

MEMO

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

TO: Richard Fon, Chairman, Planning Board, Town of Yorktown

SUBJECT: Proposed Solar Facility, 3849 Foothill Street
Supplement to Final Mitigation Plan

DATE: April 19, 2022

On March 10, 2022, the Applicant/Developer submitted a Final Mitigation Plan to the Planning Board pursuant to the Town's Tree Ordinance, Chapter 270 of the Town Code. That Plan has since been reviewed by the Town's outside environmental consultant, Barton & Loguidice ("B&L"), which reported in its Supplemental Comment Letter dated April 4, 2022 that:

"B&L is recommending that within the Application, the Applicant designate a portion of the woodland to remain to be planted with native understory species. With deer being the largest contributor to this change in the understory, and with their numbers not forecasted to decrease in the near future, a deer enclosure should be included with ample S-gates, allowing people and small animals to traverse, but not deer. Within this space, any invasive species that exist should be removed and replanted with appropriate native understory. This work can be conducted using a portion of the tree fund money provided in response to the proposed development."

In accordance with the B&L recommendation, the Applicant/Developer hereby supplements its Final Mitigation Plan of March 10, 2022 as follows:

Removal of Invasive Species from Portion Remaining Woodland and Replanting with Native Understory ("Supplemental On-Site Mitigation") :

1. The Applicant/Developer will engage a Weed and Invasive Plant Specialist who shall do a sweep, identify the different invasive plants, and craft a fully customized plan to eradicate invasive weeds and non-native plants from the 6.14-acre portion of the remaining woodland outside of the solar project site as shown on the Plan attached hereto and made a part hereof (the "Mitigation Area"). This Mitigation Area has been established in accordance with the wetlands/watercourse and buffer limitations of Chapter 178.
2. All invasive weeds and non-native plants will be removed from the Mitigation Area.
3. The Mitigation Area shall be enclosed with a 7-foot chain link fence with a 6-inch clearing at the bottom to allow small animals (but not deer) to traverse, with a man gate for maintenance.
4. The Mitigation Area shall be replanted with an appropriate native understory.
5. The Town shall pay, or reimburse the Applicant/Developer, for all costs incurred in connection with this Supplemental On-Site Mitigation from the \$207,356 payment the Applicant/Developer shall make to the Tree Bank Fund under its Final Mitigation Plan dated March 10, 2022.