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September 25, 2025

Joseph Crocco, Chairman
Town of Ancram Planning Board
1416 County Route 7
Ancram, NY 12502

Re: Ancram PV LLC SUP-24-005 (SBL: 214-1-25.4)

Dear Chairman Crocco and Members of the Town of Ancram Planning Board:

Our firm represents a group of residents owning property and living in the Town of Ancram in close proximity to the site of the proposed construction of a ground-mounted solar photovoltaic array system on over 9 acres of farmland at 3333 State Route 82, Ancramdale, New York, 12503 (SBL: 214-1-25.4) (the "Project Site" or "Solar Energy System") by RIC Development LLC (the "Applicant").

It has become apparent from the submitted application and accompanying documents, as well as the testimony by the Applicant at the public hearings held to date, that the proposed commercial solar array fails to meet the minimum standards required by Ancram's recently adopted Solar Energy Law and will result in significant adverse environmental impacts on the Town's rural character, scenic features, and viewshed. The Applicant's repeated misstatements about the visibility of the solar array from public roads and vantage points throughout the Town, as well as its submission of a Visual Impact Analysis that failed to satisfy industry standard minimum qualifications, misrepresented the significance of the adverse environmental impacts of the proposed development. As a result, our clients were forced to shoulder the expense and burden of hiring their own expert consultant to conduct a viewshed analysis for the proposed solar facility.

The Harkin Aerial Viewshed Analysis and Visual Site Assessment Report, attached as Exhibit A, documents the thousands of acres that may be significantly impacted by the visible intrusion of the solar array (“Harkin Viewshed Report”). The Harkin Viewshed Report accounts for views by persons walking on public vantage points and driving on public roads, as well as impacts from a sample of private residential locations. Discussed more fully herein, the Harkin Viewshed Report captures the potential significant adverse impacts of the proposed solar facility on the scenic views of the Town from the heavily trafficked State Route 82, Pats Road, Skyline Road, and even Cottontail Road. In addition, the Harkin Viewshed Report details the lack of screening and ineffectual proposed mitigation, in complete contradiction to local law mandates, by demonstrating the unobstructed view of the solar array from various locations, both public sites and private residences. This professionally executed viewshed analysis, combined with the misrepresentations by the Applicant, makes clear that this proposed solar facility fails to meet the standards of the local law allowing community-scale solar energy facilities, contradicts the requirements of the Special Use Permit law, and will have significant adverse environmental impacts on the Town’s scenic views and rural character.

I. Scenic Views and Rural Character a Town Priority

The single most common theme throughout all of the Town’s planning documents for the past decade and a half is the emphasis on maintaining the rural character and scenic beauty of the Town.

A. Town Planning Documents Universally Emphasize Protecting Scenic Views and Rural Character

(i.) Comprehensive Plans

“Keep Ancram the Way it Looks Now and Make a Few Things Better” is the “the most important message” from the Town’s first ever comprehensive plan.¹ With this goal, the Town emphasized the community’s priority that the Town look and feel the same in 2030 as it did in 2010, stating that, “the rural, scenic, agricultural character of the Town is what people most want to preserve and protect.”² This singular priority is repeated throughout the original comprehensive plan as specific recommendations are made for visual impact and mitigation standards for the Planning Board during site plan and special use permit reviews in order to minimize any impacts to visual and scenic resources from new development.³ The 2019 Comprehensive Plan reiterates and re-emphasizes the foundational goal of Ancram “to look” the same in 2030, as it provides solutions to challenges while continually protecting the Town’s scenic views and rural character.⁴

¹ Ancram Comprehensive Plan, Prepared by the Town of Ancram NY Comprehensive Plan Committee, Adopted April, 2010 (“Comprehensive Plan”) at 9.

² Comprehensive Plan at 10.

³ Comprehensive Plan at 16.

⁴ Ancram Comprehensive Plan, Part I – Updated 2019 Plan (“2019 Comprehensive Plan”) at 15.

(ii.) Natural Resources Conservation Plan

In the town-wide identification and assessment of its natural resources, scenic beauty is considered critical and “intimately tied to the other natural resources addressed in this conservation plan.”⁵ The Town of Ancram’s “visual landscape” is “central to the history, economy, and culture of the town.”⁶ The Town’s Natural Resources Conservation Plan is another planning document that further emphasizes that Ancram’s scenic assets are valuable and must be protected. In fact, the Natural Resources Conservation Plan even states that protected views are not limited to those already designated in the Overlay Districts, but also include views widely distributed throughout the Town. The findings clarify that designated areas in the overlay districts are only some of the views deserving protection, as “land use decisions should consider impacts to these other scenic areas” as well.⁷

(iii.) Town Guidelines Specific to “Protecting Ancram’s Scenic Views”

The Town of Ancram issues a publication “Protecting Ancram’s Scenic Views,” that specifically supports its goal to protect its scenic views for decades into the future. According to the Town’s website, the purpose of these town-issued guidelines is to protect the scenic rural character of the Town’s distant views.⁸ These town-issued guidelines highlight the importance of maintaining the scenic views throughout the Town and provide guidelines for new construction specifically to protect these views. The document shares that the “main reason” people buy property and move to Ancram are the views and rural character:

Ancram has open rolling hills, ridgelines, and slopes everywhere. It is important to preserve these beautiful panoramas throughout the Town. Their aesthetic value contributes to Ancram’s unique scenic character.⁹

Importantly, the brochure continues that “‘visual pollution’ can occur when a building contrasts sharply with the rural landscape,” and even describes the impacts of a wrongly colored house located in a forest.¹⁰ Clearly, concern about the color of a single house in a forest pales in comparison to the visual pollution provided by a solar energy system on nearly ten acres of land that consists of an extremely long driveway with numerous utility poles that, overall, provides a multi-acre break in the natural landscape. This Board’s careful consideration of these visual impacts are necessary for consistency with the Town’s scenic preservation objectives.

⁵ Town of Ancram Natural Resources Conservation Plan, Prepared by Hudsonia Ltd. and the Town of Ancram Conservation Advisory Council 2015 (“Natural Resources Plan”) at 58.

⁶ *Id.*

⁷ *Id.*

⁸ Town of Ancram, Protecting Ancram’s Scenic Views for New Construction Throughout Town, 2016 (“Town Scenic View Guidelines”) <https://www.ancramny.org/scenic-views>, last retrieved September 23, 2025.

⁹ *Id.* at 2.

¹⁰ *Id.* at 4.

(iv.) Local Solar Law

The importance of protecting the Town's scenic character is further evidenced in the local law controlling the establishment of solar energy alternatives, making it abundantly clear that the proposed ground mounted solar array must be consistent with the Town's scenic and visual priorities.

The Town's Zoning Law providing for the establishment of solar energy systems states that the purpose of the law is to permit those solar energy systems that balance their positive impacts with the "potential impacts . . . on neighbors and the environment" and which preserves community character because they are sensibly sited. The law is intended specifically to:

...ensure that such systems will not have a significant adverse impact on the environment, including on aesthetic qualities and rural character of the Town.¹¹

The solar law requires that "in addition to meeting all requirements for a special use permit and site plan review...all community-scale solar energy systems" ***shall*** be designed so that the following requirements ***shall*** be met:

The character and appearance of the proposed project shall be in general harmony with the character and appearance of the surrounding neighborhood and shall not detract from the scenic qualities, rural character, and visual qualities of Ancram's landscape and historic character.¹²

Because this application will detract from the scenic viewshed, it does not qualify under the law as being sensibly sited or appropriately balanced, and mitigation solutions to address these concerns have not been supplied by the Applicant.

Additional mandatory requirements for community-based solar systems include that:

The solar energy system, including all proposed structures and off-site infrastructure, shall be located and maximally screened within 5 years in such a way ***as to avoid or minimize visual impacts as viewed from:***

- i. ***Public roads and highways and other public sites.***
- ii. ***Existing residential dwellings located on contiguous parcels.***¹³

¹¹ Town of Ancram, Local Law No. 1 of 2021 ("Ancram Solar Law"), Part V(a)(e).

¹² Ancram Solar Law, Part V(g)(4)(c).

¹³ Ancram Solar Law, Part V(g)(4)(m)(emphasis added).

Further:

All solar collectors and related equipment shall be surfaced, designed, and sited so as not to reflect glare *onto adjacent properties and roadways*.¹⁴

The Town's stated priority to protect and preserve its scenic and rural character is, then, further emphasized in the siting and review of the proposed application pursuant to local law. For over a decade, the Town of Ancram has made clear in all of its planning documents, including: the two Comprehensive plans; the Natural Resources Conservation Plan; the Scenic View Guidelines for New Construction; and its recently adopted Solar Energy Law; that all new development in the Town must first and foremost adhere to protecting and preserving the rural and scenic character of the Town of Ancram.

Given the Town's established priority to protect its scenic views from public roads and private residences, and because this is a Type I Action which will be visible from many different viewpoints throughout the Town, the Planning Board must issue a Positive Declaration according to the New York State Environmental Quality Review Act ("SEQRA") since the proposed solar panels *may* have potential significant adverse environmental impacts on the scenic views throughout the Town of Ancram.

II. Potential Adverse Impacts of the Proposed Solar Array Include Significant Impacts on the Scenic View and the Town's Rural Character

A. Rural Character and Scenic Views are Presumptively Significant Factors under SEQRA

The Planning Board has already designated the proposed solar energy system as a Type I action pursuant to the New York State Environmental Quality Review Act (SEQRA).¹⁵ Once an action is designated a Type I, it "carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS."¹⁶ The threshold for necessitating the preparation of an Environmental Impact Statement ("EIS") is "relatively low" since it is only necessary to demonstrate that the action *may* include the potential for only one significant adverse environmental impact.¹⁷

In determining significance, the SEQRA regulations provide that impacts that may be reasonably expected to result from the proposed action must be compared against the listed criteria, which "are considered indicators of significant adverse impacts on the environment."¹⁸ The "impairment of the character...or aesthetic resources or of existing community or

¹⁴ Ancram Solar Law, Part V(g)(4)(a)(emphasis added).

¹⁵ Article 8, Environmental Conservation Law, Implementing Regulations, N.Y. Comp. Codes R. & Regs., Part 6 §617 ("6 NYCRR §617").

¹⁶ 6 NYCRR §617.4(a)(1); *Bennett v. Troy City Council*, 219 N.Y.S.3d 800 (3d dept. 2024).

¹⁷ *Chinese Staff & Workers Assn. v. City of New York*, 69 N.Y.2d 359, 364-365 (1986); 6 NYCRR §617.7(a)(1).

¹⁸ 6 NYCRR §617.7(c)(1).

neighborhood character,” is one of the listed indicators that carries a presumption of a finding of significance.¹⁹ The Harkin Viewshed Analysis confirms that the proposed solar energy system will be visible from public sites and public roadways and that these adverse visual impacts are not being mitigated and screened, as required under the Town’s solar law, from either public vantage points in the Town or from adjoining residential properties.

The potential adverse environmental impacts of the proposed solar arrays is significant as it will impact the scenic views of the landscape for everyone living, working, or visiting the Town for decades. A full EIS is required to identify and evaluate the potential significant adverse impacts as well as provide mitigation measures so that the Planning Board is in a position to determine whether the adverse environmental impacts of the Application can be mitigated to the maximum extent practicable, and whether the Application is consistent with the purpose and intent of the Town’s Solar Energy Law.

B. Harkin Viewshed Analysis Demonstrates Potential Significant Impacts Year-Round for both Pedestrians and Drivers

The attached Harkin Viewshed Analysis was created by an independent consultant using the latest LIDAR elevation data from New York State. The report analyzes potential impacts of the proposed solar array at two different heights to account for people standing or walking at public sites and people driving in the Town on public roads. The Harkin Viewshed Analysis also includes an examination of the impacts during both ‘leaf-on’ and ‘leaf-off’ conditions. The Harkin Viewshed Analysis found that the proposed solar array would visually impact between 1,400 and 2,300 acres when viewed from standing height, and between 900 and 1,800 acres when viewed from an average driver’s height. In addition, the Harkin Viewshed Analysis evaluated impacts from a sample of residential properties in order to assess the Applicant’s compliance with the local law’s mandate to ensure ‘no glare’ and full maximum screening on contiguous properties.²⁰ The conclusion of the Harkin Viewshed Analysis is that the proposed solar energy system will adversely impact the views from multiple public and private locations throughout the Town.

The majority of locations reviewed, six out of ten, had a clear, unobstructed line of sight to the proposed solar array:

Location	Pedestrian or Driver View
408 Poole Road	Pedestrian
State Route 82 & Pats Road	Driver
197 Pooles Hill Road	Pedestrian
450 Woods Ct	Pedestrian
Poole Hill Road	Driver
Pats Road & Poole Hill Road	Driver

¹⁹ *Id.*

²⁰ Ancram Solar Law, Part V(g)(4)(a),(m).

Three additional sites had views that were only partially obstructed by vegetation, including corn that will be harvested soon:

Location	Pedestrian or Driver View
Millerhurst Farmstand	Pedestrian
Millerhurst Patch	Pedestrian
10 Cottontail/Skyline Road	Driver

This sampling demonstrates the need - at minimum - for a complete identification of all of the potential sites that would suffer adversely from the proposed solar array, exactly what would be required by a full EIS. There are thousands more acres that may be impacted that were not reviewed by the independent consultant. The magnitude of the potential visual impacts is evident in the documents submitted by the Applicant themselves.

C. Applicant's Viewshed Submission Finally Demonstrates Solar Panels Visible from Public Vantage Points

The Visual Impact Assessment submitted by the applicant confirms a similar magnitude of impact, even though that analysis is lacking information necessary to determine the actual visual impacts of the proposed site, such as camera data that may or may not meet recommended industry guidelines for visual impact analyses.²¹ The applicant's own data demonstrates wide areas of potential visual impacts from Pats Road, Skyline Road, Cottontail Road, and State Route 82. Most importantly, until last week, the Applicant inaccurately claimed that the project would not be visible from public vantage points and roads, a false statement that may account for the increased concern by community members who were attempting to voice their opinions during the public hearing process about these misleading statements.

In response to comments from the Town Consultant earlier in the application process, the Applicant clearly stated that the solar panels would not be visible from public roads, which is now contradicted by their own submitted data:

Nan Stolzenburg: There is no information as to whether any road or public sites may exist that look at or down on this site. I recommend the Planning Board explore whether there are other public sites (roads or parks for instance) that can see this site not explored in the viewshed study.

²¹ Harkin Viewshed Analysis at 15. Attached as Exhibit A.

Applicant's Response: The VIA shows simulations from Route 82, **the only public road where the project could potentially be viewed**. Based on the topography of the surrounding area, it is unlikely the project could be viewed from any other public point.²²

The Applicant's misleading statements about the visibility of the solar panels was repeated continuously throughout the ten month application process. In the completed Full Environmental Assessment Form – Part 1 Supplement, the Applicant wrote:

9. Impact on Aesthetic Resources: ***The Project site is not visible from any*** officially designated Federal, State, or ***local scenic or aesthetic resource or other public vantage points***. Existing vegetation and undulating topography will naturally screen the project from nearly all viewsheds. Supplemental vegetative screening will be implemented to ensure that the site is of little or no visual concern.²³

The Harkin Viewshed Analysis, and the applicant's own recent submission, completely contradicts this statement. The Harkin Viewshed Analysis establishes that the solar energy system will clearly be visible from public roads, while some vegetation is partially obstructing a viewshed from a designated local scenic resource. However, the Applicant's false statement became the basis not only for this Board's review, but also for the County Planning Board that relied on the false statement.

The Columbia County Planning Board's analysis of the application acknowledged how discordant the solar array might be on the scenic view, but then relied on the misrepresentation by the Applicant:

There is a potential for visual impacts as a result of this community-scale solar energy system. **The proposed solar array**, although situated on the rear of the parcel, **may be in stark contrast to the bucolic nature of the existing site and surrounds. The FEAF Supplement reads in part that the project site is not visible from any public vantage point.**²⁴

²² Memo to Town of Ancram Planning Board, RE: Ancram Solar (Miller) SUP and SPR Application, from Nan Stolzenburg, FAICP, Community Planning and Environmental Associates, dated February 28, 2025 (with Applicant's responses in red lettering)("Town Planner Letter")(emphasis added) at 6. Attached as Exhibit B.

²³ RIC ENERGY, Ancram Solar, Full Environmental Assessment Form, Part I: Supplemental Information, 3333 State Route 82, Ancramdale, NY 12503, Tax Parcel ID: 214.-1-25.4 (emphasis added).

²⁴ Letter to Mr. Joe Crocco, Re: Referral #25-0101- Ancram Solar PV LLC/James & Janice Miller, Site Plan Review and Special Use Permit, from Timothy Stalker, Chair Columbia County Planning Board, dated March 18, 2025. ("County Planning Board Letter")(emphasis added).

While the County Planning Board relied on the Applicant's false statement that the proposed solar array would not be visible from any public sites, it still recommended that:

. . . a determination be made regarding the adequacy of the proposed mitigation measures **to minimize visual impact for views from adjacent parcels, surrounding lands and from public ways.**

As detailed in the sightline views presented in Appendix B of the Harkin Viewshed Analysis, no screening proposed by the Applicant will actually mitigate or lessen the stark contrast between the solar arrays and the rural scenic views. The proposed solar array is on elevated ground and a sloped grade, which makes mitigation through tree plantings challenging, if not nearly impossible.²⁵ There are clear sight lines, due to the very topography that the Applicant claims will obscure the panels, both from public view points and from adjoining properties.

D. Screening Insufficient, Despite Requirement in Local Law and County Recommendations

The Town of Ancram's Solar Energy Law requires that the Solar Energy System be "maximally screened within 5 years as to avoid or minimize visual impacts as viewed from" public roads and sites and "existing residential dwellings located on contiguous parcels."²⁶ One of the residences highlighted in the Harkin Viewshed Analysis, 450 Woods Court, Ancramdale, New York, is located immediately contiguous to the property; its rear property line is 800 feet from the proposed solar array installation. Due to the topography of the land, the screening proposed by the Applicant completely fails to mitigate any view of either the lower or upper array of panels from this adjoining property, contrary to the mandates of the Town's Solar Energy Law.²⁷

Rather than provide appropriate mitigation and screening, as required by the Solar Energy Law, the Applicant, instead, completely disavows any responsibility for impacting the views and value of the adjacent property. In its most recent submission, the Applicant wrote, "in New York State, there is no inherent legal right for a private landowner to maintain an uninterrupted viewshed across another property,"²⁸ which demonstrates a complete misunderstanding of the Applicant's obligation to follow local law requiring that the solar energy system be screened so as not to impact the view of residences such as 450 Woods Court, an existing residential dwelling on a contiguous property.

²⁵ Harkin Viewshed Analysis at 4.

²⁶ Ancram Solar Law, Part V.4.m(ii).

