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PLANNING DEPARTMENT
MAY 10 2023
TOWN OF YORKTOWN

SCS Dell 014136 Yorktown, LLC
Sol Customer Solutions, LLC
1101 Connecticut Ave NW, Second Floor
Washington, DC 20036

May 10, 2022

Town of Yorktown Planning Board
1974 Commerce St
Yorktown Heights, NY 10598

Dell Avenue Solar Farm Site Plan & Special Use Permit – Comment Response Log Revision #2 (updates in red)

Format

Comment # XXX

Date Received

Comment Source

Comment Text

XXX Response:

Response Text

Dell Avenue Solar Farm Comment Response Log

Comment # 001

Jul 14, 2022

Town of Yorktown Conservation Board Memorandum, re: Dell Avenue Solar

The applicant has performed a Phase 1 habitat assessment to address the presence of endangered and protected species (Bald Eagles, Indiana Bats, and Bog Turtles) on the site. The town’s Environmental Consultants should review the report and confirm the status of these species on the property.

001 Response:

The report 2022-08-03 Dell Ave Habitat Assessment was shared directly to the Town Planner on Aug 03, 2022 to be forwarded to the town’s Environmental Consultant. The Habitat Assessment report was formally submitted to the Planning Department, along with several other documents, as part of a supplemental submission dated Aug 10, 2022.

Comment # 002

Jul 14, 2022

Town of Yorktown Conservation Board Memorandum, re: Dell Avenue Solar

The proposed solar farm on this ridge will significantly alter the ridge, resulting in a fragmented forest. This area of mature woodlands provides a wildlife corridor linking the forested landscape from New Castle to the south to the protected NYC watershed. The applicant's report claims that alteration to this area will not have a significant impact on the corridor.

002 Response:

The proposed project will disturb fewer than 15 acres of the 62-acre property, therefore approximately 75% of the site will remain untouched. The undisturbed swath of land (roughly 47 acres, exclusive of several adjacent undeveloped land parcels), which is predominantly deciduous forest inclusive of protected wetlands and their 100' buffer zone, will almost entirely remain a contiguously uninterrupted forest landscape and wildlife corridor. Only a relatively small area surrounding the existing cellular tower will be somewhat confined by the project's fenceline, although it will remain entirely open to Dell Ave to the north. To the south, the proposal is for the perimeter security fence to include a 6" clearance gap (from grade) at the bottom to allow for small wildlife to pass through.

Comment # 003

Jul 14, 2022

Town of Yorktown Conservation Board Memorandum, re: Dell Avenue Solar

This corridor also abuts the NYC Reservoir system to the immediate west of Route 100 and serves as a green gateway to the Town of Yorktown from the south. This property was visited and rated by the Yorktown Advisory Knolls as a property to be considered for purchase. The visual impact of solar arrays from distant viewpoints, for example, Turkey Mountain and Teatown Hill, should be assessed.

003 Response

See Comment # 006 and corresponding response.

Comment # 004

Jul 14, 2022

Town of Yorktown Conservation Board Memorandum, re: Dell Avenue Solar

The removal of approximately 1000 trees over the site will change the ability of the substrate to retain water in storm events. The applicant is developing bio retention ponds and swales to ameliorate sheet flow to lower areas. The Town Engineer Dan Ciarcia should review these plans and assess their function and overflow capabilities. The planting plan mentioned the use of a seed mix, which we find inadequate. The board would like to see a mix of native plants suitable for wetland conditions instead.

004 Response:

TRC Companies Inc., the engineer of record, assumes the Conservation Board's comment that a seed mix is inadequate applies only to the bioretention areas and swales, and not to the rest of the project site. The limits of disturbance are more than 100 feet away from wetlands; therefore, trying to establish plants suitable for wetland conditions in upland habitats would not be viable. The majority of the project site is upland habitat and the seed mix to be used in the majority of the limits of disturbance will replicate a meadow habitat. Native plantings will be used for the bioretention areas. Appropriate vegetation for the bioretention areas will be selected based on their zone of hydrologic tolerance. There are six zones describing hydrologic conditions of stormwater management facilities. These hydrologic zones represent the degree of tolerance plants exhibit to differing degrees of inundation. Refer to Table 1 below for a description of these hydrologic zones as described in the *New York State Stormwater Design Manual – Appendix H – Table H.1 Hydrologic Zones*.

Table 1. Hydrologic Zones

Zone	Description	Hydrologic Conditions
Zone 1	Deep Water Pool	1 – 6 feet deep permanent pool
Zone 2	Shallow Water Bench	6 inches to 1 foot deep
Zone 3	Shoreline Fringe	Regularly inundated
Zone 4	Riparian Fringe	Periodically inundated
Zone 5	Floodplain Terrace	Infrequently inundated
Zone 6	Upland Slopes	Seldom or never inundated

The native plantings for the bioretention areas will be selected from the list provided in the *New York State Stormwater Management Design Manual - Appendix H – Table H.5 Native Plant Guide for Stormwater Management Areas (NY) based on availability*. Not all of these plants will be used for the bioretention areas. A list of these native plants; including their wetland indicator status, hydrologic zone, inundation tolerance, and wildlife value; is provided in Table 2 below.

