

December 22, 2020

Loretta Taylor, Chairman
Town of Cortlandt Planning Board
Town Hall, 1 Heady Street
Cortlandt Manor, NY 10567

Re: *Lexington Avenue Solar Project*
Lexington Avenue / Route 202
Site Development Plan

Dear Chairman Taylor and Members of the Planning Board:

Find enclosed the following information for the above-referenced Project:

1. Two copies of the Civil Site Development Plan, Cronin Engineering.
2. Two copies of the Fire Access Plan, Cronin Engineering.
3. Two copies of the Tree Inventory and Assessment, Weston and Sampson.
4. Two copies of the Applicant's "Biodiversity Assessment Technical Memorandum (Biodiversity Memo), Maser Consulting
5. Two copies of the Applicant's signed NYSDEC Wetland Validation Map, pending.
6. Two copy of the preliminary SWPPP Technical Memorandum to be submitted to DOTS under separate cover.
7. Two copy of the Public Hearing Comment Response matrix, drafted in response to a letter received by Planning Board from neighbors on November 16, 2020.

Reference is made to all the previously submitted materials on file with the Planning Department.

This project was last presented to this Board as a Public Hearing at the October meeting. Since the last meeting, project materials and information have been updated as follows:

1. A site-specific tree inventory survey was performed on site. All of the trees within the proposed limit of disturbance were tagged, and survey located.
2. A tree assessment was performed by the Town's of Cortlandt's Consultant, Weston and Sampson, identifying tree species, size, and health condition.
3. Wetland site visits were performed by Weston and Sampson, NYSDEC, and NYCDEP, all of which verified and validated the wetland survey previously completed for the project.
4. A fire access plan was prepared and verbally approved by the Director of Code Enforcement.
5. A Civil Site Development Plan has been prepared that includes existing conditions, site plan elements, the solar array layout, access roadway loop and profile, preliminary

erosion and sediment control practices, a tree removal plan, a planting plan and construction details.

6. The above-referenced Biodiversity Memo was drafted for the site, recommending certain conservation and mitigation measures to protect the site's wildlife habitat.
7. The NYSDEC Natural Heritage Program (NHP) was consulted on the project and confirmed the site is not flagged for rare or state-listed species. The NYSDEC NHP clearance letter can be found attached to the Biodiversity Memo.

Overview

The Applicant proposes to develop and construct a 2.3MWdc/2.1MWac community solar array (Project) on a CD Designed-Commercial zoned, 34-acre vacant property, comprised by 15 separate parcels, and located on Lexington Avenue between Dyckman Road and Crompond Road.

Of the 34 acres, only 11.11 acres of land will be disturbed. The Project has been designed to utilize the site's natural topography and existing vegetative buffer to both maximize project setbacks (in excess of zoning requirements) and obscure the facility from neighboring views. From the Project's limit of disturbance, the distances to the nearest property lines and existing houses or roads are as follows:

| | | | | |
|----|--------------|------------|--------------------------------|-------------|
| 1- | To the north | 100' to pl | +80' to nearest house from pl | total 180' |
| 2- | To the west | 316' to pl | +210' to nearest house from pl | total 526' |
| 3- | To the south | 370' to pl | +180' to Route 202 from pl | .total 380' |
| 4- | To the east | 200' to pl | +10' Lexington Avenue from pl | total 210' |

Access to the site is proposed from Lexington Avenue just north of the Algonquin Gas Transmission right-of-way. There will be no usage of Dyckman Road for this project, either during construction or post construction. All maintenance will be via the Lexington Avenue access road. Once constructed, the project will result in a solar energy system located in a new pollinator meadow. There are no lights, traffic, school aged children, impervious areas or wetland disturbance associated with this development.

The project is proposed under New York State's Climate Leadership and Community Protection Act (CLCPA), which calls for 70% of the state's electricity produced by renewable energy sources by 2030, as well as the installation of 6,000MWs of solar installed in New York state by 2025. As a community solar project, electrically the Project is interconnected to Consolidated Edison's distribution grid; however, electrical offtake will be credited to residential customers, who will have the opportunity to subscribe to the project and save money on their monthly electrical bill. A Project of this capacity is expected to provide electrical offtake for over 400 homes.

Trees:

The tree inventory identified 3,111 trees within the designated survey area, which extended approximately 100-feet from the project's proposed limit of disturbance. This is not comprehensive of the entire +-34-acre site but does encompass the proposed development's tree cut line limit which includes approximately 11.11 acres of land and contains 2,005 total trees to be removed.

The trees were tagged (with numbers) by the Applicant's surveyor and then each tree was identified and assessed by the Town's Arborist Consultant, Weston and Sampson, who then prepared a spreadsheet and a summary report of the site tree inventory.

Of the 2,005 trees to be removed, it is estimated that there are 1,215 trees or 60.6% of the trees within the cut line to be either an invasive species (Norway Maple), undesirable (Black Locust) or either in poor condition or dead.

