

DEC 28 2021

TOWN OF YORKTOWN

**MEMO**

**FROM:** Joe Shanahan, Project Developer, Con Edison Clean Energy Businesses

**TO:** John A. Tegeder, R.A., Director of Planning, Town of Yorktown  
Leigh G. Jones, PLA, Barton & Loguidice, D.P.C.

**SUBJECT:** Further Response to Outside Consultant Environmental Review Comment Letter  
Proposed Solar Project – 3849 Foothill Street

**DATE:** December 28, 2021

**VIA:** USPS to John A. Tegeder and Leigh G. Jones  
Email to [jtegeder@yorktownny.org](mailto:jtegeder@yorktownny.org) and [rsteinberg@yorktownny.org](mailto:rsteinberg@yorktownny.org)

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This Memo is provided in further response to the comment letter prepared by Leigh G. Jones, PLA from Barton & Loguidice with regard to the subject Project dated December 6, 2021. Bergmann, on behalf of Con Edison Clean Energy Businesses, first responded to that comment letter on December 16, 2021.

In the comment letter, with regard to "Glare Analysis," the Applicant was asked to "Please ... file with the FAA again for an updated determination (Determination of No Hazard to Air Navigation)." Bergmann responded that the Applicant had filed again with the FAA on December 8, 2021, but had not yet received an updated Determination.

This is to advise that, on December 28, 2021, the FAA did issue an updated Determination of No Hazard to Air Navigation in connection with the subject Project. Copies of the relevant paperwork from the FAA (8 pages) are enclosed herewith.

If you have any questions with regard to this matter, please do not hesitate to contact me at [shanahanj@conedceb.com](mailto:shanahanj@conedceb.com) or 978.888.4088.

**Status of FAA Filing 2021-AEA-17307-OE, 2021-AEA-17308-OE, 2021-AEA-17309-OE, 2021-AEA-17310-OE (DNE)**

Your filing is assigned Aeronautical Study Number 2021-AEA-17307-OE, 2021-AEA-17308-OE, 2021-AEA-17309-OE, 2021-AEA-17310-OE.

An aeronautical study has been completed and the FAA issued a determination. To review your electronic record, go to our website [oeaaa.faa.gov](https://oeaaa.faa.gov) and select the Search Archives link to locate your case using the Aeronautical Study Number (ASN). Copies of your letter are available on the website for your convenience. Please review the letter and adhere to all conditions.

After reviewing your determination if you require additional assistance, please contact Stephanie Kimmel via phone: (404) 305-6582 or email: [Stephanie.Kimmel@faa.gov](mailto:Stephanie.Kimmel@faa.gov). Please refer to the assigned ASN on all future inquiries regarding this filing.

*To ensure e-mail notifications are delivered to your inbox please add [noreply@faa.gov](mailto:noreply@faa.gov) to your address book. Notifications sent from this address are system generated FAA e-mails and replies to this address will NOT be read or forwarded for review. Each system generated e-mail will contain specific FAA contact information in the text of the message.*



Federal Aviation Administration

« OE/AAA

### My Cases in DETERMINED Status

View Letters - Desk Reference Guide V\_2020-DEC.2

Please refer to the assigned ASN on all inquiries to the FAA

All Cases  
Show All Cases (4)

Filter by Case Status

Draft (0) | Accepted (0) | Work in Progress (0)  
Interim (0) | Determined (4) | Circularized (0) | Terminated (0)

Cases Requiring Action

Waiting (0) | 7460-2 Required (0) | Add Letter (0)  
Cases Due to Expire (0)

