



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

DTS Provident Design Engineering, LLP
Attn: Chris Hanzlik, EIT, CPESC, CPSWQ
One North Broadway
White Plains, NY 10601
914-428-0010

August 25, 2022

RE: Briarcliff Solar Application for Special Use Permit

Dear Mr. Hanzlik,

YSG Solar is in receipt of your comment letter dated July 26, 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)
- SEQR Long EAF (REVISED)
- SWPPP (REVISED)
- SHPO Alternatives Analysis Assessment (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.

PRELIMINARY COMPLETENESS MEMORANDUM NO.2

TO: David J. Turiano, P.E.
Village of Briarcliff Manor

DATE: July 26, 2022

FROM: Chris Hanzlik, EIT, CPESC, CPSWQ
Associate

RE: Civil/Site Engineering Review
Briarcliff Solar Facility
345 Scarborough Road
Village of Briarcliff Manor

Introduction

DTS Provident Design Engineering, LLP (DTS Provident), on behalf of the Village of Briarcliff Manor, has reviewed the supplemental civil/site engineering information provided by Briarcliff Solar, LLC ("Briarcliff Solar"), an affiliate of YSG Solar Development, LLC ("YSG", the "Applicant"), under cover letter dated July 15, 2022 in response to our initial review comments presented in the "Preliminary Completeness Memorandum" dated June 16, 2022. The responses and information provided is in support of a Special Use Permit Application for a proposed solar-based electric generating facility to be located at 345 Scarborough Road, the site of the former Philips Lighting Research Facility, in the Village of Briarcliff Manor.

In performing this supplemental Completeness Review, DTS Provident reviewed the "Briarcliff Solar Development Comment/Response Table" prepared by the Applicant, along with the following revised documents:

- Briarcliff Manor Site Plans (REVISED)
- Stormwater Pollution Prevention Plan (REVISED, text only)
- Project Book (Revision 1 – June 22, 2022, text only)

For Section A below, the Applicant's (YSG) responses to our June 16, 2022 comments below are shown *in italics*. Supplemental comments by DTS Provident on the Applicant's responses are shown **in bold**.

A. Previous Completeness Review Comments and Responses

1. Construction Phasing and Scheduling – the following comments, which need to be addressed, show deficiencies and ambiguities/inconsistencies that provide an incomplete assessment of the potential construction-related impacts and required mitigation relative to the descriptions and depictions of the proposed phasing and sequencing of the project construction in Project Book Section 3.2.5, the Site Plans, and the SWPPP:

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- a. While the total area of proposed project soil disturbance (2,148, 798 sf, or 49.33 acres) is indicated on the Appendix C Site and Utility Plans (Drawings C201 and C202), it is not indicated or shown on the Grading and Erosion Control Plans (Drawings C401 and C402). It is also not stated in either Section 3.2.5 of the Project Book or Section 4.0 of the SWPPP.

YSG Responses: Disturbance area stated within the SWPPP. Disturbance area shown on C401 and C402.

Comment: DTS Provident acknowledges that the approximate project disturbance area is stated in Section 3.2.5 of the revised Project Book and Section 4.0 (Construction Sequence) of the Revised SWPPP (text). However, the project disturbance is not shown on Drawings C401 and C402 of the revised Site Plan set provided. Also, the Applicant shall verify if the stated disturbance area includes the disturbance for installation of protective construction and silt fences along wetland/watercourse corridors.

- b. More importantly with respect to the above, there are no narratives in either Section 3.2.5 or Section 4.0 of the SWPPP, or graphic depictions on Drawings C401 and C402, specifying in detail how the construction will be phased and sequenced in a manner that demonstrates compliance with Part II.D.3 (i.e., disturbing no more than five (5) acres of soil at any one time, or proposed exceedance with additional requirements) of the NYSDEC Construction Stormwater General Permit (GP-0-20-001).

