



YSG Solar Development Company, LLC
79 Madison Avenue, 8th Floor
New York, NY 10016
(212) 389-9215

BFJ Planning
Attn: Sarah Yackel, AICP
115 Fifth Avenue
New York, NY 10003
212-353-7474

August 25, 2022

RE: Briarcliff Solar Application for Special Use Permit

Dear Ms. Yackel,

YSG Solar is in receipt of your comment letter dated July 22, 2022, regarding the 345 Scarborough Rd Solar facility. YSG solar is submitting the enclosed comment response table to address the comments received within the letter. The following new or revised documents are being submitted to supplement the prior application package and comment response table:

- Project Application Book (Text Only)
 - A compiled document is available upon request
- Briarcliff Manor Site Plan (REVISED)
- Slope Letter (NEW)
- SEQR Long EAF (REVISED)
- SWPPP (REVISED)
- SHPO Alternatives Analysis Assessment (NEW)
- SavATree Tree Inventory Report (NEW)

If you need any additional information, please email me at James.T@YSGSolar.com or call me at 716-440-8698, to learn more.

Thank you,

Jim Taravella
YSG Solar
James.T@YSGSolar.com

cc: Christine Dennett, Village Clerk
David Turiano, P.E.

To: Mayor Steven A. Vescio and the Village Board of Trustees

From: Sarah K. Yackel, AICP, Principal

Subject: 345 Scarborough Road Solar Facility – Completeness Review of Application for Special Permit

Date: July 22, 2022

As requested we have reviewed the application for special permit submitted by Briarcliff Solar (the “Applicant”) for the proposed construction, operation and maintenance of two 5.0 megawatt-alternating current solar-based electric generating facilities (the “Project”) located at 345 Scarborough Road, Briarcliff Manor, NY 10510 (parcel Nos: 97.16-1-1 & 97.12-1-9; the “Project Site”). The Applicant submitted a revised application for a special permit from the Village Board of Trustees pursuant to Village Code Chapter 220-6.J.(15) Large-scale solar collection system ("solar farms"). Once deemed complete, the BOT will refer the special permit application to the Planning Board for review and recommendation. The Applicant will also need to apply to the Planning Board for Site Plan approval and a steep slopes permit.

In support of its application, the Applicant has submitted the following documents and plans:

1. Cover letter prepared by YSG Solar Development Company, LCC dated March 21, 2022;
2. Village of Briarcliff Manor Planning Board Application;
3. Full Environmental Assessment Form dated June 22, 2022;
4. Site Plans entitled “Briarcliff Manor Solar” prepared by LaBella Associates dated May 10, 2022;
5. FIG-1 “Tree Clearing” prepared by LaBella Associates dated May 10, 2022;
6. Briarcliff Solar Code Compliance Table;
7. Briarcliff Solar Development Comment/Response Table to BFJ Planning Memorandum;
8. Briarcliff Solar Project Booklet dated May 25, 2022, revised June 22, 2022; and
9. Stormwater Pollution Prevention Plan prepared by LaBella Associates dated May 2022, revised May 2022.

Review Comments:

We offer the following additional review comments based on the revised submission.

Applicable Regulations: Just for clarity, we again wanted to reiterate for the Board of Trustees the Village regulations applicable to the proposed project. In addition to the special permit requirements pertaining to large-scale solar collection systems (“solar farm”) contained in Chapter 220-6.J.(15) and 220-6.M.(2)(r), the following additional section of the Village Code also apply to the review of the project:

- **Chapter 178 – Solar and Alternative Energy** – this chapter contains supplemental standards for solar farms.

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- **Chapter 184 – Stormwater, Drainage, Erosion and Water Pollution Control** – The Applicant has submitted a Stormwater Pollution Prevention Plan (SWPPP) which will be reviewed by the Village’s Consulting Engineer as part of this special permit completeness review.
- **Chapter 218 – Wetlands** – the Project Site contains regulated wetlands and potential impacts could occur. Based on review of the application by the Village’s Wetlands Consultant, it was determined that a Wetlands Permit will be required since the proposed project will result in disturbance to a wetland buffer area. Wetlands Permits fall under the purview of the Planning Board.
- **Chapter 202 – Trees** - As part of the site plan review process, the project will need to comply with Village Code Chapter 202 Trees, which regulates the removal or “clearing” of trees from a property. We understand that a detailed tree inventory is being prepared by SavATree; however, the Applicant has not submitted a proposal for a reforestation plan. See additional comments on trees and compliance with the reforestation plan requirement of §220-6.J.(15).
- **Chapter 220 - Zoning**
 - §220-6 – Special permits - as noted above the project must comply with the special permit regulations pertaining to solar farms.
 - §220-14 – Approval of site development plans – following the Village’s Board Action on the Special Permit, the Application will require site plan review by the Planning Board.
 - §220-15 – Protection of Steep slopes – Based on our previous comments, the Applicant has now submitted a steep slopes map showing areas with slopes between 15-25% and 25% and above. A significant area of the western portion of the solar array falls on areas of slopes in these two categories. Tree clearing and grading are proposed on areas with slopes 15-25% and 25% and above. See additional comments below on steep slopes.