Table 2. Native Planting List for Stormwater Management Areas

Plant Name (Scientific Name)	Wetland Indicator Status ¹	Hydrologic Zone	Inundation Tolerance	Wildlife Value
<i>Trees and Shrubs</i>				
American Elm (<i>Ulmus americana</i>)	FACW	4, 5, 6	Irregular- seasonal saturation	High. Food (seeds, browsing), cover, nesting for birds & mammals
Arrowwood Viburnum (<i>Viburnum dentatum</i>)	FAC	3, 4	yes	High. Songbirds and mammals

Table 2. Native Planting List for Stormwater Management Areas

Plant Name (Scientific Name)	Wetland Indicator Status ¹	Hydrologic Zone	Inundation Tolerance	Wildlife Value
Bald Cypress (<i>Taxodium distichum</i>)	OBL	3, 4	yes	Little food value, but good perching site for waterfowl
Bayberry (<i>Myrica pensylvanica</i>)	OBL	4, 5, 6	yes	High. Nesting, food, cover. Berries last into winter
Black Ash (<i>Fraxinus nigra</i>)	FACW	3, 4, 5	Irregular-seasonal saturation	High. Food (seeds, sap), cover, nesting for birds & mammals. Fruit persists in winter
Black Cherry (<i>Prunus serotina</i>)	FACU	5, 6	no	High. Food
Blackgum or Sourgum (<i>Nyssa sylvatica</i>)	FAC	4, 5, 6	yes	High. Songbirds, egrets, herons, raccoons, owls
Black Willow (<i>Salix nigra</i>)	OBL	3, 4, 5	yes	High. Browsing and cavity nesters.
Buttonbush (<i>Cephalanthus occidentalis</i>)	OBL	2, 3, 4, 5	yes	High. Ducks and shorebirds. Seeds, nectar and nesting.
Common Spice Bush (<i>Lindera benzoin</i>)	FACW	3, 4, 5	yes	Very high. Songbirds
Eastern Cottonwood (<i>Populus deltoides</i>)	FAC	4, 5	yes	Moderate. Cover, food.
Eastern Hemlock (<i>Tsuga canadensis</i>)	FACU	5, 6	yes	Moderate. Mostly cover and some food
Eastern Red Cedar (<i>Juniperus virginiana</i>)	FACU	4, 5, 6	no	High. Fruit for birds. Some cover.
Elderberry (<i>Sambucus canadensis</i>)	FACW	3, 4, 5, 6	yes	Extremely high. Food and cover, birds and mammals.
Green Ash, Red Ash (<i>Fraxinus pennsylvanica</i>)	FACW	4, 5	yes	Moderate. Songbirds.
Hackberry (<i>Celtis occidentalis</i>)	FAC	5, 6	some	High. Food and cover
Larch, Tamarack (<i>Larix laricina</i>)	FACW	3, 4	yes	Low. Nest tree and seeds.
Pin Oak (<i>Quercus palustris</i>)	FACW	3, 4, 5, 6	yes	High. Tolerates acidic soil
Red Choke Berry (<i>Aronia arbutifolia</i>)	FACW	3, 4, 5	yes	Moderate. Songbirds.

Table 2. Native Planting List for Stormwater Management Areas

Plant Name (Scientific Name)	Wetland Indicator Status ¹	Hydrologic Zone	Inundation Tolerance	Wildlife Value
Red Maple (<i>Acer rubrum</i>)	FAC	3, 4, 5, 6	yes	High seeds and browse. Tolerates acidic soil.
River Birch (<i>Betula nigra</i>)	FACW	3, 4, 5	yes	Low. Good for cavity nesters.
Shadowbush, Serviceberry (<i>Amelanchier canadensis</i>)	FAC	4, 5, 6	yes	High. Nesting, cover, food. Birds and mammals.
Silky Dogwood (<i>Cornus amomum</i>)	FACW	3, 4, 5	yes	High. Songbirds, mammals.
Slippery Elm (<i>Ulmus rubra</i>)	FAC	3, 4, 5	yes	High. Food (seeds, buds) for birds & mammals (browse). Nesting
Smooth Alder (<i>Alnus serrulata</i>)	OBL	3, 4, 5	yes	High. Food, cover.
Speckled Alder (<i>Alnus incana</i>)	FACW	3, 4	yes	High. Cover, browse for deer, seeds for bird.
Swamp White Oak (<i>Quercus bicolor</i>)	FACW	3, 4, 5	yes	High. Mast
Swamp Rose (<i>Rosa palustris</i>)	OBL	3, 4	Irregular, seasonal, or regularly saturated	High. Food (hips) for birds including turkey, ruffed grouse and mammals. Fox cover.
Sweetgum (<i>Liquidambar styraciflua</i>)	FAC	4, 5, 6	yes	Moderate. Songbirds
Sycamore (<i>Platanus occidentalis</i>)	FACW	4, 5, 6	yes	Low. Food, cavities for nesting.
Tulip Tree (<i>Liriodendron tulipifera</i>)	FACU	5, 6	no	Moderate. Seeds and nest sites
Swamp Tupelo (<i>Nyssa biflora</i>)	OBL	3, 4, 5	yes	High. Seeds and nest sites
White Ash (<i>Fraxinus americana</i>)	FACU	5, 6	no	High. Food
Winterberry (<i>Ilex verticillata</i>)	FACW	3, 4, 5	yes	High. Cover and fruit for birds. Holds berries into winter.
Witch Hazel (<i>Hamamelis</i>)	FACU	4, 5	no	Low. Food for squirrels, deer, and ruffed

