



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 8, 2022

Mr. Robert H. Westfall, P.E.
Town Engineer
Town of Grand Island
2255 Baseline Road
Grand Island, New York 14072

Re: **Emery Farm Solar Project**

Location: **2599 Whitehaven Road**
Review No.: **SP-22-395**

Dear Mr. Westfall:

Pursuant to New York General Municipal Law Section 239-m, and Article 8 of the New York Environmental Conservation Law, the Erie County Department of Environment and Planning (“DEP”) has reviewed the above-referenced project referred to us on June 8, 2022 and consents to the Town of Grand Island acting as SEQR Lead Agency.

As stated in the previous letter dated January 6, 2021, DEP offers the following comments:

- According to the *Erie-Niagara Framework for Regional Growth*, the subject property is located in a developing area. The Developing Area recommends “minimizing the conversion of significant open space, agricultural lands, and natural systems” (Page 49) The Town may wish to review the Framework prior to granting project approval. The Framework can be found at: <https://www2.erie.gov/regionalframework>.
- According to the *Town of Grand Island Comprehensive Plan* (2018), the subject property is comprised of prime farmland when drained. In addition to prohibiting the removal of prime soils from the property as required by the Town’s Solar Ordinance, the Town should consider limiting the addition of fill to the property to allow for a return to agricultural use in the future.
- The subject property is currently enrolled in Erie County’s Amherst Agricultural District #17. The conversion of this property to non-farm use will result in the loss of a large agricultural parcel. If this parcel has received an agricultural assessment, the landowner should be aware that payment recapture may be imposed by New York State.

This review pertains to the above-referenced action submitted to the Erie County Department of Environment and Planning. This should not be considered sufficient for any County approvals. The Town of Grand Island and/or the developer must still obtain any other permits and regulatory approvals applicable to this project.

Sincerely,



Timothy P. German
Planner