Special Permit Application: We were asked to review the above documents to ensure that the Application meets certain of the *Required application submissions* section of Village Code Chapter 220-6D. We offer the following comments:

Chapter 220-6.D. Required application submissions.

- (1)** *A plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special permit. The plan shall be drawn to some convenient scale, and shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, topography, special features, and any other pertinent information, including such information about*

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From: Sarah K. Yackel, AICP, Principal

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neighboring properties as may be necessary to determine and provide for the enforcement of this Zoning Chapter.

The Site Plan is missing key information that is needed prior to deeming the submission complete, as follows:

- The disturbance to areas of steep slopes shown on the revised site plan should be quantified so the Board of Trustees understands the overall area of disturbance for slopes between 15-25% and 25% and above. Measures to protect steep slopes should also be provided in accordance with §220-15.
- Sheets C002 and C003 – It is hard to decipher between the zoning district boundaries and the property line. The property line for the entire site should be very clearly demarcated.
- Trees - Chapter 220-6J(15) states that the “removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property. A reforestation plan requiring two trees to be planted on-site to replace each tree removed, or a plan requiring a ratio of more than two replacement trees located at other areas within the Village for each tree removed on-site or other such plan as may be approved by the Planning Board, shall be implemented according to a schedule approved by the Planning Board.” The Project Booklet states that 20.455 acres of Mixed Hardwood Forest will be removed from the Project Site (Page 19). The site plan should contain details related to the removal of trees, clearly identify areas where trees will be removed, include a tree inventory (in accordance with Chapter 202) and a reforestation plan in conformance with the requirements of Chapter 220-6.J.(15). We understand that the Applicant is preparing a detailed tree inventory; however, the Applicant should also develop a reforestation plan with the number of of required replacements trees quantified per the Code requirements since it is likely that many hundreds of trees will be required for replanting and the site’s ability to hold this many additional trees may be limited. If the Applicant intends to plant the trees off-site it will need to work with the Board of Trustees to determine an appropriate location for such additional trees elsewhere in the Village. The Applicant may also be able to work with the Village to develop a tree planting fund to satisfy its off-site planting requirement.
- Chapter 220-6.J.(15) also requires that a landscaped buffer be provided around all solar collectors and equipment to provide screening from adjacent properties and roads.” The landscape plan does not provide for any landscape screening or buffer planting and doesn’t show any of the proposed planting details. Additional landscaping should be provided (which could incorporate trees to be planted as part of the reforestation plan).

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From: Sarah K. Yackel, AICP, Principal

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- (3) *A marketing study shall be provided demonstrating that a viable and robust market exists for the proposed use.*
- The Applicant has submitted a summary of NY Sun program and NYSERDA incentives to promote solar and we are satisfied with the additional information.
- (6) *A municipal service impact study shall be provided documenting impacts of the proposed use on municipal services.*
- The Applicant met with both the Police and Fire Departments and will continue to engage both department throughout the planning process. We are satisfied with the additional information provided.
- (7) *An educational resources impact study shall be provided documenting impacts of the proposed use on local public schools.*
- We agree with the Applicant's finding that the project will not result in any impact to the Village's educational resources.
- (8) *A fiscal impact analysis shall be provided showing the likely assessed revenue flowing to the municipality from the proposed development, compared with the public services and infrastructure costs of the proposed development to be borne by the municipality. Any proposed use shall not negatively impact the financial stability of the Village, or impacted Village school districts, by reducing the anticipated ten-year tax revenue that would likely be generated by the proposed use when compared to the likely alternative of rejecting the proposed use.*
- Per Chapter 178-20 and the Real Property Tax Law Section 487, the Applicant is required to enter into a PILOT agreement with the Village. The actual annual PILOT payment to be paid to the Village should be calculated per the formula provided in §178-21H.

