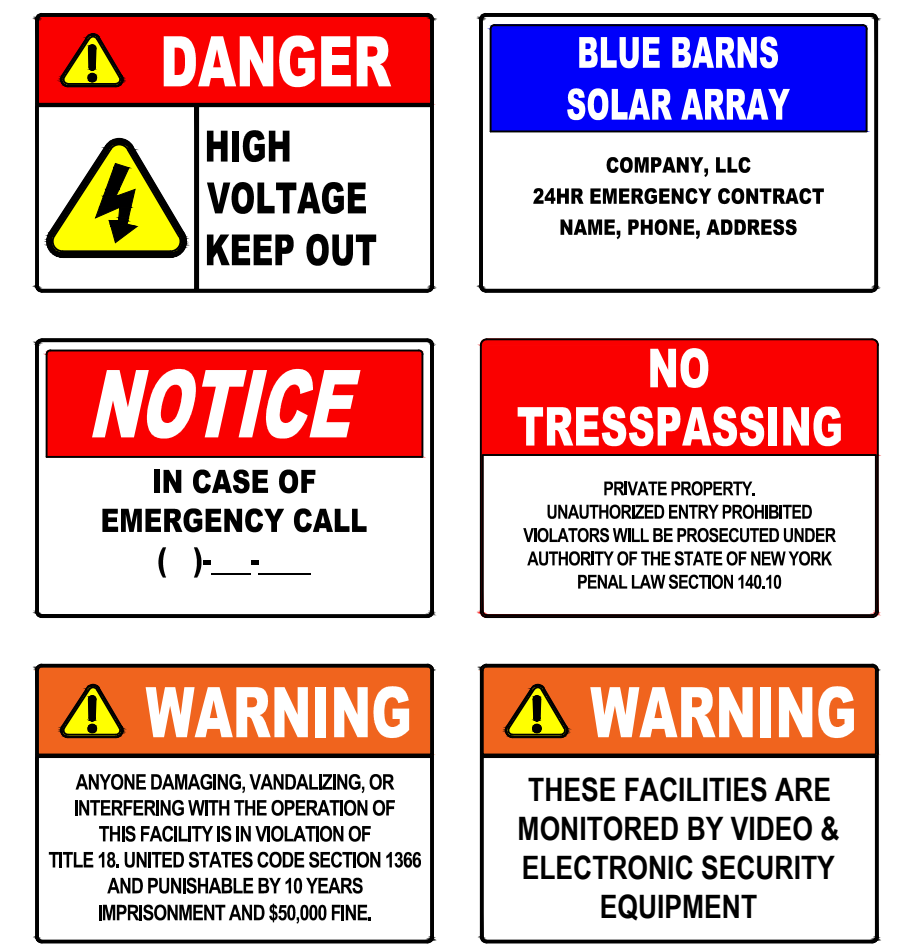
- 1. GEOTEXTILE MATERIAL TO B CARTHAGE MILL FX-60HS OR APPROVED EQUAL.