YSG Response: Refer to respons (sic) 2)a. below (which was added to both Section 3.2.5 of the revised Project Book and Section 4.0 of the revised SWPPP). The response states:

“The “Erosion and Sediment Control Plan” in the accompanying drawings identifies the major construction activities that are the subject of this SWPPP. The order (or sequence) in which the major activities are expected to begin is as follows:

- *Install temporary erosion and sediment control features, ex. silt fencing;*
- *Demo building and surrounding building infrastructure, grade and stabilize disturbed area;*
- *Clear and grub in 5 acre increments, stabilizing disturbed area prior to moving on to the next;*
- *Install solar facility maintaining 5 acres or less of disturbance. Stabilization to be completed following work areas being completed;*
- *Final site stabilization.*

Each activity will not necessarily be completed before the next begins. In addition, these activities could occur in a different order if necessary to maintain adequate erosion and sediment control. If

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this is the case, the contractor shall notify the Owner's/Operator's Engineer overseeing the implementation of the SWPPP."

Comment: DTS Provident recommends the following revisions (changes in underline) be made in both Section 3.2.5 of the revised Project Book and Section 4.0 of the revised SWPPP:

- The last sentence prior to the bullet list should read "The order (or sequence) in which the major activities are expected to be performed/undertaken is as follows:"
- For the second bullet item, add the sentence, "Disturbed area associated with demolition phase shall not exceed 5 acres."
- Revise the beginning of the third bullet to read, "Clear, grub, and grade in 5-acre increments..."
- For the fourth bullet item, add in parenthesis after the term "solar facility" (panel arrays and supporting surface and subsurface infrastructure).
- Replace the last bullet item with "Erosion and sediment control features shall be maintained and not removed by the Contractor until "final stabilization" (as defined in GP-0-20-001) has been achieved."

The Applicant should also consider placing the revised sequence narrative on Drawing C402 of the Site Plans.

- c. Erosion and Sediment Control Note No. 3 on Drawing C001 states that "...the area of disturbance shall be limited to a maximum of 5 acres unless otherwise approved the Engineer." However, per Part II.D.3 of GP-0-20-001, the last part of the note should state, "unless otherwise approved/authorized in writing by the NYSDEC or the Village of Briarcliff Manor as the regulated MS4 entity."

YSG Response: *The note has been revised in accordance with the comment.*

Comment: DTS Provident acknowledges that Note No. 3 has been revised per our initial comment. However, the phrase "unless otherwise approved by the Engineer" in the second sentence of Erosion and Sediment Control Note No. 2 either needs to be revised to be consistent with the conditions in Note No. 3, or the Applicant should consider deleting the second sentence in its entirety and then combine Note Nos. 2 and 3 into a single note.

- d. Section 4.0 of the SWPPP acknowledges that "This project has not received written approval from NYSDEC or the Village of Briarcliff Manor allowing the disturbance of more than five acres of land at any one time." However, the next sentence essentially states that the need for such approval will be based on "...if the Contractor's (emphasis added)

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construction sequence requires the disturbance of more than five acres...” This is contrary to the requirements as stated in “b” above and Part III.B.1.d of GP-0-20-001, both which require the owner/operator to prepare and include in the SWPPP a construction phasing plan and sequence of operations describing the intended order of construction activities.

YSG Response: Refer to respons (sic) 2)a. below.

Comment: Although the owner/operator’s responsibility to prepare the construction phasing/sequencing was discussed during the July 13, 2022 ZOOM meeting between the Applicant and the Village, the referenced sentence in the first paragraph of Section 4.0 was not revised in the revised SWPPP. It still references the construction sequence coming from the Contractor. For the purposes of Special Permit completeness, the term “Contractor’s” should be deleted from the sentence so that it reads, “Therefore, if the construction sequence requires...”