Table 2. Native Planting List for Stormwater Management Areas

Plant Name (Scientific Name)	Wetland Indicator Status ¹	Hydrologic Zone	Inundation Tolerance	Wildlife Value
<i>virginiana</i>)				grouse.
Herbaceous Plants				
Arrow arum (<i>Peltandra virginica</i>)	OBL	2, 3	up to 1 ft.	High. Berries are eaten by wood ducks.
Arrowhead, Duck Potato (<i>Sagittaria latifolia</i>)	OBL	2, 3	up to 1 ft.	Moderate. Tubers and seeds eaten by ducks.
Big Bluestem (<i>Andropogon gerardii</i>)	FACU	4, 5	Irregular or seasonal inundation.	High. Seeds for songbirds. Food for deer
Birdfoot deervetch (<i>Lotus corniculatus</i>)	FACU	4, 5, 6	Infrequent inundation	High. Food for birds.
Blue Flag Iris (<i>Iris versicolor</i>)	OBL	2, 3	Regular or permanently, up to ½ ft or saturated	Moderate. Food muskrat and wildfowl. Cover, marshbirds
Blue Joint (<i>Calamagrotis canadensis</i>)	OBL	2, 3, 4	Regular or permanent inundation up to 0.5 ft.	Moderate. Food for game birds and moose.
Broomsedge (<i>Andropogon virginicus</i>)	FACU	2, 3	up to 3 in.	High. Songbirds and browsers. Winter food and cover.
Bushy Beardgrass (<i>Andropogon glomeratus</i>)	FACW	2, 3	up to 1 ft.	
Cardinal flower (<i>Lobelia cardinalis</i>)	OBL	4, 5, 6	Some. Tolerates saturation up to 100% of season.	High. Nectar for hummingbird, oriole, butterflies.
Cattail (<i>Typha</i> spp.)	OBL	2, 3	up to 1 ft.	Low. Except as cover
Coontail (<i>Ceratophyllum demersum</i>)	OBL	1	yes	Low food value. Good habitat and shelter for fish and invertebrates.
Common Three-	OBL	2	up to 6 in.	High. Seeds, cover.

Table 2. Native Planting List for Stormwater Management Areas

Plant Name (Scientific Name)	Wetland Indicator Status ¹	Hydrologic Zone	Inundation Tolerance	Wildlife Value
Square (<i>Schoenoplectus pungens</i>)				Waterfowl and fish.
Duckweed (<i>Lemna</i> spp.)	OBL	1, 2	yes	High. Food for waterfowl and fish.
Fowl mannagrass (<i>Glyceria striata</i>)	OBL	4, 5	Irregular or seasonal inundation	High. Food for waterfowl, muskrat, and deer.
Hardstem Bulrush (<i>Schoenoplectus acutus</i>)	OBL	2	up to 3 ft.	High. Cover, food (achenes, rhizomes) ducks, geese, muskrat, fish. Nesting for bluegill and bass.
Giant Burreed (<i>Sparganium eurycarpum</i>)	OBL	2, 3	Regular to permanently inundated. up to 1 ft.	High. Food (seeds, plant) waterfowl, beaver & other mammals. Cover for marshbirds, waterfowl.
Lizard's Tail (<i>Saururus cernuus</i>)	OBL	2	up to 1 ft.	Low, except wood ducks.
Long-leaved Pond Weed (<i>Potamogeton nodosus</i>)	OBL	1, 2	up to 1-6 ft. depending on turbidity	High. Food (seeds, roots) waterfowl, aquatic fur- bearers, deer, moose. Habitat for fish
Marsh Hibiscus (<i>Hibiscus moscheutos</i>)	OBL	2, 3	up to 3 in.	Low. Nectar.
Pickeralweed (<i>Pontederia cordata</i>)	OBL	2, 3	up to 1 ft.	Moderate. Ducks. Nectar for butterflies.
Pond Weed, Sago (<i>Stuckenia pectinata</i>)	OBL	1	yes	Extremely high. Waterfowl, marsh and shorebirds.
Redtop (<i>Agrostis gigantea</i>)	FACW	3, 4, 5	Up to 25% of season	Moderate. Rabbits and some birds.
Rice Cutgrass (<i>Leersia oryzoides</i>)	OBL	2, 3	up to 3 in.	High. Food and cover.
Sedges (<i>Carex</i> spp.)	All	2, 3	up to 3 in.	High waterfowl, songbirds.
Tufted Hairgrass (<i>Deschampsia caespitosa</i>)	FACW	3, 4, 5	Regular to irregular inundation.	High.