Records 1 to 4 of 4

Page 1 of 1

View Folder  Create Folder  Manage Folders  Transfer Cases

Transfer Cases - Desk Reference Guide V\_2018.2.0

| ASN  | Folder Name | Project Name       | Structure Name | Status     | Date Accepted | Date Determined | 7460-2 Received | City        | State |
|--|-------------|--------------------|----------------|------------|---------------|-----------------|-----------------|-------------|-------|
| <input type="checkbox"/> 2021-AEA-17307-OE |             | CONED-000682917-21 | Yorktown A     | Determined | 12/08/2021    | 12/28/2021      |                 | Mount Kisco | NY    |
| <input type="checkbox"/> 2021-AEA-17308-OE |             | CONED-000682917-21 | Yorktown A     | Determined | 12/08/2021    | 12/28/2021      |                 | Mount Kisco | NY    |
| <input type="checkbox"/> 2021-AEA-17309-OE |             | CONED-000682917-21 | Yorktown A     | Determined | 12/08/2021    | 12/28/2021      |                 | Mount Kisco | NY    |
| <input type="checkbox"/> 2021-AEA-17310-OE |             | CONED-000682917-21 | Yorktown A     | Determined | 12/08/2021    | 12/28/2021      |                 | Mount Kisco | NY    |

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Rows per Page: 20

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Records 1 to 4 of 4

Draft: Cases that have been saved by the user but have not been submitted to the FAA.

Waiting: Wind Turbine/Met Tower (w/WT Farm) cases that have not been submitted to the FAA and are waiting for an action from the user, either to verify the map or attach specific documents

Accepted: Cases that have been submitted to the FAA.

Add Letter: Cases that have been reviewed by the FAA and require additional information from the user.

Work in Progress: Cases that are being evaluated by the FAA.

Interim: Cases that have been reviewed by the FAA and require resolution from the user.

Determined: Cases that have a completed aeronautical study and an FAA determination.

Terminated: Cases that are no longer valid.

Please allow the FAA a minimum of 45 days to complete a study.





Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2021-AEA-17307-OE

Issued Date: 12/28/2021

Joseph Shanahan  
ConEd CEB  
41 Hanks Street  
Lowell, MA 01852

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |  |
|------------|--|
| Structure: | Solar Panel Yorktown A   |
| Location:  | Mount Kisco, NY  |
| Latitude:  | 41-20-03.30N NAD 83  |
| Longitude: | 73-51-41.29W   |
| Heights:   | 273 feet site elevation (SE)<br>12 feet above ground level (AGL)<br>285 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 06/28/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