2. Project SWPPP and Potential Ineligibility under GP-0-20-001 – there are two key components of the construction as documented in the SWPPP that could affect the project’s eligibility or ineligibility for coverage under GP-0-20-001 and, in the opinion of DTS Provident, should be addressed and/or resolved for completeness to the satisfaction of the Village:
 - a. In Section 2.2, the sentence in the first paragraph on Page 3 below Table 1 states, “Upon review of the soil data presented in Table 1, the project site contains soils with a soil slope phase of D with a map unit name that (is) inclusive of slopes greater than 25%, and contains soils with a soil phase of E or F.” Under Part I.F.6 of GP-0-20-001, if discharges from construction activities are associated with disturbance of one (1) or more acres in the aggregate of these soils and tributary to Class AA or AA-s waters, the project would be ineligible for coverage. Although the potential discharge from construction activities is tributary to Class SC/C waters as stated in Section 2.4, thereby making the project eligible, the SWPPP should still be revised by adding sentences to the first paragraph documenting eligibility by: (1) stating the computed aggregate area of disturbance in the above soil phases, and (2) stating, “However, since potential discharges from construction activities in these soils are not tributary to Class AA or AA-s waters as documented in Section 2.4, the project is eligible for coverage under GP-0-20-001.”

YSG Response: SWPPP revised as follows: “Upon review of the soil data presented in Table 1, the project site contains soils with a soil slope phase of E or F. This area of soil is in the northwest corner of the parcel and removed completely from the project area.”

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Comment: DTS Provident acknowledges that the above response narrative, which addresses our initial comment, has been added in Section 2.2 of the revised SWPPP below Table 1: USDA Soli Data on Page 3.

- b. Section 2.9 – Historic Places, which references (in SWPPP Appendix A, Figure A-3) a May 5, 2022 response letter from the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) stating that the existing Phillips Research Campus facility is eligible for listing of the State and National Registers of Historic Places, includes discussion of a meeting and ongoing coordination with OPRHP about the feasibility of demolishing the existing facility based on results of a structural analysis documenting the buildings' poor condition. The SWPPP also states that additional correspondence and documentation will be provided in SWPPP Appendix A as it is generated.

This is a significant issue as it relates to the completeness of the SWPPP and the project's stormwater compliance. The OPRHP letter states that demolition of a historic building (which would include those eligible for listing) constitutes an "adverse impact" to the resource. Part I.F.8 of GP-0-20-001 states that construction activities that have the potential to affect a historic property are not eligible for coverage (i.e., must obtain an individual SPDES permit), unless there is documentation that such impacts have been resolved. Such documentation would have to be in a format listed in Part I.F.8, come from an agency such as OPRHP, and needs to be included in the SWPPP.

YSG Response: Acknowledged. YSG will provide copies of correspondence with... (sic)

Comment: DTS Provident reiterates the significance of receiving a Letter of Resolution from OPRHP (or equivalent documentation) allowing the Project to be eligible for coverage under GP-0-20-001, and in our opinion, subject to further discussion with and determination by the Village, its inclusion in the SWPPP should be a prerequisite for the issuance of Special Permit. Subject to further input from the Village's planning consultant, resolution of this issue may also have an impact on the SEQR review and determination for the project.

3. Miscellaneous Comments – the following statements contained in the Project Book shall be revised to correct inconsistencies:

- a. Section 6.5, Page 21 – revise the third sentence to read, "The demolition of the existing building on site will result in a net decrease of impervious (vs. pervious) area which..."

YSG Response: The third sentence in section 6.5 has been revised as requested.

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Comment: DTS Provident acknowledges that the sentence has been revised per our initial comment.

- b. Section 6.5.2, Page 22 – for the second sentence, is the impervious area of the site is expected to increase after construction based on “a” above? Revise accordingly.

YSG Response: The second sentence of Section 6.5.2 has been reworded as follows: "The impervious area of the site is expected to decrease after construction. Runoff and stormwater management practices will be implemented to avoid pollution."

Comment: DTS Provident acknowledges that Section 6.5.2 has been revised accordingly per our initial comment.

B. New Completeness Review Comments

1. Revised SWPPP (text only) – DTS Provident wishes to bring to the attention of the Applicant the following additional comments relative to the revised SWPPP (text only) provided:
 - a. Numerous omissions in the SWPPP narrative were observed in Sections 1.0, 1.1, 1.2, 2.4, 2.7, 4.0, and 7.0 and should be corrected/resolved.
 - b. The “Last Revised” date on the cover should be updated.
2. Project SWPPP, Site Plans and Compliance with Village Code Chapter 184 – the Special Permit application requirements in §220-6D (2) states that the SWPPP submitted shall be consistent with the requirements of Article I, Village Code Chapter 184, “Stormwater Management and Erosion and Sediment Control.” Furthermore, §220-6D (2) requires that “The approved special permit shall be consistent with the provisions of Chapter 184, Article I.” Therefore, for the Village Board of Trustees to approve and issue a Special Permit that meets the stated provisions, which includes approval of the Project SWPPP under §184-3C (2), the SWPPP and Site Plans as “an integral part” must provide all the necessary data and information required for compliance with Chapter 184, Article I, specifically as detailed in §184-6, “Stormwater pollution prevention plans.”