Table 2. Native Planting List for Stormwater Management Areas

Plant Name (Scientific Name)	Wetland Indicator Status ¹	Hydrologic Zone	Inundation Tolerance	Wildlife Value
Soft-stem Bulrush (<i>Schoenoplectus tabernaemontanii</i>)	OBL	2, 3	up to 1 ft.	Moderate. Good cover and food.
Smartweed (<i>Persicaria</i> spp.)	OBL, FACW, FAC	2, 3, 4	up to 1 ft.	High. Waterfowl, songbirds. Seeds and cover.
Soft Rush (<i>Juncus effusus</i>)	OBL	2, 3, 4	up to 3 in.	Moderate.
Spatterdock (<i>Nuphar advena</i>)	OBL	2	up to 3 ft.	Moderate for food but high for cover.
Switchgrass (<i>Panicum virgatum</i>)	FAC	2, 3, 4, 5, 6	up to 3 in.	High. Seeds, cover for waterfowl, songbirds.
Sweet Flag (<i>Acorus calamus</i>)	OBL	2, 3	up to 3 in.	Low.
Waterweed (<i>Elodea canadensis</i>)	OBL	1	yes	Low.
Wild Celery (<i>Vallisneria americana</i>)	OBL	1	yes	High. Food for waterfowl. Habitat for fish and invertebrates.
Wild Rice (<i>Zizania aquatica</i>)	OBL	2	up to 1 ft.	High. Food for birds.
Wool Grass (<i>Scirpus cyperinus</i>)	OBL	2, 3	Irregularly to seasonally inundated	Moderate. Cover, Food.
<p>1. Plants are categorized according to their occurrence in wetlands. The indicator statuses specific to the “Northcentral and Northeast Region” as defined by the USACE apply to the Project Site. The official short definitions for wetland indicator statuses are as follows:</p> <ul style="list-style-type: none"> • OBL - Obligate Wetland: Almost always occur in wetlands. • FACW - Facultative Wetland: Usually occur in wetlands but may occur in non-wetlands. • FAC - Facultative: Occur in wetlands and non-wetlands (50/50 Mix). • FACU - Facultative Upland: Usually occur in non-wetlands but may occur in wetlands. • UPL - Upland: Almost never occur in wetlands. 				

Plantings for the bioretention areas will be broken into two different planting areas. On the bottom of the bioretention area to about 0.75 ft. from the bottom, there will be native Zone 3 plantings. From the top of Zone 3 plantings to the edge of the bioretention area grading, there will be native Zone 5 plantings. Outside of the bio-area, there will be the existing vegetation cover on the down-slope side and meadow grasses on the up-slope side. No woody plants will be planted on the up-slope/inflow side. Plantings will be diverse and random to resemble natural plant layouts. There will be a four foot-deep planting soil bed and surface mulch layer.

The detention pond will consist of native Zone 1 and Zone 2 plantings on the aquatic bench. No woody plants will be planted on the inflow side. Plantings will be diverse and random to resemble natural plant layouts.

Comment # 005

Jul 14, 2022

Town of Yorktown Conservation Board Memorandum, re: Dell Avenue Solar

Environmental review should include a site visit by the Conservation Board.

005 Response:

The applicant welcomes a site visit by the Conservation Board at the earliest opportunity. Environmental specialists from the engineer of record, TRC Companies Inc., will be available to accompany the Conservation Board at the site visit.

Comment # 006

Jul 18, 2022

Town of Yorktown Planning Department letter, subject: Dell Avenue Solar Project

As part of the Croton Overlook environmental review, a visual assessment was completed and included as Appendix E in the EIS. This appendix is enclosed for your convenience. The Planning Department requests the assessment be updated to reflect the current proposed project.

006 Response:

The report 2022-09-21 Dell Ave Visual Impact Assessment was formally submitted to the Planning Department, along with several other documents, as part of a supplemental submission dated Sep 21, 2022.

Comment # 007

Jul 22, 2022

Westchester County Planning Board Referral Review letter, subject: County Planning Board Referral File YTN 22-010 – Dell Avenue Solar Project Site Plan and Special Use Permit

We have previously reviewed the site plan under the provisions of Section 239 L, M, and N of the General Municipal Law and Section 277.61 of the County Administrative Code and we responded to the Town in a letter dated May 17, 2021. We appreciate that the applicant has provided a tree loss mitigation plan and carbon sequestration calculations regarding the removal of woodland. We also note that the site has been redesigned to lessen the impact to on-site wetlands and to preserve more trees. At this time we have no additional comments.

