



Supplemental Final Environmental Impact Statement

Minor Subdivision, Site Plan, and Special Permit of Green Meadow,  
LLC and sPower: 20 MW Solar Power Generating Facility, Step-up  
Facility, and Subsurface Transmission Power Line  
4153 Middle Country Road, Calverton, NY  
SCTM Nos. 600-116-1-7.2 & 600-98-1-21.1

March 1, 2019

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March 1, 2019

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## 1. Introduction

The Town of Riverhead Planning Board, as Lead Agency pursuant to the State Environmental Quality Review Act (SEQRA) has prepared this Supplemental Final Environmental Impact Statement (SFEIS) for the 20 megawatt sPower Solar Power Generating Facility, known as Riverhead Solar-1 in accordance with 6NYCRR Part 617.9 (a) (7). The Lead Agency may require a supplemental EIS, limited to the specific significant adverse environmental impacts not addressed or inadequately addressed in the EIS that arise from:

- changes proposed for the project; or
- newly discovered information; or
- a change in circumstances related to the project.

SEQRA requires a Lead Agency consider the need for a Supplemental EIS in the case of “newly discovered information,” the decision is based on the importance and relevance of the information; and present state of the information in the EIS.

The Lead Agency may require a Supplemental EIS at any time during the SEQRA review process, including after a SEQRA Findings Statement has been issued.

This supplemental EIS provides an analysis of one or more significant adverse environment impacts which were not addressed, or inadequately addressed, during the review of comments submitted to the Draft EIS and presented in the Final EIS. For the sPower project:

- The project sponsor has proposed project changes which may result in one or more significant adverse environmental impacts not addressed in the original EIS.
- The Lead Agency discovered new information, not previously available, concerning potential significant adverse impacts.

More specifically the Lead Agency has discovered new information in the form of sPower’s intent to construct and operate a second 36 megawatt (MW), commercial solar facility on approximately 290 acres of land located adjacent to and substantially contiguous to the sPower Riverhead Solar-1, 20-MW facility. The sponsor, sPower, named the 36-MW facility “Riverhead Solar -2.” Based upon records filed with the New York State Board on Electric Generation, the Lead Agency has discovered similarities between the two projects including but not limited to having:

- A common sponsor/owner for project development and operations;
- An adjacent and/or substantially contiguous land mass;
- A need to cross Edwards Avenue, a Town of Riverhead roadway for the purpose of transmitting electric power via subsurface transmission lines to the LIPA/PSEG, Long Island Edwards Avenue substation;
- The proximity and need to connect to the LIPA/PSEG, Long Island Edwards Avenue substation.

- Potential to impact long term employment opportunities associated with alternative Industrial C uses;
- Potential to disturb environmentally sensitive habitat and naturalized areas;
- The sponsor had responded to the LIPA RFP in June 2016. The sponsor for Riverhead Solar-1 is the same as Riverhead-2 and actually named the projects in consecutive order;
- Development impacts that alter large land areas that are presently in agricultural production.

The Lead Agency determined the aforementioned conditions and potential for cumulative impacts are best evaluated through the SEQRA Supplemental EIS process.

## 2. Background

Riverhead Solar-1 20 MW facility was subjected to subdivision, site plan and environmental reviews conducted by the Riverhead Planning Board.

In August 2016, the Town of Riverhead Planning Board received an application for a “Minor Subdivision, Site Plan, and Special Permit of Green Meadow, LLC and sPower Solar Power Generating Facility, Step-up Facility, and Subsurface Transmission Power Line 4153 Middle Country Road, Calverton, NY SCTM Nos. 600-116-1-7.2 & 600-98-1-21.1.”

The application included a completed SEQRA Part 1 Full Environmental Assessment Form (FEAF), dated April 18, 2016/ revised August 29, 2016, prepared by VHB, Engineering, Surveying & Landscape Architecture (VHB), as environmental consultant and signed by Marwa Fawaz, Senior Project Manager. The FEAF included an “Expanded Narrative” dated January 2017 and a Memorandum on s Power Submission dated January 27, 2017 along with Exhibits A-H.

The project, known as “Riverhead Solar-1” is a 20 mega-watt commercial solar facility. The Planning Board classified the action as Type 1 Action pursuant to 6NYCRR Part 617.4 (b) (6) (i) by Resolution No. PB 2016-0115, dated November 3, 2016, mandating coordinated SEQRA review with involved agencies. The Planning Board solicited for and was granted Lead Agency status for SEQRA coordinated environmental review.

Planning Board Resolution No. PB-2017-010 issued a Positive Declaration of Significance requiring the sponsor prepare a Draft Environmental Impact Statement (DEIS). As Lead Agency the Planning Board issued a Final Scope dated April 6, 2017. The DEIS was deemed adequate and circulated for a 30-day public comment period as per Planning Board Resolution No. PB-2017-065, dated July 6, 2017. Substantive comments received from the public and agencies were provided to the sponsor for response in the applicant’s Final Environmental Impact Statement (FEIS), dated August 2017 (Appendix 8).

## 3. Purpose of Supplemental Environmental Impact Statement

Based upon the sponsor’s prepared FEIS, the Lead Agency issued and adopted Planning Board Resolution No. 2017-107 and issued a Positive Findings Statement, dated October 19, 2017. The action completed the SEQRA review with a decision to proceed with the review of the proposed

subdivision map and site plan. The Positive Findings Statement also provided the Riverhead Town Board to proceed with decisions regarding the application's Special Permit application.

The final subdivision map, site plan and Special Permit were granted approvals predicated on the information contained in the FEIS and Lead Agency's Positive Findings Statement. Conditions were placed on the final site plan approval to implement mitigating measures to avoid and minimize environmental impacts. The October 19, 2017 Findings Statement is included as Appendix 19.

On October 20, 2017 (via electronic filing) the sponsor's agent filed a letter with Hon. Kathleen H. Burgess, Secretary New York State Public Service Commission Empire State Plaza, Agency Building 3 Albany, NY 12223-1350 regarding "Riverhead Solar 2 Project, Town of Riverhead, Sullivan County (*sic Suffolk County*) , New York.

In the filing it is stated, "Riverhead Solar 2, LLC ("the Applicant" or "Riverhead Solar"), a wholly-owned subsidiary of FTP Power, LLC, is seeking a Certificate of Environmental Compatibility and Public Need ("Certificate"), under Article 10 of the Public Service Law, to construct a 36 megawatt ("MW") alternating current ("AC") photovoltaic ("PV") solar energy generation facility, Riverhead Solar 2 (the "Facility" or "Project"), in the Town of Riverhead, Suffolk County, New York.

Under 16 NYCRR § 1000.4, a prospective Certificate Applicant is required to submit a proposed Public Involvement Program ("PIP") plan for review by the Department of Public Service ("DPS") staff at least 150 days prior to the filing of a Preliminary Scoping Statement (PIP).

Accordingly, Riverhead Solar submits, for DPS Staff's review and comment, the attached proposed PIP, which includes figures depicting the Project Area and Study Area, and exhibits identifying the stakeholders for this Project, outlining stakeholder consultation goals, and providing a sample meeting log which will be used to track engagement efforts.

The purpose of this PIP is to introduce the Project to the local community and other interested parties, and to explain the public outreach and involvement efforts that Riverhead Solar will pursue throughout the development of this Project.

We look forward to working with the New York State Board on Electric Generation Siting." (Appendix 7).

During the July-August 2017 30-day public comment review period of the sPower Riverhead Solar-1 application's Draft Environmental Impact Statement ("sPower DEIS"), the following comment was received and submitted to the applicant for a reply in the FEIS:

DEIS Comment No. CI-1

"The FEIS must confirm there are no pending applications for additional solar facilities by including an acknowledgement from the Town of Riverhead Planning Department."

In response to substantive comments received on the DEIS, the applicant provided a response in the August 2017 Final Environmental Impact Statement to wit:

FEIS Response to DEIS Comment No. CI-1:

“By letter dated August 8, 2017, Mr. Greg Bergman of the Town of Riverhead Planning Department advised that there are no other applications for commercial solar energy production facilities within the Town of Riverhead apart from proposed action. A copy of the aforementioned correspondence is included in Appendix J of this FEIS.”

The Lead Agency accepted the FEIS and issued a Findings Statement on October 19, 2017, one day before the applicant filed for the Riverhead Solar-2 Certificate of Environmental Compatibility and Public Need with the New York State Board on Electric Generation Siting (Siting Board).

The Lead Agency found this August 2017 FEIS response did not specifically or adequately identify Riverhead Solar-2 as a potential project. The FEIS statement that there are “no other applications for commercial solar energy production facilities within the Town of Riverhead,” was based only on sponsor inquiries to the Riverhead Planning Department. The Planning Department was not the primary agency in receipt of the Riverhead Solar-2 project. Furthermore the Minutes of Town of Riverhead Planning Board presentations and hearings dated October 6, 2016, December 1, 2016, December 15, 2016, and January 19, 2017 document the repeated requests by the Planning Board, during its deliberations, regarding additional solar facility development potential within Riverhead. The Riverhead Solar-2 proposed facility power output exceeded a 25 MW power output threshold, whereby the New York State Board on Electric Generation Siting, would review the project pursuant to Article 10.

The Lead Agency determined the FEIS and the Findings Statement were incomplete and by Resolution 2018-077, dated October 4, 2018 required the applicant and its agents prepare a limited draft scope for Lead Agency finalization, and prepare a Supplemental EIS to address comments inadequately addressed in the August 2017 FEIS.

#### 4. Sponsor Response for Supplemental Environmental Impact Statement

In a response to Planning Board Resolution 2018-077, “SEQRA Supplemental DEIS for sPower,” the applicant’s agents submitted to the Planning Board, a document titled “*S Power Calverton Solar Energy Facility State Environmental Quality Review Act Consistency Analysis*,” prepared by VHB, dated December 2018. (Appendix 14).

The VHB “consistency analysis” outlined whether or not the previous DEIS/FEIS prepared by VHB for sPower’s Riverhead Solar-1 project and the Planning Board’s Findings Statement, adequately addressed: the potential environmental impacts generated by the specific project; adequately described solar facilities proposed and/or constructed (including the 36-MW Riverhead -2 project); and comprehensively complied with the Lead Agency’s SEQRA requirements and procedures.

sPower’s representatives have suggested the preparation of a Supplemental EIS pursuant to Planning Board Resolution 2018-077: Oct. 4, 2018 “SEQRA Supplemental DEIS for sPower” was unnecessary and requested the resolution be rescinded.

Based on the October 20, 2017 filing with the Siting Board, the Planning Board determined the sponsor had previous knowledge of Riverhead Solar-2, with specific knowledge of its proposed location in the Town of Riverhead, (adjacent to Riverhead Solar-1) and the project was not purely speculative and therefore relevant. The FEIS preparers were responsible for accurately identifying the strong potential for this second commercial solar project.

The Lead Agency also received comments to the DEIS with regard to cumulative impacts. It is important to recognize one of the criteria for a Town Board Special permit is the intensity of a particular land use within the zoning use district. Specifically, “That the intensity of the proposed specially permitted use is justified in light of similar uses within the zoning district.” This Special Permit condition has direct relevance upon cumulative impact assessment when examining the land use for commercial solar facilities granted by Special Permit and alternative permitted land uses not required to meet the 18 conditions of a specially permitted use.

The evaluation of this specific Special Permit criterion provides the Town Board with discretionary power to balance land use and development among the permitted uses within this particular Industrial C zoning use district with the alternative uses that require a Special Permit. It also allows for a mix of these permitted and Special Permit uses to be considered for purposes of diversity and environmental impacts associated with intensity generated by single use development dominating the area (uncontrolled/overdevelopment of a particular specially permitted land use).

## 5. Lead Agency Preparation of Supplemental Environmental Impact Statement

The Lead Agency is not in agreement with several statements submitted by the sponsor in its December 2018 “Consistency Analysis” prepared by its agent VHB. The following section examines the statements from the “Consistency Analysis” (listed as CA printed in *Italics*) with the Lead Agency’s comments (listed as LA) placed below the statement printed in plain text, with **emphasis added in bold**. The Lead Agency includes relevant information on file with the NYSpsc identified as Case No. 17-F0655 Riverhead-2 Solar project which is subject to Article 10 review procedures.