BASIS OF DESIGN: CARTHAGE MILLS

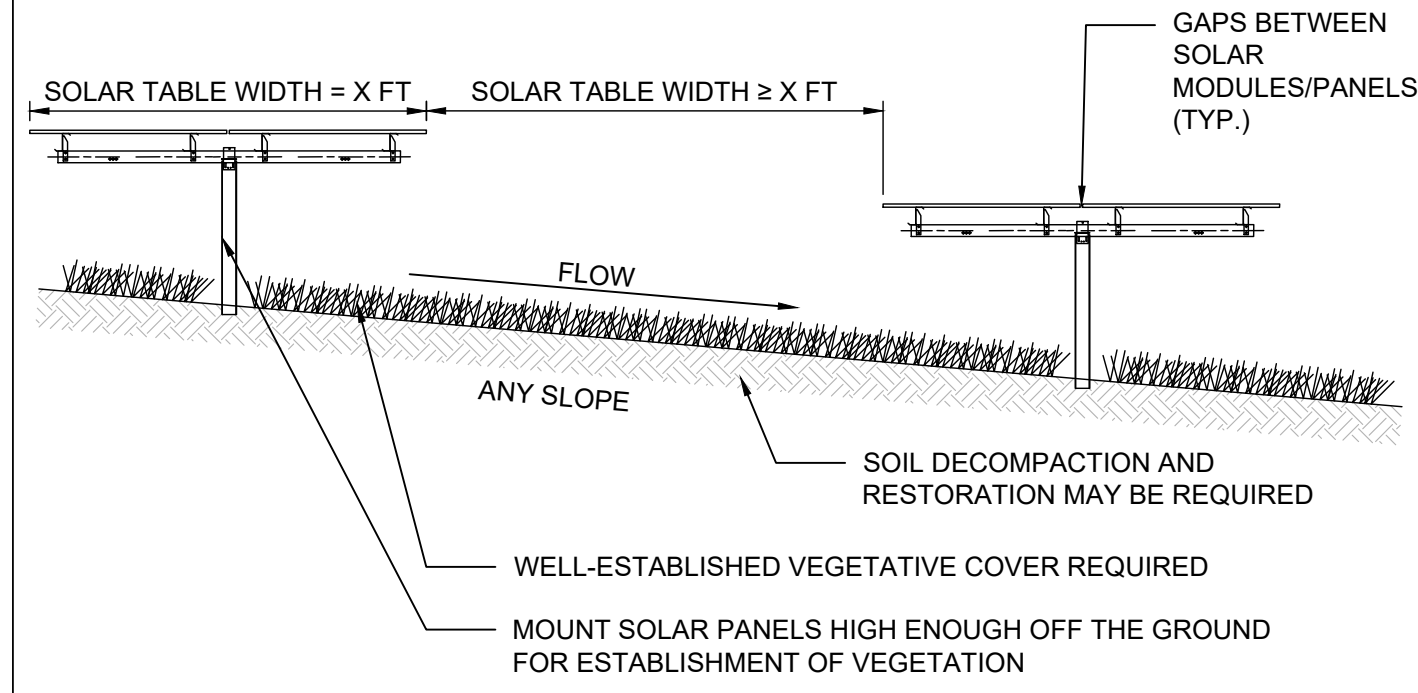
PERMEABLE ACCESS ROAD GENERAL NOTES

- 1. USE OF THIS DETAIL/CRITERION IS LIMITED TO ACCESS ROADS USED ON AN OCCASIONAL BASIS ONLY (I.E. PROVIDE ACCESS FOR MOWING EQUIPMENT REPAIR OR MAINTENANCE, ETC.)
2. LIMITED USE PERVIOUS ACCESS ROAD IS LIMITED TO LOW IMPACT IRREGULAR MAINTENANCE ACCESS ASSOCIATED WITH RENEWABLE ENERGY PROJECTS IN NEW YORK STATE.
3. REMOVE STUMPS, ROCKS AND DEBRIS AS NECESSARY, FILL VOIDS TO MATCH EXISTING NATIVE SOILS AND COMPACTION LEVEL.
4. REMOVED TOPSOIL MAY BE SPREAD IN ADJACENT AREAS AS DIRECTED BY THE PROJECT ENGINEER...
5. GRADE ROADWAY, WHERE NECESSARY TO NATIVE SOIL AND DESIRED ELEVATION...
6. REMOVE 6" TO 8" TOPSOIL AS DIRECTED BY ENGINEER.
7. REMOVE REFUSE SOILS AS DIRECTED BY THE PROJECT ENGINEER...
8. THE LIMITED USE PERVIOUS ACCESS ROAD CROSS SLOPE SHALL BE 0% IN MOST CASES...
9. LIMITED USE PERVIOUS ACCESS ROAD IS NOT INTENDED TO BE UTILIZED FOR CONSTRUCTION WHICH MAY SUBJECT THE ACCESS TO SEDIMENT TRACKING...
10. TO ENSURE THAT SOIL IS NOT TRACKED ONTO THE LIMITED USE PERVIOUS ACCESS ROAD...
11. THE LIMITED USE PERVIOUS ACCESS ROAD SHALL NOT BE CONSTRUCTED OR USED UNTIL ALL AREAS SUBJECT TO RUNOFF ONTO THE PERVIOUS ACCESS HAVE ACHIEVED FINAL STABILIZATION.

GRAVEL ACCESS ROAD SCALE: NOT TO SCALE



SIGNAGE DETAIL SCALE: NOT TO SCALE



NOTE: X = PLAN VIEW DISTANCE, EDGE TO EDGE (THE LARGEST DISTANCE POSSIBLE FOR ROTATING TABLES CONSIDERING ALL TABLE ROTATIONS/POSITIONS)

SOLAR PANEL SPACING SCALE: NOT TO SCALE

Revision table with columns for Number, Revision Description, and Revision Date.

Design, Check, and Approval fields with names and dates.

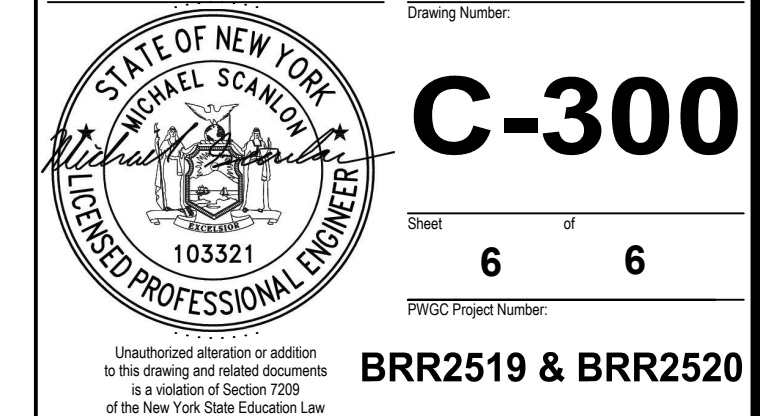
Client: NY CLARENCE I, LLC AND ROLL ROAD III, LLC

Project Address: 8550 ROLL ROAD TOWN OF CLARENCE ERIE COUNTY, NY 14032

County Tax Map Number: 57.11-4-7.211, 57.11-4-14.1, 43.19-3-1.1

Drawing Number: C-300

Sheet 6 of 6



Unauthorized alteration or addition to this drawing and related documents is a violation of Section 2209 of the New York State Education Law.

PREPARED FOR
 Natale Development
 9159 Main Street
 Clarence, NY 14031

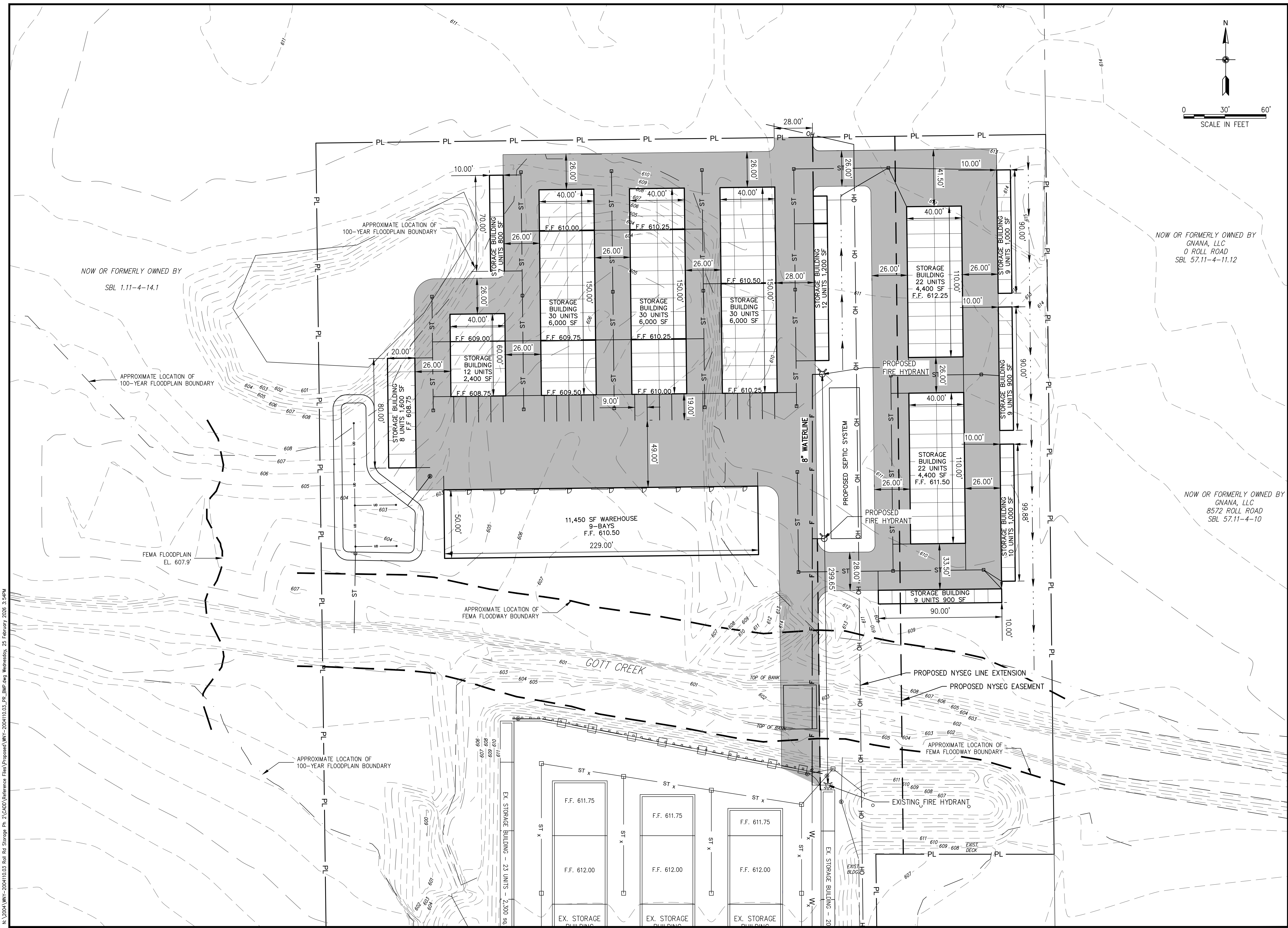
Roll Road Storage Site, Phase 2
 8550 Roll Road
 Clarence, NY 14032