Upon further review of the Project SWPPP as submitted against the requirements of §184-6, the following additional items shall be addressed by the Applicant’s Engineer for completeness:

- a. Although the Special Permit site plan requirement in §220-6D (1) of the Village Code (which mimics the plan requirements for site plan approval in §220-14B) states that the site plans “shall be drawn to some convenient scale,” §184-6B (2) states, “At a minimum, the site map should be at a scale no smaller than one-inch equals 50 feet...” Therefore, all pertinent plan view drawings (C002 & 003, CD101 and 102, C201 and 202, C401 and 402, C601 and 602, and C701 through 704) shall be redrawn at the minimum plan scale

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of one-inch equals 50 feet. The Site Plans shall also revised/updated to include the applicable content/standards in Subsection §220-14B.

- b. As stated in Items A.1.a and A.1.b above and discussed during the July 13, 2022 ZOOM meeting, the proper phasing and sequencing of the construction to mitigate impacts based on the significant area of overall proposed disturbance is a critical component of the project SWPPP. As such, additional detailed data/information needs to be provided in the SWPPP (narrative and also graphically on Drawings C401 and C402) that expands on the third and fourth bullets in Item A.1.b above and demonstrates how the construction will be phased and sequenced so that not more than five acres will be disturbed at any one time per §184-6B (4) and Part II.D.3 of GP-0-20-001. Specifically, the construction phasing and sequencing needs to demonstrate proper management of the significant disturbances that will occur due to the proposed contouring/grading of the site and the installation of the solar facility components, particularly the trenching and installation of the required network of subsurface DC feeder cables. Such management shall include the proposed timing and implementation of appropriate temporary and permanent erosion and sediment control (E&SC) measures and practices as required by subsections 7, 11, and 15 of §184-6B.
- c. Based on the information provided on Drawing C003, Proposed Features Slope Map, construction of the western one-third of the solar facility will impact significant amounts of steep slopes in the 15%-25% range and, to a lesser extent, slopes greater than 25% in the southwest quadrant of the proposed South Array. Notwithstanding the Village Board of Trustee's and/or the Village Planning Board's potential position on how the project complies with Subsection D of §220-15, "Protection of steep slopes" of the Village Code, the phasing, sequencing, and management of the construction in these areas as described in Item "b" above shall be included in the SWPPP.
- d. Given the irregularity (i.e., ruggedness) of the existing topography in the southwest quadrant of the proposed South Array as shown on the Grading and Erosion Control Plan (Drawing C401), it is difficult to envision that proposed contouring/grading not shown on C401 in the quadrant will not be required to provide a more "uniform" terrain for ease of installation, operation, and maintenance of that portion of the proposed system. The Applicant's Engineer shall either include such contouring/grading on C401 as part of the SWPPP or provide justification that the contouring/grading of the quadrant is not necessary or will not be required.
- e. The SWPPP shall state in addition to what is provided in Section 3.0 that the stormwater management plan for the project complies with the Appendix K, "Solar Panel

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Construction Stormwater Permitting/SWPPP Guidance” from the NYSDEC dated January 17, 2020, state what Scenario is being applied, and specify how the project conforms with each of the criteria in the chosen Scenario.

- f. As part of its compliance with Item “e” above, the SWPPP and Site Plans shall include designs and details conforming to the Appendix K referenced and attached “Stormwater Design Guidance – Solar Panel Installations” from the Maryland Department of the Environment (MDE), with particular focus on the design requirements for slopes greater than 5% and 10% specified in the third bullet on Page 1.