### 5.1 CA Statement:

*“As no other applications for commercial solar energy production facilities are pending within the Town of Riverhead, apart from proposed action, the “reasonable likelihood” of the occurrence of any cumulative impacts is extremely low or nonexistent. The nature of the proposed action, as demonstrated in the EIS, is such that it will not result in any significant adverse environmental impacts. Therefore, there is no potential for reasonably foreseeable impacts of such other actions that could be evaluated together with the potential impacts of the proposed action, and no significant adverse cumulative impacts are expected.*

*There is no solar energy production facility application before the Town of Riverhead for the Riverhead 2 project and there is no pending application for the Riverhead-2 project before any agency, including the Siting Board.”*

### 5.1 LA Comment:

The Lead Agency has rejected the determination stated in the 5.1 CA Statement above, because an application process was started with the New York State Public Service Commission on October 20, 2017, where the sponsor's letter to the Siting Board states,

“Riverhead Solar 2, LLC (“the Applicant” or “Riverhead Solar”), a wholly-owned subsidiary of FTP Power, LLC, is seeking a Certificate of Environmental Compatibility and Public Need (“Certificate”), under Article 10 of the Public Service Law, to construct a 36 megawatt (“MW”) alternating current (“AC”) photovoltaic (“PV”) solar energy generation facility, Riverhead Solar 2 (the “Facility” or “Project”), in the Town of Riverhead, Suffolk County, New York.”

It is obvious that an “Applicant” is one who is the process of making an application to the State Agency.

### 5.2 CA Statement:

*“Pre-application filings have been made with that agency for the potential Riverhead-2 project. Moreover, the Town has been well aware of Riverhead 2 prior to the issuance of the special use permit and site plan approval for Riverhead 1 and could have raised this issue subsequent to those approvals as opposed to after its jurisdiction as the Lead Agency had ceased.*

*Nevertheless, with respect to the nature of the proposed Riverhead-1 facility, the cumulative impact analysis in the EIS demonstrates that there would not be any significant adverse impacts from Riverhead 2.”*

### 5.2 LA Comment:

The Planning Board as Lead Agency for Riverhead-1 was not aware of the Riverhead-2 project. From the records for the PSC's Case No. 17-F0655 and the Siting Board,

“On March 14, 2018, the Applicant held a public Open House at the Residence Inn Long Island East End, 2012 Old Country Road, Riverhead, NY 11901 to introduce the community to the proposed Project. Two sessions were offered, one in the afternoon from 1 p.m. to 3 p.m., and a second in the evening from 5 p.m. to 7 p.m. The Applicant and its consultants were available in person to answer questions, as well as to provide maps and overviews of pertinent project information. Notice of this Open House was posted to the Project Website (<http://riverheadsolar2.com/>) approximately one month before the event, and published in Newsday on February 25, 2018 and in the Riverhead News Review on March 1, 2018.

Approximately 20 people attended the event, and asked questions regarding property value, location of the Project site, anticipated start of construction, biological/environmental resources on site, visual impact, and alternatives. Affidavits of publication for the Open House notices are included here at Appendix F.”

The Lead Agency's Findings Statement was issued and adopted on October 19, 2017, approximately four (4) months before the publications for this public event were issued. According to SEQRA, the Lead Agency (and only the Lead Agency), has the ability to require a Supplemental EIS at any time, even after a Findings Statement has been issued. For the SEQRA Consistency Analysis to suggest the Lead Agency's jurisdiction somehow “ceased” is not a valid

statement. During the SEQRA review of Riverhead Solar-1 the Lead Agency frequently requested the applicant provide information on potential for additional commercial solar facilities that may be located in Riverhead. To suggest the Lead Agency delayed this request conflicts with DEIS “Comment CI-1” issued during the July-August 2017 review period and the Planning Board’s official public record.

Additionally, the Consistency Analysis’ conclusion that, “with respect to the nature of the proposed Riverhead-1 facility, the cumulative impact analysis in the EIS demonstrates that there would not be any significant adverse impacts from Riverhead 2” is entirely speculative. Clearly when the two projects are assessed together there are cumulative impacts generated by increased clearing of mature vegetation, loss of agricultural production associated with current on-going farm activities, additional easements for a second gen-tie line and its crossing of Edwards Avenue, impacts to wildlife, impact to the Long Island Central Pine Barrens Compatible Growth Area, and jurisdictional freshwater wetlands. The EIS for Riverhead Solar-1 did not detail these aforementioned potential impacts or recommend methods to avoid, minimize and/or mitigate potential impact(s) generated by additional solar facilities. Although the Riverhead-2 project is subject to an Article 10 review process, it does not relieve the applicant of Riverhead Solar-1 from its inclusion in the EIS for assessment of combined impacts potentially generated by both facilities. Ignoring the potential development of Riverhead-2 is akin to conducting a SEQRA segmented review. It is the Lead Agency’s responsibility to evaluate cumulative impacts that are “reasonably” anticipated.

### 5.3 CA Statement:

*The Riverhead 2 facility would provide more megawatts than Riverhead 1, would be of a similar nature (i.e., it would include the construction of a solar energy production facility on previously cleared and developed property), such that it is similarly not expected to result in significant adverse environmental impacts.”*

### 5.3 LA Comment:

The Lead Agency disagrees with the statement. The statement is not supported by the DEIS or the September 14, 2018 Preliminary Scoping Statement (PSS) Case No. 17-F0655 filed with the PSC. The PSS states:

#### “Plant Communities

The Facility Site (sic Riverhead Solar-2) encompasses approximately 290 acres, which primarily consist of mowed lawn (37%, associated with a turf/sod farm), forests (22%, including conifer plantations, pitch-pine-oak-heath woodlands, pitch-pine-oak forest, red maple-blackgum swamps, and successional forests), and successional old field (20%). The Facility Site also includes 10% or less of row crops, abandoned plant nursery, disturbed/developed land, and successional shrubland; and 1% or less of paved road, delineated wetland, and farm pond. As indicated above, plant/ecological communities, as summarized below in Table 2, were identified through on-site field investigation.”

According to the PSS “Table 2. Ecological Communities within the Facility Site” (Appendix 17) the total area of woodland type habitat is 75.7 acres including the abandon nursery stock with an additional 7.3 acres of wetland and red maple swamp for a total of 83 acres. The Riverhead Solar-1 project did not have these same habitats or similar acreages. Suggesting the impacts would be similar and were not significant is not supported by the September 14, 2018 PSS filed with the Public Service Commission.

There are potential impacts associated with clearing of all trees of 3-inch caliper or above for construction of a commercial solar facility. These potential impacts were not addressed in the Riverhead Solar-1 SEQRA reviews. The protection of mature vegetation is significant because some of the Riverhead -2 land is located in the Compatible Growth Area (CGA) of the Long Island Central Pine Barrens (CPB).

In January 2019 the Riverhead Town Board held its Public Hearing for a proposed Town Code amendment to Chapter 301 Zoning and Land Development Part 3 Supplementary Regulations, Article LII: Commercial Solar Energy Production Systems. The amendment prohibits clearing of existing trees and shrubs with a caliper of 3-inch diameter or greater measured at breast height ( $\geq$  3-inch DBH) on land proposed for use as a commercial solar facility, unless the clearing had been performed prior to January 1, 2019.

The Riverhead Solar-1 facility had very minor impacts to woodland and wetland ecologies. The primary solar generating development was limited to approximately 109 acres of previously cleared land in agricultural use for sod production. The gen-tie line utilized to transfer power from the solar facility to the Edwards Avenue LIPA substation was designed to have minimal disturbance to existing natural resources. Freshwater wetlands were avoided and therefore unaffected. The potential impacts on ecological resources of the Riverhead-2 project is significantly different and of greater magnitude than Riverhead-1.

When the Riverhead Solar-1 and 2 are assessed together for cumulative impacts, there are approximately 400 acres involved, comprised of various and distinct ecological communities. Each of these natural resources and respective habitat values must be evaluated for individual impacts, and a second assessment conducted on the entire ecological complex to evaluate how these communities are inter-related and potentially impacted on a cumulative basis. Because animal species of special and/or protected status are dependent on various habitats for their survival, a more comprehensive impact evaluation is necessary.

The majority of anticipated adverse impacts to ecological resources is generated by Riverhead-2. It is anticipated these environmental evaluations will be conducted during the Article 10 review process. However the Lead Agency has determined the two projects are not similar with respect to potential for significant adverse impacts to natural resources and the FEIS submitted by the applicant for Riverhead Solar-1 provided inconclusive evidence supporting its assessment of having no adverse cumulative impacts to natural resources.

The applicant's Riverhead-2 September 14, 2018 PSS stated:

“Please also note that the Draft Environmental Impact Statement (DEIS) prepared for the Riverhead Solar 1 project conducted a detailed analysis of the potential cumulative impacts of future solar development on agricultural land as required by the Final DEIS Scope prepared in accordance with the State Environmental Quality Review Act (SEQRA). Specifically, the analysis contained in the DEIS was based on the following requirements from the Final DEIS Scope:

“...assess the potential for implementation of the proposed action to lead to additional future applications for similar projects (i.e., conversion of large tracts of agricultural or manufacturing-

industrial land for passive solar use)... [t]his analysis will identify similarly situated lands in the greater Calverton area and in the Town of Riverhead as a whole – i.e., available large parcels having both industrial zoning (eligible for development with a Commercial Solar Energy Production System) and an active agricultural use.”

The FEIS assessment of impacts potentially generated by additional solar facility projects within Riverhead was generic at best, and lacked specific information for the Riverhead Solar-2 project.

#### 5.4 CA Statement:

*Additionally, the parcels that comprise the Riverhead 2 property were contemplated to be developed as a solar energy production facility use and analyzed within the relevant cumulative impact analysis in Section 4.1 of the DEIS.*

*The future Riverhead 2 project does not affect or contradict this finding.*

#### 5.4 LA Comment:

The Lead Agency finds these statements represent an oversimplification and conflict with the Lead Agency Findings Statement. The Findings were prepared without the benefit of having **specific and relevant information** regarding the cumulative impact potential of Riverhead Solar 1 and 2.

Had the two projects been evaluated together, the resulting Findings by the Lead Agency may have had different statements. For example the disturbance to naturalized areas potentially generated by Riverhead- 2 may have required additional mitigation be contemplated for Riverhead Solar-1 (additional tree planting, conservation easements, etc.). One cannot state the Findings were not affected or contradicted because the applicant’s responses provided in the FEIS lacked specific descriptions for the potential development on adjacent parcels within the 290 acres for solar facilities, and the nearly 400 acres of development poised for sPower’s development plans.

The Lead Agency questions the degree to which alternative sites for the Riverhead Solar-1 were evaluated, under the SEQRA “Alternatives” section and whether or not all of the solar development proposed by the applicant could have been completed through a multi-phased approach.

For a privately sponsored project, such as Riverhead Solar-1, SEQRA limits an evaluation of alternative site locations to only such properties under the ownership or control by the sponsor (lease, options, etc.).

The SEQRA record includes the completed SEQRA Part 1 Full Environmental Assessment Form (FEAF), dated April 18, 2016/ revised August 29, 2016, prepared by VHB, Engineering, Surveying & Landscape Architecture (VHB), as environmental consultant and signed by Marwa Fawaz, Senior Project Manager. “Part 1 section D.I. Proposed and Potential Development item (e) Will the proposed action be constructed in multiple phases? Answer-NO.”

The sponsor had responded to the LIPA RFP in June 2016. The sponsor for Riverhead Solar-1 is the same as Riverhead-2 and actually named the projects in consecutive order. The projects are

adjacent to each other and each connects to the same PSEG, Long Island sub-station. These conditions strongly support development was contemplated in multiple phases.

5.5 CA Statement:

*By way of background, sPower responded to a Request for Proposals (RFP) from the Long Island Power Authority (LIPA) in June 2016, wherein the concept of a solar development on 290 acres of non-contiguous property east and west of Edwards Avenue, south of NYS Route 25 was conceived. As described below, the identified Riverhead 2 parcels were evaluated in the DEIS for Riverhead 1, included as part of the cumulative impact analysis of future solar energy facilities, which is precisely what Riverhead 2 contemplates.*

5.5 LA Comment:

An inspection was conducted of LIPA's renewable energy request for proposals to identify their general requirements for submission. Information was gathered from LIPA's "2015 Renewable RFP" issued by LIPA Trustees' request to add 400 MW of renewable energy generation to its portfolio by 2018.

According to LIPA's RFP submission requirements, (under "Section 6.7 Project Description") "the respondents must describe the location and locate the project on a site controlled by the respondent, through either fee ownership, a land lease, option to lease or purchase or equivalent demonstration of site control."

This requirement suggests the specific area described as the +/- 109 acres proposed for Riverhead Solar-1 and the 290 acres proposed for Riverhead-2 were contemplated at the time the applicant's RFP response was submitted. During the review of Riverhead Solar-1, the Lead Agency continued to ask the sponsor what project(s) were offered for renewable energy facility(s) in response to any LIPA solicitations. Simply stated, in addition to Riverhead Solar-1 and Riverhead-2, are additional solar projects planned? Again, the Special Permit requires the intensity of use as solar generating facilities to be justified within the Industrial C zoning use district and limits the use within the 11933 US Postal zip code.

