

**TOWN OF TORREY PLANNING BOARD  
AMENDED SITE PLAN APPROVAL RESOLUTION**

**DATED: April 19, 2021**

**GREENIDGE GENERATION LLC SITE PLAN**

G. Douse moved and R. Miller seconded the following Resolution, which was carried 4-1 :

**WHEREAS**, on or about June 30, 2020, Greenidge Generation LLC, as Owner, requested the granting of site plan approval for the installation of four (4) structures each built on a concrete slab at the existing Greenidge Generation facility located at 590 Plant Road, Town of Torrey, Yates County New York (Tax Map No. 40.03-1-1.111) (the "Property"); and

**WHEREAS**, the application materials submitted to the Town of Torrey Planning Board included, among other things, (i) site plans prepared by Hunt Engineers, Architects, and Surveyors, dated June 2020 (the "Amended Site Plans") that incorporate the information required under Section 98-104(B) of the Town Code; (ii) a completed "Site Plan Review – Permit Application" on a form issued by the Town, (iii) a Full Environmental Assessment Form, and (iv) a Community Noise Assessment of Western Data Center prepared by Aurora Acoustical Consultants Inc., originally dated June 30, 2020 (the "Noise Assessment"); and

**WHEREAS**, the project entails the installation of the four buildings and associated site improvements of grading and roads to accommodate the proposed four (4) structures each built on a concrete slab. The structures will house computer processing and networking equipment for data processing functions. Electrical equipment will be installed both overhead and underground including poles, transformers and will connect the data processing facility to the Greenidge Generating facility; and,

**WHEREAS**, the Property is 139.2 acres and the total project area is 1.3 acres, including roads. Power for the data processing operation within the four structures will be supplied solely by the on-site Greenidge Generation facility. Stormwater management will be installed as part of the project; all

the above as set forth in the submitted maps and plans prepared by Hunt dated June 2020 (the “Project”); and

**WHEREAS**, the Project does not involve any expansion of the power generation capacity at the Greenidge facility and will only utilize electricity that the facility is already permitted to generate under its existing environmental permits and other relevant governmental approvals; and

**WHEREAS, the Project** does not change or modify the permitted operations of the Greenidge Generation facility; and

**WHEREAS**, on September 21, 2020 the Planning Board made the determination that:

1. This project would require SEQRA review;
2. The proposed action is an Unlisted action;
3. The following have been found to be an involved/interested agency:
  - a. Yates County Industrial Development Agency, 417 Liberty St # 1093, Penn Yan, NY 14527;
4. That the Planning Board wished to assume Lead Agency status in connection with the SEQRA review for this project and will require the preparation of the Full Environmental Assessment Form Parts 2 and 3; and
5. That the Planning Board directed that a Lead Agency notification letter be circulated to the involved/interested agency, together with the distribution package including Part 1 of the Full Environmental Assessment Form, project application, maps/plans/drawings and such other information as had been prepared and submitted to date by the Owner and Applicant; and

**WHEREAS**, each of the involved/interested agencies has acknowledged that the Town of Torrey Planning Board would serve as Lead Agency for said application or has not objected to such designation; and

**WHEREAS**, on November 16, 2020 the Planning Board, as Lead Agency, voted to issue a conditioned negative declaration under SEQRA for the Project, however, such vote was prior to receiving review and recommendation on the Project from the Yates County Planning Board, accordingly, the Planning Board has decided to undertake a reconsideration and re-vote on the SEQRA and the site plan; and

**WHEREAS**, there have been no changes to the application since the Planning Board issued its conditional negative declaration on November 16, 2020; and

**WHEREAS**, the Greenidge Generation facility is a fully permitted and licensed generation facility with the contractual obligation to bid into the wholesale electric market on a daily basis; and.

**WHEREAS**, the Owner has provided information to the Planning Board that the Project will not change Greenidge's capability to sell power in the wholesale market as electricity to the data processing may be reduced or completely curtailed depending upon wholesale electric market needs for the power generated by Greenidge. Under certain circumstances, the NYISO (New York Independent System Operator) can order facilities to push to the distribution grid all or some portion of their generation capacity; and

**WHEREAS**, by letter dated October 23, 2020 from the NYSDEC to the Committee for the Preservation of the Finger Lakes, the New York State Department of Environmental Conservation (NYSDEC) reviewed the Air Permit, Title V Permit, SPDES Permit and Water Withdrawal Permit for the Greenidge Generation facility and determined that it is operating within the limits of all permits and is in compliance with the terms and conditions of all permits; and

**WHEREAS**, the Owner has agreed to implement certain noise mitigation measures for the Project including silencer baffles across each ventilation opening and acoustic insulation on the underside of the building ceiling decks and on available interior wall surfaces; and

**WHEREAS**, the Noise Study concludes that the noise levels projected to be received from the Project are not expected to exceed the Town's 72 dB daytime permissible noise level limit at the property line nor the 50 dB nighttime noise level limit at the property line. Accordingly, noise levels are predicted to be in compliance with the Zoning Law of the Town of Torrey; and

**WHEREAS**, the Noise Study further concludes that noise levels from the Project projected to be received at residential receptors around the Property are predicted to be lower than the lowest unweighted ambient noise levels measured at the sampling location on multiple locations, accordingly

noise levels conform to the noise assessment policy guidelines of the NYSDEC that limit noise level increases from operation to 6 dbA or less; and