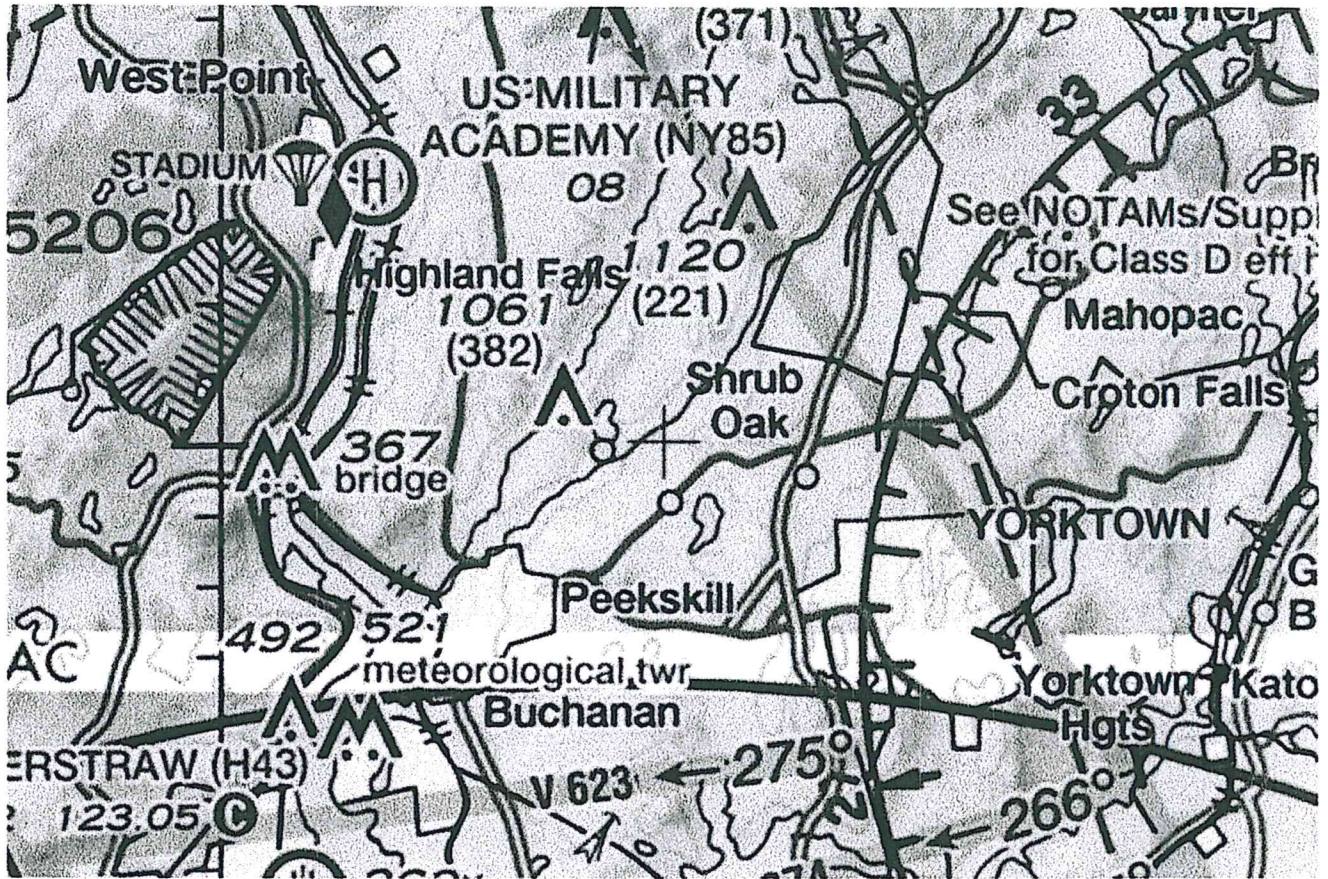
If we can be of further assistance, please contact our office at (404) 305-6582, or [Stephanie.Kimmel@faa.gov](mailto:Stephanie.Kimmel@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-AEA-17307-OE.

**Signature Control No: 503945423-505995312**  
Stephanie Kimmel  
Specialist

( DNE )

Attachment(s)  
Map(s)









Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2021-AEA-17308-OE

Issued Date: 12/28/2021

Joseph Shanahan  
ConEd CEB  
41 Hanks Street  
Lowell, MA 01852

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |  |
|------------|--|
| Structure: | Solar Panel Yorktown A   |
| Location:  | Mount Kisco, NY  |
| Latitude:  | 41-19-54.70N NAD 83  |
| Longitude: | 73-51-30.23W   |
| Heights:   | 366 feet site elevation (SE)<br>12 feet above ground level (AGL)<br>378 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 06/28/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
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NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.



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10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2021-AEA-17309-OE

Issued Date: 12/28/2021

Joseph Shanahan  
ConEd CEB  
41 Hanks Street  
Lowell, MA 01852

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |  |
|------------|--|
| Structure: | Solar Panel Yorktown A   |
| Location:  | Mount Kisco, NY  |
| Latitude:  | 41-19-54.70N NAD 83  |
| Longitude: | 73-51-28.11W   |
| Heights:   | 389 feet site elevation (SE)<br>12 feet above ground level (AGL)<br>401 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 06/28/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

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10101 Hillwood Parkway  
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Aeronautical Study No.  
2021-AEA-17310-OE

Issued Date: 12/28/2021

Joseph Shanahan  
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41 Hanks Street  
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The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |  |
|------------|--|
| Structure: | Solar Panel Yorktown A   |
| Location:  | Mount Kisco, NY  |
| Latitude:  | 41-20-03.78N NAD 83  |
| Longitude: | 73-51-25.94W   |
| Heights:   | 319 feet site elevation (SE)<br>12 feet above ground level (AGL)<br>331 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 06/28/2023 unless:

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