5.6 CA Statement:

*In response to the RFP, PSEG Long Island (PSEG-LI) agreed to initiate contract negotiations with Riverhead 2 on July 27, 2017. The primary purpose of contract negotiations is to identify at a high level what PSEG-LI should expect to be the key contract issues, and to discuss the overall project schedule. The parties continue to negotiate terms of an agreement and no contract for the development Riverhead 2 has been executed.*

5.6 LA Comment:

This information supports the two projects were potentially conceived as "multi-phased," that Riverhead-2 was more defined, not speculative, and planned during the Riverhead Solar-1 review by the Lead Agency. Based on the LIPA RFP requirements that "the respondents must describe the location and locate the project on a site controlled by the respondent, through either fee ownership, a land lease, option to lease or purchase or equivalent demonstration of site control" the applicant of Riverhead Solar-1 may have had alternative locations for the Riverhead Solar-1 project. These potential alternative locations were beyond the limits of the specific properties proposed in the Riverhead Solar-1 subdivision, site plan and SEQRA review. SEQRA permits the Lead Agency the option to request alternative locations for proposed projects, providing the

private sponsor has demonstrative control of said alternative locations (i.e. either fee ownership, a land lease, option to lease or purchase or equivalent demonstration of site control). Therefore, based on the sponsor's response to the LIPA RFP and its requirements for submission, alternative sites were likely available for different locations during the SEQRA evaluation of Riverhead Solar-1. Depending on these alternative locations and existing conditions (vegetative cover, habitat values, topography, etc.) different outcomes from alternative location scenarios would be expected. The Lead Agency does not dispute that Riverhead Solar-1's current location was carefully evaluated under SEQRA. The Lead Agency does consider the two projects are essentially phased, and could have been submitted as such during the Riverhead Solar-1 review. It is conceivable the projects could have been divided into three (3) phases, (as an Alternative design under SEQRA for example) proposed as a 20-MW facility, a second 20-MW facility and a 16-MW facility totaling the 56-MW total mega-watts of power proposed for Riverhead Solar-1 and 2. This would have provided the Lead Agency with a more comprehensive review pursuant to SEQRA and permitted a comprehensive approach to balancing the environmental impacts, mitigation, social, energy and economic considerations of the two projects. The applications are now under separate review procedures that exhibit a "segmented review" under normal SEQRA procedures. The approach taken by segmenting the projects also creates an incomplete review of the Special Permit by the Town Board. As a SEQRA Involved Agency, the Town Board depended on the accuracy of the Lead Agency's SEQRA review and Findings Statement during its deliberations for the Special Permit.

#### 5.7 CA Statement:

##### Cumulative Impacts

*As no other applications for commercial solar energy production facilities are pending within the Town of Riverhead, apart from proposed action, the "reasonable likelihood" of the occurrence of any cumulative impacts is extremely low or nonexistent. The nature of the proposed action, as demonstrated in the EIS, is such that it will not result in any significant adverse environmental impacts. Therefore, there is no potential for reasonably foreseeable impacts of such other actions that could be evaluated together with the potential impacts of the proposed action, and no significant adverse cumulative impacts are expected.*

#### 5.7 LA Comment:

During the review of the sponsor's FEIS by the Lead Agency and Town Planning Department, the Town was not informed of the intended filing of the Riverhead-2 project. The sponsor's collection of data necessary for its drafted PSS indicates relevant information was available. A project summary was submitted by sPower only to the PSC's Siting Board. Their submitted Riverhead Solar-2 project description is cited below:

#### **"2.2 PROJECT SUMMARY**

The Riverhead Solar 2 Project is a proposed 36 MW photovoltaic solar Facility located in the Town of Riverhead, Suffolk County, New York. Located south and east to the proposed Riverhead Solar 2 Project are existing solar facilities, as well as another solar facility, Riverhead Solar 1, in the later stages of the State Environmental Quality Review Act (SEQRA) environmental review and permitting. The Project is consistent with the PSC's proceeding implementing a Clean Energy Standard ("CES"), which supports the development of clean energy and renewable resources in New York State. The Facility will safely generate enough clean, renewable electricity to power over 8,500 New York households. The Facility will also provide an economic stimulus to the area during construction by providing jobs and local contracts for goods and services, and

significant long-term economic benefits through lease revenue to local landowners and tax revenue to the community. The first and foremost factor for siting a solar facility is finding a transmission line with existing capacity so the power from the project may be added to the utility system without prohibitive cost. To meet a societal need Case 17-F-\_\_\_ Riverhead Solar 2 Project Public Involvement Program Plan 4 for additional renewable power and New York State's policy goals, it needs to be both clean and affordable. **Therefore, the cost to interconnect the Facility to the transmission system is a major factor in project siting.** The Facility will interconnect to the New York Independent System Operator (NYISO) grid via the PSEG Long Island 138kV Edwards substation. The project will connect to the collector substation near Sutter/Sterlington Solar PV facility, which will then be stepped-up to 138kV and connected to Edwards Substation via an underground generation tie line. The Edwards Long Island Power Authority (LIPA) substation, is located on the east side of Edwards Avenue and north of the Long Island Railroad (LIRR) tracks (see Figure 2). The selection of appropriate sites for a solar-powered electric generation facility is constrained by numerous other factors that are essential considerations for a project to operate in a technically and economically viable manner. Other important factors include the availability of open and appropriately oriented land, willing land lease participants, and preliminary environmental screenings that have not indicated any significant wildlife habitat or other environmental or societal concerns.

The lands that are being evaluated for potential solar development are located in the Town of Riverhead, Suffolk County, NY and are identified on Figures 1 and 2 as the "Facility Area". **Not all the land included in this area will be included in the project. Rather, the Facility Area represents the broader area within which selected parcels will be developed with solar facilities.** This provides flexibility during the project development phase to minimize and avoid impacts to wetlands, cultural resources, visual resources, wildlife habitat, and other sensitive resources. **The Facility will ultimately be sited on approximately 275 acres of purchased and leased private land within the Facility Area, which consists primarily of agricultural land.** The Applicant will be purchasing the majority of private land, and leasing approximately 40 acres of land from private landowners. The Facility will use the same type of photovoltaic panels installed on over one million homes in the United States. Solar equipment is a proven safe technology in applications from fields to rooftops of homes, schools and businesses. The Facility, panels will be installed on a low-profile racking system that will have a small footprint, typically consisting of small I-beam posts driven into the ground."

The Lead Agency required the sponsor's DEIS and FEIS address concerns of cumulative impacts and growth inducing impacts potentially generated by the approval of the Riverhead Solar-1 facility. The sponsor's assessment did not identify PSEG Long Island's Edwards Avenue substation was primarily the growth inducing factor that had significant potential to induce additional solar facility growth within Calverton. According to the sponsor's statement, "the cost to interconnect the Facility to the transmission system is a major factor in project siting. The Facility will interconnect to the New York Independent System Operator (NYISO) grid via the PSEG Long Island 138kV Edwards substation."

The Riverhead Solar-2 proposed area of development is described as 290 acres with approximately 275 acres for actual project footprint. The 15 acre difference was the sponsor's estimated area necessary to avoid environmental impact to cultural and natural resources. The 275 acres is described as primarily "agricultural land." The applicant's September 14, 2018 PSS

“Table 2. Ecological Communities within the Facility Site” depicts approximately 129.5 acres as mowed lawn (sod farm: 106.9 ac.); abandon plant nursery (15.9 ac.); row crops (6.6 ac.) and farm pond (0.10 ac.). This represents 47 percent of the 275 acres proposed as the facility’s estimated footprint.

According to the NYS Ag and Markets, “permitted uses” within the Industrial C Zoning Use District are in fact “agriculture.” These uses include greenhouses and equestrian facilities. Furthermore, according to Riverhead Town Code (Article XXV Industrial C Zoning Use District), agriculture is not specifically listed as a prohibited use.

The Town Code describes the purpose and intent of the Industrial C Zoning Use District as:

“The intent of the Industrial C Zoning Use District is to allow a mix of light industrial, warehouse development, and office campuses in the area between Enterprise Park and the terminus of the Long Island Expressway. The Industrial C Zoning Use District is intended for moderate-sized businesses generally defined as those with less than 40 employees. In addition, the district allows and encourages commercial recreation businesses. The use of generous landscaping and open space buffers is intended to help protect the rural appearance and minimize views of development from the expressway and arterial roads.”

Solar generating facilities are a specially permitted use within the Industrial C Zoning Use District. One goal of the Special Permit decision process includes the proposed project’s conformance to the 18 requirements of the specially permitted uses. This allows the Town Board to balance specially permitted development with the permitted mix of light industrial, warehouse development, and office campuses in the area between Enterprise Park and the terminus of the Long Island Expressway. The Industrial C Zoning Use District is intended for moderate-sized businesses generally defined as those with less than 40 employees. In addition, the district allows and encourages commercial recreation businesses.

According to Town Board Resolution 831 dated November 8, 2017 the Riverhead Town Board issued the Special Permit for the Riverhead Solar-1, 20 MW facility for a period of 20 years.

5.8 sPower September 14, 2018 PSS Statement:

*(k) Compatibility of Underground Interconnections with Existing and Proposed Land Uses*

*The Facility’s proposed underground collection lines will not prohibit the continued use of the land as the impact will only be a temporary disturbance. **In addition, to the extent practicable, underground collection lines will be collocated or immediately adjacent to lines for Riverhead Solar 1 thereby requiring less clearing and/or ground disturbance.** Compatibility of proposed underground interconnections and temporary disturbances associated with construction will be addressed in the Article 10 Application.*

5.8 LA Comment:

The September 14, 2018 PSS statement appears to conflict with the covenant placed on the easement for Riverhead Solar-1. The covenant was not specific to only the crossing of Edwards Avenue but for “the easement” for placement of underground transmission lines (across all properties). The Edwards Avenue easement had not been executed at the time the covenant was filed, but all other private property owner easements were part of the SEQRA/site plan records.

Comments to the Final PSS were filed with the PSC by the Town of Riverhead on October 5, 2018. sPower replied that the Town's comments regarding the gen-tie line placement were misconstrued and designs misunderstood (Appendix 13). However the statements in the Draft PSS and Final PSS do not confirm and guarantee the Riverhead-2 underground gen-tie line will include a separate and distinct easement for its connection to the LIPA sub-station, located on the east side of Edwards Avenue. Instead the utilities will be "collocated or immediately adjacent to lines for Riverhead Solar 1." A collocation of these utilities appears as a conflict to the Planning Board's site plan approval for the Riverhead Solar-1 project.

On-site field observations along Edwards Avenue on January 14, 2019 indicates three (3) 4-inch diameter PVC tubing (conduits) installed along the east side of Edwards Avenue running north to south (i.e. located within the "easement"). The sponsor's agent has explained one (1) 4-inch conduit is for the gen-tie line and the other two (2) 4-inch conduits are for redundant communication lines. If one communication line is out of service the second communication line will provide a backup to permit the operations to continue uninterrupted. The agent confirmed all three (3) conduits are for the Riverhead Solar-1 project.

5.9 sPower September 14, 2018 PSS Statement:

*(c) Description of Reasonable Alternatives to the Proposed Facility at the Proposed Location*

*The Article 10 Application will address alternate scale and magnitude of the Facility in the context of the interconnection agreement and power purchase contracts (i.e., a 36 MW Facility), which eliminates the Applicant's ability to develop a viable project that generates less than 36 MW. Therefore, alternatives to be evaluated will be limited to alternate panel configurations that generate at least 36 MW. With respect to the proposed gen-tie line, because this component will be sited within an existing gen-tie corridor (associated with the Calverton/Riverhead Solar 1 Facility), alternate locations will not be addressed in the Application.*

5.9 LA Comment:

The Lead Agency finds the statement in conflict with the site plan approval, SEQRA mitigation and covenant filed for Riverhead Solar-1. The Riverhead-2 project will be required to investigate alternative designs for locating the Riverhead-2 gen-tie line from the proposed facility to the LIPA/PSEG Long Island Edwards Avenue substation. The "existing gen-tie corridor" is not available. Alternate locations for the Riverhead -2 gen-tie line will need to be considered because of conditions placed on the site plan approval of Riverhead Solar-1. The Planning Board granted final site plan approval pursuant to Resolution 2018-064 dated August 16, 2018, inclusive but not limited to the following conditions:

1. The easement containing the proposed gen-tie line shall only be used to transmit the 20 megawatts of electricity generate at the proposed facility, and shall not be used to transmit any electricity generated at any potential future solar photovoltaic facilities, whether owned by sPower or other entities.
2. That a covenant, in a form approved by the Town Attorney, containing all the limitations and provisions of these approvals contained in this resolution shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk.

3. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk.