²⁷ See Harkin Viewshed Analysis, Appendix B, Site 4, attached as Exhibit A. *See also* photographs of the view of the project site from the backyard of 450 Woods Court, Attached as Exhibit C.

²⁸ Letter to the Town of Ancram Planning Board, Re: Ancram Solar Site Plan & Special Use Permit Application, Supplemental Submission Materials, Dated September 11, 2025 ("RIC September 11 Letter").

Even the County Planning Board's recommendations include a determination by this Board regarding whether the proposed mitigation measures would "minimize visual impact for views from adjacent parcels"²⁹ The County Planning Board also suggests the proposed landscaping "be reviewed in order to evaluate the proposed screening and to determine if a necessary degree of screening will be achieved."³⁰

None of this screening has been required by the Planning Board to date. A full EIS would provide an opportunity for the Applicant and Board to identify all impacted public properties and private residences and ensure effective mitigation measures are implemented to protect all residents in the community.

E. The Applicant Inappropriately Relies On Screening Out of Its Control

The Applicant admits that it lacks control of proposed screening it relies on, which prevents that screening from being considered true mitigation measures. In response to the Town Consultant highlighting that the Applicant is inappropriately relying on the screening provided from forest on adjoining land that is beyond its control, the Applicant responded it "cannot reasonably predict or account for hypothetical/potential future changes in vegetation on adjacent private lands."³¹ The Applicant, however, must provide its own screening to comply with the mandates of the local laws to prevent significant adverse impacts on the viewshed to develop after the solar energy system is constructed.

The Town's local law requires that the Applicant provide a landscape plan that will "maximally screen the site from roadways and other public locations" and "neighboring properties."³² The proposed plants must "achieve full screening" and a "guarantee that the plantings will maximally screen the system within five (5) years and remain until it is decommissioned."³³ Even the County Planning Board recommends that the Applicant "provide assurances" that the screening will be maintained "for the lifetime of the project."³⁴ The Planning Board must ensure that such a landscaping plan is provided by the Applicant with the necessary guarantees for the protection of residents throughout the community.

²⁹ County Planning Board Letter at 3.

³⁰ *Id.*

³¹ Town Consultant Letter at 7. Attached as Exhibit B.

³² Ancram Solar Energy Law, Part V(g)(4)(n).

³³ *Id.*

³⁴ County Planning Board Letter at 3.

III. Utility Poles are a Potential Significant Adverse Environmental Impact that is the Responsibility of the Applicant

At recent public hearings the Applicant failed to take responsibility for its utilization of utility poles for the proposed solar system array, seeming to place the blame on Central Hudson Gas and Electric. The Applicant even includes an email request regarding the utility poles from August 27, 2025, nine months after its initial application to the Town of Ancram. However, these utility poles are another potential adverse environmental impact that will significantly blight the scenic views and which are prohibited under Ancram's Solar Law.

The Town Solar Energy Law, under which the current application is being made, clearly states that the general siting requirements "for all Solar Energy Systems" are:

Any on-site power lines **shall** be underground installations.³⁵

The Planning Board only has discretionary power to modify the requirement for underground power lines if it is "impossible or impracticable," neither of which is the situation before the Planning Board for the current application.

The Town has even opined that "long driveways," such as the one proposed on site, can be harmful to scenic landscapes.³⁶ The proposed extremely long driveway, more akin to a road, lined with utility poles, is contrary to local law and, at minimum, needs to be the subject of further environmental review.

IV. Other Necessary Environmental Review under SEQRA

Town law enabling the approval of a solar energy system in the Agricultural zoning district through a special use permit does not relieve the approving agency of the responsibility to evaluate the adverse environmental impacts of the loss of farmland. Not all farmland is the same, and the loss of the use of farmland with inferior soils, or other challenges, may not be considered as significant as the loss of farmland with prime soil, as the Project Site. The proposed solar energy system will be placed on agricultural land within a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304, and made up of highly productive soils: prime farmland and farmland of statewide importance.³⁷

Solar energy applications in State Certified Agricultural Districts generally require more stringent environmental review.³⁸ The Town of Ancram has declared:

³⁵ Ancram Solar Energy Law, Part V.c.4(emphasis added).

³⁶ Natural Resources Plan at vii.

³⁷ Environmental Assessment Form, Part I, dated November 14, 2024, Question E.3.a-b. at 12.

³⁸ Solar Installations on Agricultural Lands, Navigating the development of solar projects in accordance with local and New York State agricultural policies, NYSEDA ("NYSEDA REPORT") at 150.

Ancram considers prime farmland soils and soils of statewide importance to be critical environmental resources and not appropriate for conversion to other uses and seeks to preserve both as farmland and active farming activities. Adverse environmental impacts to these soils, or the loss of significant uses of these soils for food production will adversely affect the viability of Ancram's agricultural community and economy.³⁹

While community-based solar farms are allowed by special use permit, the environmental impacts of the loss of this prime farmland for decades must be considered by the Planning Board during its environmental review under SEQRA. Evaluating the significant impacts of the loss of this prime soil becomes especially important given the Town's stated concern that due to the recent development of solar systems on farmland, there is no proof that the land will actually be returned to an agricultural use when it is decommissioned and, in fact, "Ancram acknowledges that there is a high probability that a site will never return to farming."⁴⁰ In addition, solar projects located in State-Certified Agricultural Districts ought to follow the guidance from New York State Department of Agricultural and Markets ("NYSAGM") for "Solar Energy Projects-Construction Mitigation for Agricultural Lands."⁴¹ While the Applicant states it will follow this guidance for this Application, it has made no attempt to do so.⁴²

V. SUP and SEQRA Review

The Applicant's recent submission suggesting that it has complied with all the necessary requirements for approval and that the Board must issue a Negative Declaration in part because other Boards in Columbia County have issued Negative Declarations for other solar energy systems, completely mischaracterizes both the standards of approval for this application and the purpose of SEQRA.

SEQRA is, first and foremost, a necessary review procedure every time an administrative agency makes a final determination. The purpose of SEQRA is to ensure that environmental considerations are part of the government decision-making process. Any suggestion that SEQRA must be approved because a project otherwise meets local standards is legally inaccurate and a misunderstanding of the purpose of New York State's environmental protection laws.

³⁹ Ancram Solar Energy Law, Part Vi(1)(b)(XII).

⁴⁰ *Id.*

⁴¹ NYSERDA REPORT at 151.

⁴² *See also* Town Consultant Letter at 5.

First, SEQRA is a necessary first step in the Town's approval process, and the application is not even deemed complete until SEQRA is satisfied.⁴³ Second, this Application fails to fulfill the basic requirements necessary for this Board to grant a Special Use Permit once SEQRA is complete.

The Town's local Zoning Law authorizes the Planning Board to issue Special Use Permits only after it takes into consideration the goals of the Comprehensive Plan and issues such safeguards to ensure that the "proposed use's scale and intensity are compatible with adjoining properties and with the natural and built environment and character in the area...,"⁴⁴ all of which is contradicted by the Harkin Viewshed Analysis and the Applicant's own limited viewshed submission.

Further, the factors necessary for consideration include this Board considering whether the design of the solar energy system and the location and size:

... shall be compatible with the neighborhood in which it is located and with the rural and small town character of Ancram and shall safeguard the values of surrounding properties from noise, glare unsightliness, or other objectionable features.⁴⁵

In addition, the special use "shall not negatively impact historic or scenic features," which it will, admittedly, do.⁴⁶

The current Application is a Type I action under SEQRA, primarily because of its location. As provided herein, a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS.⁴⁷

This presumption of likely significance and the requirement of an EIS can only be overcome "if there will be no adverse environmental impacts or that the identified environmental impacts will not be significant."⁴⁸ The Applicant has not demonstrated a reduction in the adverse environmental impacts, but the exact opposite: the Applicant finally admits, ten months after submitting its application, that the proposed action will be visible from several public vantage points.⁴⁹

⁴³ Town of Ancram Zoning Ordinance, Article VI.B. (No application shall be deemed complete until a Determination of No Significance has been made, or until a Draft Environmental Impact Statement has been accepted by the lead agency as satisfactory with respect to scope, content, and adequacy.)

⁴⁴ Local Zoning Law VI.I.1.

⁴⁵ Local Zoning Law VI.I.1(e).

⁴⁶ Local Zoning Law VI.I(f).

⁴⁷ See page 5, herein.

⁴⁸ 6 NYCRR §617.7(a)(2).

⁴⁹ Letter from Applicant at 3.

The Town's Solar Energy Law states that community-scale solar energy systems "shall not detract from the scenic qualities, rural character and visual qualities of Ancram's landscape and historic character,"⁵⁰ and shall be "maximally screened within 5 years" to avoid or minimize visual impacts from "public roads and highways and other public sites,"⁵¹ none of which has occurred, as detailed by the attached Harkin Viewshed Analysis.

The SEQRA Handbook provides guidance for determinations of "significance," encouraging local boards to consider the "importance" and "magnitude" of the impacts.⁵² The importance of not impacting the Town's scenic views has been established by fifteen years of planning documents emphasizing that the Town's goals are to protect and preserve its scenic views and rural character. The magnitude of the impacts of this application includes the size and extent of the adverse impacts of these views,⁵³ which will be generational. Allowing such a visible interruption to the scenic views of the Town that is not appropriately mitigated will change the scenic viewshed of the Town of Ancram for the next thirty years for everyone who lives, works in, and visits the Town of Ancram. From walkers on Skyline and Cottontail to drivers on Route 82 or Pats Road, to the neighbors whose properties are not appropriately screened, the Town will never be or look the same again.

For all of the foregoing reasons, it is respectfully submitted that the Planning Board issue a positive declaration for this application under its SEQRA mandate; an EIS will allow for the identification of all potential significant adverse impacts as well as the ability to provide appropriate mitigation solutions in compliance with local and state laws.

Respectfully submitted,

McCarthy Fingar LLP

By: 
Rhea N. Mallett

⁵⁰ Local Zoning Law V.4(c).

⁵¹ Local Zoning Law V.4(m).

⁵² N.Y. State Dep't of Env'tl. Conservation, The SEQRA Handbook at 76 (4d ed. 2020)("the SEQRA Handbook").

⁵³ *Id.*

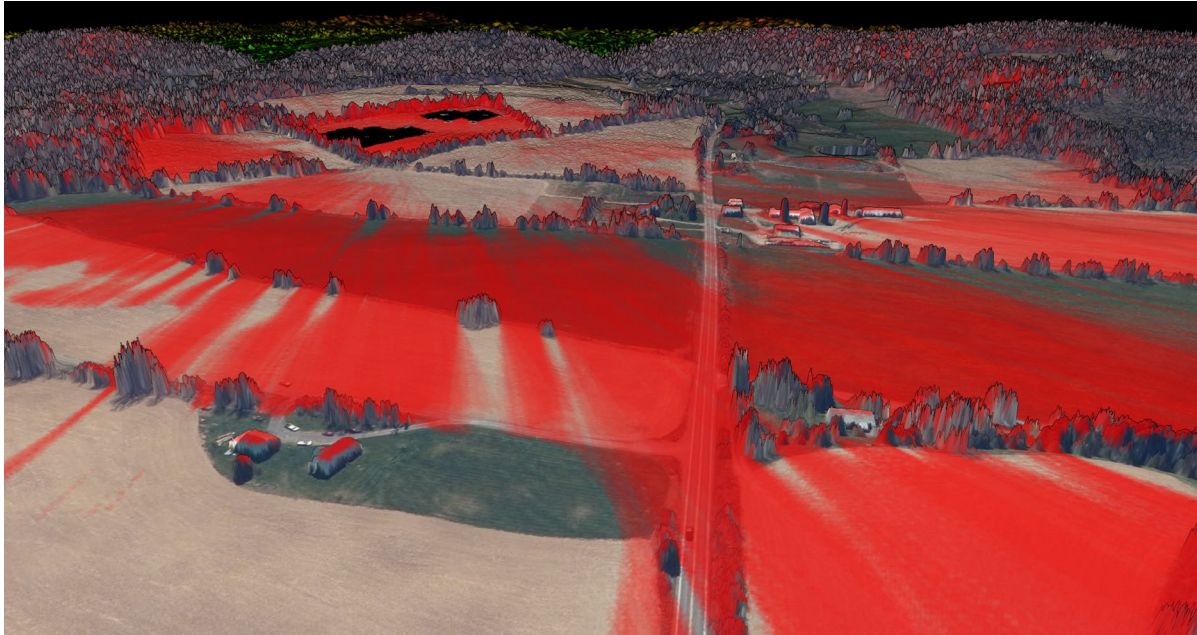
EXHIBIT A

VIEWSHED ANALYSIS AND SITE ASSESSMENT REPORT

Proposed Ancram Industrial Solar Facility

3333 State Route 82

Ancramdale, Columbia County NY



Prepared for:

McCarthy Fingar LLP

711 Westchester Avenue, Suite 405

White Plains, NY 10601

Prepared By:

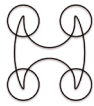
Scott Harrigan

Harkin Aerial

158 Ivy Street

Oyster Bay, NY 11771

Date: September 2025

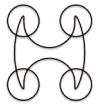


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Abstract

Harkin Aerial was retained to perform a Viewshed Analysis to determine potential visual impacts of the proposed industrial solar facility located at 3333 State Route 82 in Ancram, NY. Latest available LIDAR elevation data of terrain and vegetation was obtained from NY State as the basis of the analysis. 15 discrete viewpoints were selected evenly across the area occupied by the proposed solar panels and combined to determine the areas with a high likelihood of visibility to the site from both a standing pedestrian (5.5 ft view height) and a driver along public roads (3.5 ft view height). The maximum view distance was assumed to be 3 miles.

From the viewshed analysis, the following conclusions were determined

Assuming no vegetation:

- When viewed from standing height, the view of up to 2,300 acres (13% of the study area) could potentially be impacted by the proposed solar panel placement.
- From an average driver's height, up to 1,800 acres (10% of the study area) could be impacted.

Conservatively assuming vegetation:

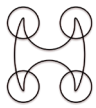
- When viewed from standing height, the view of up to 1,400 acres (8% of the study area) could potentially be impacted.
- From an average driver's height, up to 900 acres (5% of the study area) could be impacted.

Harkin Aerial also reviewed the Visual Impact Assessment (VIA) dated 2025 as prepared by Wendel Companies. While the GIS viewshed analysis shows a similar magnitude of impact as determined by Harkin's analysis, site photographic details lacked information necessary to fully determine the true visual impact of the proposed site – namely camera and lens specifications to ensure site photographs have a minimum resolution (> 10 MP) and focal length (approximately 50mm) match human eyesight as closely as possible. Additionally, photographs were taken during full leaf-on conditions, which does not assess the visibility impact during leaf-off season, conditions which typically exist through a majority of the year.

Based on the results of the viewshed analysis, the timeframe of LIDAR captures, and the review of the September 2025 VIA, Harkin recommends an onsite VIA be performed during the winter leaf-off season to properly assess the visual impact during the majority of the year with limited vegetation.

Conclusions + Recommendation

In both Harkin Aerial's Desktop Viewshed Analysis and the existing September 2025 VIA conducted, wide areas of potential site visibility were identified both from pedestrian and driver



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view heights. Based on the viewshed results with vegetation included, significant areas (between 1,500 to 3,000 acres) may still be impacted despite the existence of trees throughout the site. The photographs reviewed in the September 2025 VIA were captured in full leaves-on conditions and therefore do not portray the same seasonal conditions as the LIDAR referenced by either this current viewshed analysis or the one provided by Wendel in September 2025.

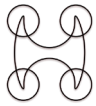
Given the above, Harkin Aerial recommends that an onsite visual assessment of the proposed project be performed during the winter leaves-off months with equipment and procedures that match the FHWA's or similarly accepted agency's guidelines for a visual impact assessment.

Introduction

Harkin Aerial Inc (Harkin) was retained by McCarthy Fingar LLP to provide an assessment of the potential visual impacts of a proposed industrial solar plant to be constructed by Ancram PV, LLC. The focus of this assessment includes the visual impacts from the proposed solar panels as shown on the Special Use Permit plans submitted to the town of Ancram. The purpose of this assessment is to: 1) Simulate the appearance of the visible components of the proposed project within the study area, 2) Evaluate potential project visibility within the study area via GIS viewshed analysis and GIS section profiles, 3) Identify key views for an in-person visual assessment from the viewshed analysis, 4) Perform an onsite visual analysis from key views. This report was prepared by a Geographic Information Systems (GIS) analyst experienced in the preparation of viewshed analysis, imagery and 3D reconstruction for environmental impact assessments and forensic evidence collection. It is also consistent with the policies, procedures, and guidelines contained in established visual impact assessment methodologies (see References section).

Visual Study Area Description

The Visual Study Area is comprised of a 3 mile radius around the center of the proposed project site. The proposed project site includes approximately 10 acres of private land located in Ancramdale, within Columbia County, NY. (See Figure 1 Project Overview Map and Figures 2 and 3 Project Site Map) The site is approximately 1,100 feet east of State Route 82 at the closest point, and 1,400 feet east of the Millerhurst Farmstand on State Route 82. The land use within the study area is primarily forested private property, rural farmland and scattered rural residences. The topography is comprised of moderately sloping hills, with the lowest elevations lying along State Route 82, and the highest elevations to the east, west and south west of the proposed site. Elevation changes are moderate, with approximately 100 foot elevation difference the lowest and highest portions of the study area. The proposed solar farm site is on elevated ground, surrounded by a staggered treeline in all directions, consisting of irregularly varying tree height, with some trees as low as 15 feet, others as tall as 40 feet as measured by LIDAR data. The proposed site is located on a sloped grade, with approximately a 6% downhill slope from east to west. The land use of the site in present day is agricultural – the site is currently a cornfield. Beyond the surrounding treeline, cornfields further surround the site on all sides. At the time of site visit, the corn growth in the surrounding fields was found to have varied between a height of 8 to 9 feet above ground level.



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The proposed solar industrial facility is comprised of two separate arrays – a north array covering approximately 2.62 acres, and a south array covering approximately 1.20 acres.

The closest private property to the site is 450 Woods Road. The perimeter of the north array is located approximately 800 feet south of the southern property line of 450 Woods Road.