WARNING: ALTERATIONS TO THIS DOCUMENT NOT CONFORMING TO SECTION 209B SUBDIVISION 2, STATE EDUCATION LAW ARE PROHIBITED

REVISIONS		
NO.	REVISION	DATE

February 2026
 DRAWN/DESIGN BY: JS
 CHECKED BY: KZ

Hydrant Layout Exhibit
 SCALE: 1" = 30'
 WNY-2004110.03
 EX - 01



N:\2004\WNY-2004110.03 Roll Rd Storage Ph 2\CAD\3\Reference Files\Proposed\WNY-2004110.03_PL_BWP.dwg Wednesday, 25 February 2026 3:54PM

March 17, 2026

Jonathan Bleuer
Office of Planning and Zoning
Town of Clarence
One Town Place
Clarence, NY 14031

RE: ADDITIONAL INFORMATION
 8550 ROLL ROAD - STORAGE & SOLAR FACILITY

Dear Mr. Bleuer:

During the Executive Session of the Planning Board on March 16th the Board requested additional information for the Roll Road Storage and Solar Facility. Please find enclosed the following supplemental information for review:

- Building elevation examples for the warehouse and storage facility
- Proposed construction phasing plan for the storage and solar facility

Please note that the storage facility buildings will be similar to those already constructed in Phase 1 of the development. At this early concept stage of the development detailed architectural plans have not yet been prepared so examples of the buildings are being provided in place of finished architectural elevations.

We request to be placed on the April 1st Planning Board agenda for Concept Review and a SEQR determination. Please feel free to contact me at 989-3342 if you have any questions. Thank you for your consideration in this matter.

Sincerely,
GREENMAN-PEDERSEN, INC.



Kenneth C. Zollitsch
Director of Land Planning

cc: Natale Building Corp.
 NY Clarence I, LLC & NY Roll Road III, LLC
 PWGC
 File No. 2004110



