

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

From: Sarah K. Yackel, AICP, Principal

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

Date: June 16, 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 an 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"). The BOT will refer the special permit application to the Planning Board for review and recommendation. The Applicant will also apply to the Planning Board for Site Plan approval.

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. Briarcliff Solar Code Compliance Table;
4. Briarcliff Solar Project Booklet.

Review Comments:

We offer the following preliminary review comments. A detailed technical review will follow once the Application has been deemed complete.

Applicable Regulations: 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.
- **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. The need for a wetlands permit will need to be determined and the wetland delineation reports and potential impacts should be reviewed by the Village's Wetlands Consultant.

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- **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. A detailed tree inventory and reforestation plan will need to be provided as part of compliance with this chapter. In addition, preparation of a reforestation plan is also a requirement of §220-6.J.(15) – see additional comments below.
- **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 – The Full Environmental Assessment Form (FEAF) indicates that there are no steep slopes on the site. However, according to the Westchester County Steep Slopes map (<https://giswww.westchestergov.com/GISMap/index.html>), portions of the Project Site have slopes of 15-25% and 25% or greater, including in areas to be disturbed by the proposed project. The project will require a steep slopes permit from the Planning Board and be required to comply with the Village’s steep slopes regulations.

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 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:

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- The areas of steep slopes as shown on the Westchester County Steep Slopes map should be shown on the site plan and the area and type of slopes (15-25% and 25% and greater) to be disturbed should be shown on the plans. Measures to protect steep slopes should also be provided in accordance with §220-15.
- A key plan showing the entirety of the Applicant's property, the land subject to development and the associated zoning districts should be provided. A portion of the Project Site that is being used for the required 200-foot buffer is within the R60A district and a key map showing how this relates to the rest of the property and project should be provided.
- The site plan drawings should also show the full extent of the Project Site including property lines.
- The Applicant should provide a zoning compliance table demonstrating that the project meets the required dimensional requirements contained in the Zoning Code.
- Village Code §220 Table 4 requires that 25% of a project site to be utilized for a solar farm be maintained as usable open space. How is the Applicant proposing to meet this requirement?
 - 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).
 - 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).
 - Page 12 of the Project Booklet states that a chain link security fence with barbed wire is proposed along the property line that faces the Old Croton Aqueduct Trail. The location and design of this fencing as well as all other proposed fencing should be provided)per §220-14B.(11).

- (3)** *A marketing study shall be provided demonstrating that a viable and robust market exists for the proposed use.*

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- A summary of NYSERDA incentives to promote solar should be provided, as well as a summary in the growth in the solar industry would also be helpful. Example marketing materials should be provided.

(6) *A municipal service impact study shall be provided documenting impacts of the proposed use on municipal services.*

- The Applicant met with the Police Department, but has been unable to meet with the Fire Department. We recommend that the Applicant meet with the Fire Department to ensure their comments and concerns are addressed.
- The Project Booklet states that the Applicant can provide specialty training to the police and fire departments specific to solar farm projects. We recommend that the Applicant submit their proposed training procedures and any specialty equipment that may be required by emergency services so the cost impact for these items can be considered. Example: training time for Village personnel and specialty tools needing to be purchased.

(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.
- The proposed PILOT payment should be compared to any increase in municipal services identified in

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item (6) above.

- Page 10 of the Project Booklet states that the project can be expected to generate enough energy to “power 2,500 homes for a year.” Is this 2,500 homes per year for every year the facility is in operation or just 2,500 homes for the equivalent of one year in total?

General Comments: In addition, we offer the following additional comments on the application materials:

- The project application identifies the Project Site as located solely within the CT1 District; however, a portion of the Project Site is located within the R60A District. All application materials should be updated accordingly.
- Page 7 of the Project Booklet references a Prospect Street. There is no such street in the vicinity of the project. The Applicant should correct the reference.
- Page 8 of the Project Booklet refers to Town of Briarcliff – this should be corrected to Village.
- Page 8 of the Project Booklet references tree and brush clearing. The number and area of trees to be cleared should be indicated.

SEQR: Finally, we have reviewed the draft Full Environmental Assessment Form and note the following:

- B.a and B.b. Government Approvals – approval of the Site Plan is subject to review by the Planning Board, not the Board of Trustees and approval of the special permit is by the Board of Trustees, not the Planning Board. This section should be corrected as noted above.
- B.i. Coastal Resources - The Village of Briarcliff Manor does not have an approved LWRP. Please mark this answer “No” instead of “Yes”.
- C.2.a Adopted Land Use plans – the second part of this question should be answered “yes.” The Village adopted an addendum to the Comprehensive Plan that specifically discusses future uses for the projects site.
- C.3.a. Zoning – A portion of the Project Site is included in the R60A District. The form should be updated accordingly.
- E.1. – Residential (suburban) should also be checked.
- E.2.f. – The question states that 100% of the site has slopes of 0 – 10%. However, according to the Westchester County Steep Slopes map, portions of the project site have slopes of 15-25% and 25% or greater. The EAF should be revised to correctly provide the breakdown of slopes by type on the site. Also, map of all steep slopes on the project site should be provided and the location and area of each type of

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slope to disturbed should be identified. Based on the above, the need for a steep slopes permit from the Planning Board should be determined.

- E.2.o. Endangered or threatened species – DEC's EAF mapper answered this question as "No.". However, based on information provided by the Applicant in Section 6.2 of the Briarcliff Solar Project Booklet, after additional consultation it was determined that the Project Site has the potential for two endangered or threatened species on site. The answer this question should be changed to "Yes" and the subsequent questions should be answered.
- E.3.e. Historic Resources – the Project Booklet indicated that the New York State Historic Preservation Office ("SHPO") indicated that the existing Philips Laboratory building is eligible for listing on the State Register of Historic Resources and has asked the Applicant to reconsider demolition of the building. The Applicant is preparing further documentation in support of its plan to demolish the building. The Applicant should keep the Board of Trustees informed of its ongoing correspondence with SHPO.

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

CC: David Turiano, Village Engineer/Building Inspector
Daniel Pozin, Village Attorney