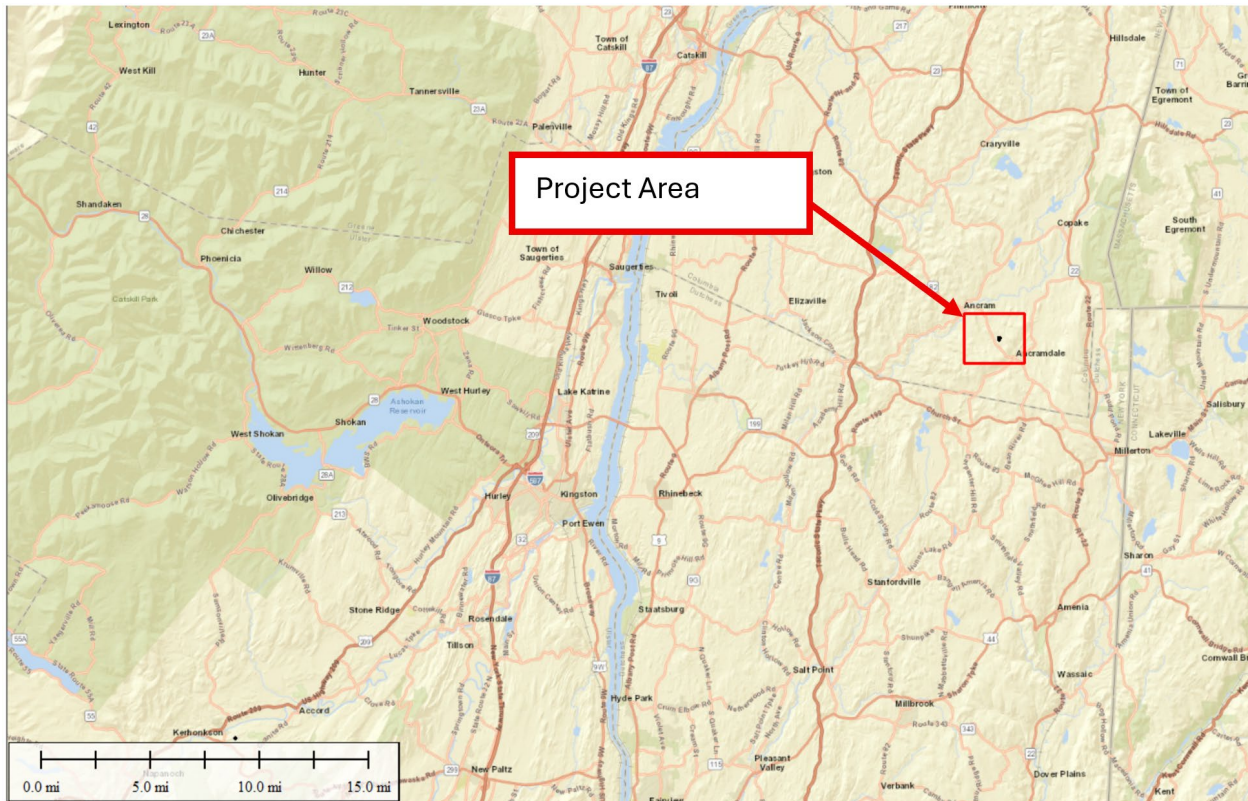
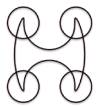


Figure 1: Project Overview Map



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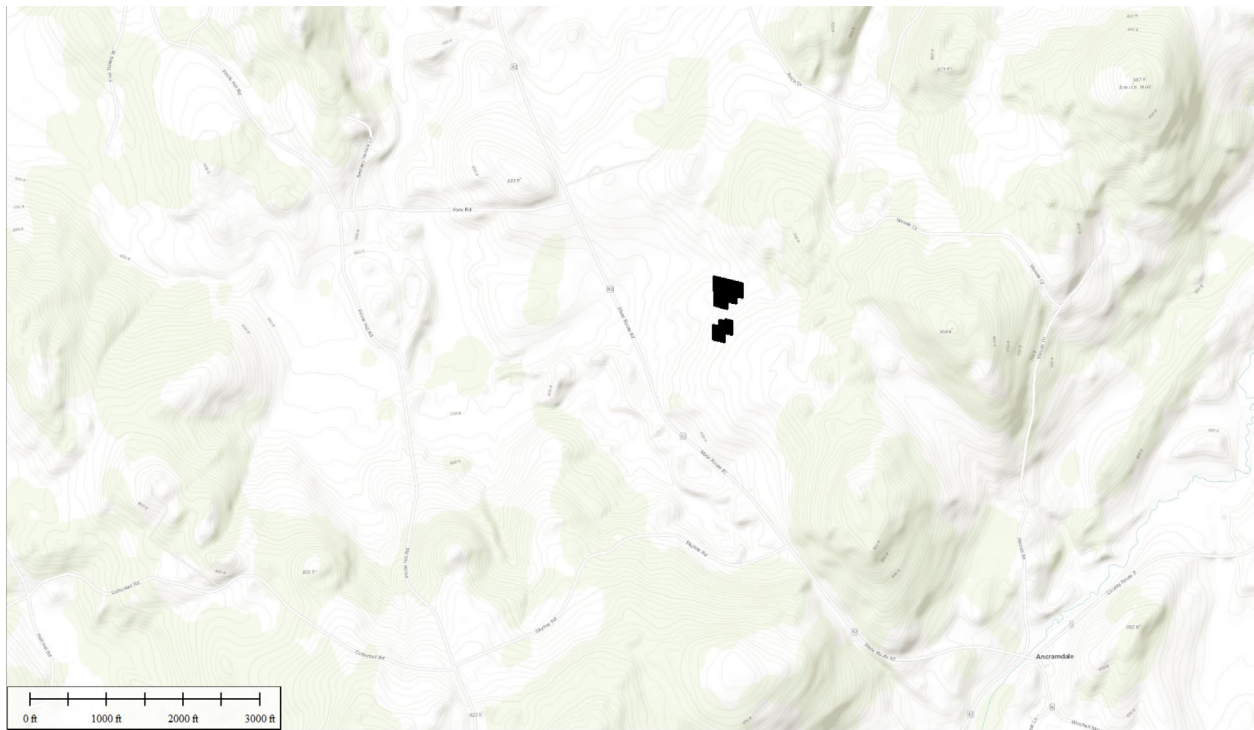


Figure 2: Project Site Map (Topography and Roads)

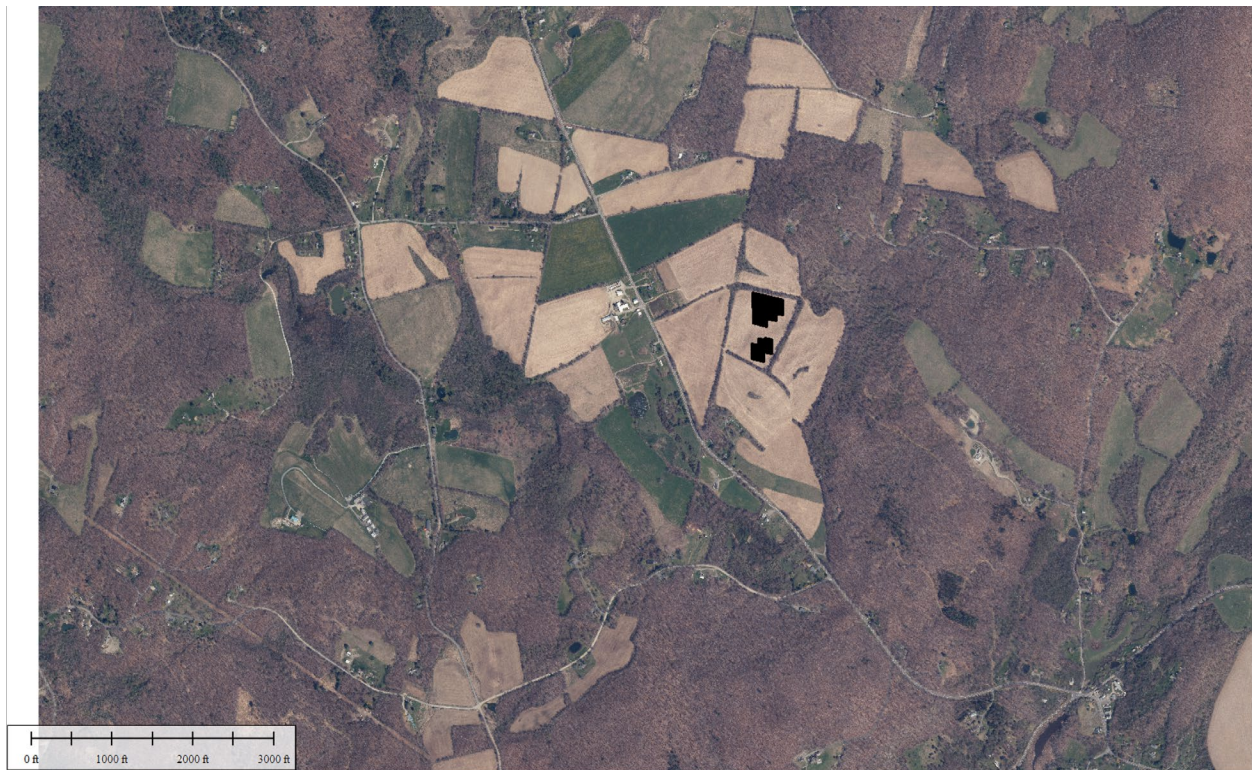
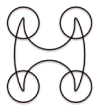


Figure 3: Project Site Map (Aerial)

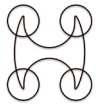
Phase 1 - Desktop Viewshed Analysis

Methodology

A desktop viewshed analysis was conducted of the study area utilizing GIS software package *GlobalMapper*, Version 23.1. The elevation data for the analysis was obtained from New York State's GIS Clearinghouse.

A single viewshed analysis is accomplished in GIS software by projecting lines of sight outward in all directions from a single selected point. This is suitable for determining line-of-sight to a single object such as a telecom tower, but is not sufficient to determine sightlines to a solar facility, which covers a much larger horizontal swath of the land. To provide an analysis more suitable for solar panels, 15 points total were chosen as viewshed points. 9 of these points represented the edges of the solar array, along with 3 points each placed evenly throughout the middle of the north and south array. In each map, the areas of all 15 viewsheds are combined to simulate where a significant portion of the solar panel could be potentially seen at any given location throughout the study area.

For the *viewed object elevation* (e.g. the elevation of the solar panel above the ground) a height of 12 feet was selected. This was chosen based on the Special Use Permit plans of the site (Appendix



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D) which proposes a 12 foot maximum structure height, as labeled on sheet C200 - Overall Site Layout Plan.

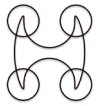
For the *standing viewer* elevation (e.g. the elevation of a pedestrian viewing the site while standing on the ground) an eye-line height of 5.5 feet was selected. This is a commonly accepted value for viewshed analysis.

For the *driving viewer elevation*, a view height of 3.5 feet was selected based on Federal Highway Administration guidelines for driver eye-line height (See References, Federal Highway Administration, 2009). This elevation was used to determine if drivers on State Route 82 could potentially see the solar panels.

While industry accepted publications (US Forest Service, 1995) consider landscape character viewshed distances to be appropriate to up to 4 miles, a distance of 3 miles was selected, as the commercially available lighted beacon chosen in Phase 2 maxes out at 3 miles visibility. Thus, a viewshed distance comparable to what could be tested on site in Phase 2 was chosen. Upon running the Viewshed analysis, no significant publicly impacted areas beyond 2 miles were found. Thus, the map scale and displayed viewshed analysis in Appendix A is limited to the significantly impacted areas for clarity.

Four analyses total were conducted.

1. An analysis of the combined viewshed points assuming a solar panel height of 12 feet and a **pedestrian viewer eye height of 5.5 feet above ground**, based on **Bare Terrain**.
2. An analysis of the combined viewshed points assuming a solar panel height of 12 feet and a **pedestrian viewer eye height of 5.5 feet above ground**, based on **Terrain and Vegetation**.
3. An analysis of the combined viewshed points assuming a solar panel height of 12 feet and a **driver viewer eye height of 3.5 feet above ground**, based on **Bare Terrain**.
4. An analysis of the combined viewshed points assuming a solar panel height of 12 feet and a **driver viewer eye height of 3.5 feet above ground**, based on **Terrain and Vegetation**.



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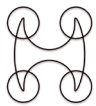
Data Sources

Elevation data for the viewshed analysis was obtained from the New York State GIS Clearinghouse. Two datasets were available for the study area:

1. 1-meter Digital Terrain Models (DTMs) produced by USGS. These DTMs were created by USGS from a variety of recent LIDAR projects in the area. These DTMs take into account only terrain and are widely used on projects where landscape impacts are a concern.
2. Aerial LIDAR point clouds from a 2022 NYS capture of Columbia County. From the point cloud dataset, 1-meter resolution Digital Surface Models (DSMs) were produced from the point clouds. A DSM is akin to “draping a tablecloth” upon the land, including trees and buildings as obstructions. This provides an even more detailed analysis of the area that conservatively assumes 100% screening from vegetation. The DSM is a widely accepted method to utilize when vegetation sightlines are a concern.

Both datasets were found to support 1-meter resolution raster creation, suitable for viewshed analysis.

Figure 4 below shows the concept of the Digital Surface Model. The DSM treats all vegetation as opaque – it does not take into account sightlines through leaves or under canopy, and creates simplified “clusters” of trees extruded from ground to the highest measured point of vegetation. The DSM is akin to “draping a tablecloth” opaquely across the terrain. The GIS software makes a binary yes or no determination as to whether the “tablecloth” is obstructing a view between the observer and reference point. If a sightline is completely unobstructed, the viewshed analysis shows a red area to visualize that sightline. No partial obstruction is represented. Partial obstruction is treated as zero visibility.



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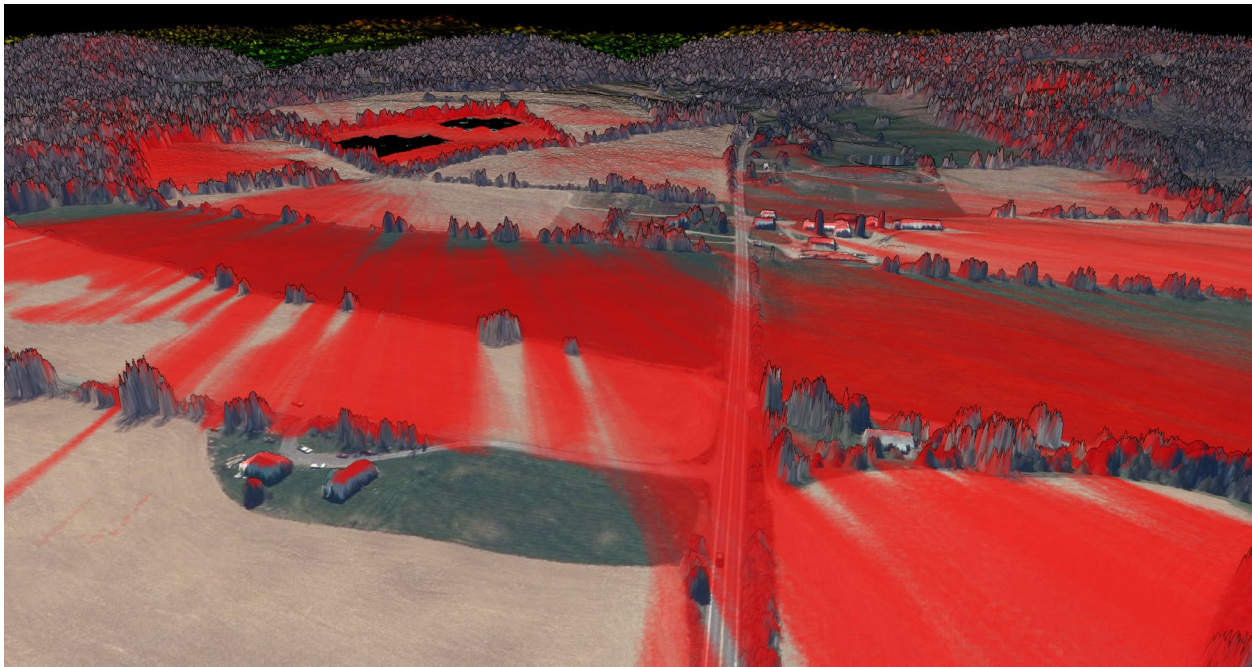
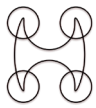


Figure 4: 3D representation of the Digital Surface Model prepared and Desktop Viewshed Analysis. Areas where the solar panel is visible from viewer height are cast in a red color to illustrate areas of high potential visibility. Trees are treated as fully opaque, completely blocking sight.

Full specifications are available in Appendix F: LIDAR Dataset Specifications



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Solar Panel Design Files

A copy of the Special Use Permit plans was received from McCarthy Fingar and used to trace the perimeter of the solar panels for precise geographic placement to support the viewshed analysis. PDF files were aligned with the map using natural features present in both aerial imagery and the PDF drawings. A visual example of the georeferenced PDF drawings is shown in Figure 5.

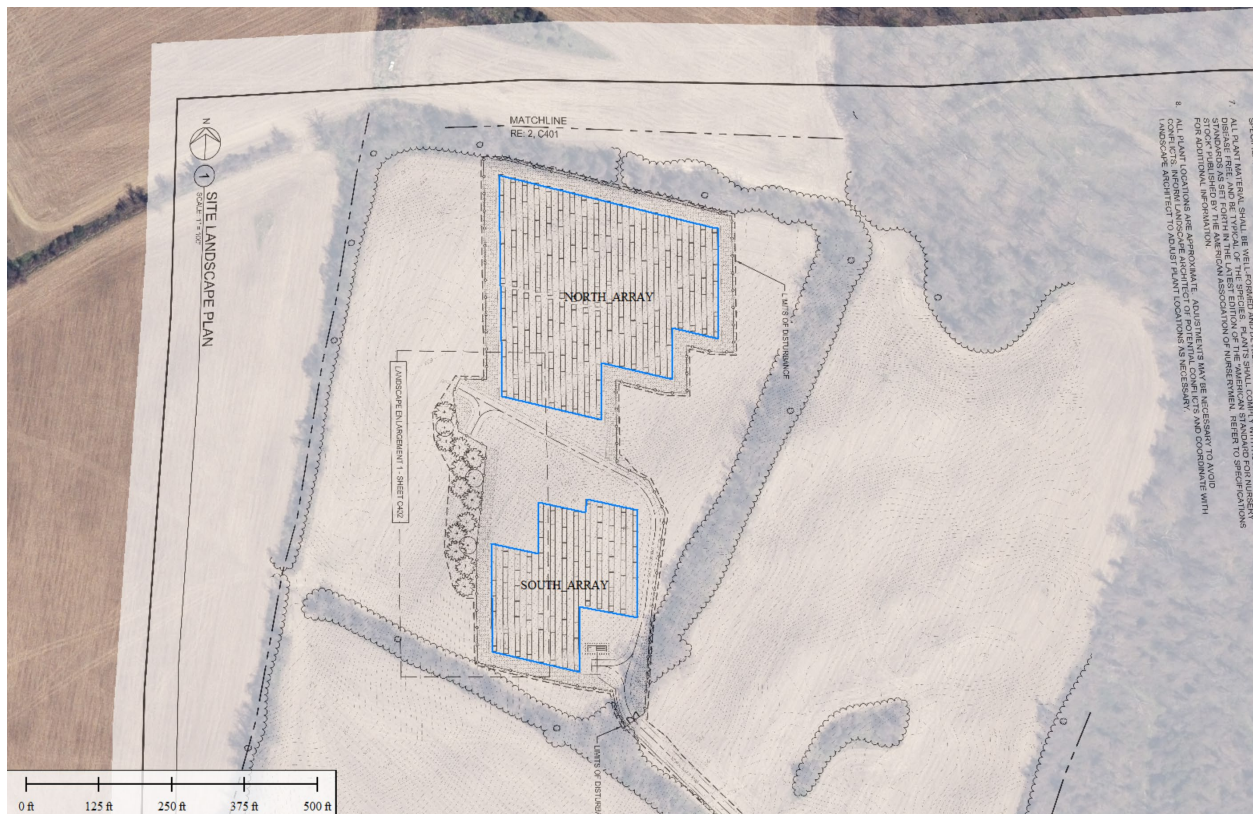
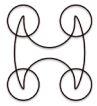


Figure 5: The PDF Site Plan drawing overlaid on aerial imagery to determine precise geographic location.