The covenant was recorded with the Suffolk County Clerk on September 7, 2018, as Liber D000012977, page 534.

The Riverhead Town Board approved a Special Permit pursuant to Town Board Resolution 831, dated November 8, 2017 finding "the intensity of the proposed specially permitted use is justified in light of similar uses within Industrially zoned districts, and conditional upon the applicant receiving subdivision and site plan approval from the Town of Riverhead Planning Board, and agreeing to any covenants or restrictions that the Riverhead Planning board deems to be reasonable or prudent for purposes of site plan review."

The gen-tie line proposed for Riverhead Solar-1 was approved by the Planning Board with a covenant filed on September 7, 2018 with the Suffolk County Clerk (Liber D000012977; page 534) that restricted the use of the easement areas and the gen-tie conduits for use by Riverhead Solar-1. The sponsor has submitted additional information and preliminary sketches to the Town of Riverhead that show a second location for a gen-tie line crossing Edwards Avenue, which is independent of the Riverhead Solar-1 crossing of Edwards Avenue. However the Lead Agency required a Supplemental EIS be completed, and weighed its October 4, 2018 decision on the above referenced PSS statement. The PSS on file with the Siting Board as Case No. 17-F0655 remains unchanged with respect to the language quoted in the above section 5.9 September 14, 2018 PSS statement.

sPower September 14, 2018 PSS Statement:

*(d) Landscaping Plan*

*The Article 10 Application will include a landscaping plan that will include the locations of security fencing, gates, and any other necessary ancillary infrastructure. The landscaping plan will include any plantings along the fence line of the Facility that may be required as part of visual mitigation.*

*With respect to those areas where trees may be removed due to Facility construction and operation (which is anticipated to be minimal), the Preliminary Design Drawings will depict the Facility footprint using recent aerial imagery. With respect to the anticipated acreage of tree removal, this will be quantified and discussed in Exhibit 22 of the Article 10 Application. However, an on-site survey of all trees to be removed will not be included in the Article 10 Application.*

LA Comment:

The Lead Agency estimated that additional solar facility development described in the PSS may result in +/- 65 acres of woodland vegetation and 15.9 acres of mature nursery trees to be removed. Additionally, a proposed Town Code amendment, has potential to limit vegetative clearing for purpose of solar facility construction to vegetation of less than 3-inch caliper DBH, except when clearing was completed before January 1, 2019. The Lead Agency recommends a tree inventory will be warranted to accurately assess impacts, and mitigating measures may be necessary to avoid or minimize impact to existing pitch pine and deciduous tree habitat. The FEIS did not specifically evaluate loss of large tracts of these woodlands that could results from additional solar facilities within the Calverton area.

## 6. Environmental Impact Assessment and Mitigation

Within the Town of Riverhead, NY commercial solar energy production systems are only allowed with Special Permit approval by the Town Board in the Light Industrial (LI) Zoning Use District, Industrial A (Ind A) Zoning Use District, Industrial B District (General Industry) and the Planned Industrial Park (PIP) District.

Additionally, commercial solar energy production systems shall be allowed with Special Permit approval by the Town Board in the Industrial C (Ind C) Zoning Use District that is located within the zip code boundary of Calverton (11933).

The Special Permit provides a “regulatory valve” that can be adjusted by the Riverhead Town Board to control excessive growth of commercial solar energy production systems within the aforementioned zoning use districts. The Special Permit provides discretionary development of particular types of land use to protect and balance social and economic impacts including community characteristics, provide diversity of economic cycles associated with a dominant land use, protect natural resources from adverse ecological impacts, and encourage a mix of land uses within the zoning use districts as warranted and, in compliance with the Town of Riverhead Comprehensive Plan.

The environmental impacts to social, economic and natural resources must be weighed against the benefits of reducing use of fossil fuel by conventional electric power generating facilities and likewise reduce CO<sub>2</sub> and particulate emissions discharged by “stack-type” power plants.

Forms of renewable energy including hydro-electric, wind farms and solar facilities offer alternatives to fossil fuel power plants. Land mounted photovoltaic panels, necessary for commercial solar energy production systems, such as Riverhead Solar-1 require significant land mass, typically in the range of 50-300 acres. SEQRA (6NYCRR Part 617) an important New York State law, evaluates the potential for adverse environmental impacts generated by development against the public needs and benefits to our society. SEQRA mandates a Lead Agency take a “hard look” and provides a methodical, fact based protocol to assess impacts, establish thresholds of significance of the impacts, examine alternatives, avoid and implement mitigating measures to the greatest extent practicable.

When inaccurate, misunderstood or incomplete statements are offered during SEQRA DEIS/FEIS review, resulting impact assessments and findings are equally inaccurate, misunderstood and incomplete.

The Supplemental Final Environmental Impact Statement provides the Lead Agency a pathway to correct and amend impact assessments and findings statement.

Riverhead Solar-1, as a standalone development, was subjected to a SEQRA process that resulted in specific conditions, to avoid and or mitigate potential adverse environmental impacts. The conditions were imposed through the Planning Board subdivision, site plan and Town Board

Special Permit resolutions and approval processes. A key form of mitigation included restricted access to the gen-tie line and the gen-tie easement necessary to convey electricity generated at the solar facility to the PSEG, Long Island substation at Edwards Avenue.

One reason for restricted access to the Riverhead Solar-1 electric conveyance system was that the Town of Riverhead recognized the Edwards Avenue substation was a “magnet” and attractive to all potential solar facility developments within its reach.

The SEQRA review, site plan review and Special Permit processes provided the Town methodologies to evaluate Riverhead Solar-1 and to evaluate cumulative and growth inducing impact potential generated by solar facility development around the Edwards Avenue substation. Without the Town’s clear understanding of potential for solar facilities, the timing of construction and ability to accommodate reasonable growth makes the municipality’s comprehensive land use planning strategies useless.

Applicants who seek to develop solar facilities that equal or exceed 25-MW are subjected to review under NYS Article 10. In practice, Article 10 reduces much of Riverhead’s standard land use controls and basically circumvents the local municipal land use control, if the Siting Board determines the local regulations are “burdensome.” This endangers Riverhead’s local control of solar facility development and renders the Town Board’s Special Permit (its “regulatory valve” needed to control the growth and intensity of a use and balance a mix of uses) ineffective. This is exacerbated by the goals set by New York State Clean Energy Standard that 50 percent of the State’s energy production will be generated by renewable forms by 2030. This goal requires LIPA acquire 800 MW of renewable energy by 2030. Over the next decade the Town of Riverhead, will require carefully planned land use strategies in preparation of additional renewable energy projects.

The Riverhead Solar-1 SEQRA review did identify approximately 990 acres (including Riverhead Solar-1 parcels) within the Industrial A and Industrial C Zoning Use Districts of Calverton (I1933) with potential for development as commercial solar facilities. Total land acreage with potential for solar facility development in the Light Industrial (LI) Zoning Use District, Industrial A (Ind A) Zoning Use District, Industrial B District (General Industry) and the Planned Industrial Park (PIP) District were included in the generic assessment. Parcels available within these additional zoning districts would result in cumulative impacts, and if developed under Article 10 procedures may significantly restrict Riverhead’s local land use controls. Approximately 50% of the EPCAL site is presently zoned to permit commercial solar energy facilities. The Town of Riverhead Zoning Use District Map is included as Appendix 6.

This presents additional questions on how the potential for solar development within EPCAL is impacted by the Opportunity Zone Benefits, and how if any this may influence a significant potential as a growth inducing impact and what mitigating measures are necessary in response to potential for adverse environmental impact. As identified during the Riverhead-2 PSS comment period, other involved agencies offered concerns with respect to potential impacts.

The Long Island Central Pine Barrens Commission (LICPBC) questioned the need for a Supplemental Environmental Impact Statement to Riverhead Solar-1’s DEIS/FEIS and FS for its

compliance with SEQRA and the need to clearly define compliance with the 65% clearing limits of vegetation within the Compatible Growth Area (CGA) (Appendix 12). Several relevant highlights from the LICPB comments to the September 2018 PSS for the Riverhead Solar-2 project follow:

1. A portion of the project site, at least approximately 51 acres of the 290 acre project site, is in the Compatible Growth Area (CGA) of the Central Pine Barrens. Since a portion of the site is in the area of the Central Pine Barrens Commission's jurisdiction, comments on the proposal are offered for your review and consideration
2. Basic project details should be clarified including defining the project and project site area and identifying the review process, jurisdiction and required approvals.
3. Please define and identify the project site and all of the tax map parcels in the project site.
4. On October 19, 2017, the Town of Riverhead adopted a Findings Statement for a Draft Environmental Impact Statement (DEIS) on a project called "sPower Calverton." The project site was similar, and included some of the parcels in the current proposal, but was on a smaller, 165 acre, project site, as opposed to the current area of 290 acres. In addition, this DEIS analyzed a 20 MW project, and now the project is 36 MW. Please clarify if and how the project has changed.
5. If the project site and conditions have changed since the adoption of the Town's Findings Statement, please refer to the SEQRA regulations to determine if a Supplemental DEIS is required to address and analyze potential adverse environmental impacts as a result of the project. The SEQRA record should reflect the current project, project site and all of the potential impacts associated with the project.
6. The project site is identified as 290 acres of leased private land. Please identify all of the parcels in the project site and their existing condition including land use and vegetative coverage, zoning, size, and any other relevant data. The Statement does not appear to list all of the parcels involved in the project. This information should be provided during review of the project for the opportunity to comment on conditions and potential environmental impacts of the development of the project site.
7. Please provide a schedule for the release of the "Application" for public and agency review.
8. Consistency with other Plans: The Statement identifies local laws and ordinances on solar energy production facilities. Please discuss the regulatory oversight and review process for the project, involved and interested agencies, and approval requirements and authority at State and local levels. For instance, the Town of Riverhead reviewed a DEIS for "sPower Calverton", which appears to be a prior version of the currently proposed project. It is not clear if the Town of Riverhead is involved in the review of the current proposal or if the review threshold for a power generating facility of this size has changed to exclude local review and approval.

9. Please clarify if it is necessary for the SEQRA record to be amended to reflect the current proposal.

The New York State Department of Environmental Conservation (NYSDEC) has concern for habitat and wildlife protection, including threatened and endangered species (Appendix II). Several relevant highlights from the NYSDEC comments to the September 2018 PSS for Riverhead Solar-2 project follow:

A cumulative impact analysis should be done to evaluate the actual and expected impacts from the construction, operation and maintenance of the Facility as they relate to other proposed and operating solar energy projects nearby the Facility and in NYS. This analysis should minimally include a discussion and calculations describing and showing:

1. Examination of data on currently installed utility-scale solar energy capacity in NYS, as well as projected increase in installed solar energy capacity for the life of the Facility.
2. Estimated take of federally listed or protected and state-listed T&E species at the Facility, based on post-construction studies done in NYS and the northeast, data provided by state and federal agencies, and any other available relevant information.
3. Acres of each habitat type lost directly through installation of panels and other Project components, clearing, and cover type conversion.
4. Acres of each habitat type lost indirectly due to functional loss/degradation of habitat (for purposes of forest fragmentation analyses, it is assumed that indirect effects will extend up to 300 feet beyond the limits of disturbance).
5. Cumulative impacts of forest and grassland habitat fragmentation, particularly potential impacts on listed bird species, as a result of solar energy projects nearby the Facility.

The New York State Department of Agriculture & Markets (NYS Ag & Markets) provided comments to the loss of agricultural production (Appendix 9). Several relevant highlights from the NYS Ag & Markets comments to the Riverhead Solar-2 September 2018 PSS follow:

#### Potential Impacts

1. The PSS states an estimated 159 acres of agricultural land will be required to develop the facility, taking .3% of the 8% of the total farmland in Suffolk County. The facility is sited in a rural agricultural region to minimize the need for land clearing and construction processes, i.e., surface grading and soil compaction. Additionally, the PSS states that the construction of this facility will not permanently remove these lands from future use of agriculture.
2. The Department considers the conversion of agricultural land to a nonagricultural use for up to 20 years a permanent conversion. The Department is primarily concerned with the percent of agricultural land in the project area that is being converted to nonagricultural use and the impact on the agricultural viability in the Facility Area.

3. The Applicant should assess the cumulative impact of the Facility Area and other conversions in the area over the useful life of the project. The Applicant should also discuss the impact of the project on agricultural viability in the area.