Proposed style of warehouse facility



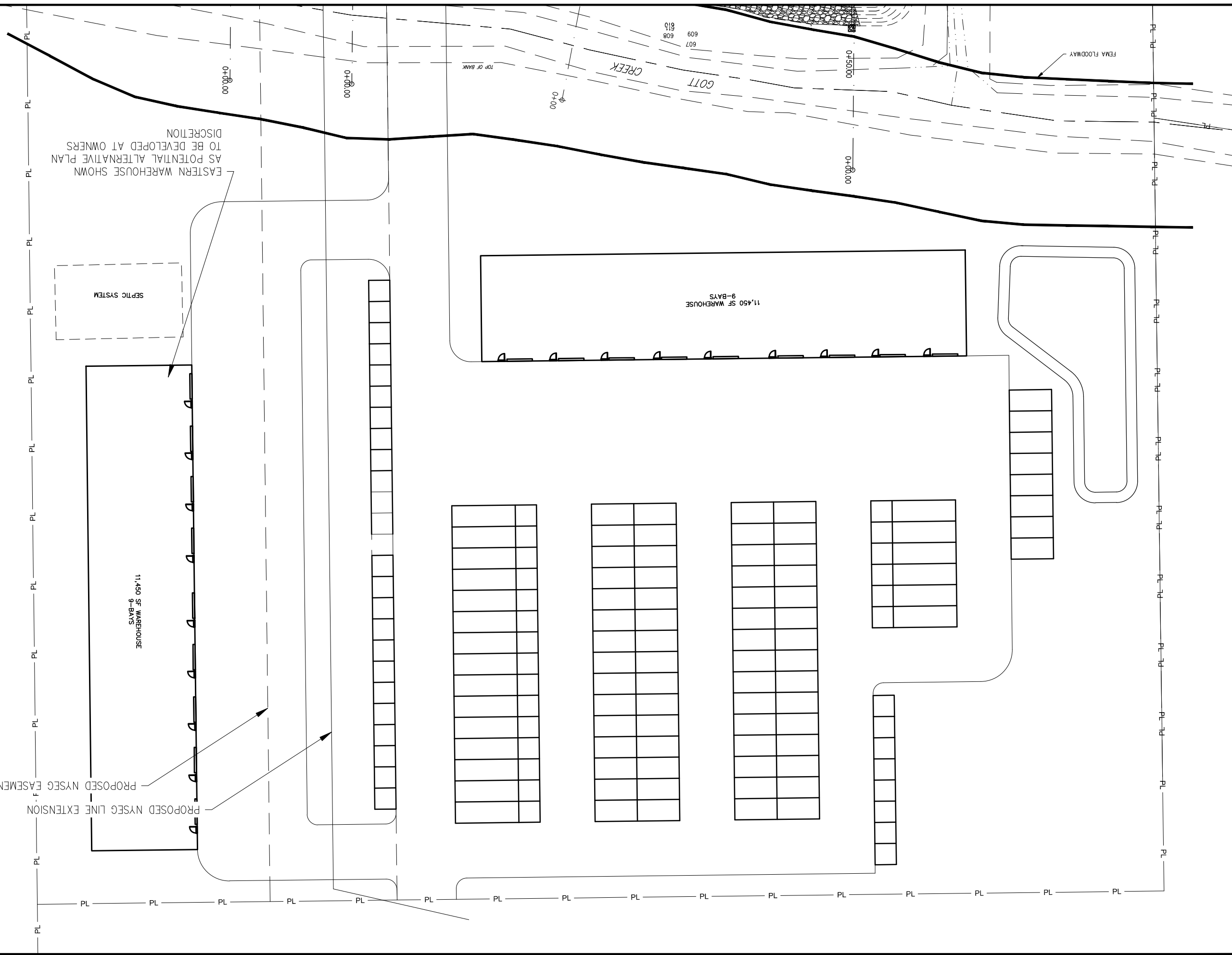
Existing Phase 1 self-storage facility

NY Clarence I, LLC and Roll Road 3, LLC
Natale Development

Roll Road Storage and Solar Site Phasing
8550 Roll Road, Town of Clarence

The Roll Road storage and solar site is currently proposed as a mixed commercial and solar facility located at 8550 Roll Road. In discussions with the Town of Clarence, it is understood that the Town is requiring solar facilities have a commercial development as part of the overall project with the solar facility acting as a supplemental use. The commercial use for this site as identified on the concept plan currently consists of one 11,450 sf warehouse building and approximately 210 self-storage units. The commercial portion of this site is intended to be an expansion of the already existing self-storage facility located on the south side of Gott Creek and fronting Roll Road.

Natale Development and Bullrock Solar are proposing that the 11,450 sf warehouse building be constructed concurrently with the solar facility located at the rear of the property. It is anticipated that the entire solar facility will be constructed simultaneously with the warehouse building and there would be no phasing for the solar facility part of the site. Upon completion of the solar facility and warehouse building, a determination will be made regarding the future commercial development of the site. Market conditions will be assessed and further development of the commercial section of the site will include the outdoor self-storage units (as currently indicated on the concept plan) or additional warehousing space.



01 of 01
 WNY-2004110.03
 SCALE: 1" = 20'
 ALTERNATE SITE PLAN

DRAWN/DESIGN BY		CHECKED BY		NO.		REVISION		DATE	
KZ		KZ						July 2025	

WARNING: ALTERATIONS TO THIS DOCUMENT NOT CONFORMING TO EXISTING REGULATIONS OR LOCAL ORDINANCES ARE PROHIBITED.

**ROLL ROAD STORAGE SITE
 PHASE 2**
 8550 ROLL ROAD
 CLARENCE, NY 14032

PREPARED FOR
 Natalie Development
 9159 Main Street
 Clarence, NY 14031

GPI
 Engineering
 Planning
 Construction Management
 7161 633-1044
 GPI@GPIINC.COM
 4950 Genesee Street, Suite 100
 Buffalo, NY 14225

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project:			
Roll	Road	Solar	Projects
Project Location (describe, and attach a general location map):			
SBL	No.	43.19-3-1.1,	SBL No. 1.11-4-14.1 and SBL No. 57.11-4-7.211
Brief Description of Proposed Action (include purpose or need):			
The Project Sponsor is proposing construction of two solar energy systems on 64+/- acres and NY Roll Road III, LLC on 21+/- acres (encompassing approx. 4.8 acres), identified as Epic Storage LLC. The project will provide access drive and other support infrastructure; solar panels are provided to the local utility grid. Residents can subscribe to an accessory use to the adjacent Self Storage Facility which is			
Name of Applicant/Sponsor:			Telephone: 802-999-7000
NY	Clarence	I, LLC (CESIR#24068)	and NY E-Mail: gregg@bullrockcorp.com
Address: 228 Aviation Ave., Ste 200			
City/PO: South Burlington		State: VT	Zip Code: 05403
Project Contact (if not same as sponsor; give name and title/role):		Telephone: 716-827-8100 ext. 230	
Nussbaumer & Clarke, Inc., Robert J. Pidar		E-Mail: rpidanick@nussclarke.com	
Address: Buffalo			
City/PO: Buffalo		State: NY	Zip Code: 14219
Property Owner (if not same as sponsor):		Telephone: 716-206-4025	
James Diblasi Jr. JT TNT; Denise Storage Solutions LLC		E-Mail: fxlr187@aol.com	
Address: 8550 Roll Road			
City/PO: Clarence Center		State: NY	Zip Code: 14032

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Clarence (T) Board - Site Plan and State Environmental Quality Review Act (SEQRA).	June 2025
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Clarence (T) Planning Board - Site Plan and SEQRA	June 2025
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Clarence (T) Industrial Agency IDA/PILOT	June 2025
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Erie County Department of Environment and Planning (ECDEP) - Site Plan Review Erie County DEP-OWTS	June 2025
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	New York State Energy Research and Development Authority (NYSERDA) (SPDES)	June 2025
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	State Wetlands (Jurisdictional Determination)	June 2025
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

NYS Heritage Areas: West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Industrial Business Park _____
- b. Is the use permitted or allowed by a special or conditional use permit? Yes No
- c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

- a. In what school district is the project site located? Clarence Central School District _____
- b. What police or other public protection forces serve the project site?
Clarence Sub Station - 5 Town Place _____
- c. Which fire protection and emergency medical services serve the project site?
Clarence Center Fire Department _____
- d. What parks serve the project site?
Meadow Lakes Park, Town Place Park _____

D. Project Details

D.1. Proposed and Potential Development

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commercial _____
- b. a. Total acreage of the site of the proposed action? _____ 90+/- acres
b. Total acreage to be physically disturbed? _____ 6.7+/- acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 90+/- acres
- c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ 96 _____ Units: _____ acres _____
- d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____
- e. Will the proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: _____ 18 months
ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures 247 (arrays), 14 Storage buildings
 ii. Dimensions (in feet) of largest proposed structure: 15 height; 8 width; and 185 length
 iii. Approximate extent of building space to be heated or cooled: 11,450 (storage bldg.) square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: Small storm water detention pond
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: parking lot, roof top runoff
 iii. If other than water, identify the type of impounded/contained liquids and their source.