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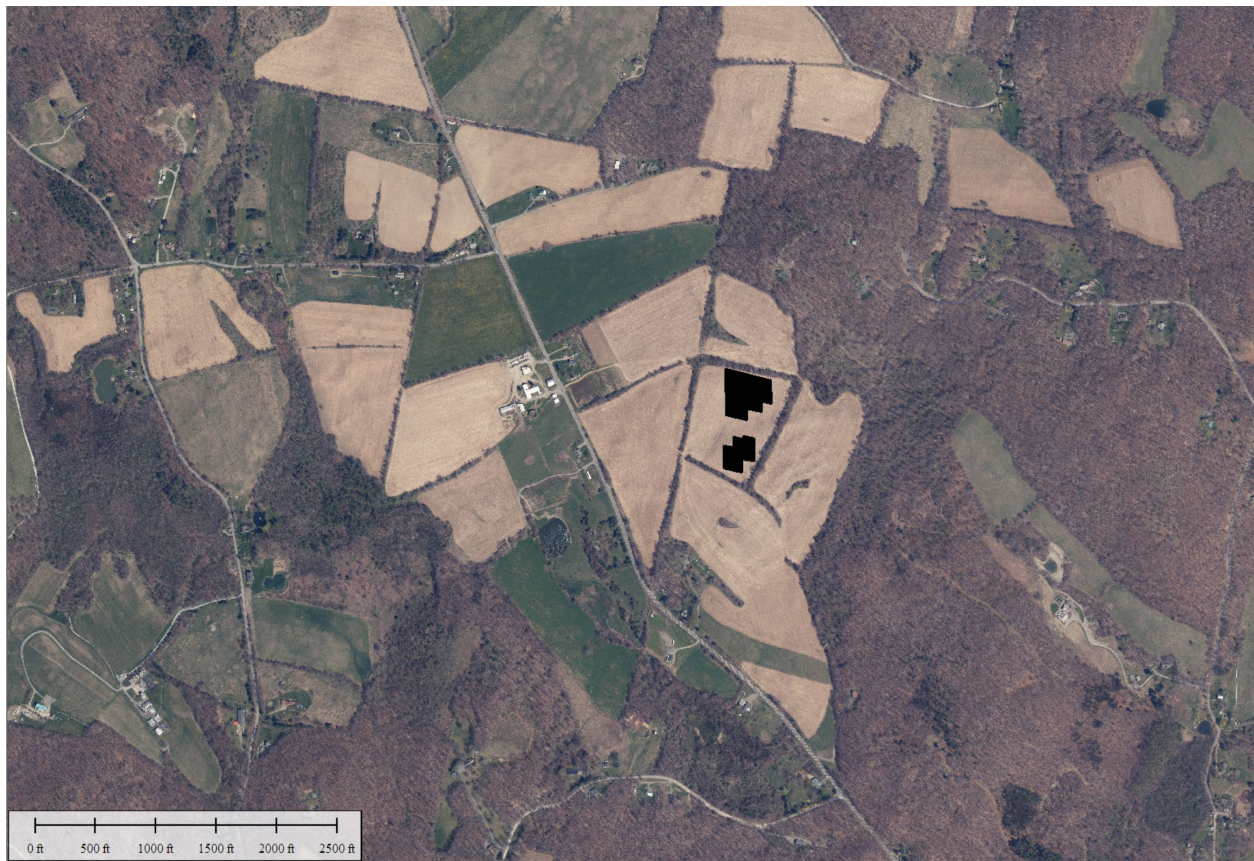
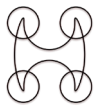


Figure 6: The georeferenced result of the PDF Site Plans - the north and south solar panel array areas, shown in black, as displayed on the latest available aerial imagery of the visual study area.



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Viewshed Analysis Assumptions and Parameters

The following parameters were established for the Viewshed analysis and shown in Table 1.

Parameter	Choice
GIS Analysis Software Package	GlobalMapper Version 23.1
Unobstructed visibility distance	3.0 miles
Viewshed location points per solar array	Minimum of 6 points, at perimeter and centers of arrays
Solar Panel height above ground	12 feet
Viewer height above ground	5.5 feet
Driver height above ground	3.5 feet
Second story assumed height above ground	15 feet
Viewshed sampling resolution	5 meter
Digital Elevation Model binning method	Maximum Elevation Values (DSM)
Base Digital Surface Model resolution	1 meter
Earth Curvature factor	Excluded

Table 1: Viewshed Desktop Analysis Parameters

Viewshed Analysis Results

Full results of the viewshed analysis are available in Appendix A. A viewshed analysis for all 4 scenarios was performed. The viewshed analysis was visually inspected to find significant areas of coverage. Areas on each map, highlighted in red, are areas where a clear line-of-sight to the solar array was found from that location. These areas were then cross-referenced with public roadways and the properties made accessible to Harkin in Phase 2 to find areas of overlap. These areas, representing highest potential visibility to the array, are detailed in the Table 2 below, and shown in Appendix A, Map 5.

Site Number and Name	Latitude	Longitude
1 408 Poole Hill Road	42° 01' 27.681148" N	73° 37' 38.158400" W
2 State Rte 82 and Pats Road	42° 02' 02.521480" N	73° 36' 47.267373" W
3 197 Pats Road Ext	42° 01' 41.831393" N	73° 37' 51.689013" W
4 450 Woods Ct	42° 02' 01.012397" N	73° 36' 18.586513" W
5 Poole Hill Road	42° 01' 36.744401" N	73° 37' 17.051883" W
6 Pats Road and Poole Hill Road	42° 02' 03.740041" N	73° 37' 28.377794" W
7 Millerhurst Farmstand	42° 01' 51.648040" N	73° 36' 41.059047" W
8 Millerhurst Patch	42° 01' 54.801810" N	73° 36' 39.816338" W
9 3299 State Route 82	42° 01' 37.797739" N	73° 36' 25.676057" W
10 Cottontail/Skyline Road	42° 01' 04.312522" N	73° 37' 13.104098" W

Table 2 : Areas Showing Highest Potential Visibility to Solar Panels.



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Selected LIDAR LOS Profile Analysis:

A Line-of-Sight (LOS) Profile was traced from each location in Table 2 to the visible point of the solar array. For this analysis, the latest LIDAR data available containing vegetation data was used. The results of the profile LOS analysis is shown in Appendix B: Selected Profiles.

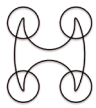
Of the 10 sites sampled, 6 showed a clear, unobstructed line of sight from the viewing location to the proposed solar site. Of the remaining sites, 3 showed potential obstruction due to vegetation. Only 1 site showed obstruction due to terrain.

Site Number and Name	Pedestrian or Driver View	Source of Obscuration (Vegetation or Terrain)
1 408 Poole Hill Road	Pedestrian	None
2 State Rte 82 and Pats Road	Driver	None
3 197 Pooles Hill Rd	Pedestrian	None
4 450 Woods Ct	Pedestrian	None
5 Poole Hill Road	Driver	None
6 Pats Road and Poole Hill Road	Driver	None

Table 3: Fully Unobstructed Profile LOS Views

Site Number and Name	Pedestrian or Driver View	Source of Obscuration (Vegetation or Terrain)	Average height of Treeline Obscuring View (ft)
7 Millerhurst Farmstand	Driver	Vegetation	8
8 Millerhurst Patch	Pedestrian	Vegetation	14
9 3299 State Route 82	Pedestrian	Terrain	n/a
10 Cottontail/Skyline Road	Driver	Vegetation	38

Table 4: Partially Obscured Profile LOS Views and Source of Obscuration



Limitations of the Viewshed Model

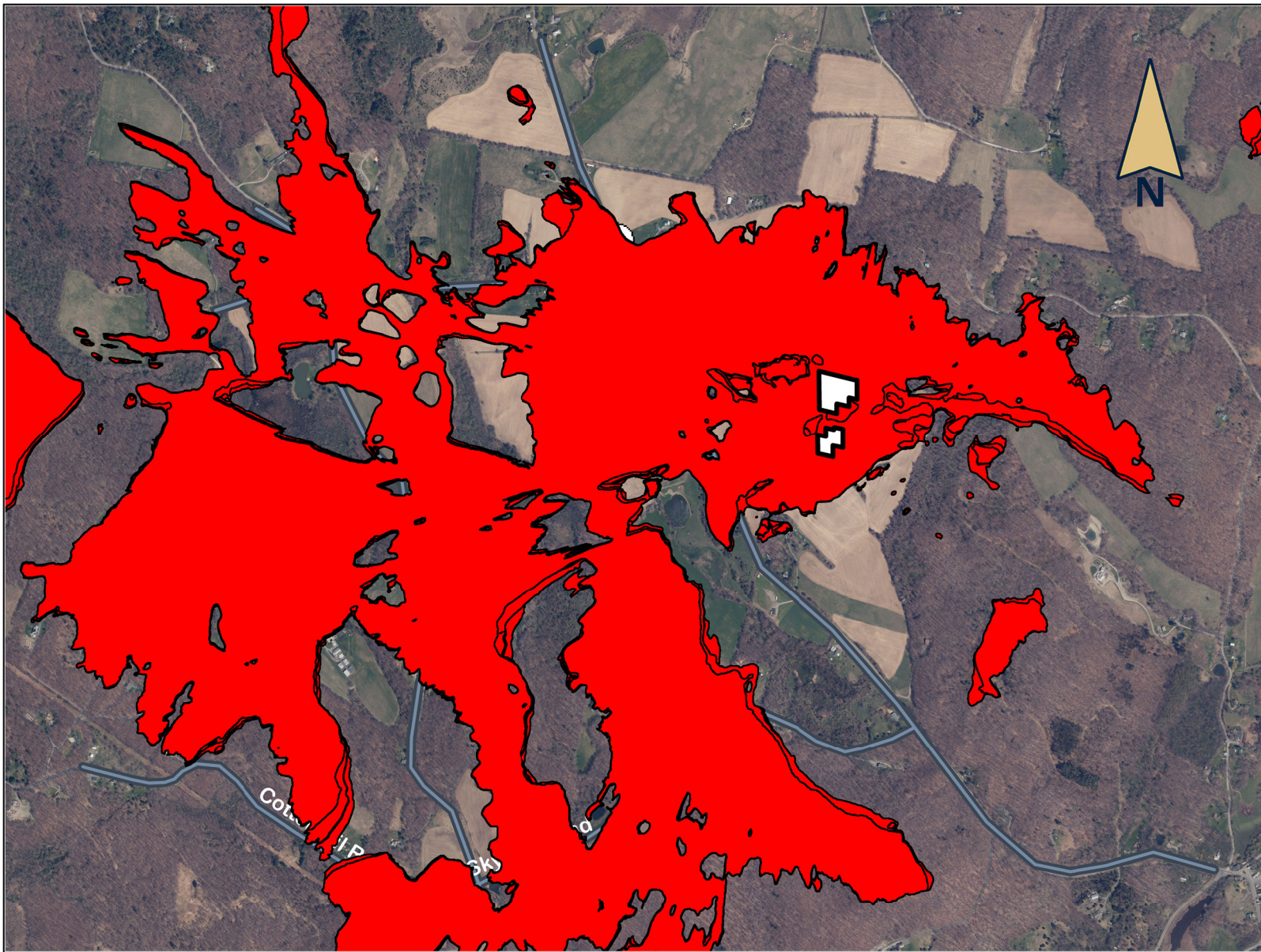
The viewshed analysis identifies specific cells (image pixels that contain elevation data acquired via aerial LIDAR.) The analysis computes the differences along the cells between an observer in the landscape and a target point (e.g. a portion of the solar panel). The analysis is a clear line-of-sight and therefore has certain limitations that need to be considered for proper interpretation of results:

1. The viewshed analysis depicts areas of visibility over a regional area. It can only simulate geographically on a map areas where certain parts of the solar panels might be seen. It does not and cannot definitively analyze if a view is seen at a particular time of year. Likewise, there may be understory tree gaps where the project is well visible, but is not represented in the viewshed analysis. Only on-site visual analysis during appropriate times of year can ascertain visibility with complete certainty.
2. The “DSM” viewshed model assumes all vegetation is opaque and therefore represents even greater obstructions than full leaf-on condition. Transparency and visibility predictions through bare-branched trees under leaf-off conditions cannot be determined solely via this analysis. Selected profiles have been added in Appendix B to give a more detailed analysis of vegetation impacts within key viewshed areas.

Review of September 2025 VIA

Harkin Aerial reviewed the provided VIA dated 2025 by Wendel to determine the extent of existing VIA efforts. Similar to the viewshed analysis provided in this report, Wendel’s prior analysis shows wide areas of potential visual impact, namely public roads such as Pats Road, Skyline/Cottontail Road, and State Route 82. LIDAR data for this analysis was obtained during leaf-off conditions. Thus, an onsite visual assessment should be completed during the same vegetation conditions to assess the site comparably to the LIDAR data. The VIA as submitted contains imagery captured during full leaf-on season, which may not provide an adequate assessment of visual impact during most of the year. Additionally, vegetation in the line of sight profiles is shown illustratively and not using actual LIDAR measurements of vegetation – the illustrations assume constant tree height, uniform geometry, and uniform maturity which is not supported by existing LIDAR data. Additionally, camera data (make, model, lens) for the photography was not provided, and may not meet recommended industry guidelines to adequately portray human eyesight. The Federal Highway Administration recommends using a greater than 10 megapixel camera, and a 50mm lens on a full-frame equivalent camera to best document site conditions for similar projects. (See References - FHWA, 2015) Images in the report were also compressed and may not show the nuances of vegetation gaps to a degree that a human viewer could reasonably discern.

Appendix A: Desktop Viewshed Analysis Results: Maps

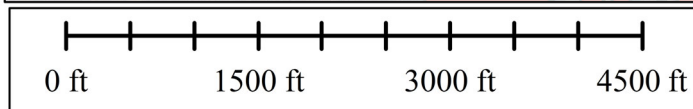


Map 1

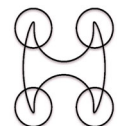
Viewshed Analysis
Vegetation Excluded
3 Mile Visibility
Viewer Height 5.5 Feet
(Pedestrian)

Legend

-  North Solar Array
-  South Solar Array
-  Viewshed Coverage Area
-  Roads

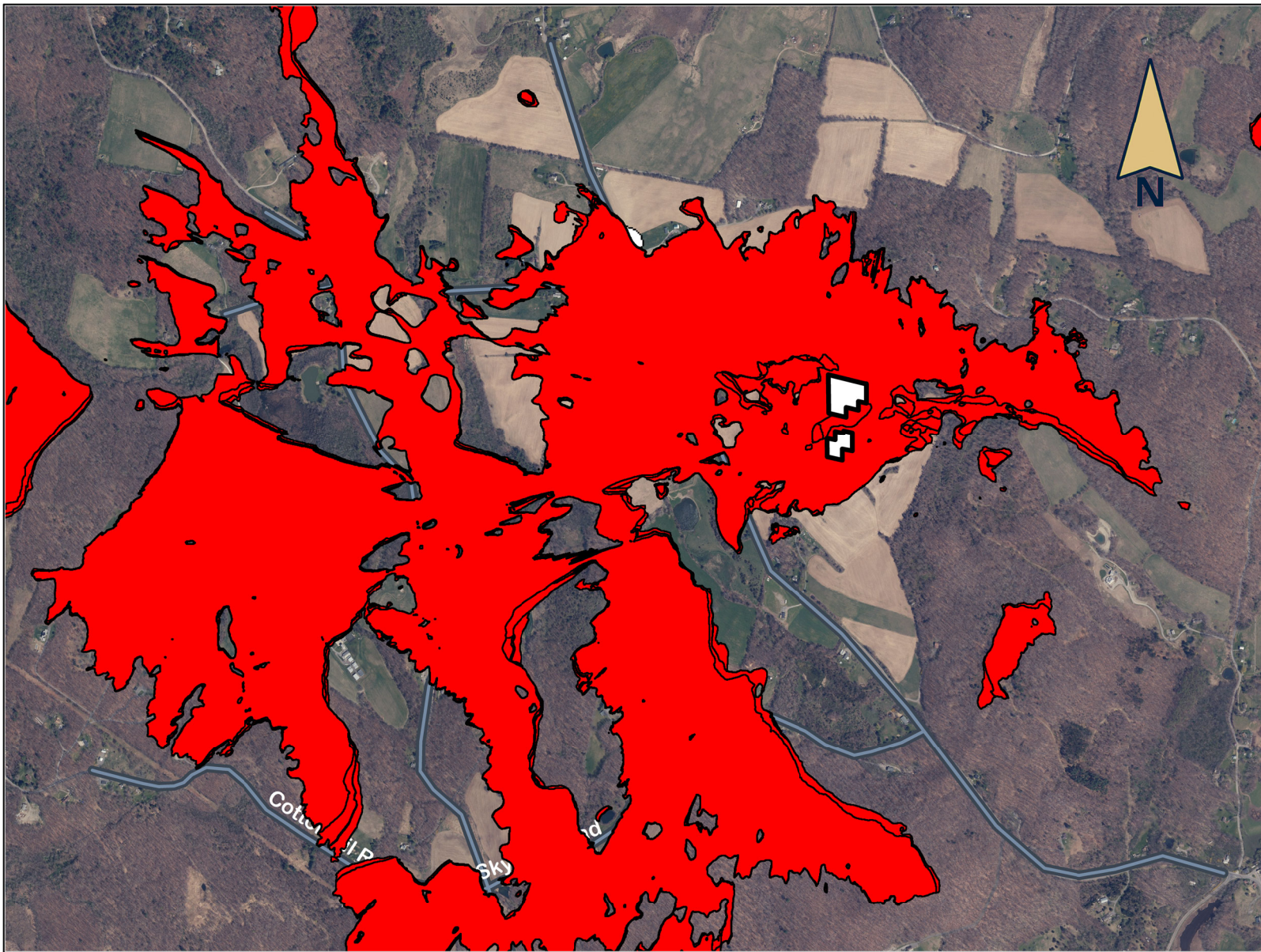


Aerial Data Credits: NYSDOP, 2022
USGS, NYS ITS Geospatial Services



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Map 2

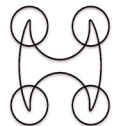
Viewshed Analysis
Vegetation Excluded
3 Mile Visibility
Viewer Height 3.5 Feet
(Driver)