The New York State Department of Public Service (NYSPSC) staff also requested additional information (Appendix 10). Several relevant highlights from the NYSPSC comments to the September 2018 PSS for Riverhead Solar-2 project follow:

1. In addition to the specific comments on many topics below, DPS Staff advises that the Application must also contain all of the informational requirements included in 16 NYCRR §1001.
2. The assessment of impacts should address cumulative impacts that will accrue with the development of Riverhead Solar 2 in consideration of development of the adjacent Riverhead Solar 1 project located immediately west of the Riverhead Solar 1. While the PSS indicates cumulative agricultural land impacts will be reported (PSS Section 2.22(q), pg. 104) consideration of other impacts including natural and cultural features, community character, and other topics, must also be addressed.
3. To advance consideration of Project Scoping, the applicant should explain, in response to these comments on the PSS, whether there will be any shared facilities among Riverhead 1 and Riverhead 2, such as access roads, perimeter security fencing, electrical collection lines or right-of-way, or other facilities.

The Town of Riverhead offered a significant number of comments to the PSS, including comments from the Planning Board. The basis for the comments are contained throughout this SFEIS. A response to the September 2018 PSS comments by the sPower and its agents is included in Appendix 13. The complete NYSPSC file is located at: <http://www.dps.ny.gov/SitingBoardhttp://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=17-F-0655>

The purpose of this SFEIS is not to offer a comprehensive review of the Riverhead Solar-2 project. The Lead Agency does acknowledge there are common concerns for the accuracy of the Riverhead Solar-1 SEQRA records. These concerns are shared among other agencies as exhibited by the comments submitted by the LICPBC, NYSDEC, NYS Ag & Markets and NYSPSC to the Siting Board regarding the September 2018 PSS for Riverhead Solar-2. The Riverhead Planning Board has a legal obligation under SEQRA to address potential faults in the Riverhead Solar-1 SEQRA records and cannot ignore this obligation simply because Riverhead Solar-2 is reviewed under the Article 10 procedures.

There is an opportunity for the Town of Riverhead to have its environmental concerns addressed during the Article 10 review process. It is necessary to identify how the Riverhead Solar-1 and Riverhead Solar-2 combined, as a multi-phased development hold potential for environmental impacts that may have been minimized, avoided or designed through additional mitigating

measures to the extent practical for each project. For example it may have been prudent to reconsider the access to the gen-tie line in an effort to provide a single roadway crossing at Edwards Avenue; or to provide a series of pre-planned multi-phased projects that met the goals of the sponsor with a balanced approach for local municipal control for multiple sequential solar facility projects.

According to a Bloomberg business report, Long Island holds the largest financial benefits for commercial solar facilities because the estimated value per 1-mega-watt hour is estimated to be \$45.00 (the highest in the United States). The article states, “The best place to generate cash from a solar farm in the U.S. isn’t California or sunny Florida -- it’s Long Island. While New York ranks 11th in the country in terms of solar capacity, photovoltaic power there can sell for more than anywhere else in the continental U.S., according to a report Thursday from Bloomberg NEF. Last year, solar in New York City and Long Island earned an average of about \$45 a megawatt-hour, compared with as little as \$15 a megawatt-hour in Southern California, according to the report.”\*

(\*Source: <https://www.bloomberg.com/news/articles/2018-09-20/solar-is-worth-more-on-long-island-than-anywhere-else-in-u-s> )

The Lead Agency has identified the following list of additional development pressure exerted by the promotion of solar facilities which includes, but is not limited to:

- Present New York State Clean Energy Standard that 50 percent of the State’s energy production will be generated via renewable forms by 2030.
- LIPA’s need to acquire 800 MW of renewable energy by 2030.
- Article 10 procedures that reduce efficacy of Riverhead’s “Home Rule” control of land use.
- The exposure to large scale solar development exerted on available parcels within the Light Industrial, Industrial A, Industrial B (General Industry) and the Planned Industrial Park (PIP) Zoning Use Districts and the Industrial C Zoning Use District located within the zip code boundary of Calverton (11933).
- Opportunity Zone Benefits as an economic stimulus to investor interest in promoting solar facilities within specific zoning use districts.
- Potential loss in opportunities for agricultural protection, and a balance of mixed use development and associated employment opportunities weighed against the need for municipal fees in exchange for Right of Way easements through Town properties, PILOTS and community benefits.
- Significant alteration of existing community characteristics, natural habitats, wildlife and diversification of ecological communities within the “development impact zone.”
- For his 2019 State Budget, Governor Andrew M. Cuomo announcement of the Green New Deal, a nation-leading clean energy and jobs agenda that will aggressively put New York State on a path to economy-wide carbon neutrality, is included in the 2019 Executive Budget. The landmark plan provides for a just transition to clean energy that spurs growth of the green economy and prioritizes the needs of low- to moderate-income New Yorkers.

The program mandates 100 percent clean power by 2040 coupled with new nation-leading renewable energy. The Green New Deal will statutorily mandate New York's power be 100 percent carbon-free by 2040, the most aggressive goal in the United States and five years ahead of a target recently adopted by California.

The cornerstone of this new 2019 mandate is a significant increase of New York's successful Clean Energy Standard mandate from 50 percent to 70 percent renewable electricity by 2030. This globally unprecedented ramp-up of renewable energy will include:

1. Quadrupling New York's offshore wind target to 9,000 megawatts by 2035, up from 2,400 megawatts by 2030.
2. Doubling distributed solar deployment to 6,000 megawatts by 2025, up from 3,000 megawatts by 2023.
3. More than doubling new large-scale land-based wind and solar resources through the Clean Energy Standard.
4. Maximizing the contributions and potential of New York's existing renewable resources.
5. Deploying 3,000 megawatts of energy storage by 2030, up from 1,500 megawatts by 2025.

To address these development pressures the Lead Agency provides the following comments for future commercial solar facility consideration during the application process:

- Amend Town Code LII Commercial Solar Energy Production Systems as follows:
  - Limit the maximum mega-watts (MW) of any proposed solar facility to 15-MW.
  - Permit an additional 5-MW (max. 20-MW) through the purchase of one (1) development right per MW.
  - For lands currently in agriculture require the purchase of one (1) development right for each 10 acres of farm land converted for solar facilities.
  - Limit the operating of a solar facility to 20 years, with one 5-year extension provided with the purchase of five (5) development rights.
  - Multi-phased solar development projects shall be considered providing the aforementioned conditions are matched throughout the sequential time frames of development as determined by the Planning Board.
  - Adopt the Town Board proposed land clearing limits to preserve vegetation.
- Prepare a Comprehensive Plan Update and Generic Environmental Impact Statement to address commercial solar facility land use and long term impacts to the Town of Riverhead.
- Encourage solar voltaic panel “rooftop” installations on existing and proposed structures to minimize the impacts generated by land based installation.

## 7. Conclusions

The purpose of this Supplemental EIS for Riverhead Solar-1 was for the Lead Agency's examination of potential environmental impacts generated by Riverhead Solar-1 and the proposed Riverhead Solar-2. The Lead Agency determined a potential for Riverhead Solar-2 project to usurp the mitigating measures imposed on Riverhead Solar-1. The Lead Agency finds the Riverhead Solar 1 and 2 projects were best described as multi-phased because of the common sponsor, proximity of land development, and sPower's arrangements to provide LIPA renewable energy pursuant to the utility's terms of response to its 2013 RFP.

The chronological order of these two projects are as follows:

**October 18, 2013:**

LIPA issued a Request for Proposals for up to 280 MW of New, On-Island, Renewable Capacity and Energy (the "280 MW RFP"). LIPA's "2015 Renewable RFP" issued by LIPA Trustees' request to add 400 MW of renewable energy generation to its portfolio by 2018

**December 17, 2014:**

LIPA enters into a Power Purchase Agreement (PPA) with sPower (Applicant) which is adopted by the LIPA Board of Trustees.

**August 2016:**

Town of Riverhead received a subdivision and site plan application for a Minor Subdivision, Site Plan, and Special Permit of Green Meadow, LLC and sPower Solar Power Generating Facility, Step-up Facility, and Subsurface Transmission Power Line 4153 Middle Country Road, Calverton. The application included a completed SEQRA Part 1 Full Environmental Assessment Form (FEAF), dated April 18, 2016/ revised August 29, 2016, prepared by VHB, Engineering, Surveying & Landscape Architecture (VHB), as environmental consultant and signed by Marwa Fawaz, Senior Project Manager. The FEAF included an "Expanded Narrative" dated January 2017 and a Memorandum on s Power Submission dated January 27, 2017 along with Exhibits A-H.

**October 6, 2016:**

Minutes of Town of Riverhead Planning Board presentations and hearings sPower deliberations.

**November 3, 2016:**

The Planning Board classified the action as Type 1 Action pursuant to 6NYCRR Part 617.4 (b) (6) (i) by Resolution No. PB 2016-0115, dated November 3, 2016, mandating coordinated SEQRA review with involved agencies. The Planning Board solicited for and was granted Lead Agency status for SEQRA coordinated review.

**November 15, 2016:**

A public hearing was held by the Town Board of the Town of Riverhead on November 15, 2016 in accordance with Riverhead Town Code §301-311 C of the Code of the Town of Riverhead in order to receive public input and comments on the proposed special permit application,

November 23, 2016:

The public hearing was left open for written comment until 4:30pm on November 23, 2016.

December 1, 2016:

Minutes of Town of Riverhead Planning Board presentations and hearings sPower deliberations regarding additional solar facility development potential within Riverhead.

December 15, 2016:

Minutes of Town of Riverhead Planning Board presentations and hearings sPower deliberations regarding additional solar facility development potential within Riverhead.

January 19, 2017:

Minutes of Town of Riverhead Planning Board presentations and hearings sPower deliberations regarding additional solar facility development potential within Riverhead.

April 6, 2017

Planning Board Resolution No, PB-2017-010 issued a Positive Declaration of Significance requiring the sponsor prepare a Draft Environmental Impact Statement (DEIS). As Lead Agency the Planning Board issued a Final Scope dated April 6, 2017.

July 6, 2017:

The DEIS was deemed adequate and circulated for a 30-day public comment period as per Planning Board Resolution No. PB-2017-065, dated July 6, 2017.

August 2017:

Substantive comments received from the public and agencies were provided to the sponsor for response in the Final Environmental Impact Statement (FEIS), dated June 6, 2017).

September 21, 2017:

Riverhead Planning Board accepted the FEIS (dated August, 2017) as adequate for distribution to involved agencies and circulated request for comments on the FEIS.

October 19, 2017

Based upon the sponsor's prepared FEIS, the Lead Agency issued and adopted Planning Board Resolution No. 2017-107 and issued a Positive Findings Statement. SEQRA concluded and agency decisions proceed.

October 20, 2017

The sponsor's agent filed (via electronic filing) a letter with Hon. Kathleen H. Burgess, Secretary New York State Public Service Commission Empire State Plaza, Agency Building 3 Albany, NY 12223-1350 regarding "Riverhead Solar 2 Project", Town of Riverhead, Sullivan County (*sic Suffolk County*) , New York.

November 8, 2017:

Town Board Resolution 831 dated November 8, 2017 the Riverhead Town Board issued the Special Permit for the Riverhead Solar-1, 20 MW facility for a period of 20 years.

February 25, 2018:

Notice of Open House was posted to the Project Website (<http://riverheadsolar2.com/>) approximately one month before the event, and published in Newsday on February 25, 2018.

March 1, 2018:

Notice of Open House was posted to the Project Website (<http://riverheadsolar2.com/>) approximately one month before and published in the Riverhead News Review on March 1, 2018.

March 14, 2018

Applicant for Riverhead Soalr-2 held a public Open House at the Residence Inn Long Island East End, 2012 Old Country Road, Riverhead, NY 11901 to introduce the community to the proposed Project.

August 16, 2018:

Riverhead Planning Board Grants Final Site Plan Approval for sPower Solar Facility 3651 Middle Country Road, Calverton NY: SCTM Nos. 600-116-1-7.2 & 600-98-1-21.1.

September 7, 2018:

Covenant (restricting Riverhead Solar-1 gen-tie use) was recorded with the Suffolk County Clerk on September 7, 2018, as Liber D000012977, page 534.

September 14, 2018:

Preliminary Scoping Statement filed with NYSPSC.

October 4, 2018:

Town of Riverhead Planning Board, as Lead Agency, determined the FEIS and the Findings Statement of Riverhead Solar-1 were incomplete and by Resolution 2018-077, dated October 4, 2018 adopted the applicant complete a draft scope and prepare a Supplemental EIS.

October 5, 2018:

Town of Riverhead submits comments to the NYSPSC on the Riverhead Solar-2 project.

December 2019:

Town of Riverhead Planning Board receives SEQRA Consistency Analysis conducted on Riverhead Solar-1 prepared by VHB.

January 2019:

Town of Riverhead Planning Board as Lead Agency begins preparation of Supplemental EIS for Riverhead Solar-1.

March 2019:

Draft Supplemental Environmental Impact Statement for sPower Riverhead Solar-1 prepared by the Planning Board as Lead Agency.