This review is only a continuance of the Preliminary Completeness Review for the purpose of advancing the Special Permit application; a more detailed Technical Review of the Project Site Plans and SWPPP will be performed after the Application has been deemed Complete. This memo reflects DTS Provident’s Professional Review and Comments but may not reflect those of the Village.

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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
DTS Provident Preliminary Completeness Memorandum (July 26, 2022) RE: Civil/Site Engineering Review	
1) Construction Phasing and Scheduling – the following comments, which need to be addressed, show deficiencies and ambiguities/inconsistencies that provide an incomplete assessment of the potential construction-related impacts and required mitigation relative to the descriptions and depictions of the proposed phasing and sequencing of the project construction in Project Book Section 3.2.5, the Site Plans, and the SWPPP:	
<p>a. While the total area of proposed project soil disturbance (2,148, 798 sf, or 49.33 acres) is indicated on the Appendix C Site and Utility Plans (Drawings C201 and C202), it is not indicated or shown on the Grading and Erosion Control Plans (Drawings C401 and C402). It is also not stated in in either Section 3.2.5 of the Project Book or Section 4.0 of the SWPPP.</p> <p>Follow-up Comment: DTS Provident acknowledges that the approximate project disturbance area is stated in Section 3.2.5 of the revised Project Book and Section 4.0 (Construction Sequence) of the Revised SWPPP (text). However, the project disturbance is not shown on Drawings C401 and C402 of the revised Site Plan set provided. Also, the Applicant shall verify if the stated disturbance area includes the disturbance for installation of protective construction and silt fences along wetland/watercourse corridors.</p>	<ul style="list-style-type: none">• The revised site layout reduces the site disturbance to ~47.6 Acres. The revised disturbance area/limits are shown on C201, C202, C401 and C402 of the revised plan set.• The project disturbance area has been revised within section 3.2.5 of the Project Booklet.• The project disturbance area has been revised within section 4 of the SWPPP.
<p>b. More importantly with respect to the above, there are no narratives in either Section 3.2.5 or Section 4.0 of the SWPPP, or graphic depictions on Drawings C401 and C402, specifying in detail how the construction will be phased and sequenced in a manner that demonstrates compliance with Part II.D.3 (i.e., disturbing no more than five (5) acres of soil at any one time, or proposed exceedance with additional requirements) of the NYSDEC Construction Stormwater General Permit (GP-0-20-001).</p> <p>Follow-up Comment: DTS Provident recommends the following revisions (changes in underline) be made in both Section 3.2.5 of the revised Project Book and Section 4.0 of the revised SWPPP:</p> <ul style="list-style-type: none">• The last sentence prior to the bullet list should read “The order (or sequence) in which the major activities are expected to be performed/undertaken is as follows:”• For the second bullet item, add the sentence, “Disturbed area associated with demolition phase shall not exceed 5 acres.”• Revise the beginning of the third bullet to read, “Clear, grub, and grade in 5-acre increments...”• For the fourth bullet item, add in parenthesis after the term “solar facility” (panel arrays and supporting surface and subsurface infrastructure).• Replace the last bullet item with “Erosion and sediment control features shall be maintained and not removed by the Contractor until "final stabilization" (as defined in GP-0-20-001) has been achieved.” <p>The Applicant should also consider placing the revised sequence narrative on Drawing C402 of the Site Plans.</p>	<ul style="list-style-type: none">• The construction sequence changes requested have been made to the Project Booklet, SWPPP and added to sheet C401 of the revised plan set.
<p>c. Erosion and Sediment Control Note No. 3 on Drawing C001 states that “...the area of disturbance shall be limited to a maximum of 5 acres unless otherwise approved the Engineer.” However, per Part II.D.3 of GP-0-20-001, the last part of the note should state, “unless otherwise approved/authorized in writing by the NYSDEC or the Village of Briarcliff Manor as the regulated MS4 entity.”</p> <p>Follow-up Comment: DTS Provident acknowledges that Note No. 3 has been revised per our initial comment. However, the phrase “unless otherwise approved by the Engineer” in the second sentence of Erosion and Sediment Control Note No. 2 either needs to be revised to be consistent with the conditions in Note No. 3, or the Applicant should consider deleting the second sentence in its entirety and then combine Note Nos. 2 and 3 into a single note.</p>	<ul style="list-style-type: none">• Note 3 has been removed from sheet C001 of the revised plan set.