Legend

-  North Solar Array
-  South Solar Array
-  Viewshed Coverage Area
-  Roads

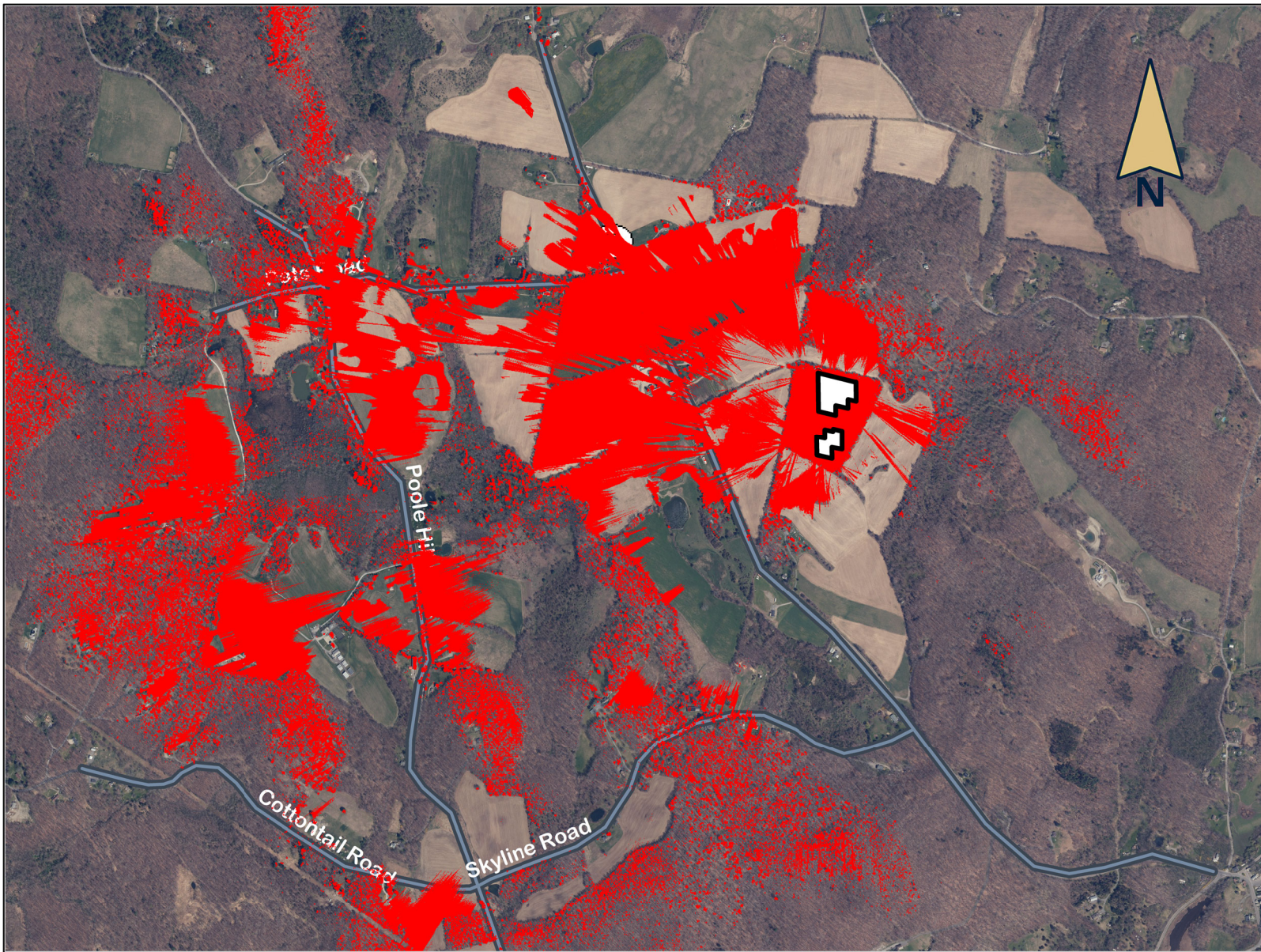
0 ft 1500 ft 3000 ft 4500 ft

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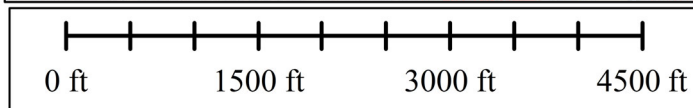


Map 3

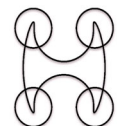
Viewshed Analysis
Vegetation Included
3 Mile Visibility
Viewer Height 5.5 Feet
(Pedestrian)

Legend

-  North Solar Array
-  South Solar Array
-  Viewshed Coverage Area
-  Roads

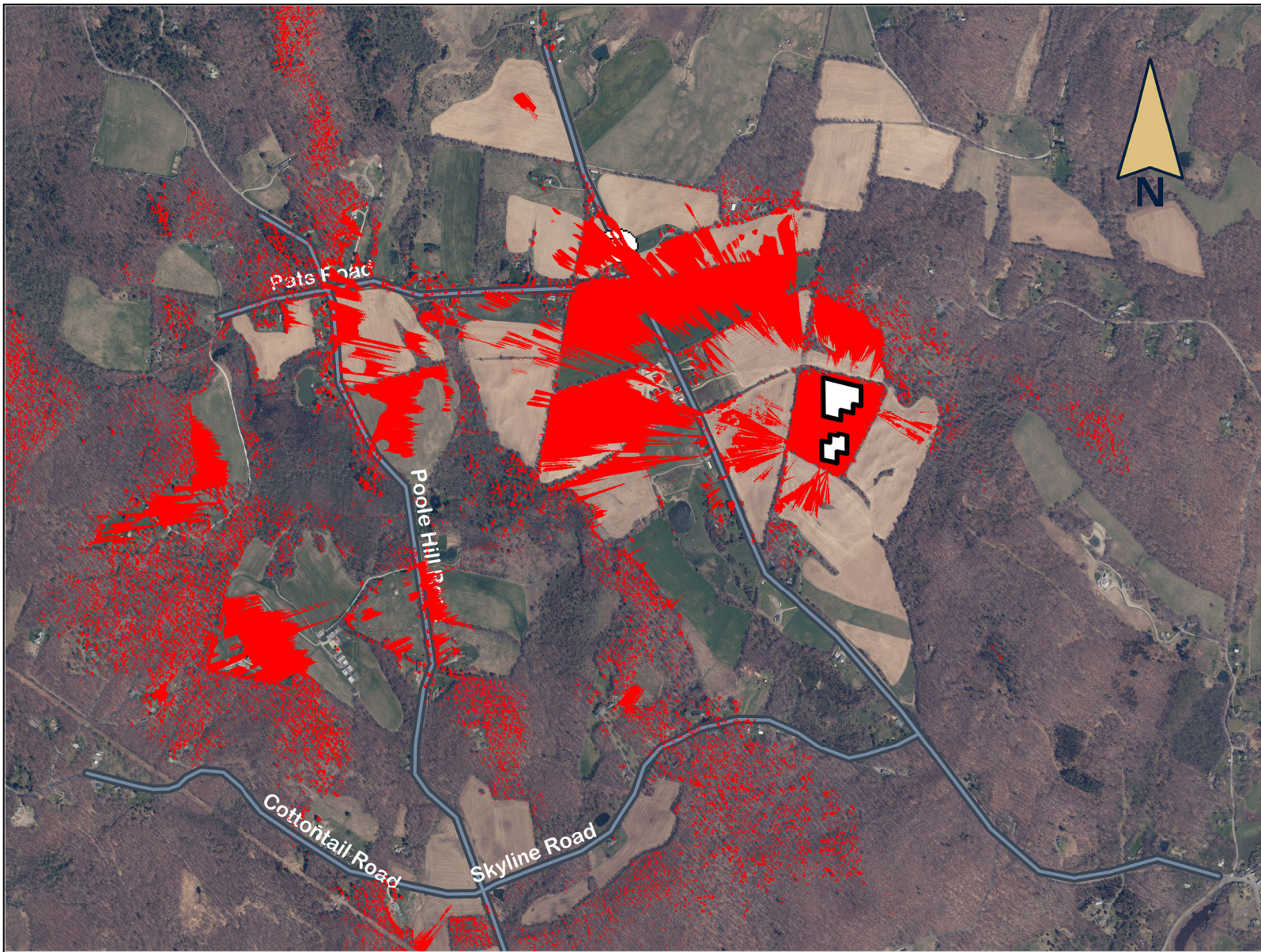


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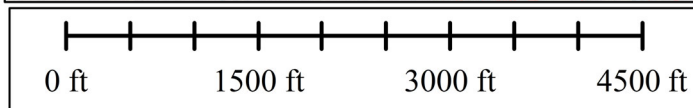


Map 4

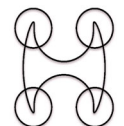
Viewshed Analysis
Vegetation Included
3 Mile Visibility
Viewer Height 3.5 Feet
(Driver)

Legend

-  North Solar Array
-  South Solar Array
-  Viewshed Coverage Area
-  Roads



Aerial Data Credits: NYSDOP, 2022
USGS, NYS ITS Geospatial Services



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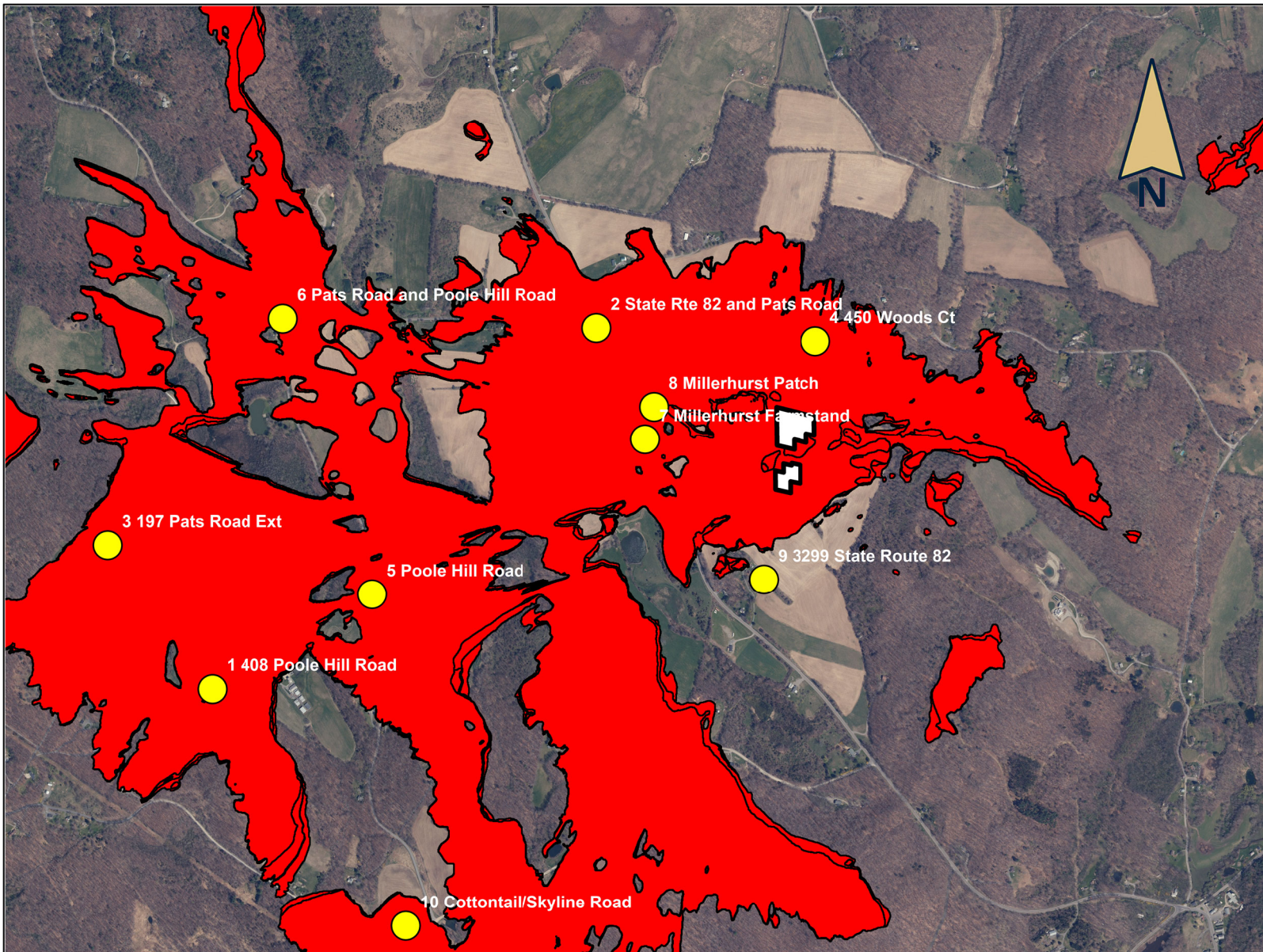
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Map 5

Locations Showing
Significant
Potential Sightline to
Solar Array With
Vegetation Excluded
Viewshed

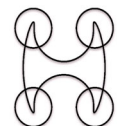
Legend

-  North Solar Array
-  South Solar Array
-  Viewshed Coverage Area
-  Viewshed Areas of Concern



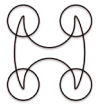
0 ft 1500 ft 3000 ft 4500 ft

Aerial Data Credits: NYSDOP, 2022
USGS, NYS ITS Geospatial Services



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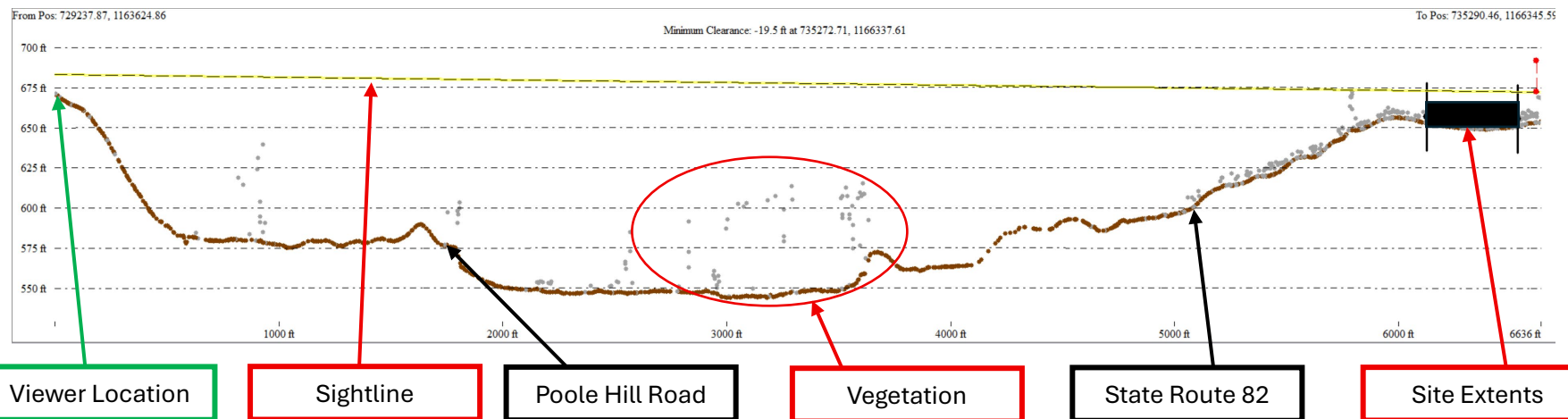
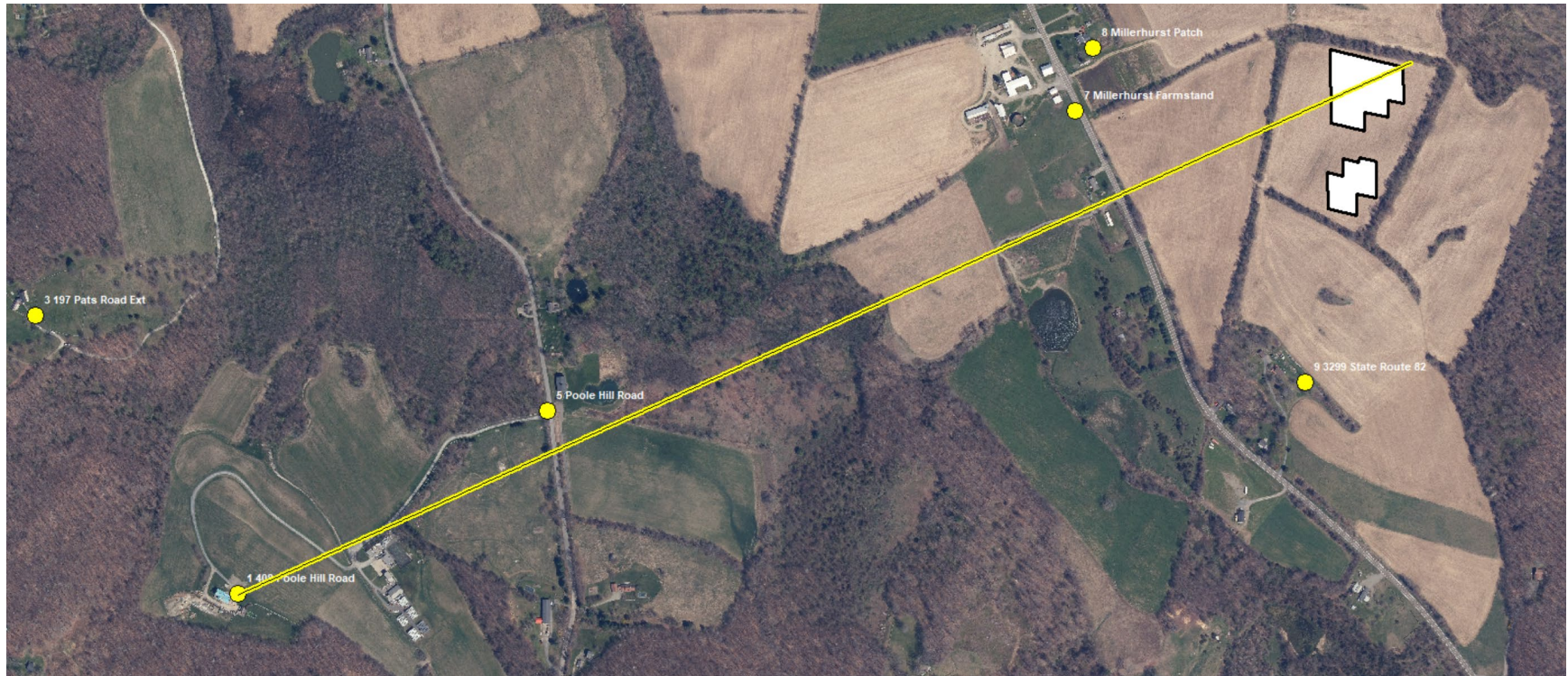