007 Response:

N/A

Comment # 008

Aug 01, 2022

Town of New Castle Town Board Memorandum, subject: Town of Yorktown – Dell Avenue Solar Project

The applicant has provided information and it was reviewed by the Environmental Coordinator. There are no anticipated impacts to the Town of New Castle.

008 Response:

N/A

Comment # 009

Aug 01, 2022

Town of New Castle Town Board Memorandum, subject: Town of Yorktown – Dell Avenue Solar Project

The Town Engineer has reviewed this information and there is no impact to the Town of New Castle.

009 Response:

N/A

Comment # 010

Aug 01, 2022

Town of New Castle Town Board Memorandum, subject: Town of Yorktown – Dell Avenue Solar Project

The Town Engineer has reviewed the latest revised site plan and existing topography relative to the Town of New Castle and has preliminarily found that the stormwater impacts to the Town from the proposed development would be minor in nature. However, prior to a final determination is made by the Town Engineer, the Town Engineer would like to review the submitted Stormwater Pollution Prevention Plan (“SWPPP”) as required by the Town of Yorktown Town Code and the NYC DEP for the SWPPP under Subsection 18-39 (Stormwater Pollution Prevention Plans and Impervious Surfaces) of the New York City Rules and Regulations.

010 Response:

On behalf of the applicant, the engineer of record, TRC Companies Inc., submitted the initial SWPPP to the New York City Department of Environmental Protection on Sep 01, 2022. On the same date, it was also submitted to the Town of Yorktown Engineering Department and later forwarded to the Town of Yorktown Planning Department – as well as the Town of New Castle.

The SWPPP proposal will be resubmitted again to NYC DEP in 4Q2022 after DEP’s determination-of-completeness step is complete, comments are returned to the applicant, and revisions are incorporated into the final SWPPP submittal for full review & approval. At that time, it will also be submitted directly to the Town of Yorktown (Engineering and Planning) – as well as to be circulated to the Town of New Castle.

Comment # 011

Aug 01, 2022

Town of New Castle Town Board Memorandum, subject: Town of Yorktown – Dell Avenue Solar Project
The Building Inspector has spoken with a representative of the Millwood Fire Department who assured him that they are aware of the project and have been in conversation with the Yorktown Fire Department in response to mutual aid.

011 Response:

N/A

Comment # 012

Aug 01, 2022

Town of New Castle Town Board Memorandum, subject: Town of Yorktown – Dell Avenue Solar Project
Information was contained on the site plan in regards to a viewshed analysis. No properties in New Castle were included in this analysis and it appears, based on measurement, that several homes in the Random Farms Subdivision will have views of the solar array through the forested wetland. This wetland contains open areas whereby site lines directly onto the facility can be articulated. The applicant should address this and provide screening to ensure that these homeowners are screened from the facility. The applicant and/or the Town of Yorktown should reach out to the Random Farms Homeowners Association.

012 Response:

A preliminary line-of-sight analysis from (3) Random Farms residences, including elevation topography and tree cover data, was provided to the Town of Yorktown Town Planner to aid in coordination between Town of Yorktown and Town of New Castle. The applicant believes that adverse visual impacts are avoided by the presence of existing vegetation sufficiently screening visibility. The applicant is awaiting confirmation from the Town of Yorktown Planning Department that the Town of New Castle concerns are sufficiently addressed. Refer to Comment # 025 for additional response.

Comment # 013

Aug 02, 2022

Town of Yorktown Building Department Memorandum, re: Dell Ave Solar Farm July 25, 2022
Dell Ave is currently in poor condition. After the construction has been completed it is obvious that the street will be in even worse condition. The Bureau [of Fire Prevention] would like to see Dell Ave improved up completion of the project.

013 Response:

Dell Avenue is 0.5 miles long, cutting between the main thoroughfare of Saw Mill River Road (Rt 100) to which it connects on both ends. At present, the road seemingly experiences very limited to no traffic daily, because it only provides access to a cellular tower and one single-family residence. The residence,

249 Dell Ave, is situated near the northern end of the road toward the north intersection with Saw Mill River Rd and away from the project's primary site entrance.

Post-project, there will be no increase in daily traffic due to the solar farm, because operating the facility does not require personnel at site. Regular maintenance, at most, will consist of 1 visit per month by authorized personnel. As such, the project once complete does not require improved road conditions on Dell Avenue.

During the 6-9 month construction period, it is not anticipated that Dell Avenue's current condition will noticeably worsen. In the applicant's experience, the construction demands of a ground-mount solar project do not dictate road improvements along Dell Avenue for safe access or drivability, nor is it expected that the overall condition appreciably degrades. Several EPC contractors have visited the site and assessed Dell Ave as suitable for this project's construction.

The applicant is willing, before construction starts, to document the existing as-is condition of Dell Ave and, toward the end of construction, perform spot repairs to return any instances of project-caused damage to an improved condition.

Comment # 014

Aug 02, 2022

Town of Yorktown Building Department Memorandum, re: Dell Ave Solar Farm July 25, 2022

The operator of the solar farm installation shall provide training to the local fire department and provide an electronic version of the training program to the fire department so they can train personnel in the future.