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Comment Letters Provided by the Village of Briarcliff Manor	YSG/Briarcliff Solar LLC Response
<p>d. Section 4.0 of the SWPPP acknowledges that “This project has not received written approval from NYSDEC or the Village of Briarcliff Manor allowing the disturbance of more than five acres of land at any one time.” However, the next sentence essentially states that the need for such approval will be based on “..., if the Contractor’s (emphasis added) construction sequence requires the disturbance of more than five acres...” This is contrary to the requirements as stated in “b” above and Part III.B.1.d of GP-0-20-001, both which require the owner/operator to prepare and include in the SWPPP a construction phasing plan and sequence of operations describing the intended order of construction activities.</p> <p>Follow-up Comment: Although the owner/operator’s responsibility to prepare the construction phasing/sequencing was discussed during the July 13, 2022 ZOOM meeting between the Applicant and the Village, the referenced sentence in the first paragraph of Section 4.0 was not revised in the revised SWPPP. It still references the construction sequence coming from the Contractor. For the purposes of Special Permit completeness, the term “Contractor’s” should be deleted from the sentence so that it reads, “Therefore, if the construction sequence requires...”</p>	<ul style="list-style-type: none">• The word contractor has been removed from the second sentence of the revised SWPPP.
<p>2) Project SWPPP and Potential Ineligibility under GP-0-20-001 – there are two key components of the construction as documented in the SWPPP that could affect the project’s eligibility or ineligibility for coverage under GP-0-20-001 and, in the opinion of DTS Provident, should be addressed and/or resolved for completeness to the satisfaction of the Village:</p>	
<p>a. In Section 2.2, the sentence in the first paragraph on Page 3 below Table 1 states, “Upon review of the soil data presented in Table 1, the project site contains soils with a soil slope phase of D with a map unit name that (is) inclusive of slopes greater than 25%, and contains soils with a soil phase of E or F.” Under Part I.F.6 of GP-0-20-001, if discharges from construction activities are associated with disturbance of one (1) or more acres in the aggregate of these soils and tributary to Class AA or AA-s waters, the project would be ineligible for coverage. Although the potential discharge from construction activities is tributary to Class SC/C waters as stated in Section 2.4, thereby making the project eligible, the SWPPP should still be revised by adding sentences to the first paragraph documenting eligibility by: (1) stating the computed aggregate area of disturbance in the above soil phases, and (2) stating, “However, since potential discharges from construction activities in these soils are not tributary to Class AA or AA-s waters as documented in Section 2.4, the project is eligible for coverage under GP-0-20-001.”</p> <p>Follow Up Comment: DTS Provident acknowledges that the above response narrative, which addresses our initial comment, has been added in Section 2.2 of the revised SWPPP below Table 1: USDA Soli Data on Page 3.</p>	<ul style="list-style-type: none">• Acknowledged - No further Action Required