 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: 0.15 ACRES acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
Earth detention pond structure

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Unnamed Federal Jurisdictional Wetland and wetland associated with Gott Creek.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres: Approximately 0.45+/- acres of impact will occur to federal jurisdictional wetlands on site. Impacts will include placement of fill and installation of a culvert across Gott Creek.

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: Installation of new Culvert pipe across Gott Creek

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: 0.04 acres (for culvert pipe installation area only)
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): construction of new culvert pipe
- proposed method of plant removal: backhoe
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: Creek bank remediation/stabilization via erosion control mats

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ 150 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: Erie County Water District
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
Private waterline will need to be extended from south side of Gott Creek within existing storage facility.
- Source(s) of supply for the district: Erie County Water Authority

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ 90 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): Sanitary wastewater.

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):
 On site wastewater treatment system (Septic System) _____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or 2.9 acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. Proposed concrete equipment pads (4), gutters, asphalt pavement

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
groundwater / Gott Creek

• If to surface waters, identify receiving water bodies or wetlands: _____
Gott Creek

• Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
Construction equipment / Dump trucks / level spreaders / mounting post pile driver (during construction only)
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
Average commercial use for small warehousing and self storage units.

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
Via existing grid.

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:30 am to 4:30 pm _____ • Saturday: _____ 7:30 am to 4:30 pm _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24 / 7 / 365 _____ • Saturday: _____ 24 hrs. _____ • Sunday: _____ 24 hrs. _____ • Holidays: _____ 24 hrs. _____
--	--

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:
During construction post pounders will increase ambient noise levels for about two weeks.
During operation, no equipment will be audible off the property.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Lighting fixtures on buildings for warehouse and self storage units, dark sky compliant and aimed down.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ 4 tons per _____ month (unit of time)
- Operation : _____ 0 tons per _____ month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Mobile Dumpsters.
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site. (Phase 2 Self Storage Facility numbers also included)

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	2.9 acres	2.9
• Forested	16.2 acres	10.5 acres	5.7
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	42.0 acres	10.9 acres	31.1
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)		0.4 acres	0.4
• Wetlands (freshwater or tidal)	31.8 acres	31.5 acres	0.3
• Non-vegetated (bare rock, earth or fill)	0	0	
• Other Describe: Pervious Access Road (limited use) maintained lawn/landscaping	0	1.5 acres	1.5

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:
Vincroft Retirement Community

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 6.5 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Od	_____	_____	46.8 %
La	_____	_____	22.7 %
CgB	_____	_____	11.5 %

d. What is the average depth to the water table on the project site? Average: _____ 2 feet

e. Drainage status of project site soils: Well Drained: _____ 11.5 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ 69.5 % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 837-49 Classification C(T)
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size 31+/- Acres
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____
 Name - Pollutants - Uses: Ransom Creek, Upper, and tribs – Pathogens; D.O./Oxygen Demand – Recreation; Aquatic Life

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____ deer _____ raccoons _____ fox _____ rabbits _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

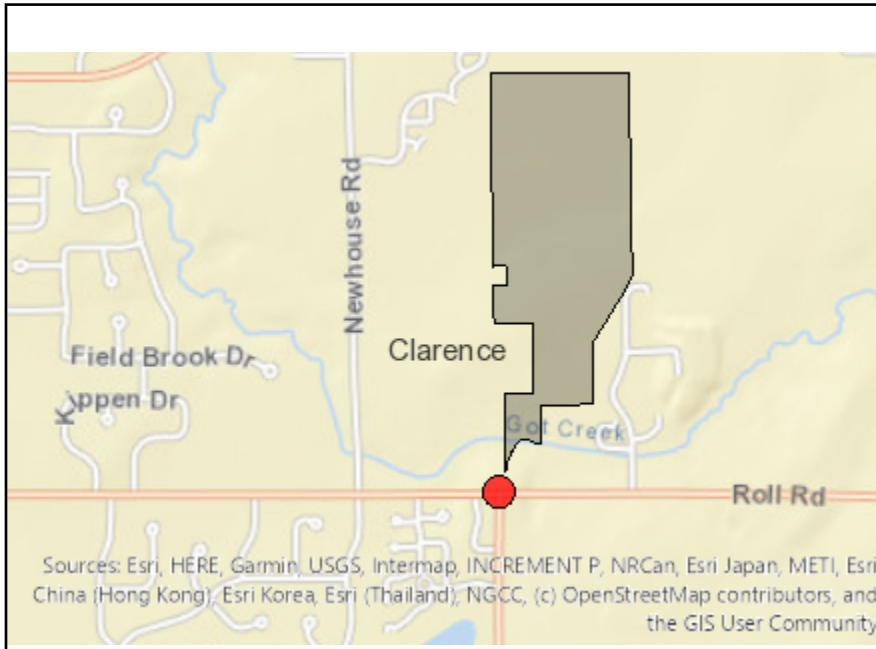
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Doug Moses Date 07/11/2025

Signature Doug Moses Title Duly Authorized Agent



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	837-49
E.2.h.iv [Surface Water Features - Stream Classification]	C(T)
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Ransom Creek, Upper, and tribs – Pathogens;D.O./Oxygen Demand – Recreation;Aquatic Life

E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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. NO YES
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If “Yes”, answer questions a - h. If “No”, move on to Section 5.

	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. NO YES
 (See Part 1. E.2)
If “Yes”, answer questions a - g. If “No”, move on to Section 6.

	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 the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State 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 617.7(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>

FEAF Part 3b Reasons Supporting this Determination:

Project Name: Roll Road Solar Projects

Project Location: 8550 Roll Road – SBL: 57.11-4-7.211 | SBL: 1.11-4-14.1 | SBL: 43.19-3-1.1

Date: 04-01-2026

Executive Summary:

The “Project Site” is north of Roll Road, south of Clarence Center Road, east of Newhouse Road, and west of Shimerville Road; and consists of SBL: 57.11-4-7.211 | SBL: 1.11-4-14.1 | SBL: 43.19-3-1.1. The Project Site consists of +/- 93.4 acres of land and is zoned as Industrial Business Park (“I”) pursuant to the Town of Clarence Zoning Map. The portion of the Project Site closest to Roll Road currently contains a self-storage facility while the remaining land is undeveloped mowed fields and wooded areas. The “Project” involves the following:

- phase two (2) of a self- storage facility to include thirteen (13) self-storage buildings and an 11,450 sq.ft. commercial warehouse space building; and
- a 10.45-megawatt direct current (MWdc) solar facility.