014 Response:

The applicant fully agrees to the request for training to be provided to the local fire department and for an electronic version of the training program to be made available. This is typical for Sol Customer Solutions projects and is coordinated in detail with the EPC (engineering-procurement-construction) contractor selected to design and build the project. It will involve a site walkthrough.

As an EPC contractor will not be authorized until site plan & special use permit approvals are granted, these documents have not been developed yet. In the meantime, a *Local Fire Department Training* section has been added to the most recent revision of the Dell Ave Operations & Maintenance Plan Rev 1 to document this condition of permit approval. The latest O&M Plan was formally submitted to the Planning Department, along with several other documents, as part of a supplemental submission dated Aug 21, 2022.

Comment # 015

Aug 02, 2022

Town of Yorktown Building Department Memorandum, re: Dell Ave Solar Farm July 25, 2022

The Bureau [of Fire Prevention] would like to see a maintenance plan that includes grass and brush cutting AND snow removal from the access roads and gates in the event of a major snowfall.

015 Response:

The applicant is awaiting comment from the Planning Department and/or the town's Environmental Consultant on seed mix plans for the approach to the site's future grasses, legumes, and flowers. The applicant fully agrees to the request for a maintenance plan that details grass & brush cutting and general vegetation management. This is typical for Sol Customer Solutions projects and is coordinated in detail with the maintenance provider ultimately selected to provide post-construction maintenance of the site's vegetation. After receipt of additional environmental comments, anticipated in Sep 2022, the applicant will propose a seed mix along with details on proposed grass & brush cutting plans.

In the event of snowfall, no snow removal is warranted for operations and maintenance. Snow does not pose any risk to the equipment, and the act of snow removal could potentially damage the equipment and the pervious gravel access roads while also representing a hazardous work condition. Across the portfolio of Sol Customer Solutions projects, snow removal is not performed. The applicant does not propose incorporating snow removal into the Dell Ave Operations & Maintenance Plan.

Comment # 016

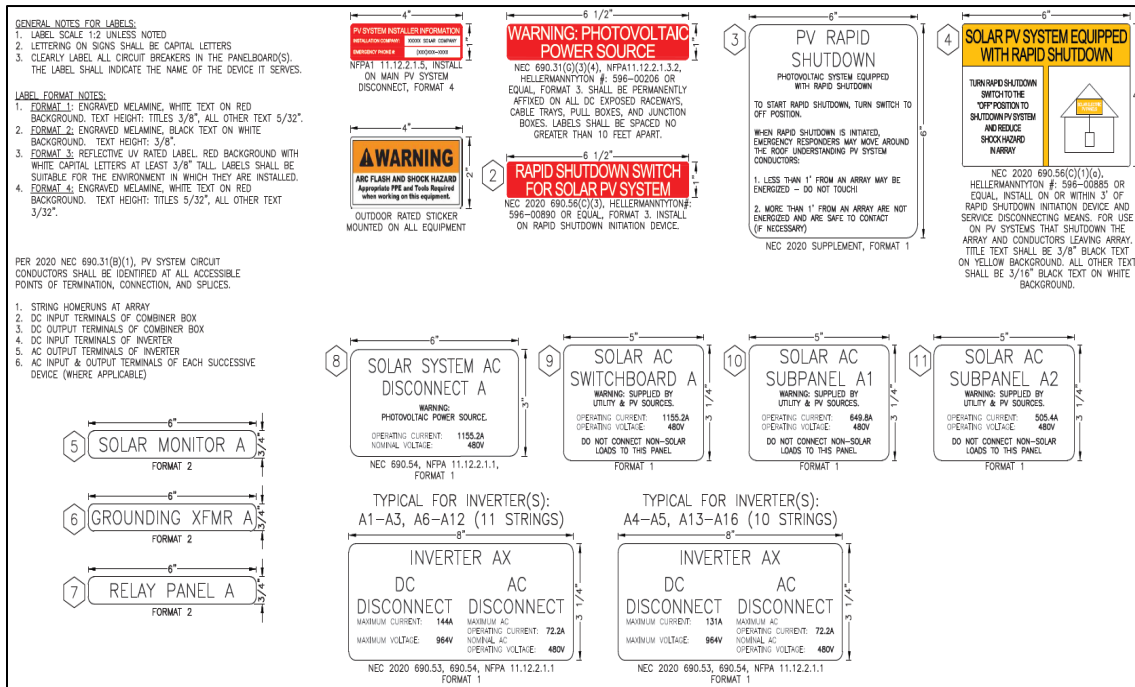
Aug 02, 2022

Town of Yorktown Building Department Memorandum, re: Dell Ave Solar Farm July 25, 2022

Compliant signage shall be provided throughout the installation including emergency contact information which shall be displayed on every access gate.

