

PRELIMINARY COMPLETENESS MEMORANDUM

TO: David J. Turiano, P.E. DATE: June 16, 2022
Village of Briarcliff Manor

FROM: Chris Hanzlik, EIT, CPESC, CPSWQ RE: Civil/Site Engineering Review
Associate 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 civil/site engineering information provided to date by Briarcliff Solar, LLC (“Briarcliff Solar”), an affiliate of YSG Solar Development, LLC (“YSG”, the “Applicant”), 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. This review is only a Preliminary Completeness Review for the purpose of advancing the Special Permit application; a more detailed Technical Review will be performed after the Application has been deemed Complete.

In performing this Completeness Review, DTS Provident reviewed the “Briarcliff Solar Development Code Compliance Checklist” prepared by the Applicant, along with the applicable civil/site engineering related sections and appendices in the “Briarcliff Solar, LLC - Project Application Book”, in particular:

- Section 3.2.5, Construction Phasing and Scheduling
- Section 6.5, Water Resources and Stormwater Management
- Section 6.7, Historic and Archaeological Resources
- Appendix C, Project Site Plans
- Appendix N, Site Soils
- Appendix P, Stormwater Pollution Prevention Plan (SWPPP)

Completeness Review Comments

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:

Preliminary Completeness Memorandum – Civil/Site Engineering Review

Briarcliff Solar Facility - Special Permit Application

June 16, 2022

- 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.
- 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).
- 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."
- 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.

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

Preliminary Completeness Memorandum – Civil/Site Engineering Review
Briarcliff Solar Facility - Special Permit Application
June 16, 2022

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.”

- 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.

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...”
 - 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.

This memo reflects DTS Provident’s Professional Review and Comments but may not reflect those of the Village.