



November 23, 2021

Mr. John Tegeder  
Director of Planning  
Town of Yorktown  
Albert A. Capellini Community and Culture Center  
1974 Commerce Street  
Yorktown Heights, New York 10598

Re: Response to Outside Consultant Environmental Review Comment Letter  
Con Edison Clean Energy Businesses, Inc.  
Yorktown A Solar Project  
3849 Foothill Street  
Yorktown, New York  
2478.001.001

Dear Mr. Tegeder;

This letter is provided in response to a comment letter prepared by Leigh Jones, PLA from Barton & Loguidice regarding the Project dated, November 1, 2021. On behalf of Con Edison Clean Energy Businesses, Inc. (ConEd CEB), enclosed please find an updated submission for the Yorktown A Solar Project (Project) for your review which includes the following:

- Eight (8) copies of the Site Plan Set
- Eight (8) copies of the Slope Heat Map Exhibit
- Eight (8) copies of the Full Environmental Assessment Form (FEAF)
- Eight (8) copies of the Equipment Specification Sheets
- Eight (8) copies of SHPO's response Letter
- Eight (8) copies of the Wetland Delineation Report
- Eight (8) copies of the Noise Study
- Eight (8) copies of the FAA's Determination of No Hazard to Air Navigation

Provided below are the comments from the letter followed by our responses in bold.

### Part 1 of the Long Form EAF

#### Environmental Specific Comments:

1. Item B (Government Approvals, Funding or Sponsorship) – Should the Town's conservation board be listed as an agency where approval is required due to the presence of wetlands on the site?

The Town's conservation board has been added to Item B of the revised Full Environmental Assessment Form (FEAF) provided as an attachment to this letter.



2. Item D.1.h (Proposed and Potential Development) – Item h.v. Please replace ‘varies’ with approximate range for both height and length of the stormwater detention basin.

Item h.v. of the revised FEAF has been updated to include the approximate dimensions of the stormwater basin.

3. Item D.2.e (Project Operations) – Please ensure that the solar panels can be considered a pervious surface by complying with the requirements as stated in the New York State Department of Environmental Conservation Memorandum titled ‘Solar Panel Construction Stormwater Permitting/SWPPP Guidance’ dated February 21, 2020. Large amounts of surface runoff are not being capture on site before being discharged into streams and wetlands. The amount of runoff is changing due to replacing forested area with grassy fields. In order to comply with the above stated requirements, the change in surface cover must be accounted for such that hydrology will not change between pre and post development conditions. If the panels cannot be considered pervious, adjust these numbers and design accordingly.

The solar panels are considered a pervious surface as they comply with the requirements in the NYSDEC Memorandum referenced above. Flow spreaders have been added at the dripline downstream of the panels on slopes greater than 5 percent. Please refer to the updated Site Plans included as an attachment to this letter.

4. Item E.1.b (Land Uses on and Surrounding the Project Site) – Item ‘Other’ describes Pervious Gravel. Ensure that this gravel can indeed be considered pervious.

The pervious gravel driveway detail is added to the plans. This detail has been approved by the NYSDEC as a pervious surface.

5. Item E.2.c (Natural Resources On or Near Project Site) – The predominant soil types present on the project site (ChB and SuB, making up 79.90% of the site) are prime farmland. Avoid installation of solar rays on the most valuable productive farmland (provided in order of importance of current use: active rotational farmland, permanent hayland, improved pasture, unimproved pasture, other support lands, fallow/inactive farmland), especially when containing prime farmland soils or soils of statewide importance.

The proposed project is not located within an agricultural district and the existing parcel has no history of previous farm use. Therefore, the project does not have to abide by NYSDAM regulations. In addition, the town code does not contain any regulations prohibiting the installation of panels on “valuable productive farmland”.

6. Item E.2.o (Natural Resources On or Near Project Site) – Item o states that there are no endangered or threatened species on site, but subsequently lists two species. Please clarify whether endangered or threatened species are present on site or not.

USFWS Official Species Lists were originally obtained in May 2018. We have updated the Official Species Lists, from the New York State Ecological Field Office (Consultation Code: 05E1NY00-2018-SLI-2074) and the Long Island Ecological Field Office (Consultation Code: 05E1LI00-2018-SLI-0556). The updated Official Species Lists identify the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened bog turtle (*Clemmys muhlenbergii*) as potentially occurring within the Project site.