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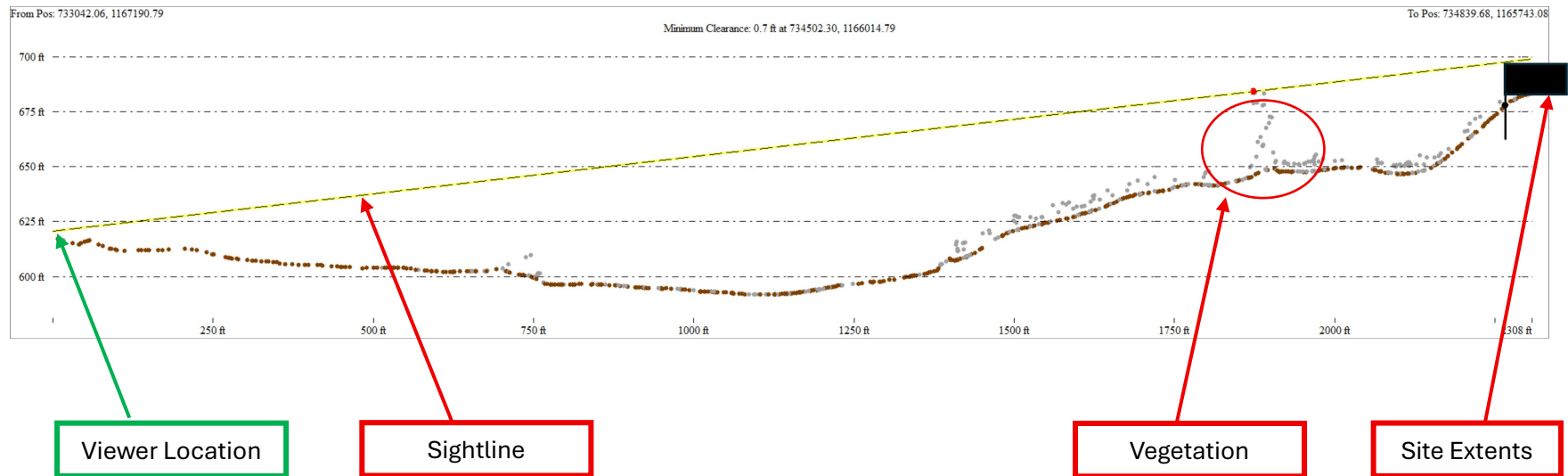
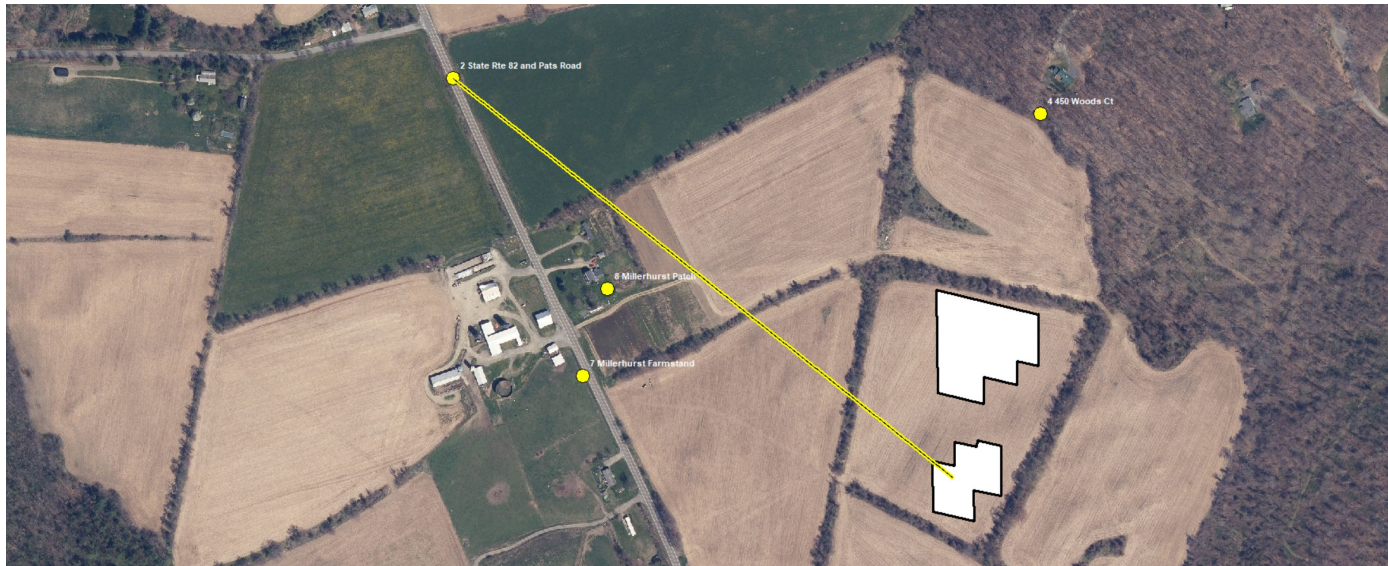
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Appendix B: Desktop Viewshed Analysis Results: Selected Profiles

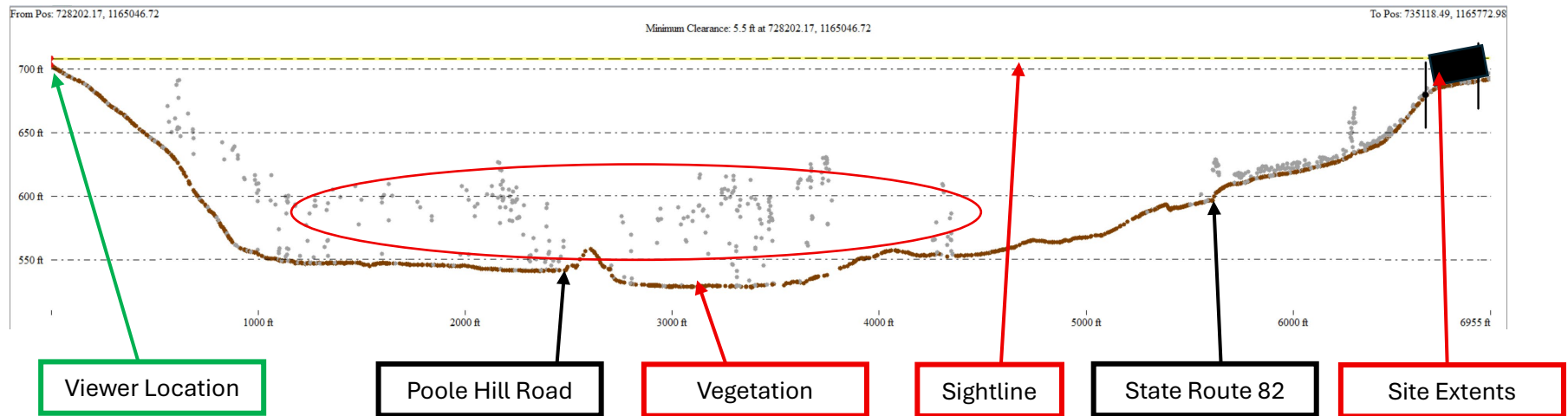
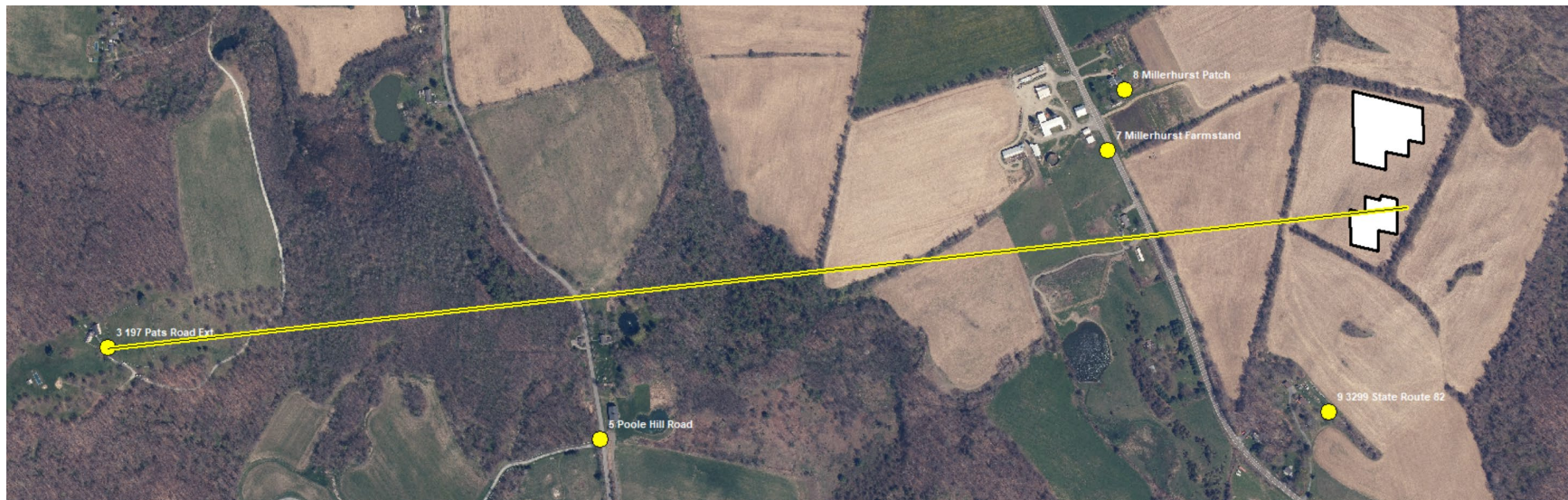
Site 1 Profile: Unobstructed View - 408 Poole Hill Road



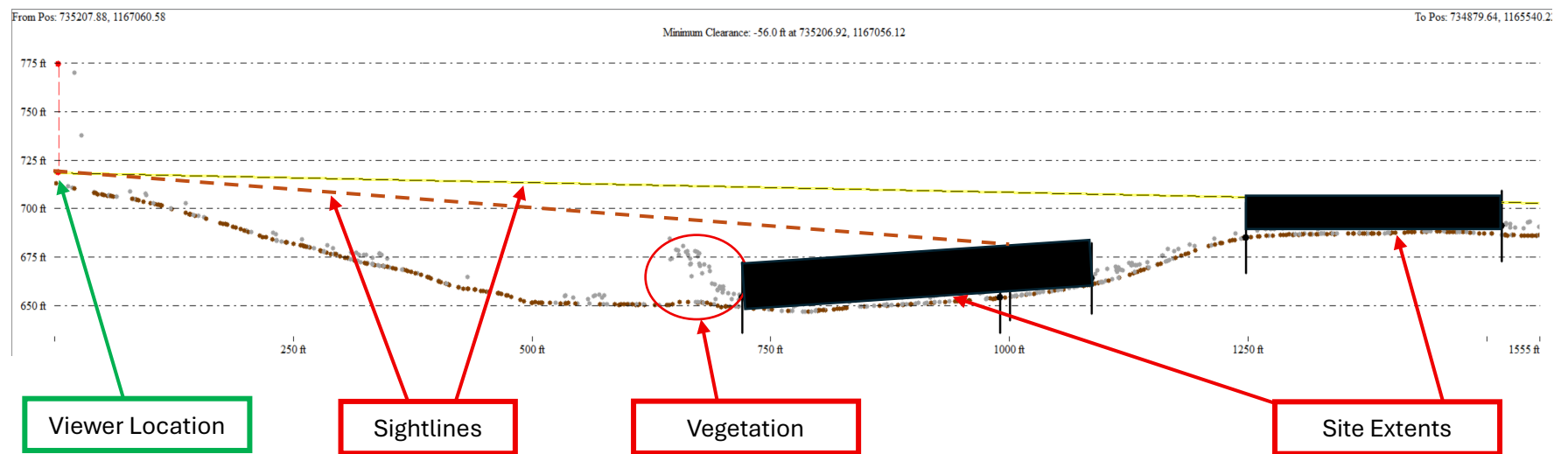
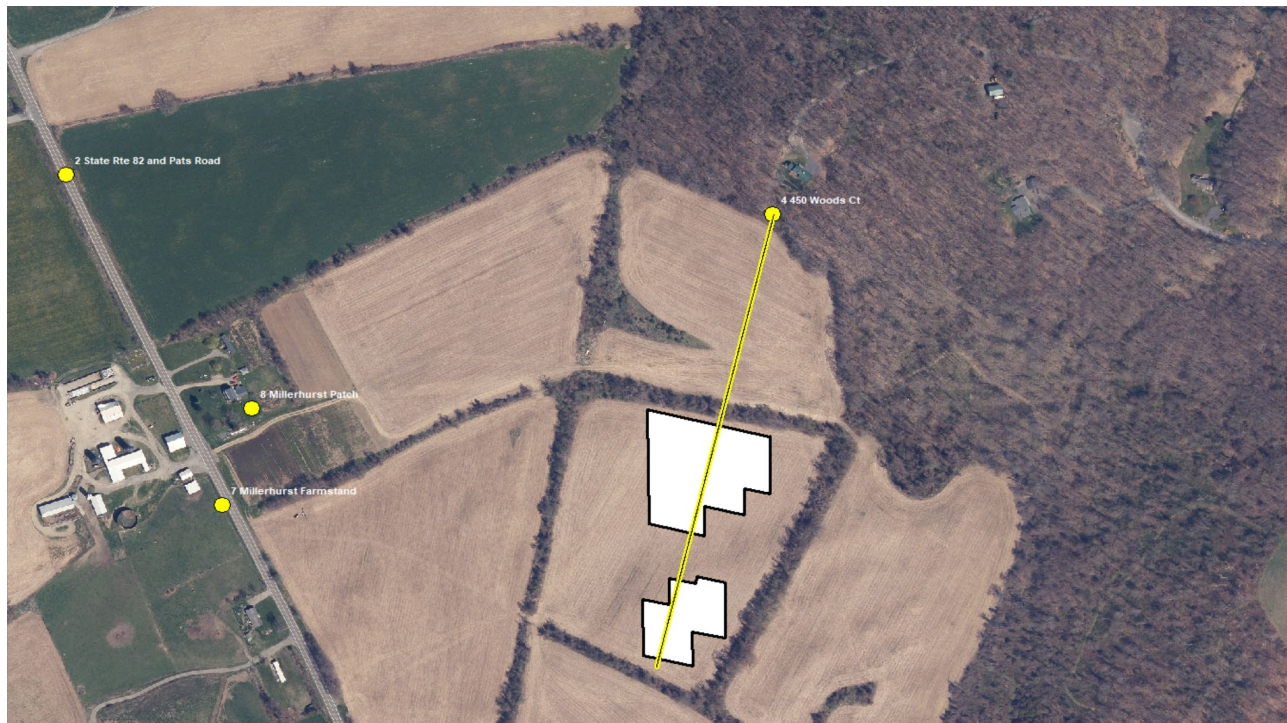
Site 2 Profile: Unobstructed View - State Rte 82 and Pats Road



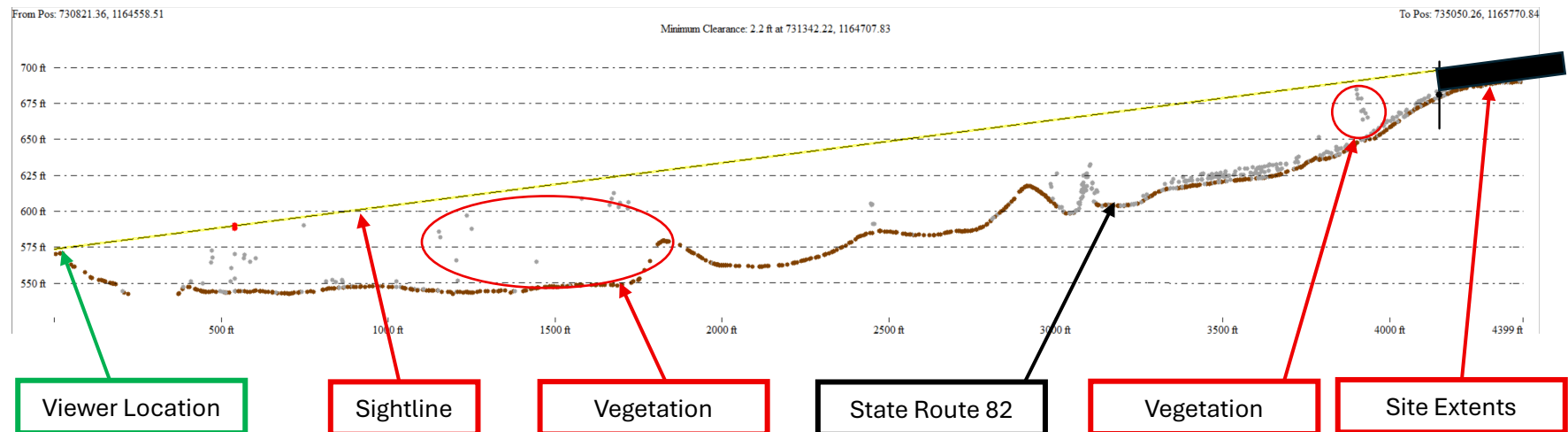
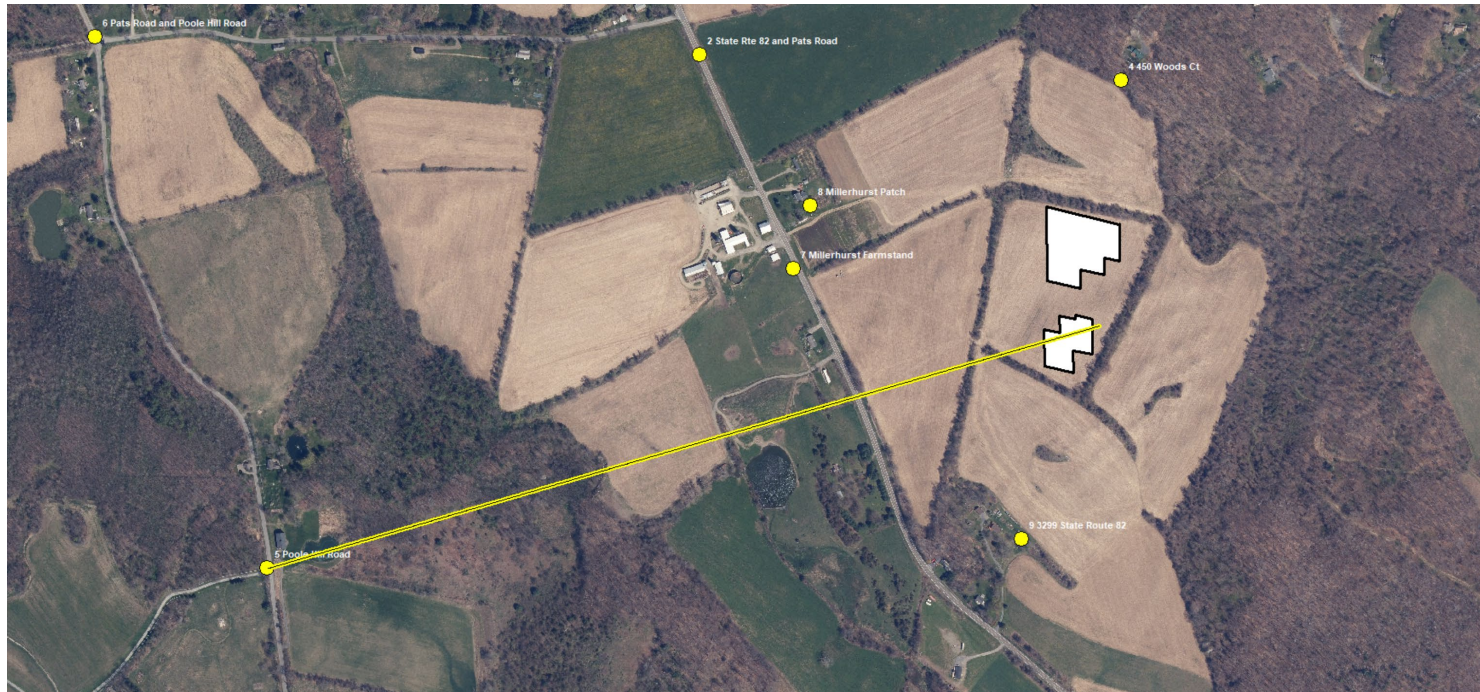
Site 3 Profile: Unobstructed View - 197 Pats Road Ext