Summary:

It is the conclusion of the Planning Board, as Lead Agency for the Riverhead Solar-1 project that:

1. There are significant similarities linking Riverhead Solar-1 and Riverhead Solar-2.
2. Riverhead Solar-2 was not speculative and was clearly in development during the SEQRA review of Riverhead Solar-1.
3. The applicant did not adequately consider the *specific* potential for cumulative impacts generated by the two projects during the SEQRA review.
4. The applicant and its agents failed to comply with Planning Board Resolution # 2018-077 requiring preparation of a Supplemental EIS for the Riverhead Solar-1 project.
5. Irrespective of the agency review of Riverhead Solar-2 and the Article 10 procedures, the Riverhead Solar-1 project held significant potential as phase 1 of a multi-phased project, and may be interpreted as having been subjected to a segmented review as described under 6NYCRR Part 617. According to the *NYSDEC SEQRA Handbook, 3<sup>rd</sup> Edition, 2010* “When trying to determine if segmentation is occurring, agencies should consider the following factors. If the answer to one or more of these questions is yes, an agency should be concerned that segmentation is taking place:

Purpose:

Is there a common purpose or goal for each segment?

Time:

Is there a common reason for each segment being completed at or about the same time?

Location:

Is there a common geographic location involved?

Impacts:

Do any of the activities being considered for segmentation share a common impact that may, if the activities are reviewed as one project, result in a potentially significant adverse impact, even if the impacts of single activities are not necessarily significant by themselves?

Ownership:

Are the different segments under the same or common ownership or control?

Common Plan:

Is a given segment a component of an identifiable overall plan? Will the initial phase direct the development of subsequent phases or will it preclude or limit the consideration of alternatives in subsequent phases?

Utility:

Can any of the interrelated phases of various projects be considered functionally dependent on each other?

Inducement:

Does the approval of one phase or segment commit the agency to approve other phases?

With the sponsor's knowledge that the proposed Riverhead Solar-2 was a reasonable development and phase 2 of a multi-phased project, the Lead Agency determined the Riverhead Solar-1 has met all of the aforementioned SEQRA criteria for segmented review. The remedy applicable to correct the SEQRA record was the Lead Agency's preparation of the SFEIS, and anticipated Supplemental Findings Statement.

As stated by the applicant in its December 2018 SEQRA Consistency Analysis, "regarding the scarcity of land available for industrial use set forth in the Planning Board's original April 6, 2017 Positive Declaration and in the Planning Board's October 4, 2018 Resolution, the DEIS found there are approximately 4,930 acres of industrially-zoned land (or more than 11 percent) in the Town not including the several industrially-developed properties that exist throughout the Town that are not zoned for industrial use (see DEIS page 121)."

The potential exists for additional commercial solar facilities to be constructed within these industrial zone properties and the Town of Riverhead traditional land use controls could be regarded as secondary if large scale solar facilities (25-MW and greater) are proposed under Article 10. The Lead Agency also recognizes, that as technology advances, greater power generation can be achieved with more efficient photo-voltaic panels. This will lead to a smaller footprint of land needed to produce solar generated power. The Riverhead Solar-2 facility proposes 130,000 panels to generate the projected 36-MW of power over the +/- 290 acre land

mass. The Lead Agency recommends future solar facility development provide alternatives that require less land to achieve the equivalent output proposed.

The applicant also stated in its December 2018 SEQRA Consistency Analysis, “the Lead Agency’s concern for the scarcity of agricultural land in the Town as stated in the original Positive Declaration and the Planning Board’s October 4th Resolution, that the DEIS found nearly 15,000 acres of land in the Town are in active agricultural use (or approximately 35 percent of the entire land area of the Town) and approximately 12,472 acres are in the Town’s expansive Agricultural Protection Zone (see DEIS page 121).”

While the Lead Agency agrees the Town has preserved its historical agricultural heritage and continues to farm, that even small losses of agricultural use to accommodate solar does little to provide employment in small scale farming, which has been the desired method necessary to increase farming opportunities for the next generation.

Again from the December 2018 SEQRA Consistency Analysis it states, “as part of the detailed cumulative impact analysis contained in the DEIS, the relevant Riverhead 2 parcels were considered in the conclusion that if all industrially zoned land in active agricultural use were to be developed with solar energy facilities, including the Riverhead 1 and Riverhead 2 properties and hundreds of acres of other properties, the total impact would amount to only 1.2 percent of the land area of the Town.”

Although the Riverhead Solar-2 parcels were identified in a generic impact assessment, the applicant was required to introduce the project in a more detailed and specific discussion during the SEQRA review of the Riverhead Solar 1 project. Failure to offer this discussion exposed the Riverhead Solar-1 SEQRA process to potential challenge and compliance concern for segmenting review.

#### Lead Agency Actions:

The Lead Agency proposes the following actions:

1. The Lead Agency has determined the Final Environmental Impact Statement, previously adopted was deficient and lacked specific potential for adverse environmental impacts generated by the cumulative effects of Riverhead Solar-1 and Riverhead Solar-2.
2. The Lead Agency has determined the applicant’s lack of adequate descriptions of Riverhead Solar-1 and Riverhead Solar-2 projects during the SEQRA review has met the threshold condition of a “segmentation.” The remedy to which was preparation and filing with the public and Involved Agencies, this Supplemental Final Environmental Impact Statement prepared by the Lead Agency.
3. Prior to discovery of new information about Riverhead Solar-2 and its relevance to the SEQRA review of Riverhead Solar-1, the Riverhead Solar-1 project had received Town of Riverhead Building Department and Highway permits. This project is currently under construction. The Planning Board, as Lead Agency, requested the permits for construction be rescinded (October 2018 Memorandum), until this SFEIS and Supplemental Findings Statement were completed. However the action was beyond the

jurisdictional/enforcement controls of the Planning Board and permits for construction were not rescinded.

4. All site plan conditions and filed covenants imposed by the Planning Board on the sPower Riverhead Solar-1, including limitations on the gen-tie line interconnections and easement areas shall be monitored and strictly enforced.
5. Upon acceptance of this Supplemental Final Impact Statement, public circulation shall begin in accordance with standard SEQRA procedures. The Lead Agency shall for coordinated review purposes of the Riverhead Solar-1 and Riverhead Solar-2 projects, include as additional Involved Agencies:

New York State Public Service Commission, Albany, NY  
(Hon. Kathleen H. Burgess, Secretary Electric Generating Facility Siting Board)

Long Island Central Pine Barrens Commission  
(Julie Hargrave)

New York State Department of Agriculture and Markets, Albany, NY  
(Sara B. Wells, Sr. Attorney)

New York State Department of Environmental Conservation, Albany, NY  
(Office of General Counsel)

6. The Town of Riverhead and its representatives shall intervene on its behalf to enforce its local zoning and land use regulations throughout the Article 10 proceedings. The Town of Riverhead Planning Board, as Lead Agency does not find the Town Code and local regulations to be “burdensome” pursuant to Article 10 and shall participate in the process to enforce its local regulations to the maximum extent permissible.
7. The Planning Board, through the Town of Riverhead Planning, Building and Highway Departments, shall monitor the Riverhead Solar-2 project development with respect to the Riverhead Solar-1 filed site plan and covenants to evaluate if the sponsors of Riverhead Solar-2 propose modification to the Riverhead Solar-1 site plan, constituting a revised site plan be filed for Riverhead Solar-1.
8. The Lead Agency shall prepare recommendations to the Town Board to address development pressure generated by a potential for growth in land based commercial solar facilities. Recommendations include but are not limited to:  
Amend Town Code LII Commercial Solar Energy Production Systems as follows:
  - Limit the maximum mega-watts (MW) of any proposed solar facility to 15-MW.
  - Permit an additional 5-MW (max. 20-MW) through the purchase of one (1) development right per MW.
  - For lands currently in agriculture require the purchase of one (1) development right for each 10-acres of farm land converted for solar facilities.
  - Limit the operating of a solar facility to 20 years, with one 5-year extension provided with the purchase of five (5) development rights.

- Multi-phased solar development projects shall be considered providing the aforementioned conditions are matched throughout the sequential time frames of development as determined by the Planning Board.
- Adopt the Town Board proposed land clearing limits to preserve vegetation.
- Prepare a Comprehensive Plan Update and Generic Environmental Impact Statement to address commercial solar facility land use and long term impacts to the Town of Riverhead.
- Encourage solar voltaic panel “rooftop” installations on existing and proposed structures to minimize the impacts generated by land based installation

END OF SEIS

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## RIVERHEAD TOWN CODE

### Part 3 Supplementary Regulations

#### Article LII Commercial Solar Energy Production Systems

[Added 10-7-2014 by L.L. No. 14-2014]

§ 301-283 Decommissioning plan; fees.

#### Chapter 301 Zoning and Land Development Part 3 Supplementary Regulations

#### Article LII Commercial Solar Energy Production Systems

§ 301-281 Purpose; permitted districts; definitions.

§ 301-282 Use regulations.

§ 301-283 Decommissioning plan; fees.

§ 301-281 Purpose; permitted districts; definitions.

[Amended 2-6-2018 by L.L. No. 2-2018]

A.

It is the intention of the Town Board of the Town of Riverhead, as part of its goal to limit dependence on imported fossil energy and decrease greenhouse gas emissions, to permit commercial solar energy production systems in the industrial zoning use districts to minimize impacts to residents and scenic viewsheds important to the community.

B.

Commercial solar energy production systems shall be allowed with special permit approval by the Town Board in the Light Industrial (LI) Zoning Use District, Industrial A (Ind A) Zoning Use District, Industrial B District (General Industry) and the Planned Industrial Park (PIP) District.

C.

Commercial solar energy production systems shall be allowed with special permit approval by the Town Board in the Industrial C (Ind C) Zoning Use District that is located within the zip code boundary of Calverton.

D.

Definitions. As used in this section, the following terms shall have the meanings indicated:

#### LOT COVERAGE

The lot coverage shall include the total square footage of the perimeter of all of the solar panels, inclusive of all interior spaces between the panels, in addition to driveways and service roads (paved or stone), and all accessory equipment, buildings and structures.

§ 301-282 Use regulations.

Commercial solar energy production systems shall be permitted as a permitted use or as allowed with special permit approval as provided in § 301-281. In addition to the requirements set forth in this chapter, all such permitted and special permit uses shall be subject to the following criteria and subject to site plan approval by the Planning Board:

A.

The commercial solar energy system shall be on a parcel of not less than six acres.

[Amended 2-6-2018 by L.L. No. 2-2018]

B.

All ground-mounted panels shall not exceed the height of eight feet.

C.

All mechanical equipment of commercial solar energy systems, including any structure for batteries or storage cells, are completely enclosed by a minimum eight-foot-high fence with a self-locking gate.

D.

Notwithstanding any requirement in §§ 301-115, 301-118, 301-123 and 301-127 of this chapter, the total surface area of all ground-mounted and freestanding solar collectors, including solar photovoltaic cells, panels, and arrays, shall not exceed 75% of the total parcel area.

[Amended 2-6-2018 by L.L. No. 2-2018]

E.

The installation of a minimum twenty-five-foot vegetated perimeter buffer to provide year-round screening of the system from adjacent properties and a minimum fifty-foot vegetative buffer along roads.

[Amended 2-6-2018 by L.L. No. 2-2018]

F.

All solar energy production systems are designed and located in order to prevent reflective glare toward any habitable buildings as well as streets and rights-of-way.

G.

All on-site utility and transmission lines are, to the extent feasible, placed underground.

H.

The installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

I.

The system is designed and situated to be compatible with the existing uses on adjacent and nearby properties.

J.

The minimum setback for equipment and panels adjacent to a commercial or industrial property shall be 25 feet.

[Amended 2-6-2018 by L.L. No. 2-2018]

K.

The maximum lot coverage shall be 75%.

[Amended 2-6-2018 by L.L. No. 2-2018]

L.

(Reserved)<sup>[1]</sup>

[1]

*Editor's Note: Former Subsection L, Decommissioning/removal, was repealed 2-6-2018 by L.L. No. 2-2018. See now Subsection S*

M.

The minimum natural open space shall be 25%.

[Added 2-6-2018 by L.L. No. 2-2018]

N.

The minimum setback of panels from a residential building or zoning district shall be 100 feet.

[Added 2-6-2018 by L.L. No. 2-2018]

O.

The minimum buffer adjacent to a commercial or industrial property shall be 25 feet.

[Added 2-6-2018 by L.L. No. 2-2018]

P.

The maximum height of the panels shall not exceed eight feet.

[Added 2-6-2018 by L.L. No. 2-2018]

Q.

Any special permit approval granted under this article shall have a term of 20 years, commencing from the issuance of a certificate of occupancy or certificate of compliance, which may be extended for additional five-year terms upon application to the Town Board.

