



May 20, 2021

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

***Re: Lexington Avenue Solar Project  
Lexington Avenue/Route 202  
Request for Negative Declaration under SEQRA***

Dear Chairperson Taylor and Members of the Planning Board:

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

1. Two copies of the revised Site Development Plan, Cronin Engineering
2. Two copies of the Stormwater Pollution Prevention Plan, Cronin Engineering
3. Two copies of the Project's Supplementary Photo Simulation and Viewshed Photos, C&S Companies

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

In sum, Dimension Energy respectfully requests that the Planning Board authorize the preparation of a SEQRA Negative Declaration for consideration at the Board's July meeting based upon the information presented to date and in this submission, including:

- First Phase of Biodiversity Study has been completed, and concluded that the project area lacks reptile and amphibian species (we acknowledge that the Negative Declaration may not be approved in July if the results of the Second Phase reveal a biodiversity concern)
- Neighbor concerns addressed by proposing additional screening in the form of a double alternating row of evergreen trees along western Project fence line
- Updated Visual Simulation confirms no significant adverse visual impacts from various vantage points
- Proposed planting of 228 trees as part of reforestation plan
- Mitigation of an additional 651 trees by a contribution to the Town's environmental fund in the amount of \$97,650
- A full SWPPP has been prepared and submitted

**Biodiversity - Project Area Contains Minimal Habitat**

The Town's biological consultant, Weston & Sampson, has completed the first of two field visits to be performed as part of the Project's field Biodiversity Assessment. Weston & Sampson's Wildlife Scientist visited the project site on April 14, 2021. As noted in Weston & Sampson's memorandum to the Board, *Biodiversity Assessment Field Summary 10 Lexington Avenue Solar – Cortlandt CG [sic] LLC, April 20, 2021*, the scope of



the field visit was to assess the site for reptile and amphibian species. The memorandum notes the site contains “**low overall diversity habitat within the project area, and the project will not significantly impact ecological communities or species identified at this time.**”

### **No Visual Impacts/Additional Screening**

Dimension Energy and its visual consultant, C&S Companies, has continued to work cooperatively with the neighbors along Baron De Hirsch Road to resolve concerns related to visual screening for the project. On March 26, 2021, Dimension Energy and C&S Companies visited neighbors at their properties and demonstrated the distance from their parcel boundary to both the Project’s tree clearing limit of disturbance, and the project fence line. At the suggestion of one of the residents, Dimension Energy let neighbors know it would commit to planting a new row of evergreen trees along the project’s western fence line, which would provide additional screening, thereby further mitigating any potential visual impact associated with the project. These additional trees are shown on the updated site plan. During the site visit, C&S Companies took additional photos to create a supplementary photo simulation from one of the neighboring properties showing existing conditions, post-construction immediately after planting, and new planting maturity.

Dimension Energy and C&S Companies also visited additional locations raised by the North Cortlandt Residents Group in a letter received by Dimension Energy from the Town on March 8, 2021: (i) Granite Road Properties on the southern side of Crompond Road, over 1000-feet from the Project area, as well as (ii) various locations within Sylvan Glen Nature Preserve located in the Town of Yorktown. At each of the locations assessed, it is not anticipated that the Project will be visible due to remaining trees and topographic relief on the subject property and surrounding properties, including the nature preserve.

### **Engineering Items - SWPPP/Grading Plan and Tree Mitigation**

Cronin Engineering has prepared a Stormwater Pollution and Prevention Plan (SWPPP), demonstrating that the project will not result in a net impact to stormwater runoff or water quality during construction and long-term operation. In alignment with the SWPPP, Cronin Engineering has also updated the Site Development Plan, including the Grading, Drainage & Utility Plan. Further, to be consistent with neighbor discussions related to visual screening, Cronin Engineering has also updated the Project’s Tree Removal and Landscaping Plan to reflect the additional evergreen trees proposed to be planted on the project’s western fence line. It should be noted that, in addition to the proposed 228 plantings on site, Dimension Energy is prepared to mitigate a total of 651 trees by contribution to the Town of Cortlandt’s Environmental Fund. This number was determined in accordance with the Town of Cortlandt’s Tree and Solar Laws. Trees that were classified as “diseased, dead or an invasive species” were excluded from mitigation in accordance with Town Code Section 255-8A(10)(f)(3).

### **Conclusion/Next Steps**

Regarding scheduling, in the interest of allowing the Project to continue to advance through the Town’s review and approval process as efficiently and expeditiously as possible, and understanding that the Planning Board does not meet in August, Dimension respectfully requests the Board consider authorizing Town staff to



draft a resolution of SEQRA Negative Declaration for consideration at the Planning Board's July 6, 2021 meeting.

At the July meeting, Weston & Sampson will be able to provide an update on its June field visit, and provided that its findings demonstrate that no further assessment is required, this will allow the Planning Board to issue a SEQRA Negative Declaration for the Project that evening. Dimension could then proceed to the Town Board in August, and hopefully return to your Board to complete the site plan process in September/October.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kieran Siao".

Kieran Siao  
Director of Development  
Dimension Energy

CC: Michael Cunningham, Esq  
Michael Preziosi, PE  
Chris Kehoe, AICP  
Keith Staudohar  
Brad Schwartz