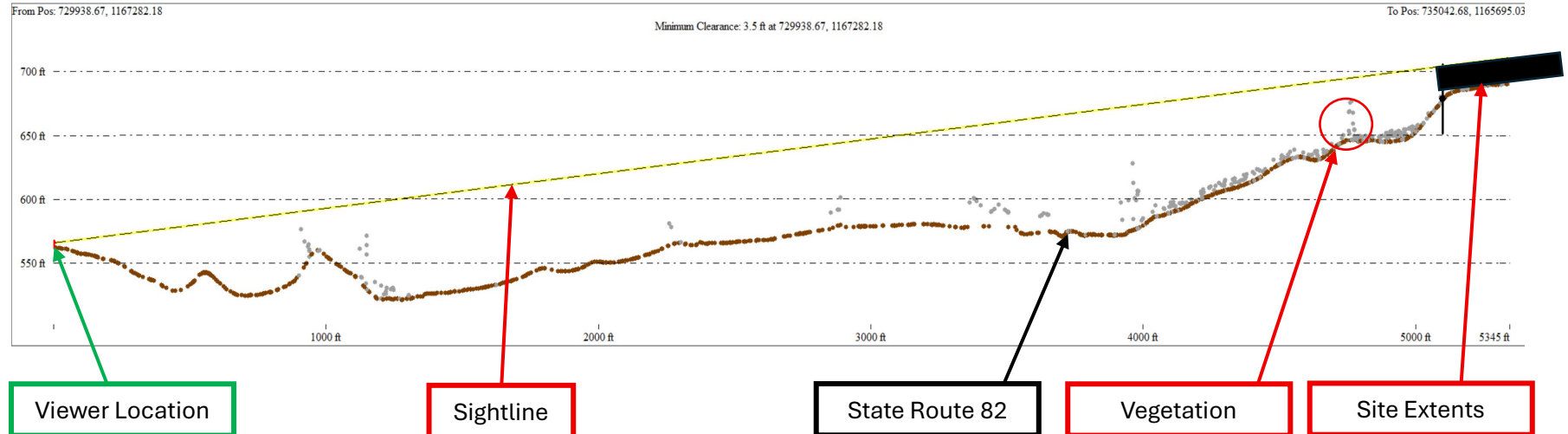
Site 4 Profile: Unobstructed View - 450 Woods Ct



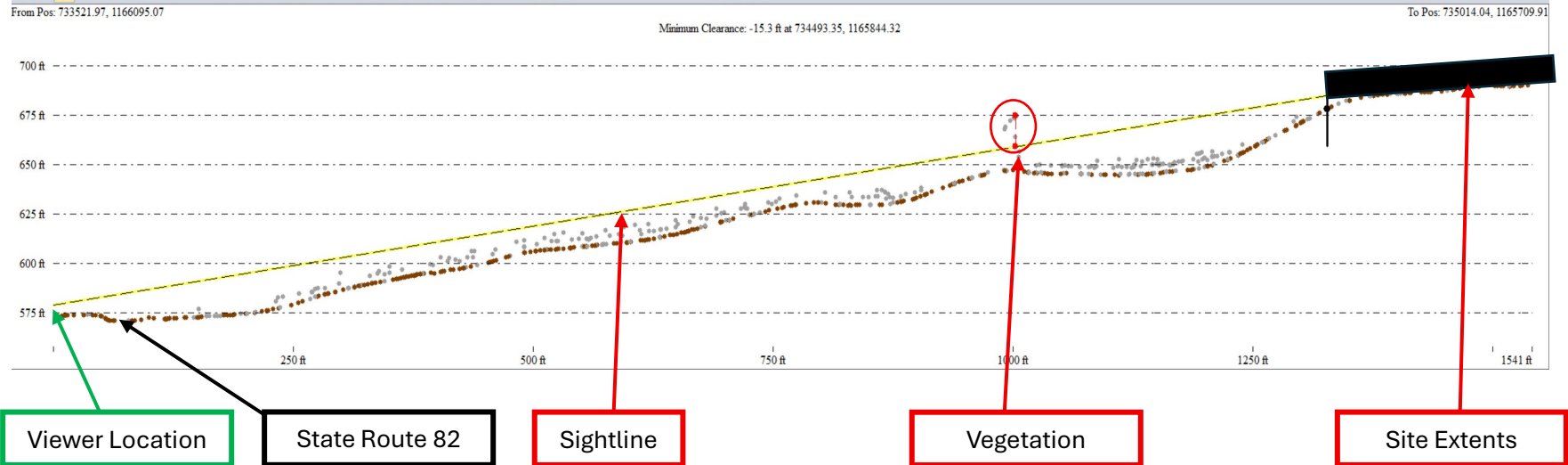
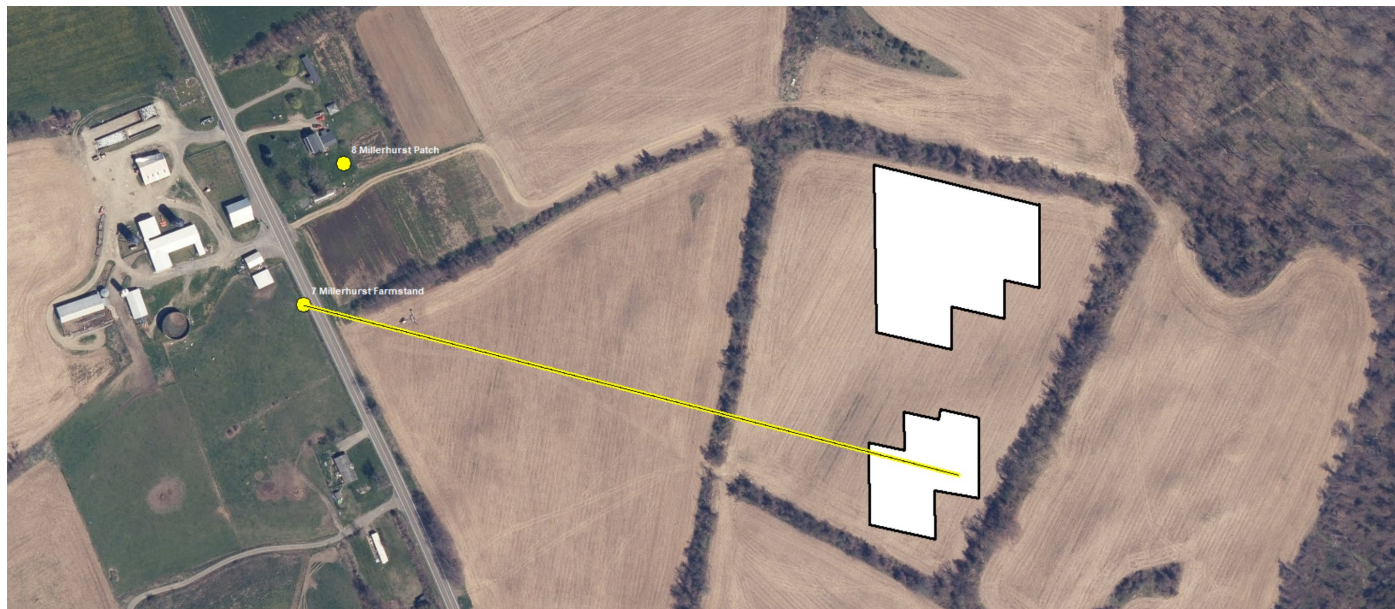
Site 5 Profile: Unobstructed View - Poole Hill Road



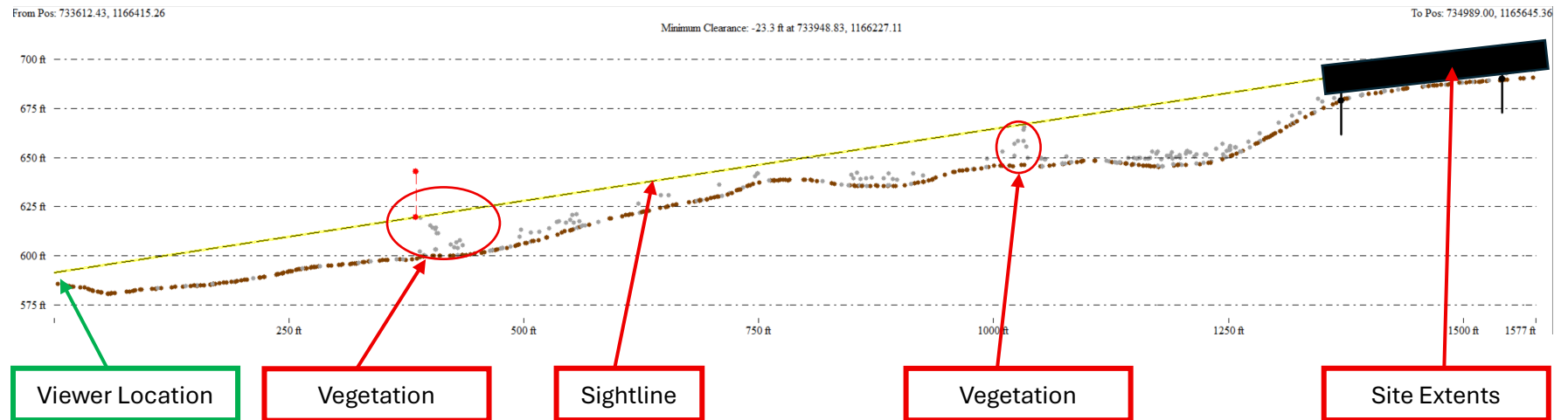
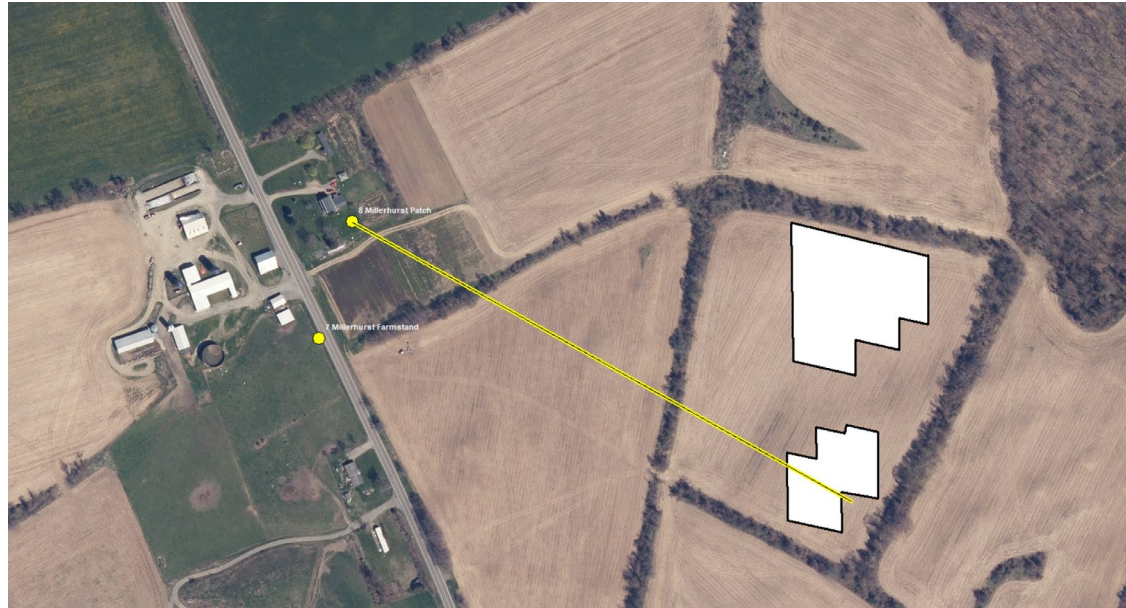
Site 6 Profile: Unobstructed View - Pats Road and Poole Hill Road



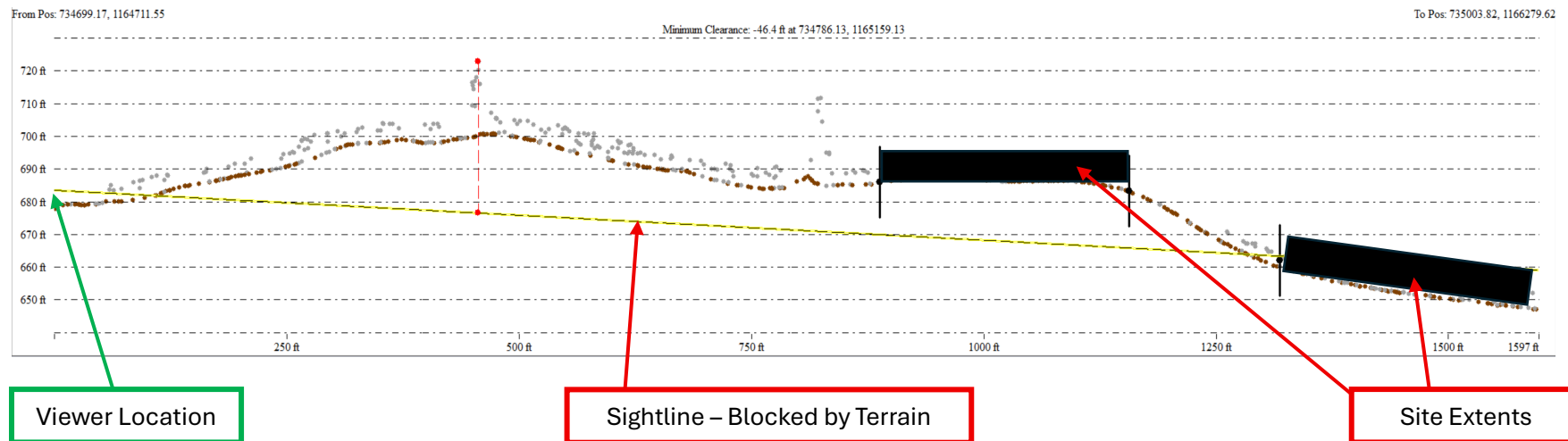
Site 7 Profile: Partially Obstructed View - Millerhurst Farmstand



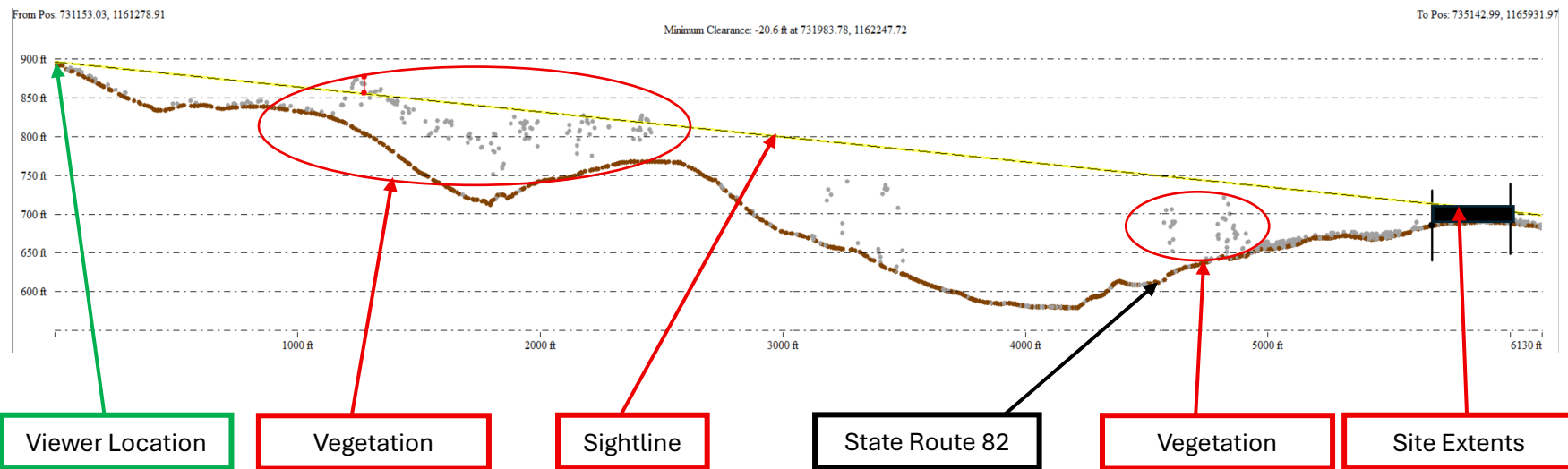
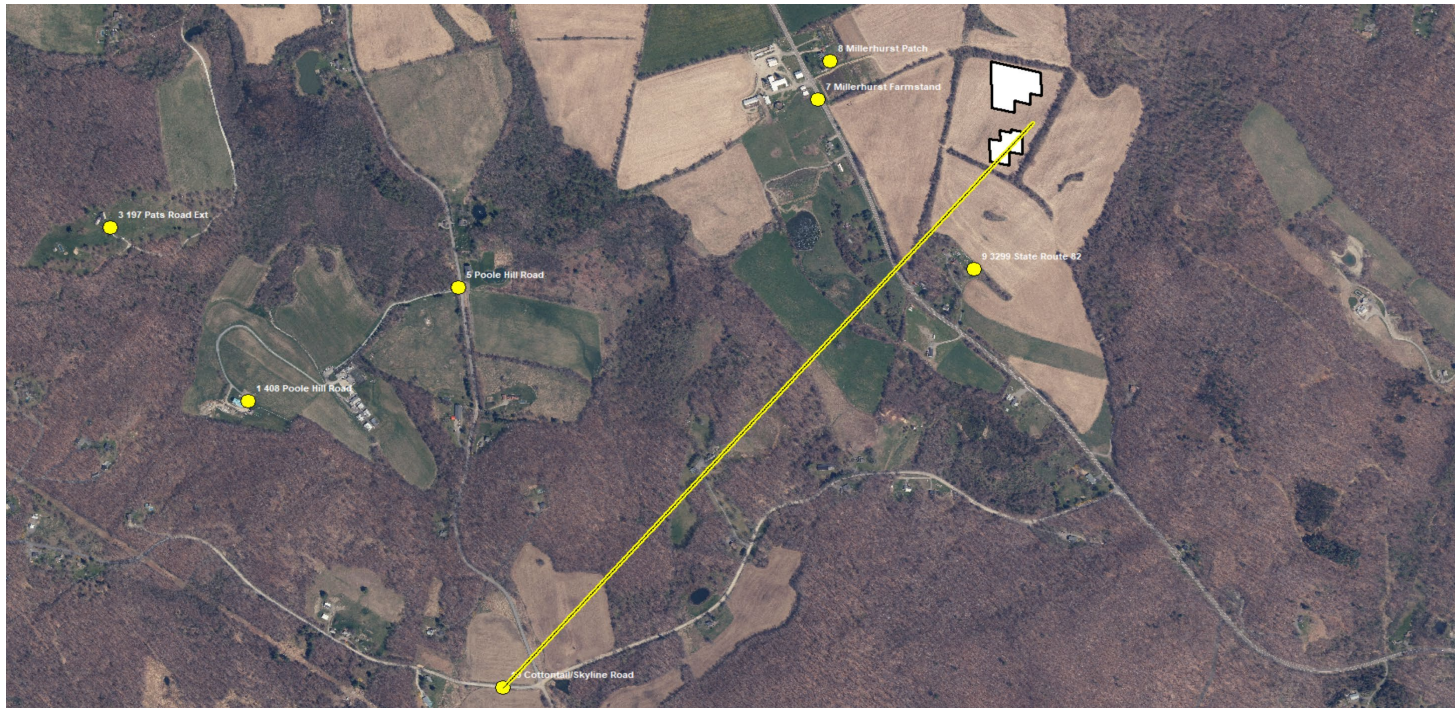
Site 8 Profile: Partially Obstructed View - Millerhurst Patch