The NYSDEC's Environmental Resource Mapper was reviewed. The Project site does not fall within the "Rare Plants and Animals" layer or the "Significant Natural Communities" layer mapped by the New York State Natural Heritage Program (NYNHP), indicating there are no known records of federal or state listed threatened or endangered species within the Project site.

Suitable summer habitat for the Indiana bat is present within the Project site. The delineated wetland has not been formally investigated for bog turtle habitat, however, given that the project avoids the wetland and corresponding 100' buffer, the Project site is not considered to have suitable bog turtle habitat. We have changed the answer to "Yes" on Item E.2.o, and have removed the bog turtle from E.2.o.i.

7. Item E.3.b (Proposed and Potential Development) – As stated above in item 5 above, the predominant soil types present on the project site are prime farmland, and solar ray installations is to be avoided on the most valuable productive farmland.

The proposed project is not located within an agricultural district and the existing parcel has no history of previous farm use. Therefore, the project does not have to abide by NYSDAM regulations. In addition, the town code does not contain any regulations prohibiting the installation of panels on "valuable productive farmland".

#### General Comments:

8. Item D.1.b (Proposed and Potential Development) – Item b.b 'Total Acreage to be physically disturbed' is listed as 16.00± acres. In the Westchester County Planning Board Referral Review letters, page 1, it is listed as 15 acres. The Grading/SWPP Plan sheet (C003) also says 16.00 acres. Please ensure all documents are stating the same number, and that the number is accurate to the hundredth of an acre.

Noted. The total acreage to be physically disturbed is 16.00 acres.

9. Item D.1.e (Proposed and Potential Development) – Item e.ii. 'Generally, describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases', Applicant answers "The project is divided into phases to avoid disturbing more than 5 acres at a time." The applicant notes that the total number of phases anticipated is 3 phases. 5 acres times 3 phases are 15 acres total of disturbed area. Applicant states earlier (see item 8 above) that the total number of disturbed acres is 16.00 acres, which would therefore require at least 4 phases. Please clarify how many acres are being disturbed total, how many acres are being disturbed in each phase, and why.

Noted. A phasing plan (Sheet C007) has been added to the site plans clarifying the phases of disturbance for the project site.

10. Item D.1.g (Proposed and Potential Development) – Item g asks about the number and size of structures. Applicant notes 'N/A'. The ground mounted solar panels are considered accessory structures and therefore this information should be filled out with number of panels and size/height of mounted panels.

Noted. Item D.1.g have been updated accordingly.



11. Item E.1.b (Land Uses on and Surrounding the Project Site) – Item ‘Roads, Buildings and other paved or impervious surfaces’ Item ‘Forested’ states that 15.90 acres of forested area are to be removed, making the disturbed area now 15.90 acres. This does not match the acreage mentioned elsewhere (see items 8 and 9 above). All disturbance numbers must match on all documents and be accurate to the hundredth of an acre.

Noted. All disturbance numbers have been updated accordingly.

12. Item E.2.f (Natural Resources On or Near Project Site) – Note that static mounted solar panels shall not be placed on slopes greater than 25%.

Noted. Solar panels are not placed on slopes greater than 25%. Refer to the attached Slope Heat Map Exhibit.

### Wetland and Aquatic Resources Delineation Report

#### Environmental Specific Comments:

1. Page 6-7, 3.5 Threatened and Endangered Species Review – The Indiana Bat (endangered) and the Northern Long-eared bat (threatened) may occur within the project area. It is recommended that an official evaluation of the site be conducted to ensure that none of these species are present on site and that the final development will have no impact on said species. See also item 6 above under Part 1 of the Long Form EAF and adjust accordingly.

As noted above, the updated Official Species Lists identify the federally listed Indiana bat and the bog turtle as having the potential to occur within the project site. The NYSDEC’s Environmental Resource Mapper was reviewed. The Project site does not fall within the “Rare Plants and Animals” layer or the “Significant Natural Communities” layer mapped by NYNHP, indicating there are no known records of federal or state listed threatened or endangered species within the Project site.

The project site contains forested conditions with trees larger than three inches (3”) diameter breast height (dbh). As such, it is understood that the site contains suitable habitat for the Indiana bat. As mentioned above, NYNHP does not have any known occurrences of this species within proximity to the project site. Tree cutting and clearing will be conducted between October 1 and March 31 to adhere to the seasonal tree clearing restrictions.