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Comment Letters Provided by the Village of Briarcliff Manor	YSG/Briarcliff Solar LLC Response
<p>b. Section 2.9 – Historic Places, which references (in SWPPP Appendix A, Figure A-3) a May 5, 2022 response letter from the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) stating that the existing Phillips Research Campus facility is eligible for listing of the State and National Registers of Historic Places, includes discussion of a meeting and ongoing coordination with OPRHP about the feasibility of demolishing the existing facility based on results of a structural analysis documenting the buildings’ poor condition. The SWPPP also states that additional correspondence and documentation will be provided in SWPPP Appendix A as it is generated.</p> <p>This is a significant issue as it relates to the completeness of the SWPPP and the project’s stormwater compliance. The OPRHP letter states that demolition of a historic building (which would include those eligible for listing) constitutes an “adverse impact” to the resource. Part I.F.8 of GP-0-20-001 states that construction activities that have the potential to affect a historic property are not eligible for coverage (i.e., must obtain an individual SPDES permit), unless there is documentation that such impacts have been resolved. Such documentation would have to be in a format listed in Part I.F.8, come from an agency such as OPRHP, and needs to be included in the SWPPP.</p> <p>Follow-up Comment: DTS Provident reiterates the significance of receiving a Letter of Resolution from OPRHP (or equivalent documentation) allowing the Project to be eligible for coverage under GP-0-20-001, and in our opinion, subject to further discussion with and determination by the Village, its inclusion in the SWPPP should be a prerequisite for the issuance of Special Permit. Subject to further input from the Village’s planning consultant, resolution of this issue may also have an impact on the SEQR review and determination for the project.</p>	<ul style="list-style-type: none">• Acknowledged - We have been in contact with SHPO regarding the site's existing structure.• An alternative analysis report has been prepared for SHPO to review. The report, attached to this submission, was submitted to SHPO on August 4, 2022. SHPO confirmed receipt of the report on August 5, 2022.• We will keep the Village apprised of communication between Briarcliff Solar and SHPO.
3) Miscellaneous Comments – the following statements contained in the Project Book shall be revised to correct inconsistencies:	
<p>a. Section 6.5, Page 21 – revise the third sentence to read, “The demolition of the existing building on site will result in a net decrease of impervious (vs. pervious) area which...”</p> <p>Follow-up Comment: DTS Provident acknowledges that the sentence has been revised per our initial comment.</p>	<ul style="list-style-type: none">• Acknowledged - No further action required
<p>b. Section 6.5.2, Page 22 – for the second sentence, is the impervious area of the site is expected to increase after construction based on “a” above? Revise accordingly.</p> <p>Follow-up Comment: DTS Provident acknowledges that Section 6.5.2 has been revised accordingly per our initial comment.</p>	<ul style="list-style-type: none">• Acknowledged - No further action required
New Completeness Review Comments	
1) Revised SWPPP (text only) DTS Provident wishes to bring to the attention of the Applicant the following additional comments relative to the revised SWPPP (text only) provided:	
<p>a) Numerous omissions in the SWPPP narrative were observed in Sections 1.0, 1.1, 1.2, 2.4, 2.7, 4.0, and 7.0 and should be corrected/resolved.</p>	<ul style="list-style-type: none">• The SWPPP revisions requested above have been addressed in the revised SWPPP.
<p>b) The “Last Revised” date on the cover should be updated.</p>	<ul style="list-style-type: none">• The revision date has been added to the SWPPP cover.
2) Project SWPPP, Site Plans and Compliance with Village Code Chapter 184 The Special Permit application requirements in §220-6D (2) states that the SWPPP submitted shall be consistent with the requirements of Article I, Village Code Chapter 184, “Stormwater Management and Erosion and Sediment Control.” Furthermore, §220-6D (2) requires that “The approved special permit shall be consistent with the provisions of Chapter 184, Article I.” Therefore, for the Village Board of Trustees to approve and issue a Special Permit that meets the stated provisions, which includes approval of the Project SWPPP under §184-3C (2), the SWPPP and Site Plans as “an integral part” must provide all the necessary data and information required for compliance with Chapter 184, Article I, specifically as detailed in §184-6, “Stormwater pollution prevention plans.” Upon further review of the Project SWPPP as submitted against the requirements of §184-6, the following additional items shall be addressed by the Applicant’s Engineer for completeness:	