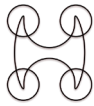


Site 9 Profile: Obstructed View - 3299 State Route 82



Site 10 Profile: Partially Obstructed View - Cottontail/Skyline Road



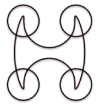


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Appendix C: Desktop Viewshed Analysis Results: Area Statistics

Viewshed Name	Approximate Area of Coverage (Acres)	Percentage of Study Area Covered	Viewshed Maximum Distance (feet)	Number of Viewshed Area Features
Viewer Height 5.5 Feet - Vegetation Excluded	2,300	13%	16,250	3127
Viewer Height 3.5 Feet – Vegetation Excluded	1,800	10%	16,250	3386
Viewer Height 5.5 Feet - Vegetation Included	1,400	8%	15,653	407720
Viewer Height 3.5 Feet – Vegetation Included	900	5%	15,542	189288



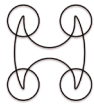
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Appendix D: Ancram Industrial Solar Facility Special Use Permit Plans

This study references the document "RIC Energy - Ancram Solar Site Plan Approval Special Use Permit" which can be found at the following link, in document *Ancram Solar-App H_Site Plan.pdf* :

https://www.dropbox.com/scl/fo/0zln9mcbc506fjml1zlfw/APwwRzCRP8PBNrHUycGOA8A/Ancram%20PV%2C%20LLC_Amended%20Application%20Documents_250605?rlkey=39cut46c6pcx3hgdi5vcil6qw&dl=0



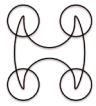
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Appendix E: LIDAR Dataset Specifications

Two datasets were utilized in the desktop analysis. These datasets were accessed from the *NYS GIS Clearinghouse* (<https://data.gis.ny.gov/>) :

Dataset	Use	Year Of Relevant Data Collection	Specifications/Standard
US Geological Survey, Lake Ontario and Hudson River Region LIDAR	Vegetation Included Viewsheds	2022	Nominal Point Spacing: 0.7 meters. Based on U.S. Geological Survey National Geospatial Program Base Lidar Specification 2022, Revision A Airborne LIDAR full Dataset collected between 11/8/2022 and 4/15/2023
USGS 1-meter DEMs	Vegetation Excluded Viewsheds	Varies	Metadata Link: https://gisdata.ny.gov/elevation/DEM/support/metadata/NY16-Digital-Elevation-Model.xml



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Appendix F: References

FHWA Website. 2015. Guidelines for the Visual Impact Assessment of Highway Projects. U.S. Department of Transportation, Washington, DC.
https://www.environment.fhwa.dot.gov/env_topics/other_topics/VIA_Guidelines_for_Highway_Projects.pdf

16 NYCRR §1001.24. Compilation of the Rules and Regulations of the State of New York. Title 16, Chapter X, Subchapter A, Part 1001, Exhibit 24: Visual Impacts.

Federal Highway Administration. (n.d.). 2009. Speed Concepts: Informational Guide. Chapter 4. engineering and technical concepts. CHAPTER 4. ENGINEERING AND TECHNICAL CONCEPTS | FHWA. <https://highways.dot.gov/safety/speed-management/speed-concepts-informational-guide/chapter-4-engineering-and-technical>. Accessed September 2025.

US Forest Service, Landscape Aesthetics: A Handbook for Scenery Management (1995). Argonne National Laboratory. Retrieved from
[https://blmwyomingvisual.anl.gov/docs/Landscape%20Aesthetics%20\(AH-701\).pdf](https://blmwyomingvisual.anl.gov/docs/Landscape%20Aesthetics%20(AH-701).pdf).

EXHIBIT B



Community Planning and Environmental Associates

152 Stolzenburg Road, Berne, NY 12023

518-248-8542 • planningbetterplaces.com

Memo

To: Town of Ancram Planning Board
From: Nan Stolzenburg FAICP
Date: February 28, 2025
Re: Ancram Solar (Miller) SUP and SPR Application

As requested, I have reviewed the package of materials submitted for this application. This includes the sketch plan materials, initial submissions, revised submissions, ZEO verification form, and application materials. I have reviewed this application in relation to the Town of Ancram Zoning Law related to Article V (D) Solar Energy Systems (and in particular sub-section (g) – Community-Scale Solar Energy Systems), the Special Use Permit section (Article VI) and the Site Plan Review section (Article VII). I confirm that this project requires both a special use permit and site plan review.

While this application is very comprehensive and covers all the major requirements for submissions, I do have some questions that I offer for your consideration:

1. Overall, this application contains a very comprehensive set of submittals. This included the required noise study, visual impacts study with photosimulations, habitat study, SWPPP, ag data statement, wetland delineation, decommissioning plan, operations/maintenance plan, equipment/electrical sheets, and others.
2. As the Planning Board goes through the review process, remember to use the Ag Data Statement as described in the Zoning law and be sure to notify farm landowners identified in the Statement.
3. The access road is very long – 3026'. They have included access road turnarounds.

Questions related to the access road include the following:

- a. There is a short distance of access road that will split the remaining farmland. Will placement of the access road limit use of those fields for farming? Will tractors be able to cross this? Have details been provided to ensure that farm equipment can access those remaining farmlands safely and without damage to the equipment or access road?

Placement of access road should not limit use of those fields for farming, tractors should be able to cross access road without issue, details have been provided about the road, it will not inhibit access of ag equipment (look up which page),

location of access road chosen per land owner request to promote continued ag use to the greatest extent possible

- b. Is the access into the solar field a driveway or a road? The Town of Ancram Highway Construction Standards (2017) regulates both. In reading the definitions of road vs driveway, it appears that this would be defined as a driveway. Assuming the Board agrees, the Highway Standards offers driveway specifications that do not appear to be met with this proposal. It requires that grades be sloped away from the public road at 1% for the first 20', no greater than 5% for the next 30' and then at a maximum of 10% for the remainder of the driveway. There is a provision for 12% driveways but for those not to be for more than 200'. Driveways less than 20' wide are also to have a 15'x50' pull off every 500'.

It's agreed that access to this project would be considered a 'driveway' based on the Town's definition. The first ~200' of the driveway was designed to follow the existing grade of the site to the greatest extent possible while also staying below the maximum 10% slope given by NYSDOT. The remainder of the access road also follows the existing slope of the project site as much as possible.

- i. According to the site plans, it appears as if the slope at the intersection is 9.36%. The rest of the access road has locations that are steep, but none exceed the 10% requirement of the driveway standards.

Acknowledged.

- ii. The Planning Board should ensure that there is 500' of sight distance in both directions at the intersection with Route 82.

There is at least 500ft of sight distance in both directions from the proposed driveway. NYSDOT was provided a sight distance figure and it was approved as part of the Stage 1 & 2 PERM 33 permit.

- iii. For the most of its length, the driveway is 20' wide, so the pull off requirement isn't needed. However, the access road narrows to 16' once it passes through the gate and into the area where panels are placed. I didn't have paper copies to do adequate measurements, but the Planning Board should explore with the applicant the distances of the 16' section and determine whether additional pull off(s) are needed to meet the driveway highway standards.

Per "Solar Law, Solar Energy Systems, Part g.4.i", the project access road was designed to minimize the number and size of roadways constructed to the greatest extent possible. There is also a 20' wide turnaround area at the end of the 16' wide section of access road.

- iv. I recommend that the Planning Board seek professional engineer review on the slopes and level spreaders/stormwater provisions for the access road so that it does not create either runoff or runoff/sedimentation into Route 82.

An engineer has reviewed the slopes and SWPPP, he confirmed the SWPPP complies with DEC regulations (applicant's engineer reviewed and designed in accordance with all NYSDEC stormwater regulations and the town engineer has also reviewed and noted no concerns regarding runoff or sedimentation)

- v. The gate shows a Knox Box for emergency access. I recommend that these plans be submitted to the Fire Department for review to ensure they feel they can adequately access this site in case of fire or other emergency.

The ZEO reached out to fire department for comments during his review and there was no response. We have also tried reaching out but have been unable to speak with anyone about the project. We will continue to try and would appreciate any support from the planning board in getting connected to the right person.

- 4. A draft SWPPP has been submitted. I recommend that the Planning Board also seek professional engineer review on this to ensure that it is adequately designed to address stormwater. Note that at the end of January, the SWPPP regulations changed, and the plan should recognize and incorporate the latest stormwater requirements as per the Stormwater Design Manual. Since this site ultimately drains into the Roe Jan, the Planning Board should be confident that the stormwater control methods are adequate to prevent other impacts.

The Town's professional engineer has reviewed the SWPPP and provided comments on 4/8/2025. The SWPPP provided in this resubmission has been updated to reflect the GP-25-0-001 permit.

- 5. Please explain how the 0.008 acres of impervious surface was calculated.

This is the area of the concrete equipment pad that the transformer will be placed on.

- 6. The following comments relate to the FEAF:
 - i. Page 8 (m) (ii) – fill out.

Acknowledged and updated

- ii. Page 11 (h) (iv) – fill out.

While there are wetlands or other waterbodies on parcels adjoining the project site, there are no delineated wetlands or waterbodies on the project site.

- iii. Page 12 – I do not think an actual wildlife field survey was done for this application. We have the habitat study that evaluated the site for listed/imperiled species and it may be obvious that deer, small mammals and songbirds use that area for habitat, there is no list of actual species using that site. The Planning Board should discuss whether such a field study is needed.

RIC consulted with NYSDEC and USFWS with the current habitat study and no additional surveys were required.

- iv. Page 12 (q) – fill out.

Acknowledged and updated

- v. Page 12 (o) – this mentions the Northern Long-eared Bat, but the habitat study and supporting materials also mention the Indiana Bat, Bog Turtle, Tricolored Bat, and monarch butterfly. These should be listed on the FEAF. (Further note that the Tricolored Bat is not included in the habitat study materials.)

Acknowledged and updated. Tricolor bat is listed as proposed endangered, there are no consultation requirements under the ESA nor conservation measures which must be implemented. RIC Energy will conduct any tree clearing in the winter months (see FEAF supplement for additional information).

- 7. The Operations and Maintenance plan indicates that mowing will take place as needed. However, I strongly recommend ensuring that the pollinator-friendly grasses that are planting in and around the solar panels offer the maximum habitat to insects and animals. I recommend that there be no mowing during bird breeding season (late May through early July), but even better would be to wait until the end of August to maximize use of the site for breeding/habitat.

Pollinator-friendly seed mix is proposed within the solar array area. Per the O&M Plan, mowing is limited to 'as needed' to allow access for emergency crews and prevent shading the panels.

- 8. The noise study does not clarify if the ambient noise (existing noise) is included in the expected noise calculations. Tables 4-7 discuss the potential, and low noise emitters of the

inverters, but it does not indicate if those 25-27 decibels are on top of an area that already has 60 or 70 dB. What will the total noise levels be at the receptors?

The ambient noise (existing noise) is not included in the noise calculations provided. Average ambient noise would not be added to the noise level at each receptor but rather compared to the cumulative levels provided. For reference, a quiet rural residential area would be classified as approximately 45 dbA. Compared to our calculated values, noise from the project will not greatly differ from ambient noise.

9. Visual Impact comments:

- a. The plan uses existing hedgerow and forest patch vegetation as screening with a small area of additional landscaped area. Use of and maintenance of existing vegetation for screening is perfectly acceptable, but that also means that such vegetation needs to be maintained. Even though that existing vegetation is outside the limits of disturbance, they become an integral part of mitigating visual impacts. Thus, all approvals for this facility should ensure that vegetation remains for the duration of the use of this site for the facility. I recommend that this be both a condition of approval, as well as discussed in the O&M plan.

The applicant cannot ensure the current or future condition of vegetation on-site or directly surrounding the proposed array area but will coordinate with the landowner to support the health of existing vegetation that helps screen the project.

10. The monarch butterfly was discussed in the habitat study but not treated the same way as the bog turtle or the bats. It notes that the monarch has not yet been listed as an endangered or threatened species, and as such, does not discuss whether there might be any impacts to the monarch. I recommend a further discussion about potential monarch habitat, impacts of the solar field on those habitats, as well as whether the vegetation in and outside the limits of disturbance can be enhanced for monarch use.

The monarch butterfly was listed as Proposed Threatened under a proposed rule in December 2024. As the monarch butterfly is listed as proposed threatened, there are no consultation requirements under the ESA nor conservation measures which must be implemented. RIC Energy uses pollinator friendly native grasses and will adhere to a tree clearing restriction.

11. The application materials mention the New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (2019) but does not incorporate or endorse its full set of guidelines (https://agriculture.ny.gov/system/files/documents/2019/10/solar_energy_guidelines.pdf). I strongly recommend that the Planning Board obtain this document and apply the mitigation measures recommended by the Department. These include use of an environmental monitor, application of the construction requirements, post-construction restoration on agricultural areas that suffered ground disturbance, monitoring, and decommissioning.

These offer best management practices for solar fields when on agricultural lands, and I recommend that all of the guidelines suggested in this document be incorporated into the design, construction and operation of this facility.

The NYSAGM guidelines are committed to on page c201 of the site plans.

12. The viewshed analysis offers details and views that are important to be evaluated.
 - a. However, this appears to be done prior to input from the Planning Board on the locations to be analyzed. Thus, the locations included in the photosimulations may be limited. I recommend that the Planning Board carefully review the site and identify if there are other locations that may view this site other than the 3 view locations included in the study.

View locations were chosen by the Wendel landscape architect based on the probability of seeing the site from publicly available locations (no private residence access). The VIA provided with this resubmission package includes a fourth view location (other angle of proposed driveway).

- i. View 3 shows the site entrance with 6 poles. It is a limited view looking directly up the driveway. What are the views however from either direction? This is an example of where the Planning Board should discuss the sites, they feel should be explored in the viewshed analysis.

The VIA provided with this resubmission package includes a fourth view location, located in the other direction looking at the proposed driveway as requested by the Board.

- ii. There is no information as to whether any roads or public sites may exist that look at or down on this site. I recommend the Planning Board explore whether there are other public sites (roads or parks for instance) that can see this site not explored in the viewshed study.

The VIA shows simulations from Route 82, the only public road where the project could potentially be viewed. Based on the topography of the surrounding area, it is unlikely the project could be viewed from any other public point.

- b. An additional consideration is that the viewshed study uses property out of control of the owner or applicant as screening. Note that the large, forested areas to the east of the Miller site are identified as “Views to project site obstructed by existing woodland.” That seems accurate, but long term, the applicant does not control those woodlands. If those trees were thinned or removed, how visible is the site? While it may not seem likely that those woodlands would be removed, they are

essentially using other people's property to mitigate views of their project. The Planning Board should consider this.

As noted in the comment, the applicant does not have the authority to regulate activities on neighboring private properties, including the addition or removal of vegetation. The visibility of the project site from surrounding properties is speculative, as we do not have access to those properties to conduct a reliable assessment. Furthermore, the applicant cannot reasonably predict or account for hypothetical/potential future changes in vegetation on adjacent private lands.

- c. Finally, recognize that there is a recognized technique to develop accurate photosimulations that use appropriate lenses and angles. (You will recall George James materials submitted about the photosimulations done for the former proposed retreat center). It is important that the simulations accurately portray what the eye will see. I recommend that the Planning Board ask for the technical methodology used in developing these simulations. (I note that using a cell phone to take the pictures of the site does not give an accurate portrayal of what a person would see.

Photos used for the VIA simulations were taken with a cell phone at a standard height. It is believed that this methodology is an accurate portrayal of what a person would see at each location.

- 13. There is no information on the site plan given about how the area will be treated outside the fence, but now it is no longer able to be farmed on that part of the parcel. Will the landowner mow it? Farmed or hayed? Let go fallow? If you look at the area around the Limits of Disturbance and the fenced area, what will take place? I recommend the Planning Board explore this.

The area outside the leasable premises, generally following the fence line, falls outside the applicant's control. Neither the applicant nor the planning board has the ability to regulate vegetative maintenance in this area. However, the applicant is committed to working collaboratively with the landowner to support any preferred land management practices, including the continuation of agricultural use or vegetative maintenance.

- 14. Is there any discussion of dual use/agrivoltaics on this property?

The project will utilize less than 10 acres of the approximately 95-acre parcel; the remaining land will continue to be actively farmed. Additionally, a pollinator-friendly seed mix is proposed within the solar array area to support pollinator habitats.

EXHIBIT C

View from Backyard of 450 Woods Court, Ancramdale, NY 12603