The wetland delineated onsite has not been formally investigated for presence/absence of bog turtles or for bog turtle habitat. However, given that the project avoids impacts to this wetland, and corresponding 100’ buffer, we do not anticipate any impacts to bog turtles as a result of this project.

This updated information has been included in the Revised Wetland and Aquatic Resources report dated 11/22/2021.

2. Page 8, 4.1 Wetland and Aquatic Resources and 4.2 Uplands – The wetlands include various trees, as well as the upland area. Ensure that the panel locations surrounding the wetlands are accurate due to shading associated with untouched vegetation within the 100’ wetland buffer.

As shown in the project site plan, no impacts to the wetland or 100’ buffer are proposed, including impacts associated with shading concerns.



3. Figures, Wetland Determination Data Form, Sampling Point W 1-1 – Prevalence Index worksheet is not filled out.

The wetland and aquatic resources delineation was conducted in accordance with the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual. The USACE does not require the prevalence index to be completed if other hydrophytic vegetation indicators (i.e. dominance test) have proven that hydrophytic vegetation is present. However, the data form for W 1-1 has been updated to include this information and is included in the Revised Wetland and Aquatic Resources report dated 11/22/2021.

#### General Comments:

4. Page 3, Introduction – Site is listed as being 34.62 acres. In the EAF & WCPB letter, site is stated to be 34.23 acres. Please make sure all areas are matching in all letters.

Noted

#### Resolution by Putnam Valley Central School District in Opposition to Project

#### Environmental Specific Comments:

1. Page 1-2 – The latter discusses the reduction in stormwater runoff noting the use of the detention pond and bioretention area. These areas capture some of the runoff from the property, but leave other areas of the property free to runoff into existing streams and wetlands at an increased rate due to change in land cover. Please ensure that the proposed stormwater management practices will actually provide the required WQv and RRv for the entirety of the site, and if they do not, adjust plans accordingly.

The increased rate of runoff due to the change in land cover has been addressed in the calculation, based on the increase in peak flow rate, only a portion of the site needed to be captured and stored in order to return the peak flow rates to pre-development conditions. The HydroCAD model in the SWPPP shows that the project will mitigate the impact from the increased runoff caused by the change in cover type. In addition, the grass filter strip and the bioretention basin are proposed to treat the runoff from the equipment pads and battery storage area. The bioretention basin is also sized to provide WQv and RRv for the proposed driveway, however, the driveway is considered a pervious surface and does not require water quality treatment.

2. Page 2 – The letter discusses the noise levels around the Wellness Trail not being affected by the project. This Wellness Trail is not shown or spoken of in the noise study. Please adjust the noise study to accurately show that the proposed activities will not be affecting the Wellness Trail.

The Applicant has previously submitted a Noise Study prepared by HMMH, a copy of which is attached. That Study specifically addressed, among others, four (4) locations at the abutting Putnam Valley High School campus. The Study concluded that the operation of the battery energy storage system (consisting of three Tesla Megapacks) and the ancillary equipment (19 Chint inverters plus one transformer) meets the Town of Yorktown's 60 dBA sound level limit at the closest noise-sensitive land use in the surrounding community. In response to concerns about the noise levels "around the Wellness Trail," HMMH has revisited the matter and looked at noise levels at the Wellness Trail, presuming that the Trail is located as close as possible along the property line between the campus



and the solar facility site. HMMH has opined that the maximum continuous noise levels from the solar facility at any point on the Wellness Trail closest to property line along the Lockwood property would be 58 dBA ... meeting the Town of Yorktown's 60 dBA sound level limit. Further, from what is available on eCode, the Town of Putnam Valley does not have any such sound level limits.

3. Page 2-3 – The letter states that the panels will be 3' off the ground but earlier in the letter says 12'. Please clarify height of the panels throughout site and that wildlife will indeed be able to move throughout the site freely.

Typical panel details have been added to the site plans. Refer to sheet C012 of the site plans. More specifically, the panels are 3' off of the ground at their lowest end and no higher than 12' off the ground at their highest point.

#### General Comments:

4. Page 2 – The letter states that the maximum height of the panels will be 12 feet. This information is not stated anywhere else. Please ensure this number is accurate, and if so, please present on plans.

Typical panel details have been added to the site plans. Refer to sheet C013 of the site plans. More specifically, the panels are 3' off of the ground at their lowest end and no higher than 12' off the ground at their highest point.