016 Response:

Upon receiving the Building Department Memorandum on Aug 02, 2022, an example photo of (compliant) emergency contact signage was shared with the Town of Yorktown Building & Fire Inspector via email and an affirmative response was replied. The photo and additional example signage is included below. These are not typically finalized this early in the project development phase, and therefore are not intended to be included in the Site Plan Set, but they are a requirement for all Sol Customer Solutions projects. The applicant fully agrees to the request for compliant signage to be provided throughout the facility, including emergency contact information displayed at both access gates.



Comment # 017

Aug 02, 2022

Town of Yorktown Building Department Memorandum, re: Dell Ave Solar Farm July 25, 2022

An emergency response plan shall be provided to the Fire Inspector and the fire department for approval.

017 Response:

The applicant fully agrees to the request for an emergency response plan to be provided to the local fire department and to the Fire Inspector for approval. This is typical for Sol Customer Solutions project, is developed specific to the site, and is coordinated in detail with the EPC (engineering-procurement-construction) contractor and the Sol Systems asset management team.

As an EPC contractor will not be authorized until site plan & special use permit approvals are granted, this document has not been developed yet. In the meantime, an *Example of Emergency Response Plan* section has been added to the most recent revision of the Dell Ave Operations & Maintenance Plan Rev1 to document this condition of permit approval. The latest O&M Plan was formally submitted to the Planning Department, along with several other documents, as part of a supplemental submission dated Aug 21, 2022.

Comment # 018

Aug 01, 2022

Town of Yorktown Planning Department email, re: Environmental Consultant & Coordination with DEC
Dan Biggs, from Weston & Sampson, the environmental consultant the Town is using for your project, is asking if we can schedule site visits for next week either on Tuesday or Thursday with the applicant's consultant and DEC.

018 Response:

The correspondence *RE: Sol Systems Dell Ave Solar Farm Freshwater Wetland Jurisdictional Determination (2022-08-15 Dell Ave NYSDEC Wetland JD Not Regulated)* was shared directly to the Town Planner on Aug 17, 2022 with copy to the town's Environmental Consultant. The same Jurisdictional Determination (JD) was formally submitted to the Planning Department, along with several other documents, as part of a supplemental submission dated Sep 21, 2022.

The JD concluded that the on-site wetlands are not within NYS DEC jurisdiction, therefore the environmental site visit did not involve DEC. Weston & Sampson and TRC Companies Inc. conducted the field site visit together on Aug 24, 2022.

Comment # 019

Sep 20, 2022

Environmental Consultant Weston & Sampson Memorandum, subject: Dell Ave Solar Habitat Evaluation
Based upon the requirements included in Chapter 270 – Trees of the Town Code, as well as the Total Protected Trees to be Removed (Fair-Good), Total Replacement Trees to be Planted, and the Total Tree Bank Fund Payment, we believe the mitigation measures proposed for this project are adequate for the anticipated loss of forested areas.

019 Response:

N/A

Comment # 020

Sep 20, 2022

Environmental Consultant Weston & Sampson Memorandum, subject: Dell Ave Solar Habitat Evaluation Forest Area & Indiana Bat – Tree clearing shall be performed during the winter, between October 1 and March 31, in order avoid impacts to potentially roosting bats.

020 Response:

Tree clearing (felling) will only occur between Oct 01 and Mar 31. Stump removal does not pose adverse impacts to potentially roosting bats and can occur between Apr 01 and Sep 30.

Comment # 021

Sep 20, 2022

Environmental Consultant Weston & Sampson Memorandum, subject: Dell Ave Solar Habitat Evaluation Bog Turtles – Protective Procedures and Measures should be following during and after construction, including: Bog Turtle Conservation Plan, Double Row of Silt Fence, and Encounter and Education Plan including Future Property Maintenance.

021 Response:

As noted by the United States Fish & Wildlife Service in its letter to the project dated Jul 19, 2022, “conservation measures, as described in the Bog Turtle Conservation Plan (dated July 2022), will be incorporated into project plans to avoid potential adverse impacts. The Service agrees that take of this species is not reasonably certain to occur. No further coordination with the Service is required pursuant to the ESA for this project.” The applicant will fully adhere to the protective procedures and measures, inclusive of double-row silt fences, detailed in the project-specific Bog Turtle Conservation Plan and accompanying Bog Turtle Education Pamphlet before, during, and after the construction period.

Comment # 022

Sep 20, 2022

Environmental Consultant Weston & Sampson Memorandum, subject: Dell Ave Solar Habitat Evaluation Bald Eagles – The project shall comply with the Migratory Bird Treaty Act (MBTA) and Bald and Gold Eagle Protection Act (BGEPA) during construction.

022 Response:

The applicant will fully adhere to the Migratory Bird Treaty Act (MBTA) and Bald and Gold Eagle Protection Act (BGEPA) before, during, and after the construction period. On behalf of the applicant, their environmental consultant, TRC Companies Inc., submitted correspondence to the New York State Department of Environmental Conservation on October 04, 2022 requesting their concurrence that the construction and operation of the project will not adversely affect bald eagles. NYS DEC’s response

correspondence will be shared with the Town of Yorktown. The project does not anticipate a Part 182 incidental take permit to be required.