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
<p>a) Although the Special Permit site plan requirement in §220-6D (1) of the Village Code (which mimics the plan requirements for site plan approval in §220-14B) states that the site plans “shall be drawn to some convenient scale,” §184-6B (2) states, “At a minimum, the site map should be at a scale no smaller than one-inch equals 50 feet...” Therefore, all pertinent plan view drawings (C002 & 003, CD101 and 102, C201 and 202, C401 and 402, C601 and 602, and C701 through 704) shall be redrawn at the minimum plan scale of one-inch equals 50 feet. The Site Plans shall also revised/updated to include the applicable content/standards in Subsection §220-14B.</p>	<ul style="list-style-type: none">• The revised plan set has been revised to show sheets CD101-CD103, C201-C203, C401-C403, C601-C603, and C701-C706 at a scale of 1:50.• Sheets C002-C005 and C200 have been drawn at a scale convenient to visualize the entire property and project areas.
<p>b) As stated in Items A.1.a and A.1.b above and discussed during the July 13, 2022 ZOOM meeting, the proper phasing and sequencing of the construction to mitigate impacts based on the significant area of overall proposed disturbance is a critical component of the project SWPPP. As such, additional detailed data/information needs to be provided in the SWPPP (narrative and also graphically on Drawings C401 and C402) that expands on the third and fourth bullets in Item A.1.b above and demonstrates how the construction will be phased and sequenced so that not more than five acres will be disturbed at any one time per §184-6B (4) and Part II.D.3 of GP-0-20-001. Specifically, the construction phasing and sequencing needs to demonstrate proper management of the significant disturbances that will occur due to the proposed contouring/grading of the site and the installation of the solar facility components, particularly the trenching and installation of the required network of subsurface DC feeder cables. Such management shall include the proposed timing and implementation of appropriate temporary and permanent erosion and sediment control (E&SC) measures and practices as required by subsections 7, 11, and 15 of §184-6B.</p>	<ul style="list-style-type: none">• The SWPPP and the associated revised plan set, specifically sheets C401-C403, depict the temporary and permanent measures used for soil stabilization as required by §184-6.B(7)• The SWPPP and the requirements of GP-0-20-002 dictate the Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place per §184-6.B(11).• The SWPPP and the requirements of GP-0-20-002 provide descriptions of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable per §184-6.B(15).
<p>c) Based on the information provided on Drawing C003, Proposed Features Slope Map, construction of the western one-third of the solar facility will impact significant amounts of steep slopes in the 15%-25% range and, to a lesser extent, slopes greater than 25% in the southwest quadrant of the proposed South Array. Notwithstanding the Village Board of Trustee’s and/or the Village Planning Board’s potential position on how the project complies with Subsection D of §220-15, “Protection of steep slopes” of the Village Code, the phasing, sequencing, and management of the construction in these areas as described in Item “b” above shall be included in the SWPPP.</p>	<ul style="list-style-type: none">• The solar facility layout has been revised to minimize disturbance to areas that have steep slopes.• Section 3.7 of the SWPPP states that water bars, an approved steep slope practice by the NYSDEC, 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 on slopes greater than 3:1.• 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.
<p>d) Given the irregularity (i.e., ruggedness) of the existing topography in the southwest quadrant of the proposed South Array as shown on the Grading and Erosion Control Plan (Drawing C401), it is difficult to envision that proposed contouring/grading not shown on C401 in the quadrant will not be required to provide a more “uniform” terrain for ease of installation, operation, and maintenance of that portion of the proposed system. The Applicant’s Engineer shall either include such contouring/grading on C401 as part of the SWPPP or provide justification that the contouring/grading of the quadrant is not necessary or will not be required.</p>	<ul style="list-style-type: none">• The solar facility layout has been revised to minimize disturbances to areas that have steep slopes. The racking proposed for this project is able to accommodate the existing grades within the revised facility footprint.
<p>e) The SWPPP shall state in addition to what is provided in Section 3.0 that the stormwater management plan for the project complies with the Appendix K, “Solar Panel Construction Stormwater Permitting/SWPPP Guidance” from the NYSDEC dated January 17, 2020, state what Scenario is being applied, and specify how the project conforms with each of the criteria in the chosen Scenario.</p>	<ul style="list-style-type: none">• Section 3.7 of the SWPPP states that the project falls under scenario 2 and describes how the facility complies with the standard.
<p>f) As part of its compliance with Item “e” above, the SWPPP and Site Plans shall include designs and details conforming to the Appendix K referenced and attached “Stormwater Design Guidance – Solar Panel Installations” from the Maryland Department of the Environment (MDE), with particular focus on the design requirements for slopes greater than 5% and 10% specified in the third bullet on Page 1.</p>	<ul style="list-style-type: none">• Section 3.7 of the SWPPP states that water bars, an approved steep slope practice by the NYSDEC, 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 on slopes greater than 3:1.