5. Page 5 – States that the project will produce 1.87 MW AC of energy. The site plans say '1.90 MW'. Please ensure site plans match letter.

Noted. The proposed system will produce 1.875 MW AC of energy.

#### Board of Education Resolution Related to Proposed Yorktown Solar Farm

1. This letter notes frequently the existing flooding conditions in the schools parking area. While this is unfortunate, as long as runoff to the existing lot is not being increased, this is not the responsibility of the applicant. The applicant only responsibility is to match existing conditions, and if they can improve existing conditions that is preferable but not necessary. This is something that the applicant can agree to in order to move the project along faster, but it is not necessary.

Noted. Upon completion, the project will not alter the hydrology of the project from pre- to post-development conditions.

2. Page 3, Stormwater Runoff (SWPPP) – Mr. Vergano lists other issues for the designer to look at. Item 3 notes that the 50' buffer is an area that is intended to remain untouched. This statement is untrue. Unless some sort of agreement has been made between the school and the applicant, which can be argued for if that would keep the abutting properties happy, the 50' buffer is intended for structures only. As long as no solar panels are within this 50' buffer, the applicant is in compliance with the zoning laws.

Noted.



### Draft Mitigation Plan for Proposed Solar Project, Foothill Street, Yorktown New York

1. The mitigation plan notes that the site does not require fire services. While it is unlikely, this site does include electrical equipment and it does not appear wise to state that the site will never need this service in absolute language.

Noted Fire apparatus will be able to access the site. The proposed gate will contain a knox box for fire access. The panels area also offset approximately 16 ft to 20 ft from the fence and approximately 25' between the panels which allows for space for emergency vehicles to maneuver around the project site.

### Tree inventory Report & Comparison to Previously Proposed Residential Subdivisions

A core forest is essentially a piece of a forest that is surrounded by more forest. Forest fragmentation is a significant problem today in the struggle to maintain biodiversity and shall be avoided at all costs. This property is not part of a core forest and therefore removing the forest in this area is not out of the question. The proposed alternative developments split the forest on property, and therefore promotes forest fragmentation to a greater extent than the solar development that will keep the development on one side of the property and decrease the impact to the length of the forest perimeter. While the amount of tree removal is always to be minimized as much as possible, it is of B&L's opinion that when considering the alternative residential developments, the greenhouse gas equivalencies of the project long term, and the current state of forest, the forest removal for the solar farm is the best option.

Noted.

### Decommissioning Plan and Cost Estimate

1. The decommissioning plan includes reseeded of the area with native species, but does not specify what. In the Resolution by Putnam Valley Central School District in Opposition to Project, page 2 states that "once the project is completed, almost all of the 15.90 acres disturbed to construct the project will be returned to grass and meadow". The current site is composed of a lot of trees. If the detention basins are being filled in, and the site is being restored to grasses instead of forested area, the drainage conditions will be changed. The decommissioning plan must either replant trees in the amount and species of trees that are currently there, and/or maintain the existing stormwater mitigation measures to ensure runoff will not be changed.

Noted and agreed. The Decommissioning Plan will maintain the existing stormwater mitigation measures to ensure runoff will not be change

### Visual Analysis

A visual analysis has been conducted on this site via photo simulations. B&L has reviewed the visual analysis and agrees that there is sufficient screening of the solar farm, particularly after the 5 year mark. The visual analysis was also commented on by the Applicant in the Resolution by Putnam Valley Central School District in Opposition to Project on page 2. A formal write up specifically for the visual analysis is requested for final acceptance.

Noted and a formal write up will be submitted for final acceptance.





## Glare Analysis

A glare study has not yet been completed for this site. It is recommended that a glare analysis be performed on the site in order to assess the potential effects of glare on motorists travelling near the location. The location should also be evaluated as to whether it is within proximity of an airport (< 5 miles) or on a flight path (< 18 miles) of an airport. The FAA solar guidance states that is the responsibility of local governments and solar developers in the vicinity of an airport to check with the airport sponsor and the FAA to ensure there are no potential safety or navigational problems with a proposed solar facility. The FAA should be notified and provided an opportunity to participate in review of the proposed activity and findings of the Glare Analysis. In order to provide a glare analysis, the applicant will need the following:

1. Locations and elevations of existing and proposed contours
2. Locations and elevations of existing and proposed trees and other landscaping
3. Locations and elevations of existing roads
4. Location of existing airports and flight paths

The Applicant has filed with the FAA and received a Determination of No Hazard to Air Navigation (attached). As the project location is surrounded by trees and other natural screening, which will be enhanced along Foothill Street with additional plantings, there will be no glare impact on motorists traveling near the project location and, therefore, a glare study is unnecessary.

