

MEMORANDUM

TO: Town of Goshen Planning Board

FROM: Celia Flynn, Environmental Analyst, LaBella Associates, DPC
Lucia Woo, Environmental Renewables Manager, LaBella Associates, DPC
On behalf of Nexamp, Inc.

DATE: July 21, 2022

SUBJECT: Nexamp, Inc. Al Turi Landfill Solar LLC – State Environmental Quality Review Act (SEQRA) Proposed Type II Classification for Project

Nexamp, Inc. is developing plans for the Al Turi Landfill Solar LLC Project: one 5-megawatt (MW_{AC}) solar array to be installed on four parcels totaling 114 acres, located at 2690, 2760, and 2762 NY-17M, as well as 73 Hartley Road, Goshen, NY 10958 (Tax IDs: 12-1-23.1, 12-1-17.122, 12-1-22, and 12-1-21.12). Activities include the installation of the ground-mounted solar energy system consisting of modules/panels, new electrical equipment, and accessories including electrical lines, access road, and inverter/transformer equipment pads. The solar panels will be installed as a ballasted system to minimize ground disturbance. As currently proposed, the Project Area will not exceed 25 acres, including all on-site alterations.

As the jurisdictional municipality within which the Project is located, the Town of Goshen Planning Board has the most discretionary approvals to issue for the Project and is thereby best positioned to serve as the lead agency under the State Environmental Quality Review Act (SEQRA). The Planning Board's role as the lead agency would relieve another involved agency, the New York State Department of Environmental Conservation (NYSDEC), which has been understaffed and likely to defer to local entities for the lead agency status. Also, NYSDEC has already determined a list of actions that will result in no significant adverse environmental impact, which has been incorporated directly into the SEQRA regulations as the list of Type II actions.

LaBella reviewed the Project on behalf of its client, Nexamp, Inc., and drafted this memo to help the Town Board understand how the Project may be classified (e.g., Type I, Unlisted, Type II) under SEQRA.

LaBella believes that the Project may be classified as a Type II action based on the criteria set forth in 6 NYCRR 617.5 (c):

(14) Installation of solar energy arrays where such installation involves 25 acres or less of physical alteration on the following sites: (i) closed landfills.

The Project meets these criteria because the solar energy array is planned to be installed on no more than 25 acres atop a closed landfill.



Type II actions require no further SEQRA compliance beyond the lead agency's classification determination. Therefore, if the Planning Board decides to classify the Project as a Type II action, no further review under SEQRA will be necessary. Additionally, an EAF will not be required. LaBella recommends that the SEQRA classification, once formalized, be documented either in the Planning Board's meeting minutes or by resolution to document SEQRA compliance.