Based on this assessment, there is a remaining total of 790 trees that are considered regulated and desirable. It is noted that there are approximately 76 trees identified as desirable located on slopes >25% and therefore, pursuant to Town Code, are to be counted as two trees each. This results in a total of 866 trees to be mitigated.

The Applicant proposes to mitigate the trees proposed to be removed through a combination of replanting trees on site and a contribution to the Town Environmental Fund. The current site plan shows approximately 132 trees proposed to be replanted at both the site entrance area from Lexington Avenue to the proposed access road loop intersection and the west/northwest portion of the project. The proposed trees will be low growth native tree species incapable of casting shade on the solar array at maximum height. A final reforestation plan and contribution amount will be discussed with Planning Staff during final site plan review. The Applicant is also open to off-site mitigation plantings in consultation with the Town.

Wetlands:

A site-specific wetlands analysis was performed by the Applicant's Wetland Consultant, Maser Consulting, and verified and accepted by the Town of Cortlandt Wetland Consultant, Weston and Sampson, as well as the New York City Department of Environmental Protection (NYCDEP). The project avoids all disturbance to regulated wetlands identified on site. The construction of the project's access road will result in 9,523 square feet of minor disturbance to the buffer area of a manmade, approximate 1,000 square foot wetland located in the Algonquin Gas Transmission Right of Way where a pipeline was recently installed. The area was graded inadvertently as a depressional area at the time of the pipeline installation and has since shown wetland vegetation. While wetlands functional value is limited at best, mitigation for this intrusion will be the planting of native bushes around the access road through its run through the buffer.

The NYSDEC visited the site on October 22, 2020 to perform a Wetland Validation. The NYSDEC has confirmed jurisdiction over one Freshwater Wetland on site, Wetland WB, which is approximately 1.28 acres in size and located in the southwest corner of the site predominantly south of the natural gas ROW. The Applicant's Project proposes no disturbances to the wetland nor its 100' controlled area. The NYSDEC Wetland Validation map will be submitted upon its signing.

Fire Access:

The project access roadway system has been reviewed, revised and verbally approved by the Town's Director of Code Enforcement. See the Fire Access Plan.

Site Plan:

The Civil Site Development Plan set includes a Site Plan indicating that the project meets or exceeds all the Bulk Zoning Regulations and setback requirements for the underlying Zoning District, CD, Designed Commercial.

In addition, and Pursuant to Local Law #8 of 2018, Section H, the project meets or exceeds all the permitting requirements for a Tier 3 Solar Energy System. See the Civil Site Development Plan. As a reminder, a Special Permit issued by the Town Board pursuant to Local Law #8 is required after the completion of SEQRA, and before the Planning Board approves the final Site Plan.

Disturbance:

The project site is approximately 34 acres in size of which it is estimated that there is approximately 11.11 acres of disturbance which includes the access road, and the trees to be removed within the tree cut line.

Erosion and Sediment Control:

The Civil Site Development Plan set has a preliminary Erosion and Sediment Control Plan included along with appropriate details.

Biodiversity

We also refer the Planning Board to the Biodiversity Memo prepared by the Applicant's consultant, Maser Consulting. It recommends several conservation and mitigation measures that the Applicant would implement to protect and preserve the Site's wildlife habitat.

In summary, Maser opines that, while the site offers habitat, the forest type and species to be converted to a solar facility are not unique to the region, the NYSDEC NHP maintains no records of rare or state-listed species in the vicinity of the Project property, and the conservation measures proposed by Maser either preserve and protect or improve and enhance the potential habitat of the site. These measures include preserving and protecting federal and state jurisdictional wetlands identified on site both by designing the facility outside of their delineated boundaries and planning to designate conservation easements where appropriate; adding additional buffer area to wetlands and the headwater stream, utilizing low growth, native pollinator species beneath the panels, which will offer foraging habitat for local wildlife; and mitigating the necessary clearing of trees through a combination of on/off site planting and a contribution to the Town's Environmental Protection Fund. We believe these measures meet the intent and spirit of the Town's Wildlife and Plant Biodiversity Assessment Guidelines by ensuring Cortlandt's rich biological heritage is preserved for future generations. With these measures, and in light of the lack of any threatened or endangered species on the site, the Project would not result in any significant adverse impacts to wildlife habitat.

Given that the Applicant is committed to implementing these measures, which would be monitored and enforced by the Town, the Applicant respectfully requests that the Planning Board impose these measures as a condition of approval, and not require a full biodiversity study for all these reasons.

Closing

We would like to continue to process the application at the adjourned public hearing of the January 05, 2021 Planning Board meeting. The Applicant requests that the Board close the public hearing in January and authorize the preparation of a Negative Declaration. We believe that the Board has all the supporting technical information necessary to make this determination.

Should you have any questions or require additional information please contact me at the above number. Thank you for your time and consideration in this matter.

Respectfully submitted,



Keith C. Staudohar
Cronin Engineering P.E. P.C.

cc: Kieran Siao, Dimension Energy, LLC via email w/ encl.
Brad Schwartz, Esq. via email