## Noise Analysis

A noise study was conducted to assess the impacts of noise from the battery energy storage systems, the inverters, and the transformer. The Town of Yorktown has a noise ordinance that prohibits the noise levels from exceeding 60 dBA outside of the wall of any non-participating residence or occupied community building. This study indicated that the 60 dBA contour for the operation activities lies within the property lines and therefore all activities are in compliance with the Town ordinance.

1. Please show the actual locations of all the invertors and recalculate the decibels in relations to said locations. All invertors would not be placed where shown Figure 1.
2. Please depict the Wellness Trail on the noise analysis and ensure that the proposed development will not affect the Wellness Trail.

The Applicant asserts that the Noise Study by HMMH submitted to the Town fulfills ALL of the requirements set forth in the Town's Code of Ordinances and concludes that the project will be in compliance with the sound level limits. While HMMH had not depicted the Trail on its noise analysis, HMMH has revisited the matter and looked at noise levels at the Wellness Trail, being very conservative and presuming that the Trail is located as close as possible along the property line between the campus and the solar facility site\*. HMMH has opined that the maximum continuous noise levels from the solar facility at any point on the Wellness Trail closest to property line along the Lockwood property would be 58 dBA ... meeting the Town of Yorktown's 60 dBA sound level limit. Further, from what is available on eCode, the Town of Putnam Valley does not have any such sound level limits.

\*The Applicant provided the attached sketch of the Wellness Trail as it previously existed before the landowner, William Lockwood, prohibited the school's unauthorized use of his property for such a Trail because of concerns for liability.





## Permitting Site Plans

- NYSDAM Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (Revised 10/18/2019)
  - NYSDEC's Memorandum on Solar Panel Construction Stormwater Permitting/SWPPP Guidance (Dated 02/21/2020)
1. Include the following general notes on the construction plans:
    - a. The designated Environmental shall be on site whenever construction or restoration work is occurring on agricultural land and shall coordinate with the NYS Dept. of Ag & Markets, Division of Land and Water Resources, to develop a schedule for inspections and ensure compliance with the Department's Guidelines for Agricultural Mitigation for Solar Energy Projects, revised 4/19/2018.
    - b. Topsoil sampling, stockpiling, spreading, seeding and site restoration is to be performed in accordance with the NYS Department of Agriculture & Markets Guidelines for Solar Energy Projects Construction Mitigation, revised 10/18/2019.
    - c. The Contractor shall notify Dig Safely New York prior to construction.

The project is not located within an agricultural district and hence does not have to follow the regulations of the NYSDAM Guidelines for Solar Energy Projects.

2. Add an underground electrical conduit trench detail. Indicate that the conduit or direct bury wires will be buried per NYSDAM guidelines: *All buried utilities located within the generation facility's security fence must have a minimum depth of 18 - inches of cover if buried in a conduit and a minimum depth of twenty - four inches of cover if directly buried (e.g. not routed in conduit).* See NYSDAM guidelines for utilities buried outside of the generation facility security fence.

An underground Conduit trench detail has been added to sheet C011 of the site plans.

3. Add a topsoil and vegetative restoration detail to the Plans. Indicate the proposed vegetative surface under the solar array panels.

A topsoil and vegetation restoration detail has been added to sheet C011 of the site plans.

The following elements should be addressed in accordance with the requirements of the NYSDEC Guidance, dated 02/21/2020:

4. Provide a detail and/or dimensions on the Plans depicting the panel spacing. The individual rows of panels should generally be spaced such that the vegetative area receiving runoff is equal to or greater in length than the disconnected surface (e.g., the width of the row of solar array).

Dimensions and details have been added to the site plans showing the spacing of the panels. Refer to sheets C001, C002 and C009.



5. Where feasible, solar panels constructed on slopes are to be installed along the contour so that runoff sheet flows downslope. Ensure sheet flow is maintained across the site (i.e., level spreaders to prevent channelized flow).

The solar panels have been installed to generally be along the contours, however, the topography of the site varies and does not allow for the that to happen throughout the whole site. To ensure the dissipation of flow from the solar panels, flow spreaders have been installed at the dripline of all the solar panels throughout the project site.