[Added 2-6-2018 by L.L. No. 2-2018]

R.

A building permit may be required for replacing solar panels and accessory equipment as determined by the Chief Building Inspector.

[Added 2-6-2018 by L.L. No. 2-2018]

S.

Decommissioning/removal.

[Added 2-6-2018 by L.L. No. 2-2018]

(1)

Any commercial solar energy production system that is not operated for a continuous period of 24 months shall be deemed abandoned. At that time, the owner of the commercial solar energy production system or the owner of the property where the commercial solar energy production system is located shall remove all components thereof within 90 days of such deemed abandonment or will be in violation of this section. In the case of a commercial solar energy production system on preexisting structures, this provision shall apply to the commercial solar energy production system only. If the commercial solar energy production system is not removed within said 90 days, the Building Inspectors may give the owner notice that unless the removal is accomplished within 30 days, the Town will cause the removal at the owner's expense. All costs and expenses incurred by the Town in connection with any proceeding or any work done for the removal of a commercial solar energy production system shall be assessed against the land on which such commercial solar energy production system is located, and a statement of such expenses shall be presented to the owner of the property, or if the owner cannot be ascertained or located, then such statement shall be posted in a conspicuous place on the premises. Such assessment shall be and constitute a lien upon such land. If the owner of the system and the owner of the property upon which the system is located shall fail to pay such expenses within 10 days after the statement is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of any such action, the Building Inspector may file a certificate of the actual expenses incurred as aforesaid together with a statement identifying the property in connection with which the expenses were incurred and the owner of the system and the owner of the property upon which the system is located, with the Assessors, who shall, in the preparation of the next assessment roll, assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as are provided by law for the collection and enforcement of real property taxes in the Town of Riverhead.

(2)

This section is enacted pursuant to § 10 of the Municipal Home Rule Law to promote the public health, safety and general welfare of Town citizens through removal provisions to ensure the proper decommissioning of commercial solar energy production systems within the entire Town. The removal reduction provision of this chapter shall supersede any inconsistent portions of Town Law § 64, Subdivision 5-a, and govern the subject of removal of commercial solar energy production systems in this chapter.

T.

Exclusions/grandfathered applications.

[Added 2-6-2018 by L.L. No. 2-2018]

(1)

Where a public hearing has been held on a special permit or site plan application, that application shall be excluded from complying with the requirements of these amendments.

§ 301-283Decommissioning plan; fees.

A.

All applications for a commercial solar energy system shall be accompanied by a decommissioning plan to be implemented upon abandonment and/or in conjunction with removal of the commercial solar energy system. Before beginning any decommissioning activities, the applicant must submit a performance bond in a form and amount satisfactory to the Town Attorney, which shall be based upon an estimate approved by the Town's consulting engineer or Town Engineer, assuring the availability of adequate funds to restore the site to a useful, nonhazardous condition in accordance with the decommissioning plan. Prior to removal of a commercial solar energy system, a permit for removal activities shall be obtained from the Building Department. The decommissioning plan shall include the following provisions:

(1)

Restoration of the surface grade and soil after removal of aboveground structures and equipment.

(2)

Restoration of soil areas with native seed mixes and/or plant species suitable to the area, which shall not include any invasive species.

(3)

Retention of access roads, fences, gates or buildings or buffer plantings, as required at the discretion of the Town.

(4)

Restoration of the site for agricultural crops or forest resource land, as applicable.

(5)

The disposal of all solid and hazardous waste shall be in accordance with all local, state, and federal waste disposal regulations.

(6)

An applicant of a commercial solar energy system comprising more than 10 acres shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in the amount and form deemed to be reasonable by the Town Engineer. Such surety will not be required for municipal or state-owned facilities. The applicant of the facility shall submit a fully inclusive estimate of the cost associated with removal, prepared by a professional engineer.

B.

The fee for site plan applications for commercial solar energy production systems shall be calculated and paid as provided under § 301-305G of this chapter.

[Amended 8-7-2018 by L.L. No. 13-2018]

PROPOSED AMENDMENT RIVERHEAD TOWN CODE: January 2019

TOWN OF RIVERHEAD Resolution 2018-929 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 301 ENTITLED " ZONING AND LAND DEVELOPMENT" OF THE RIVERHEAD TOWN CODE (COMMERCIAL SOLAR ENERGY PRODUCTION SYSTEMS)

Councilman Hubbard offered the following resolution, which was seconded by Councilwoman Kent RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 301 entitled, " Zoning and Land Development" of the Riverhead Town Code once in the January 3, 2019 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE RESULT: ADOPTED [UNANIMOUS] MOVER: Tim Hubbard, Councilman  
SECONDER: Catherine Kent, Councilwoman AYES: Jens-Smith, Wooten, Giglio, Hubbard,  
FISCAL IMPACT STATEMENT OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION  
A. Type of Legislation Resolution X Local Law B.

Title of Proposed Legislation: AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 301 ENTITLED "ZONING AND

TOWN OF RIVERHEAD NOTICE OF PUBLIC HEARING PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 15th day of January, 2019 at 6:15 o'clock p.m. to amend Chapter 301, entitled "Zoning and Land Development" of the Riverhead Town Code. Be it enacted by the Town Board of the Town of Riverhead as follows:

CHAPTER 301 Zoning and Land Development Part 3. Supplementary Regulations Article LII: Commercial Solar Energy Production Systems § 301-282. Use Regulations. L. (Reserved). Solar energy production facilities shall be permitted only on those lands previously cleared and/or disturbed on or before January 1, 2019.

No additional clearing shall be permitted. The removal of shrubs, underbrush and trees under three inches in diameter shall be permitted and shall not be deemed clearing.

- Overstrike represents deletion(s)
- Underscore represents addition(s) Dated: Riverhead, New York December 18, 2018 BY THE ORDER OF THE TOWN BOARD OF THE TOWN OF RIVERHEAD DIANE M. WILHELM, Town Clerk

## **3. Agriculture Element**

### **3.1 VISION STATEMENT**

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Riverhead's agricultural industry will continue to play a leading role in the Town's economy and shape the Town's character and way of life. The Town will work with farmers and landowners to support farm business and promote farmland preservation, and the Town will strive do so in a manner that respects private property rights, protects landowner equity, and ensures flexibility and choice in the use of farm property.

Riverhead is known for its abundant farmland, lucrative farming activity, and attractive rural landscapes. A wide variety of agricultural products are grown and raised in Riverhead. Duck, fruit, and vegetable production provide foodstuffs for residents living throughout the region. Vineyards and wineries contribute to the reputable Long Island wine industry. Farm stands, pumpkin-picking, wine-tasting, and other activities provide agro-tourism opportunities for visitors.

At the same time, Riverhead's farmland resources are being depleted as a result of new development. Long Island's intense housing demand and limited land supply are creating pressure for conversion of farmland into new residential and commercial uses. Development is moving eastward from Brookhaven, leapfrogging over the Pine Barrens preservation area, and northward from Southampton, where land shortages and high prices are forcing prospective home-buyers to look elsewhere.

There are many good reasons to protect farmland and support agricultural activity in Riverhead. The farming industry provides jobs, creates local sales revenue, and creates a positive cash flow in terms of local property taxes. Building off the local tourist traffic, there is also a significant opportunity to develop agro-tourism, a growing vacation niche. Farming also contributes to the character and way of life of the Town, and public workshops have revealed that many residents would like to see the Town's rural character maintained.

This Element, in conjunction with Chapter 7, the Economic Development Element, lays out strategies for preserving farmland and supporting the local agricultural industry. These strategies are based on a detailed analysis and understanding of current trends in the agricultural industry, as well as extensive outreach to the Riverhead farming community. Appendix A contains background information related to current agricultural activity, farmland resources, and existing farmland preservation efforts.

### **3.2 SUMMARY OF BACKGROUND RESEARCH**

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Agriculture plays an important economic role in Suffolk County. The County has lead New York State historically in a variety of agricultural categories and continues to lead in the market value of agricultural products sold. In 1997, the reported total market value for crops in Suffolk County was \$160,784,000 — an average of \$276,993 per farm. Suffolk County leads all New York State counties with an average sales per farm figure of \$227,874 — almost three times the State average. This is particularly remarkable in light of the fact that in 1997, Suffolk County accounted for only 6 percent of total farmland New York State.<sup>1</sup>

Throughout its history, farmers in Riverhead have grown a variety of crops, the best known of which are potatoes and cauliflower. Other important agricultural products have included flax for linen thread, grains (e.g. wheat and rye), corn and vegetables, and fruits and berries of all sorts. Between the 1890s and the 1960s, Suffolk County was the national capital for duck production.

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<sup>1</sup> 1997 Census of Agriculture - County Data. USDA, National Agriculture Statistics Service. 1997.

In recent decades, the trend has been toward the production of more and more specialty crops, such as pumpkins, cabbage, beets, sprouts, broccoli, and spinach. Also, sod and greenhouse growing — which provide landscaping materials, garden plants, and cut flowers — have grown in tandem with the growing metropolitan population. Another growing part of Suffolk County’s agricultural economy is the wine industry, which contributes \$30 million to the local economy.<sup>2</sup> Suffolk County has the largest premium wine industry of any county in the U.S. outside California.

The shift to specialty, high-value crops has the following implications for the future of farming in Riverhead:

- *Increasing Labor Requirements.* Generally, specialty crops are more labor intensive than products like potatoes or grains. Given the historically low unemployment rate and the relatively high cost of living on eastern Long Island, the lack of available labor may, at some point, represent a constraint to continued growth of specialty crop production. Currently, Riverhead farmers rely on migrant labor to meet their needs during busy seasons. The reliance on migrant labor may continue to grow.
- *Increasing Reliance on Technology.* Specialty crops create the need for more market information and new management techniques. Farmers will need to have the financial capital to invest in modern technologies.
- *Increasing Role of Agro-tourism.* Agro-tourism activities range from roadside stands and pick-your-own crops, to farm vacations, school field trips, riding lessons, hay rides, wine tasting, and farm tours. Agro-tourism provides an additional income opportunity for farmers, and it ties into the established East End tourism industry.
- *Increased Vertical Integration of Farm Operations.* Vertical integration includes processing, packaging and shipping, and/or on-site sales. By becoming vertically integrated, farms can realize greater economies of scale and become more cost-effective. Also, vertical integration is particularly well-suited to specialty crops, which typically are more susceptible to spoilage and require quick transport from the plant to the customer.
- *Need for New Approaches to Land Use Regulation.* Since agricultural activity will be increasingly reliant on adjunct uses (laborer housing, technology, tourism, processing, packaging), land use regulations and preservation programs should be designed with enough flexibility to allow related farm uses. Flexibility can help farms to remain competitive.

## **FARMLAND RESOURCES AND PRESERVATION EFFORTS**

According to the Suffolk County Planning Department, the County’s supply of farmland has been declining at a rate of about 1,300 acres per year. Yet, as the amount of farmland has declined in Suffolk County, the Town of Riverhead’s share of agricultural land has increased, as shown in Table 3-1. In 1968, Riverhead had 30 percent of the County’s farmland (19,550 acres). In 1996, despite a 9 percent drop in the its agricultural acreage, Riverhead had 38 percent of the County’s

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<sup>2</sup> Suffolk County Planning Department. [www.co.suffolk.ny.us/planning](http://www.co.suffolk.ny.us/planning).

farmland (17,662 acres). These figures indicate that Riverhead has a critical role to play in the protection of prime agricultural lands in eastern Long Island.

**Table 3-1: Change in Farmland Acreage, 1968-1996**

	1968	1996	Change in Total Acres 1968-1996		
			Number	Percent	Annual Average
Babylon	370	7	- 363	- 98.1%	- 13.0
Brookhaven	11,560	6,439	- 5,121	- 44.3%	- 182.9
East Hampton	2,420	1,672	- 748	- 30.9%	- 26.7
Huntington	4,170	1,294	- 2,876	- 69.0%	- 102.7
Islip	640	136	- 504	- 78.8%	- 18.0
<b>Riverhead</b>	<b>19,550</b>	<b>17,662</b>	<b>- 1,888</b>	<b>- 9.7%</b>	<b>- 67.4</b>
Shelter Island	80	156	76	+ 95%	2.7
Smithtown	1,240	338	- 902	- 72.7%	- 32.2
Southampton	12,450	8,617	- 3,833	- 30.8%	- 136.9
Southold	11,920	9,820	- 2,100	- 17.6%	- 75.0
Suffolk County Total	64,400	46,141	-18,259	- 28.4%	-652.1

Source: Suffolk County Planning Department.