Comment # 023

Sep 20, 2022

Environmental Consultant Weston & Sampson Memorandum, subject: Dell Ave Solar Habitat Evaluation Forest Area – *To the extent feasible, applicant shall increase number of total replacement trees to be planted, particularly along segments of fence immediately adjacent to roadways or viewable from adjacent properties.*

023 Response:

See Comment # 019.

Comment # 024

Sep 20, 2022

Environmental Consultant Weston & Sampson Memorandum, subject: Dell Ave Solar Habitat Evaluation *It is recommended that the area beneath the solar array be planted with wildlife/pollinator species (per TRC Plan). In addition, areas anticipated to receive stormwater runoff or drainage swales shall be planted with seed species suitable for wet soils, while also providing habitat benefits onsite.*

024 Response:

A pollinator seed mix will be planted within the solar array area and adjacent to the perimeter fence. The vegetation management section of the Operations & Maintenance Plan Rev1 recommends a mixture of native and naturalized grasses and legumes along with pollinator-friendly grasses and flowers. Pollinator seed mixes are intended to provide food source and shelter that will attract a variety of pollinators and songbirds. See Comment # 004 and corresponding response for the planting details of bioretention areas, including their wildlife value.

Comment # 025

Sep 22, 2022

Town of Yorktown Planning Department email, re: Dell Avenue Solar Project

Please see the below email from a Random Farms homeowner. I think it would be best if you included and expand the three preliminary [line-of-sight analysis] sections [in the Visual Impact Assessment]. ... Completing this analysis will be the only way the Planning Board can evaluate these views.

025 Response:

The report 2022-10-05 Dell Ave Visual Impact Assessment Rev1, now including line-of-sight analysis from three (3) Random Farms addresses, was formally submitted to the Planning Department as part of a supplemental submission dated Oct 05, 2022.

Comment # 026

Nov 10, 2022

Yorktown Tree Conservation Advisory Commission

Please be aware that the continued use of trees planted for screening on solar projects are not to be used as credit in calculating tree removal mitigation. The PB lawyer has determined that trees planted for screening do not count as mitigation. The 66 replacement trees to be planted are not credits toward mitigation and represent an additional \$6,600 payable to the Yorktown Tree Bank Fund.

026 Response:

The applicant welcomes a final calculation for the Yorktown Tree Bank Fund payment to be prepared by the Yorktown TCAC at its earliest convenience prior to site plan and special use permit approval.

Comment # 027

Nov 10, 2022

Yorktown Tree Conservation Advisory Commission

The 17 Thuja occidentalis or Northern White Cedar are highly susceptible to deer damage. A substitute should be considered.

027 Response:

Landscaping plans have been updated accordingly to substitute *Thuja standishii x plicata* (Green Giant Arborvitae) in lieu of *Thuja occidentalis* (Northern White Cedar).

Comment # 028

Nov 10, 2022

Yorktown Tree Conservation Advisory Commission

Although Green Giant Arborvitae is not a native species, the TCAC has allowed their use in previously approved site plans. Their use will help diversify the use of conifers in the screening of the solar panels.

028 Response:

N/A.

Comment # 029

Nov 14, 2022

Town of New Castle Town Board Memorandum, subject: UPDATED Town of Yorktown – Dell Avenue

The applicant, Sol Systems, has submitted a visual analysis that failed to consider any properties in the Town of New Castle, see comment 5 in the attached memorandum. In particular, the Random Farms neighborhood, which is roughly 300ft from the closest proposed solar array, was not considered in the submitted visual analysis.

029 Response:

See Comments # 006 & 025 and corresponding responses. The report 2023-05-10 Dell Ave Visual Impact Assessment Rev2, including line-of-sight analysis from five (5) Random Farms addresses, was formally submitted to the Planning Department as part of a supplemental submission dated May 10, 2022.

Although the Project property is as close as 300 ft to the Random Farms Neighborhood, the distance to the nearest limits of proposed tree clearing is, at minimum, 900 ft from a Random Farms residence. Thus, the project fenceline and any proposed solar arrays are even more distant. Of the 5 addresses included in the light-of-sight analysis, the approximate distances from residence to nearest proposed solar array are, respectively: ~1000 ft, ~1200 ft, ~1500 ft, ~1600 ft, and ~1700 ft.

Comment # 030

Nov 14, 2022

Town of New Castle Town Board Memorandum, subject: UPDATED Town of Yorktown – Dell Avenue
The Development Department has requested the Yorktown Town Engineer's office provide comments to the Town of New Castle Town Engineer for review regarding the Stormwater Pollution Prevention Plan ("SWPPP").

030 Response:

To date, the applicant has not yet received any comments from the Yorktown Town Engineer's office regarding the proposed Stormwater Pollution Prevention Plan (Rev0 or Rev1). Any comments received in the future will be promptly relayed to the Town of New Castle Town Engineer.