6. Site plans should include a scale and labelling of contours. Steep slopes (i.e., greater than 15% and 25%) should be identified on the plans, if applicable, and should be addressed with adequate protection (i.e., RECP or TRM).

The site plan set contains Grading/SWPPP Plans (Sheet C003 and C004) with labeled existing and proposed contours. All the plans in the site plan set are scaled appropriately and contain scale bars showing the appropriate scales. A slope heat map exhibit is attached with this submission. In addition, multiple slope arrows have been added to the Grading sheets showing the slopes in various locations throughout the site.

#### Additional Environmental Specific Comments:

7. Where the slope exceeds 10% additional BMPs such as infiltration trenches or infiltration berms may be installed downgradient between each row. Refer to PA Stormwater BMP Manual, BMP 6.4.4: Infiltration Trench and BMP 6.4.10: Infiltration Berm and Retentive Grading for additional guidance.

Level spreaders have been added at the dripline of the panels to provide safe and non-erosive conveyance of stormwater runoff from the solar panels. The regulations for stormwater management for solar panels on slopes greater than 10% are not specific, therefore in addition to adding the level spreaders, The NYSDEC has been notified of our approach for rooftop disconnection of the panels as the space between the panels is larger than the width of panels. The plans and SWPPP will be modified accordingly upon a response from the NYSDEC.

8. Replace silt fence with compost filter sock.

Noted. All silt fence on site has been replaced by silt socks. A compost filter sock detail has been added to sheet C009 of the site plans.

9. Depict the location and extent of prime soils, prime soils if drained, soils of statewide importance, and indicate whether the parcel is receiving an agricultural valuation. Avoid installation of solar rays on the most valuable productive farmland (provided in order of importance of current use: active rotational farmland, permanent hayland, improved pasture, unimproved pasture, other support lands, fallow/inactive farmland), especially when containing prime farmland soils or soils of statewide importance.

The location and extent of prime soils have been added to the landscape plan. The proposed project is not located within an agricultural district, and the existing parcel has no history of previous farm use. Therefore, the project does not have to abide by NYSDAM regulations. In addition, the town code does not contain any regulations prohibiting the installation of panels on "valuable productive farmland".



10. One tree proposed for planting as a buffer (Eastern Red Cedar) is not the preferred species as it is susceptible to blight and is not deer resistant. It is recommended to explore alternatives that are more deer resistant species such as spruces or pines.

The Eastern Red Cedar has been replaced with the Tsuga Canadensis as a much better deer resistant alternative.

General Comments:

11. Static mounted solar panels shall not be placed on slopes steeper than 25%. It appears that there are at least 3 racks currently that should be removed from plans to maintain this.

Noted. There are no solar panels placed on slopes steeper than 25%. Refer to the attached Slope Heat Map Exhibit for reference.

12. There currently does not appear to be any information on the plans regarding existing utility connection/proposed electrical equipment sizing and capacity.

The existing utility locations and proposed electrical equipment are shown on sheets C001 and C002 of the site plans. In addition, an electrical data chart has been added to sheet C002 to show the electrical data pertaining to the proposed system.

13. Plans are currently not showing locations of inverters.

The location of the inverters is shown and labeled on sheets C001 and C002. The inverter pads are located just south of the access driveway.

14. Grading/SWPPP Plan (C003) states "Yorktown A Solar Farm 1.9 MW". Please specify if this is AC or DC and if this number includes the panels to the left of the wetlands.

An electrical data chart has been added to sheet C002 to show the electrical data pertaining to the proposed system. The numbers shown on the electrical data chart represent the entire project site.

15. Please provide a table stating Type of panel, number of panels, wattage of panels, type of inverters, number of inverters, total number of wattage for DC and AC.

An electrical data chart has been added to sheet C002 to show the electrical data pertaining to the proposed system. The numbers shown on the electrical data chart represent the entire project site.

16. Please provide details/specs on type of panels, type of racks, type of inverters, and spacing between racks.

An electrical data chart has been added to sheet C002 to show the electrical data pertaining to the proposed system. All the known electrical data and details have been provided on the plans. Typical panel details have been added to sheet C013 of the plan set. The exact module and racking will be determined once an EPC (Engineering, Procurement and Construction) contract has been obtained by the project operator.



17. Add site distance at the access driveway.

Site distances have been added to sheet C001 and C002 of the site plans.