The Project site access would be from Roll Road through phase two of the self-storage facility. Should the flexible commercial warehouse space be successful, an alternate plan shows the removal of a portion of the phase two self-storage in favor of another +/- 11,450 sq.ft. commercial warehouse building. Both the Town and the Project Sponsor reserve the right to consider the replacement of phase two self-storage structure(s) with flexible commercial warehouse space.

After a thorough coordinated environmental review, it has been determined that the Project will not result in any potentially significant adverse impacts to the environment. The Project is in keeping with the recommended land use, design guidelines, and site layout standards for the underlying zoning classification. *Clarence 2030 – Town of Clarence Comprehensive Plan*, encourages the development of industrial land where utilities and services exist.

Compared to the criteria listed in Section 617.7 of the SEQRA Regulations, the Planning Board, acting in its capacity as the Lead Agency, has determined that the identified areas of environmental concern have been adequately addressed, and that the Project will not have any potentially significant adverse impacts on the environment. The reasoned elaboration of the Planning Board in support of the Negative Declaration is provided below.

1. Impact on Land:

The Project involves ground disturbance to vacant land on the Project Site. The Project Sponsor identified that a majority of the Project Site has a depth to water table greater than three (3) feet; however, the average water table for the overall Project Site is two (2) feet. The Project is designed to limit construction activities in areas where the depth to water table is less than 3 feet. The Proposed Project does not involve construction on slopes of 15% or greater. Bedrock is

not within 5 feet of the existing ground surface of the Project Site. While blasting is not expected due to the depth to bedrock on the property, if blasting is necessary for infrastructure installation it shall be subject to compliance with all Federal, State and Local Laws and regulations. In addition, seismographs shall be deployed to monitor all blasts. Vibration and air blast overpressure shall stay within the United States Bureau of Mines criteria. An audible warning system will be implemented to secure the blast area. Finally, and prior to any blasting, a Blast Plan shall be formulated by the blasting company on behalf of the Project Sponsor, in compliance with all federal, state, and local laws and regulations. The Project will not involve the excavation and removal of more than 1,000 tons of natural material. Since the Project will result in disturbance of more than one acre of land, a Stormwater Pollution Prevention Plan (“SWPPP”) prepared by a licensed engineering firm will be required and the SWPPP will need to be reviewed and approved by the Town Engineering Department prior to site disturbance. The requirement for the SWPPP is outlined per the letter dated March 12, 2026 from Joseph Lancellotti of the Town of Clarence Engineering Department, and per the letter dated October 29, 2025 from Lisa M. Czechowicz of the New York State Department of Environmental Conservation (“NYSDEC”).

The Project will result in physical disturbance and vegetation removal; however, this potential impact represents a small impact since construction activities will need to comply with required applicable erosion and sediment control measures. Such erosion and sediment control measures will be specified in the engineered plans to be prepared by a licensed engineering firm as well as the required SWPPP. The proposed erosion control measures will be reviewed by the Town Engineering Department during the Development Plan review process. The Project Site is not located within a designated Coastal Erosion hazard area.

Construction of the Project is anticipated to occur for a period of more than one year. However, construction activities in furtherance of the Project will be intermittent and represent a temporary and unavoidable adverse impact that is not potentially significant. During the construction phases, the Project will need to comply with the applicable stringent standards for stormwater quality and storm quantity management as well as applicable standards for required infrastructure improvements. This will be verified by the Town Engineering Department in connection with the Development Plan review process.

2. Impact on Geological Features:

There are no unique or unusual land forms on the Project Site. Any proposals for deep excavations are subject to a hydrogeologic/geotechnical evaluation report as required by the Town of Clarence Engineering Department. Such report shall include, but not be limited to, analysis of the deep soils, soil stability, proximity to existing structures, basin constructability, groundwater, dewatering operations, and ability to hold water.

3. Impact on Surface Water:

The portion of the Project Site closest to Roll Road currently contains a self-storage facility while the remaining land is undeveloped mowed fields and wooded areas. Gott Creek bisects the

Project Site near the Roll Road section. Per the letter dated October 29, 2025 from Lisa M. Czechowicz of NYSDEC, Gott Creek has a water classification of C and standard of C(T), pursuant to 6 NYCRR Part 837, Item 49; therefore, any physical alteration to the bed or banks (within 50 feet of the stream) will require an Article 15, Title 5, Protection of Waters Permit from the NYSDEC. Besides the proposed crossing of Gott Creek for the Project's access drive, the buildings and infrastructure associated with the Project are designed to remain 50 feet away from the banks of Gott Creek.

The aforementioned letter from Lisa M. Czechowicz also stated that NYSDEC's amended Article 24, Freshwater Wetlands Jurisdiction and Classification regulations (6 NYCRR Part 664) went into effect on January 1, 2025 and that portions of New York State regulated freshwater wetlands and their adjacent areas may be located in the project area. Additionally, the aforementioned letter also stated that the Project Site may include federally regulated wetlands based on a review of the National Wetlands Inventory wetland mapping. Wetland delineation reports were prepared by Earth Dimensions, Inc. ("EDI") for the Project Sponsor in 2022 for SBL: 57.11-4-7.211 and SBL: 1.11-4-14.1 ("WDR-A") and in 2023 for SBL: 43.19-3-1.1 ("WDR-B"). The reports were submitted to NYSDEC and the United States Army Corp of Engineers ("USACE") with requests for Jurisdictional Determination. The NYSDEC issued a Letter of Positive Jurisdiction letter on May 15, 2025 for the Project Site. The USACE issued an Approved Jurisdictional Determination letter and a Delineation Verification for Department of the Army Processing letter on November 28, 2022 for SBL 57.11-4-7.211 and SBL: 1.11-4-14.1. The WDR-B is currently being submitted to the USACE with a request for Jurisdictional Determination and Delineation Verification for Department of the Army Processing. The Project Sponsor has reduced the original footprint of the Project to mitigate any potential significant impacts to wetlands. Additionally, the potential impacts qualify for coverage under NYSDEC's General Permit, which authorizes certain disturbances within areas adjacent to NYSDEC wetlands.