Steep Slopes (§220-15): The Site Plan needs to quantify the area of proposed disturbance to areas with slopes between 15-25% and 25% and above. CD101, CD102 and FIG-1 should also show the area of tree clearing in relation to areas of steep slopes and the proposed solar array. There appears to be significant tree clearing as well as grading in areas of with slopes of 15-25% and 25% and above. While the solar panels themselves may not cause an adverse

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From: Sarah K. Yackel, AICP, Principal

Subject: 345 Scarborough Road Solar Facility – Completeness Review of Application for Special Permit

impact to the slopes, tree clearing and grading may pose a problem. In addition, Village Code limits development activities on slopes between 15-25% and prohibits development activities, with a few exceptions, on slopes of 25% and above, as follows:

- “220-15D.
 - (1) *Slopes 25% or more. No land shown on either the Village of Briarcliff Manor Slopes Map or a site-specific steep slopes map shown as having slopes of 25% or more shall be developed or in any way physically modified, except when, in the opinion of the Planning Board, said development or modification is deemed necessary for access, land or natural terrain preservation or enhancement, or some other necessary purpose. These steep lands may be used as or may comprise a portion of development areas so long as such development areas have sufficient "nonsteep" space for the particular type of development proposed and in accordance with the requirements of this chapter.*
 - (2) *Slopes 15% to 25%. No land shown on either the Village of Briarcliff Manor Slopes Map or a site-specific steep slopes map shown as having slopes of 15% to 25% shall be developed or in any way physically modified, except when, in the opinion of the Planning Board, said land may be used for a use permitted within the zoning district within which it is located, without creating an adverse impact on the natural terrain ("Natural resources" is not defined herein and above in "Protection of Steep Slopes" the term "natural terrain" is used.) of the Village of Briarcliff Manor, including but not limited to land erosion and flooding. In the review and approval procedures established in this chapter, the Planning Board is further empowered to mandate development techniques which in its opinion may preserve the steep slopes."*

Again, the authority to grant a steep slope permit rests with the Planning Board; however, given that development may not be permitted on areas of slopes 25% or more, except when in the opinion of the Planning Board, said development or modification is deemed necessary for “some other necessary purpose.” This is a significant question for the Planning Board and historically, the Planning Board has not granted exceptions to development on areas with slopes of 25% or great. Given the ramifications of this issue on the proposed project layout, size, site plan, etc. additional information as to the “necessary purpose” of the proposed project and the actual impact of the project on the steep slopes should be provided and consultation with the Planning Board through the referral process at such time as the Board of Trustees believes it has sufficient information on the slopes question is appropriate.

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From: Sarah K. Yackel, AICP, Principal

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SEQR: Finally, we have reviewed the revised Full Environmental Assessment Form Part 1 and have no additional comments. We would note that based on our review of the SEQR regulations (6 NYCRR Part 617) that the proposed action is a Type I Action for the following reasons:

Type I for the following reasons:

- 617.4(b)(6): activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds:
 - (i) a project or action that involves the physical alteration of 10 acres; - *the project is on approximately 50 acres and will result in the removal of 22+ acres of trees*
- 617.4(b)(9): any Unlisted action (unless the action is designed for the preservation of the facility or site), that exceeds 25 percent of any threshold established in this section, occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places – *the site is adjacent to the Old Croton Aqueduct and will exceed 25% of the threshold listed above.*

Per 6 NYCRR Part 617.4(a)(1)...” the fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS.”

We are happy to discuss any of the above comments with you as needed.

CC: David Turiano, Village Engineer/Building Inspector
Joshua Subin, Village Attorney



Briarcliff Solar Development
Comment/Response Table
8/25/2022

YSG Solar Development Company, LLC
79 Madison Avenue, 8th Floor
New York, NY 10016
(212) 389-9215