**WHEREAS**, the Planning Board has determined that the Project complies with the performance standards set forth in Section 98.25 of the Town Zoning Law; and

**WHEREAS**, in accordance with its obligation under Section 239-m of the NYS General Municipal Law, the Planning Board referred the Application to the Yates County Department of Planning and Development (“County Planning Department”); and

**WHEREAS**, the Planning Board has reviewed the recommendation and comments from the Yates County Planning Board and all public comments submitted to the Planning Board; and

**WHEREAS**, the Board has considered and discussed fully the potential environmental impacts of the proposed action and concluded the Project will not have a significant negative effect on the environment and thereby adopted a Negative Declaration for the Project; and

**WHEREAS**, the Planning Board has determined that the Project will comply with the applicable Site Plan criteria as set forth in Section 98.105 of the Zoning Law, as well as the other requirements of the Town Code; and

**WHEREAS**, the Planning Board’s determinations outlined above are based on the Applicant’s representations contained in all of the Application materials submitted to the Planning Board.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Section 98.105 of the Zoning Law, the Planning Board hereby makes the following findings and determinations:

1. The proposed use of the four structures as a data processing center is a permitted use in the Industrial zoning district, complies with this Chapter and any other applicable Town laws, and the applicable Comprehensive Plan;
2. The proposed use will not adversely impact adjacent properties, existing infrastructure or environmentally sensitive features on or near the site such as steep slopes, Seneca Lake or other bodies of water, water courses, the Outlet Trail, mature woodlands, or wetlands as the four

enclosed structures will not adversely impact adjacent properties, existing infrastructure or environmentally sensitive features on or near the site. The proposed structures will be situated adjacent to the existing building onsite. The site is previously developed and the structures will be situated on concrete slabs that will replace existing pavement. There are no nearby waterbodies, wetlands or mature woodlands that will be disturbed as a result of the construction. The application does not entail any modifications to the generation facility on the property which, as has been attested to by New York State Department of Environmental Conservation (“NYSDEC”), has all of the necessary air and water permits to operate;

3. The proposed use will not adversely impact adjacent properties with regard to excessive or unreasonable disturbance such as noise, light, glare, vibration, shadow, vapors, smoke, fumes, dust, particulate emissions or odors as the computer processing and networking equipment will be fully enclosed in the proposed structures. The location of the structures is in the center of the applicant’s property and over hundreds of feet from any adjacent property line. Therefore, no impacts related to noise, light, glare, vibration, shadow, vapors, smoke, fumes, dust, particulate emissions or odors are anticipated. To demonstrate compliance with the Town Noise ordinance, the applicant has submitted to the Planning Board a Community Noise Assessment from Aurora Acoustical Consultants Inc. as well as a proposal, accepted by this Board, to measure noise levels at the property lines following the completion of construction and prior to the commencement of operation and report those findings to the Planning Board.
4. The location, size, design and arrangement of the structures on the site are compatible with the neighborhood as the structures are fully enclosed and situated adjacent to the existing building onsite. The site is previously developed and the structures will be situated on concrete slabs that will replace existing pavement. The new buildings will be consistent with the surrounding community character in the Industrial zoning district.
5. Any potential effect of the proposed development on the drainage patterns on and off the site, especially the impact of storm water runoff from cleared areas, fields, steep slopes, roofs, parking areas, driveways, walkways, and other impervious surfaces have been addressed by the applicant through the incorporation of a new stormwater collection system that will gather and then release to the site’s existing stormwater management system approved and monitored by NYSDEC pursuant to the applicant’s existing SPDES permit.
6. The location, size, design and adequacy of off-street parking, open spaces, landscaping, lighting, signs, buffers, outdoor waste facilities, water supply, sewage facilities, accessory structures, pedestrian walkways, recreation areas and utilities are acceptable as show on on the site plan as

there is no new parking, landscaping, signage or recreation areas and the new utility poles and overhead power lines from the generation plant to the proposed structures are central to the site.

7. There are no issues with regard to traffic patterns on the site nor impacts from additional vehicular traffic in the neighborhood. The interior road configuration has been approved by the Fire Department for compatibility with its largest vehicles.
8. The proposed structures comply with all requirements of Section 98.21 of the zoning Law applicable to unattached accessory structures.

**BE IT FURTHER RESOLVED**, that the Planning Board approves the amended site plans for the Project prepared and stamped by Hunt Engineers, Architects, and Surveyors, dated June 2020; and

**BE IT FURTHER RESOLVED**, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the Site Plan; and

**BE IT FURTHER RESOLVED**, that as required by the NYS Town Law, the Planning Board Clerk shall file a copy of this approval in the Town of Torrey Town Clerk's office within 5 days after this resolution has been adopted; and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

Moved by: *George Douse*  
Seconded by: *Robert Miller*

The foregoing resolution was voted upon with all members of the Planning Board voting as follows:

*Chairman Granzen - Aye*  
*Mr. Douse - Aye*  
*Mr. Hoover - Aye*  
*Mrs. Campbell - Nay*  
*Mr. Miller - Aye*

*4 Ayes 1 Nay*

*Approved -*

**RECEIVED**  
**APR 19 REC'D 2021**  
**TOWN OF TORREY**  
*Bmd.*

*David Granzen*