The Project Sponsor shall obtain all appropriate and necessary permits from the regulatory agencies prior to site disturbance. Any proposed impacts to wetlands shall be subject to review and approval by the appropriate regulatory agency. Such impacts, if approved, will not represent a potentially significant adverse environmental impact, due to any required mitigation, or other conditions of approval. Should approvals not be granted, the applicant will be required to propose a modification of the Project.

The management of stormwater from impervious surfaces on the Project Site will require the installation of a stormwater management system. The stormwater management system will be designed by a licensed engineering firm to collect, discharge and improve the quality of surface water. The stormwater management system will be required to comply with the applicable stringent stormwater quality and quantity standards of the NYSDEC and the applicable drainage standards of the Town of Clarence.

4. Impact on Groundwater:

There will be minimal additional ground water introduced as a result of the Project. A portion of the post developed site stormwater will be collected, managed and disbursed on-site for eventual percolation into the groundwater system, through stormwater detention areas, as designed and permitted to meet Federal, State and Local standards.

The Project will connect to existing water services and will require review and approval by the Erie County Water Authority (“ECWA”). The Project Sponsor identified that there will be a need for new water services requiring anticipated water usage/demand per day of approximately 150 gallons. In a letter dated October 20, 2025 from Mark S. Carney of ECWA, it was stated that any new water service must be reviewed and approved by ECWA prior to service. The comment from the ECWA will be addressed during the Development Plan review process.

The Project includes treated wastewater discharge to groundwater in the form of an on-site sanitary system. The Project Sponsor identified that the total anticipated liquid waste generation per day is 90 gallons per day. The anticipated liquid waste generation may change depending on future phases of the proposed self-storage facility and commercial warehouse space. The on-site sanitary system shall be designed and permitted to function per Erie County Health Department and NYSDEC standards.

5. Impact on Flooding:

In a letter dated October 29, 2025 from Lisa M. Czechowicz of NYSDEC it was stated that the Project Site is located within the designated 100-year floodplain per the Federal Emergency Management Agency’s (“FEMA”) FIRM Map. Additionally, in a letter dated March 12, 2026 from Joseph Lancellotti of the Town of Clarence Engineering Department it was stated that the FEMA 100-year floodplain and regulatory floodway must be accurately delineated on all future plan sheets of the Project. The Project shall be designed in accordance with all applicable local municipal laws for flood damage reduction.

The Project will require modification of existing drainage patterns. Any future Development Plan submittal shall be prepared by a licensed engineering firm and shall include an Engineer’s Report and full grading and drainage plans with details. The aforementioned Development Plan submittal will be subject to review by the Town prior to Development Plan Approval. In addition, the Proposed Project will include the implementation of NYSDEC compliant stormwater management practices.

6. Impacts on Air:

The Project does not involve a State regulated air emission source.

7. Impact on Plants and Animals:

In a letter dated October 29, 2025 from Lisa M. Czechowicz of NYSDEC it was stated that according to the New York State Natural Heritage Program databases the Northern Harrier (*Circus cyaneus*), which is a NYS listed threatened species, was last identified in 2000 in Clarence. The

aforementioned letter stated that NYSDEC cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities; however, depending on the nature of the Project and the conditions of the Project Site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

Although a section of the Project Site has previously been disturbed from the construction of phase one of the self-storage facility, a majority of the Project Site remains as undeveloped and natural woods. The Project will result in minimal clearing of existing vegetation on the Project Site. The Project Sponsor has identified that after initial site reconnaissance it appears that the Project Site does not contain suitable habitat for Northern Harrier or other rare or state-listed species, and no significant natural communities were observed. The areas of primary disturbance on the Project Site are previously disturbed and actively managed; therefore, these areas do not provide the large, undisturbed grassland or wetland habitat typically associated with the species. The design of the Project keeps a majority of the northern section of the Project Site as naturally occurring vegetation, and provides ample space for any displaced wildlife.

A Landscape Plan prepared by a Registered Landscape Architect will need to be reviewed and approved by the Town Landscape Review Committee for the purpose of introducing native and beneficial vegetation to the Project Site.

8. Impact on Agricultural Resources:

The Project Site does not currently contain agricultural resources and is currently not used for agricultural purposes. The Project Site is not located in, or adjacent to a County Agricultural District. The Project does not sever, cross or otherwise limit access to agricultural land. A majority of the undeveloped portions of the Project Site are naturally occurring vegetations and mowed lawns. As such, the Project will not result in any adverse impacts to agricultural resources.

9. Impact on Aesthetic Resources:

The Project Site is accessed off of Roll Road, which is a County Roadway. The Project contains self-storage facilities, commercial warehouse storage, and a solar facility, which are not in sharp contrast to the nearby land use patterns. Surrounding land use patterns include industrial uses along Roll Road, residential homes along Newhouse Road and Clarence Center Road, and agricultural uses along Shimerville Road. Furthermore, the industrial project is consistent with the *Town's Comprehensive Plan, Clarence 2030*. There are no officially designated federal, state, or local scenic or aesthetic resources within 5 miles of the Project Site, and the Project would not eliminate or significantly screen an officially designated scenic view.

10. Impact on Historic and Archeological Resources:

The Project Site is located in, or is adjacent to, an area designated as sensitive by the New York State Historic Preservation Office ("SHPO") archeological site inventory. In a letter dated November 26, 2025 from Daniel Mackay of SHPO, it was stated that SHPO reviewed the Project in accordance with the New York State Historic Preservation Act of 1980. Based on this review,

Daniel Mackay stated that it is the opinion of SPHO that no properties, including archaeological and/or historic resources, listed in or eligible for New York State and National Registers of Historic Places will be impacted by this Project.

11. Impact on Open Space and Recreation:

The Project that consists of privately owned property will not result in a loss of recreational opportunities or a reduction of protected open space as designated in any adopted municipal open space plan.

12. Impact on Critical Environmental Areas:

The Project Site is not located within or adjacent to a designated Critical Environmental Area.

13. Impact on Transportation:

After a thorough review by involved and interested agencies, including but not limited to the Erie County Department of Public Works (“ECDPW”), Clarence Fire Review, and Clarence Highway Department, it has been determined that the Project will not have a significant adverse impact on the existing transportation system. Using the NYS SEQRA EAF Workbook as a guiding document, the Proposed Project will not result in a significant increase in traffic. Transportation impacts will continue to be evaluated for any future tenants of the proposed warehouse storage building(s). The Project Sponsor will be required to obtain all appropriate permits from ECDPW for any proposed curb cut modifications to Roll Road. The Project as proposed does not involve site access from Clarence Center Road. The Project Sponsor shall coordinate, if necessary, with the Federal Aviation Administration to address any potential impacts to air navigation.