Comment Letters Provided by the Village of Briarcliff Manor		YSG/Briarcliff Solar LLC Response	
BFJ Planning Preliminary Completeness Memorandum (July 22, 2022) RE: Review of Application for Special Permit			
1) Special Permit Application Chapter 220-6.D. Required application submissions.			
A) (1) A plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special permit. The plan shall be drawn to some convenient scale, and shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, topography, special features, and any other pertinent information, including such information about neighboring properties as may be necessary to determine and provide for the enforcement of this Zoning Chapter. The Site Plan is missing key information that is needed prior to deeming the submission complete, as follows:			
(1) The disturbance to areas of steep slopes shown on the revised site plan should be quantified so the Board of Trustees understands the overall area of disturbance for slopes between 15-25% and 25% and above. Measures to protect steep slopes should also be provided in accordance with §220-15.		• Sheets C002 and C003 of the revised site plan set quantify the steep slopes for the project parcels as a whole as well as for the project area. • Section 3.7 of the SWPPP states that water bars are used on steeper sloped areas. These water bars are depicted on sheets C401, C402, and C403 of the revised plan set. Additionally, rolled erosion control products are detailed on sheet C501 of the revised plan set for used om slopes greater than 3:1.	
(2) Sheets C002 and C003 – It is hard to decipher between the zoning district boundaries and the property line. The property line for the entire site should be very clearly demarcated.		• Sheets C002 and C003 of the revised site plan set clarify the zoning district and property line boundaries.	
(3) Trees - Chapter 220-6J(15) states that the “removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property. A reforestation plan requiring two trees to be planted on-site to replace each tree removed, or a plan requiring a ratio of more than two replacement trees located at other areas within the Village for each tree removed on-site or other such plan as may be approved by the Planning Board, shall be implemented according to a schedule approved by the Planning Board.” The Project Booklet states that 20.455 acres of Mixed Hardwood Forest will be removed from the Project Site (Page 19). The site plan should contain details related to the removal of trees, clearly identify areas where trees will be removed, include a tree inventory (in accordance with Chapter 202) and a reforestation plan in conformance with the requirements of Chapter 220-6.J.(15). We understand that the Applicant is preparing a detailed tree inventory; however, the Applicant should also develop a reforestation plan with the number of of required replacements trees quantified per the Code requirements since it is likely that many hundreds of trees will be required for replanting and the site’s ability to hold this many additional trees may be limited. If the Applicant intends to plant the trees off-site it will need to work with the Board of Trustees to determine an appropriate location for such additional trees elsewhere in the Village. The Applicant may also be able to work with the Village to develop a tree planting fund to satisfy its off-site planting requirement.		• Acknowledged - Approximately 2,139 trees will be removed from this site. Of these trees; 765 are invasive, 100 are dead, 44 are in poor condition, and 52 are in critical condition. There are 814 trees in fair condition and 364 that are in good condition. To comply with with §202-3.B(3)(d) Briarcliff solar intends to contribute funding to the Village's tree fund to compensate for 1,178 trees that are in fair to good condition slated for removal. • The revised site layout reduces the area of tree clearing from ~20.455 acres to ~19.69 acres. This change has been made within section 6.3.4 of the Project Booklet. Additionally, the tree inventory indicates the area is a mixed forest and not a mixed hardwood forest. This clarification is also reflected in section 6.3.4. • The tree inventory requested by the Village and prepared by an ISA certified arborist, SavATree, has been attached to this table. An online map of the inventory can be found here: https://arcg.is/1ieiGT .	
(4) Chapter 220-6.J.(15) also requires that a landscaped buffer be provided around all solar collectors and equipment to provide screening from adjacent properties and roads.” The landscape plan does not provide for any landscape screening or buffer planting and doesn’t show any of the proposed planting details. Additional landscaping should be provided (which could incorporate trees to be planted as part of the reforestation plan).		• Proposed buffer planting areas have been added to sheets C601 and C602 of the . The specific species of plantings will be discussed with the Village during the development of the reforestation plan. • A general tree planting detail has been provided on sheet C503 of the revised plan set.	
B. (3) A marketing study shall be provided demonstrating that a viable and robust market exists for the proposed use.			
(1) The Applicant has submitted a summary of NY Sun program and NYSERDA incentives to promote solar and we are satisfied with the additional information.		• Acknowledged - No further action required	
C. (6) A municipal service impact study shall be provided documenting impacts of the proposed use on municipal services.			
(1) The Applicant met with both the Police and Fire Departments and will continue to engage both department throughout the planning process. We are satisfied with the additional information provided.		• Acknowledged - No further action required	



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Comment/Response Table
8/25/2022