18. Include a note on the Plans indicating maximum panel height (Yorktown zoning regulations state max height is 15 feet in residential zones and 20 in other zones.)

The site data Chart on sheets C001 and C002 shows the required and proposed panel height for the proposed project.

19. Dimension access driveway length and turning radius. Verify sufficient access and turning movements for emergency vehicles.

The length of the access driveway has been added to sheet C001 and C002 of the site plans. In addition, a truck turning movement has also been added as an inset to sheet C001 to show that the entrance is design for emergency vehicle access.

20. Plans must be signed by a Professional Engineer or a Registered Architect.

Noted. Plans have been signed accordingly.

#### Additional Information and Anticipated Permits/Coordination

1. PILOT Agreement, if applicable;

On October 22, 2021, the Applicant submitted the following Proposal for a PILOT Agreement to the Planning Board, with a copy to the Town Supervisor, but has not yet received a response:

“This mitigation plan would be in addition to a Payment in Lieu of Taxes Agreement (PILOT) the Applicant proposes to enter upon with the Town. Please refer to the attached PILOT Toolkit, which is information and guidance provided by the New York State Energy Research and Development Authority (NYSERDA). As you can see, the proposed range for PILOT payments in the ConEd Territory is from a base of \$3,700 to a high of \$11,100 per MW AC of capacity. The reason for the range is that each Solar Project has individual characteristics which greatly affect its profitability. In this case, the Applicant is proposing to make payment to the Town at the top end of the NYSERDA Guidance, that is \$11,100 per MW AC. Though some of the project specific characteristics are higher than the NYSERDA Base Case which was used to come up with the PILOT guidance, such as higher lease payments and utility interconnection costs, in the spirit of collaboration we do not propose any discounts to the PILOT rate. These payments will be made in addition to the standard property tax currently paid to the Town.

As currently designed, this proposed project has a capacity of approximately 1.87 MW AC. Based on the \$11,100 per MW AC Payment, this equals an additional tax payment to the Town of approximately \$20,757 per year, or a total of approximately \$311,355 over the term of the PILOT Agreement. This provides great tax benefit to the Town without placing any burden on Town resources or services. More specifically, such projects do not use sewer or water, do not require trash pick-up or police or fire response and, most importantly, do not put any additional children in the school system. As a result, all of this additional revenue can be used for enhancing Town programs and/or or infrastructure ... or to lower the tax burden for residents.



2. Confirm whether NYSERDA funding is being used for this project. For NYSERDA projects, the Applicant must submit the NOI to NYSERDA for referral to Ag & Markets. Provide determination of impact from NYSDAM, including acceptable mitigation options as appropriate.

The proposed project is not located within an agricultural district, and the existing parcel has no history of previous farm use. Therefore, the project does not have to abide by NYSDAM regulations.

3. An Operations and Maintenance Manual must be submitted, including a map indicating the limits of maintenance for the site Operator/Owner. The Plan should indicate what the future land use plans are for remaining portions of the property situated outside of the fenced solar array and responsibility for the maintenance of the various portions of the site (i.e., mowing, trimming, etc.). The O&M Plan should address the post - construction monitoring requirements per the NYSDAM Guidelines, dated 10/18/2019.

The proposed project is not located within an agricultural district, and the existing parcel has no history of previous farm use. Therefore, the project does not have to abide by NYSDAM regulations.

4. Submit correspondence from SHPO indicating that they have conducted their review of the subject property and reached a conclusion of "No Effect".

Noted. A SHPO response is included as an attachment to this letter.

5. Provide a letter from the Mohegan Volunteer fire department acknowledging receipt of the Plans and verifying approval of proposed access for fire and emergency vehicles.

Noted.

6. Provide equipment specification sheets and photos for all significant components of the proposed solar facility, including the mounting/tracking systems.

Noted. Equipment specification sheets and photos are included in this submission.

7. Local and State Permits, as required, including for work performed within the highway or right - of - way. Please note that utility poles, signage, parking, etc. should be located on private property and not within the ROW.

Noted.

We believe that the responses provided above adequately addresses the comments from the letter. Should you have any questions or require additional information, do not hesitate to contact me at (518) 556-3631 or by email at [eredding@bergmannpc.com](mailto:eredding@bergmannpc.com).

Sincerely,

Eric Redding, PE, LEED AP  
DISCIPLINE LEADER, BERGMANN