14. Impact on Energy:

The self-storage and commercial warehouse buildings associated with the Project will create a greater demand of energy compared to the Project Site’s current use. It has been determined that the proposed increase in energy does not represent a potentially significant adverse environmental impact. The Project includes a commercial solar photovoltaic system (“SPS”), which takes the form of an approximately 10.45-megawatt direct current (MWdc) ground mounted solar facility. The proposed SPS will be connected to an existing NYSEG distribution system, and enhancements to that existing distribution system are proposed. The Project Sponsor shall obtain the required permits and approvals from the appropriate agencies in order to connect to the existing distribution system. The proposed upgrades to the distribution system shall be designed by a licensed engineer and shall be designed to meet federal, state, and local standards.

The Project Sponsor created a decommissioning plan for the proposed SPS. At the conclusion of the operational life, the decommissioning of the SPS shall be performed by a Licensed General Contractor and all infrastructure associated with the facility shall be removed

so as to restore the associated land to pre-development conditions. The decommissioning plan shall be reviewed and approved by the Town of Clarence prior to site disturbance.

15. Impact on Noise, Odor, and Light:

The potential impacts from noise, odors, and lighting will be addressed through the installation of new landscaping to reduce noise impacts, the installation of enclosed dumpsters / tote garbage facilities to reduce odors, and the installation of dark-sky compliant shielded lighting to avoid off-site light pollution. Any potential future noise, odor, and light impacts associated with the future tenants of the commercial warehouse storage building(s) shall be mitigated and reviewed by the Town prior to the tenants occupying the building(s). There will be a temporary and unavoidable impact to noise, odor and lighting during construction; however, this is not a potentially significant adverse environmental impact. Potential noise associated with the SPS equipment will be consistent with surrounding industrial and residential uses.

16. Impact on Human Health:

The Project Site does not include a known source of regulated hazardous materials detrimental to human health. If regulated hazardous materials exceeding the applicable NYSDEC thresholds are unexpectedly encountered during the construction of the Project, clean-up activities compliant with federal, state and local standards will be completed prior to construction on the relevant portions of the Project Site.

The coordinated review of the Project produced comments from the Town of Clarence Fire Inspector, local fire departments, and the Town of Clarence Emergency Services Department. The Project Sponsor prepared an *Emergency Response and Safety Plan* for the purpose of describing actions to ensure the safety of the Solar Project employees, emergency service members serving the Solar Project, and the surrounding community in the event of an emergency. The *Emergency Response and Safety Plan* provides emergency personnel contact information and outlines procedures to prevent, mitigate, and effectively respond to an incident should one arise at the Project Site.

17. Consistency with Community Plans:

Clarence 2030 – Town of Clarence Comprehensive Plan (“Clarence 2030”) is the Town’s adopted Comprehensive Plan. *Clarence 2030* encourages the development of industrial land where utilities and services exist. *Clarence 2030* review process began in December 2014 and was adopted by the Town Board in December of 2016 and included numerous opportunities for public input and participation. Map 8 of *Clarence 2030* (“Future Land Use Map”) designates the Project Site as appropriate for Light Industry. The Project is consistent with the recommended land use and site layout guidance for the Industrial Business Park zoning classification.

In a letter dated November 7, 2025 from Timothy P. German of the Erie County Department of Environment and Planning, the following comments were provided.

- According to the *Erie-Niagara Framework for Regional Growth* (2006), the proposed action is located within the Developed Area. The *Framework* recommends, “support efforts to plan and zone for employment-intensive commercial and industrial development on sites with ready access to the region’s highway and rail networks” (Page 47). The Erie-Niagara region has a finite supply of shovel-ready industrial sites which are intentionally planned and zoned for. The Town should consider that the proposed solar array would occupy approximately 64 acres while providing little employment opportunity.
- According to the *Clarence 2030 Plan* (2016), the proposed action is located within Light Industry future land use area. The *Plan* recommends, “Market existing industrial centers to attract further growth and development, particularly within the science and medical technology industry” (Page 42). The Town should consider whether the proposed solar array would advance the Town’s economic development goals given the proposal’s low employment potential.
- Should the project proceed as proposed, the Town and applicant should ensure that the proposed solar array is adequately screened from neighboring properties, particularly the single-family residences located to the west of the site.

Solar Photovoltaic Systems (“SPS”) are permitted in the Town of Clarence and are subject to the standards of *Chapter 184 Solar Photovoltaic Systems* of the Town of Clarence Code. Per *Chapter 184*, Type I SPSs are considered a commercial system designed for generation of power supplied to the local grid and shall only be permitted in the Industrial Business Park zone. *Chapter 184* also states that SPSs shall be considered an accessory use/structure and requires a principal use/structure on the property. The Project involves phase two (2) of a self-storage facility to include thirteen (13) self-storage buildings and an 11,450 sq.ft. commercial warehouse space building. The Project Sponsor identified that additional commercial warehouse building(s) may be considered in the future. The commercial warehouse building(s) provides an opportunity for industrial type users to operate a business within an industrial area of the Town.

18. Consistency with Community Character:

Roll Road is an Erie County owned public road predominantly consisting of industrial operations. Newhouse Road to the west of the Project Site and Clarence Center Road to the north of the Project Site predominantly consists of residential homes. Shimerville Road to the east of the Project Site predominantly consists of residential homes and agricultural operations. The Project will not be in sharp contrast to the existing community character. The layout of the Project focuses the highest intensity industrial uses along Roll Road closest to existing industrial uses. The SPS is designed in an area that is not directly adjacent to existing residential homes. Additionally, the Project will not disturb the existing wetlands to the north of the Project Site, which act as a natural buffer between the SPS and the residential homes.

As part of the Coordinated Review for this Project, the Clarence Center Volunteer Fire Company and the Town of Clarence Emergency Services Department were listed as involved /

interested agencies. A copy of the full application was provided to all listed agencies as part of the Coordinated Review under SEQRA, and all agencies were provided an opportunity to comment on the Project.

DRAFT