YSG Solar Development Company, LLC
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Comment Letters Provided by the Village of Briarcliff Manor		YSG/Briarcliff Solar LLC Response	
D. (7) An educational resources impact study shall be provided documenting impacts of the proposed use on local public schools. (1) We agree with the Applicant’s finding that the project will not result in any impact to the Village’s educational resources.		• Acknowledged - No further action required	
E. (8) A fiscal impact analysis shall be provided showing the likely assessed revenue flowing to the municipality from the proposed development, compared with the public services and infrastructure costs of the proposed development to be borne by the municipality. Any proposed use shall not negatively impact the financial stability of the Village, or impacted Village school districts, by reducing the anticipated ten-year tax revenue that would likely be generated by the proposed use when compared to the likely alternative of rejecting the proposed use.			
(1) Per Chapter 178-20 and the Real Property Tax Law Section 487, the Applicant is required to enter into a PILOT agreement with the Village. The actual annual PILOT payment to be paid to the Village should be calculated per the formula provided in §178-21H.		• Acknowledged	
2) Steep Slopes (§220-15)			
A. The Site Plan needs to quantify the area of proposed disturbance to areas with slopes between 15-25% and 25% and above. CD101, CD102 and FIG-1 should also show the area of tree clearing in relation to areas of steep slopes and the proposed solar array. There appears to be significant tree clearing as well as grading in areas of with slopes of 15-25% and 25% and above. While the solar panels themselves may not cause an adverse impact to the slopes, tree clearing and grading may pose a problem. In addition, Village Code limits development activities on slopes between 15-25% and prohibits development activities, with a few exceptions, on slopes of 25% and above, as follows: (1) Slopes 25% or more. No land shown on either the Village of Briarcliff Manor Slopes Map or a site- specific steep slopes map shown as having slopes of 25% or more shall be developed or in any way physically modified, except when, in the opinion of the Planning Board, said development or modification is deemed necessary for access, land or natural terrain preservation or enhancement, or some other necessary purpose. These steep lands may be used as or may comprise a portion of development areas so long as such development areas have sufficient "nonsteep" space for the particular type of development proposed and in accordance with the requirements of this chapter. (2) Slopes 15% to 25%. No land shown on either the Village of Briarcliff Manor Slopes Map or a site- specific steep slopes map shown as having slopes of 15% to 25% shall be developed or in any way physically modified, except when, in the opinion of the Planning Board, said land may be used for a use permitted within the zoning district within which it is located, without creating an adverse impact on the natural terrain ("Natural resources" is not defined herein and above in "Protection of Steep Slopes" the term "natural terrain" is used.) of the Village of Briarcliff Manor, including but not limited to land erosion and flooding. In the review and approval procedures established in this chapter, the Planning Board is further empowered to mandate development techniques which in its opinion may preserve the steep slopes.” Authority to grant a steep slope permit rests with the Planning Board; however, given that development may not be permitted on areas of slopes 25% or more, except when in the opinion of the Planning Board, said development or modification is deemed necessary for “some other necessary purpose.” This is a significant question for the Planning Board and historically, the Planning Board has not granted exceptions to development on areas with slopes of 25% or great. Given the ramifications of this issue on the proposed project layout, size, site plan, etc. additional information as to the “necessary purpose” of the proposed project and the actual impact of the project on the steep slopes should be provided and consultation with the Planning Board through the referral process at such time as the Board of Trustees believes it has sufficient information on the slopes question is appropriate.		• The solar facility layout has been revised to minimize disturbance to areas that have steep slopes. • We have attached a letter laying out why we feel that the remaining steep slope disturbances are in compliance with §220-15 and should be approved by the Planning Board.	
3) SEQR			
A. We have reviewed the revised Full Environmental Assessment Form Part 1 and have no additional comments. We would note that based on our review of the SEQR regulations (6 NYCRR Part 617) that the proposed action is a Type I Action for the following reasons:			
(1) 617.4(b)(6): activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds: (i) a project or action that involves the physical alteration of 10 acres; - the project is on approximately 50 acres and will result in the removal of 22+ acres of trees		• Acknowledged - The proposed Project will result in no air emissions, has been designed to minimize natural resource impact(s), and complies with the applicable air and water quality standards of the New York State Department of Environmental Protection (“NYSDEC”). In addition, the Project will not have an adverse environmental effect in the State of New York and will contribute to the State’s efforts in promoting the deployment of clean, renewable energy sources. We do not feel this is providing any negative impact, and will continu to work in good faith with the village or the villages consultants to address any concerns.	



Briarcliff Solar Development
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Comment Letters Provided by the Village of Briarcliff Manor	YSG/Briarcliff Solar LLC Response
(2) 617.4(4)(b)(9): any Unlisted action (unless the action is designed for the preservation of the facility or site), that exceeds 25 percent of any threshold established in this section, occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places – the site is adjacent to the Old Croton Aqueduct and will exceed 25% of the threshold listed above.	<ul style="list-style-type: none">• Acknowledged - We have discussed the proposed project and its relation to the Old Croton Aqueduct with Sarah McIvor at SHPO. The Old Croton Aqueduct is located approximately 225-250 feet to the west of the proposed project. In addition to being over 225 feet away from the project site, the Old Croton Aqueduct lies a minimum of 60 feet below the grade of the proposed site. When combining the elevation difference and the fact that the area between the two sites is wooded, the site will not be visible from The Walking trail adjacent to the project.• An alternatives analysis report (attached to this submission) was provided to SHPO on July 12, 2022.• We will keep the Village apprised of further communication between Briarcliff Solar and SHPO on this matter.