The combination of strong economic growth, the scarcity of land, and the intense housing demand on Long Island are creating pressure for new development. With a conversion rate of 1,454 acres per year over the last ten years, Suffolk County farmland is under particular pressure to develop. Changing agricultural trends, the decline of the family farm, increasing land values, and tax burdens are also exerting pressure on farmers to sell or develop their land.

Efforts to protect and sustain agriculture in eastern Long Island are evident at the State, County, and local levels. These efforts take effect at two levels – those programs that work *directly* to preserve or purchase agricultural lands, and those programs that work *indirectly* by supporting farmers and farming as an occupation and a way of life. For more information on the available preservation tools, see Appendix A.

An important cornerstone of the regional effort to preserve farmland is the 1996 *Suffolk County Agricultural Protection Plan*. Although the 1996 plan targeted 20,000 acres of farmland for preservation (through the purchase of development rights), it also indicated that there is not enough money to reach that goal. Nearly 7,000 acres of farmland development rights have been acquired Countywide, but the additional 13,000 acres will cost more than \$100 million to purchase. Because County resources are limited, Riverhead and other towns need to do their part to protect farmland, whether through local land use regulations or other methods.

## AGRICULTURAL GROWTH POTENTIAL

If development pressures were not directly resulting in the loss of farmland, agricultural activity in Riverhead and throughout the East End would be expected to experience strong and long-term growth. The local agricultural industry has certain advantages that make the future economic outlook promising:

- Suffolk County has a ***natural comparative advantage*** in agriculture due to its relatively long growing season, fertile soils, and high percentage of sunshine.
- Suffolk County has a relatively ***high percentage of land in cropland***. Seventy-nine percent of Suffolk County's total farmland is used for crops, compared with sixty-two percent Statewide. This reflects the fact that local soil quality is particularly well-suited to certain field crops and fruit plants.
- Suffolk County farmers enjoy relatively ***high revenues from farming activities***. This has allowed a relatively high percentage of farmers, 70 percent, to continue to list farming as their principal occupation at a time when many other regions are experiencing a trend toward part-time farming. Suffolk County sales per farm in 1997 averaged \$276,993 and generated an average of over \$68,000 net cash return per farm.<sup>3</sup>
- ***Proximity to markets*** is another plus. There are 6.9 million people living in the four Long Island counties and 1.3 million in Suffolk County alone. Retail sales of food in Suffolk County were estimated at approximately \$2.6 billion in 1994.<sup>4</sup>
- Riverhead's agriculture is concentrated in ***product areas predicted to experience increasing demand*** on the urban fringe. Professional planners throughout the northeastern U.S., including New York State, recently predicted that future demand for agricultural products and services will increase for fresh and/or organic fruits and vegetables, greens, herbs, table grapes, wine, horses, bedding plants, cut flowers, turf/sod, animal boarding, breeding, and training, and wine tasting. All of these products and services are currently produced in Riverhead. In addition, planners anticipate increased demand for mushrooms, goat's meat and milk, lamb, local beef and pork, organic eggs and poultry, specialty cheese, veal, venison, farm retreats, tours and vacations, hay rides, school field trips, and mail-order or direct food delivery services. These represent areas that may provide further agricultural diversification and income opportunities for Riverhead's agricultural entrepreneurs.
- New and increased ***marketing and publicity efforts*** are working to support regional farms and a farming economy. These efforts include many of the State and County initiatives listed Appendix A, as well as efforts by the Long Island Tourism and Convention Commission, the Peconic Land Trust, and the Long Island Farm Bureau to help inform people of the diversity and availability of farm products in Suffolk County. To assist farmers in selling produce on Long Island, the Peconic Land Trust has sponsored the Long Island Community Markets

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<sup>3</sup> 1997 Census of Agriculture - County Data. USDA, National Agricultural Statistics Service. 1997.

<sup>4</sup> Suffolk County Planning Department.

Program funded by both private and public funds including a grant from Suffolk County. Farmers markets are currently operating in a number of communities, including Riverhead.

- A willingness on the part of lawmakers to support agricultural preservation through a variety of means is reflected in recent *favorable changes to tax investment laws and State agriculture laws* that have fostered the expansion of horse farms in Suffolk County. Additional initiatives underway at the State level to address threats from property tax burdens include a bill to create circuit breaker tax credits for farmers, and Statewide property tax reform.

These factors suggest that farmland preservation would go a long way toward bolstering the local agricultural economy now and in the future.

### 3.3 GOALS & POLICIES

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There are three overarching goals of the Comprehensive Plan with regard to agriculture: (1) preserving the agricultural land base, while maintaining equity value for agricultural landowners, (2) fostering the local agricultural economy, and (3) maintaining the rural character of the community. These goals can be achieved through a combination of zoning ordinance modifications, funding initiatives, and economic development strategies. For optimal effectiveness, a variety of tools are being proposed.

The focus of this Element is the first goal: how to preserve land in a way that minimizes any potentially negative impacts on land values. The other two goals are referenced throughout this chapter, but also addressed in other chapters. The second goal to promote the agricultural economy is specifically discussed in Chapter 7, the Economic Development Element. The third goal to promote rural character is addressed indirectly in all chapters and directly in Chapter 5, the Scenic and Historic Resources Preservation Element.

#### OVERARCHING GOALS

##### **Goal 3.1: Protect the agricultural land base, while maintaining equity value for landowners.**

The key to maintaining agriculture in Riverhead is the preservation of the agricultural land base. As the economics of farming evolve and the demographic makeup of the farming community changes, preservation of the current agricultural land base will sustain farming for future generations. If farmland is converted into residential, commercial, and industrial development, farming is no longer possible. Thus, preservation of the agricultural land base is the foundation upon which this Element is based.

The agricultural land base of Riverhead is under considerable pressure for conversion over time to residences and golf courses. The Town and County purchase of development rights programs (PDRs) have been able to preserve roughly 25 percent of the existing agriculturally zoned land to date. Compared with East End neighbors Southampton and East Hampton, fragmentation of

Riverhead's agricultural land has been minimal so far, but development trends suggest that fragmentation may become more of an issue for the agricultural community in the near future. Given the high land values, there will be a limit to the amount of land that can be preserved via purchase alone. A variety of regulatory, incentive-based, and funding strategies will be necessary.

Farmers and landowners are dependent upon the value of their land for long-term financial security. For this reason, it is not enough to strive for farmland preservation, but also to present landowners with a multitude of options that maintain the equity value of their land. Providing choice gives landowners an alternative to development as a way to realize financial gain.

**Goal 3.2: Foster the local agricultural economy.**

Although the Town cannot single-handedly support the agricultural economy, it can adopt policies that allow farmers the flexibility to market their goods in a variety of ways, financially benefit from the sale of development rights and easements, and allow necessary agricultural support businesses to remain in operation.

In order to support the local agricultural economy, the Town needs to adopt flexible zoning standards for farms and engage in a wide range of economic development activities, as discussed in Chapter 7, the Economic Development Element. The issue of affordable housing for farm laborers is another related issue. It is addressed in Chapter 8, the Housing Element.

**Goal 3.3: Maintain and preserve the rural character and heritage of Riverhead**

The character of Riverhead is defined by agriculture. Historically, Riverhead has been the center of Long Island agricultural production and today accounts for nearly 40 percent of Suffolk County's remaining farmland. The culture and character of the Town evolved around the industry of agriculture. Citizens and officials have spoken of the critical need to preserve the rural character of the Town of Riverhead.

The rural character of Riverhead is not just a visual nicety; it is an economic asset. Agro-tourism, for example, is able to thrive because the rural scenery is so attractive to visitors. While many new residents move to Riverhead for its rural and scenic character, unfettered residential development threatens to fragment the agricultural landscape and put further pressure on farmland to be sold, subdivided, and developed. As such, compromising the Town's rural character and scenic quality could limit the Town's future economic possibilities.

**Goal 3.4: Reduce the amount of development in those areas of Riverhead where agricultural activity is currently concentrated.**

***Policy 3.4A: Adopt the reduced density agriculture and residential districts in Figure 2-1, the Proposed Land Use Plan.***

Currently, the large agricultural areas of the Town are primarily zoned for residential development on 40,000 square foot lots (the Agriculture A and Residence A zones). These relatively high densities of development are out of character with the surrounding agricultural areas. Upzoning agricultural areas can help maintain the agricultural uses of Riverhead, by reducing the overall number of people, traffic, and other non-agricultural activity in predominantly agricultural areas. The Proposed Land Use Plan sets forth a new set of agriculture and residential districts that replace several existing zoning use districts. All parcels in the Agricultural Protection Zone (APZ), Residence A-80 (RA-80), Residence B-80 (RB-80), and Residence AB-80 (RAB-80) districts shall have an as-of-right density of 80,000 square feet. The remaining parcels located in and around Downtown Riverhead are proposed to be Residence A-40 (RA-40) and Residence B-40 (RB-40), with minimum lot sizes of 40,000 square-feet.

***Policy 3.4B: Allow fast-track review for “Agriculture Opportunity Subdivisions,” in which the density yield has been voluntarily reduced and the subdivision is laid out for large-lot development.***

A landowner within the APZ and RAB-80 district would have the option to choose either large-lot development with “fast track” approval or the standard subdivision review process for cluster development (see Policy 3.6A). A voluntary large-lot development project — “Agriculture Opportunity Subdivision” — would be exempt from the clustering requirement, but would be required to have minimum lot sizes of 11 acres. A one-acre footprint on each lot would be reserved for a single-family residence, and the remaining ten acres around the housing would remain in private ownership but would be preserved by a perpetual conservation easement. The minimum lot size is based upon the minimum 10 acres of land in agricultural production required by the Suffolk County Assessor for a property to be assessed agricultural rather than residential taxes. These ten-acre sites would potentially still allow the opportunity for agricultural activity to continue to take place.

Currently, a typical major subdivision takes 9 to 12 months for approval. Large-lot development has fewer regulatory requirements and thus the time between application and approval can be cut in half. Much of the time in the conventional subdivision application process is associated with review by the Suffolk County Health Department (SCHD) with regard to septic systems. Since the SCHD reviews only those subdivisions with lot sizes of five acres or less, Agriculture Opportunity Subdivisions could skip this step. Similarly, the large-lot subdivision should not have to submit a sketch plan for review by the Planning Department. The first step would be to submit a preliminary plat to the Planning Board for approval. The final hearing on the preliminary plat would be waived. The Planning Board would be required to rule on the subdivision within 90 days of receiving the original application.

**Goal 3.5: Target farmland preservation efforts to Riverhead’s agricultural greenbelt, located between Sound Avenue and Route 25 and Middle Road, along with certain actively tilled farms north of Sound Avenue and south of Route 25 at Jamesport.**

***Policy 3.5A: Establish the Agricultural Protection Zone (APZ) based on the boundaries illustrated on the Proposed Land Use Plan (Figure 2-1).***

Initiating the APZ is the first step that the Town should take to retain its agricultural landscape. The APZ creates incentives for landowners to keep their land in an agricultural use, while making development less appealing. This is done by increasing the regulations pertaining to development, while adding flexibility to the agriculture-related regulations.

Figure 2-1, the Proposed Land Use Plan, shows the proposed APZ boundaries, which includes most of the Town’s active agricultural land.

***Policy 3.5B: Designate the Farmland Preservation Committee as the APZ Oversight Committee, which would serve in an advisory capacity to the Town Board.***

The APZ Oversight Committee would not be able to change the rules that apply to properties in the APZ, which could lead to unpredictability for landowners and developers. However, it would monitor preservation efforts in the APZ on an ongoing basis, including cluster development (see Policy 3.6A) and the TDR program (see Goal 3.7). The Oversight Committee would identify issues and concerns and bring those to the attention of the Town Board.

***Policy 3.5C: Work with the APZ Oversight Committee to undertake a public education campaign about the APZ, focusing on cluster development provisions and the TDR program.***

Because of the complexities involved with cluster development and the TDR program, the Town should attempt to educate property owners about these new programs. The Town should consider a variety of outreach mechanisms in the years after the adoption of the Comprehensive Plan: making brochures available in Town Hall and the Riverhead Free Library; posting information on the Town's web site; and conducting educational seminars. Planning Department staff should be augmented and trained to provide information to landowners with respect to land subdivision within the APZ.

**Goal 3.6: In Riverhead’s agricultural greenbelt, concentrate development into compact nodes, while preserving the surrounding open space for agricultural use.**

***Policy 3.6A: Promote cluster development within the APZ.***

Section 278 of the Town Law and Article XIX of the Riverhead Zoning Ordinance provide the authority to the Planning Board to create clustered lots in subdivision approval.

Through clustering, development would be concentrated on a portion of a site, while the remainder of the parcel would be preserved as open space and/or farmland. A deed restriction would prohibit development on the preserved area. The open space preserve could be held in either private ownership, by a homeowners association, a third party conservancy group or land trust, or by the Town.

***Policy 3.6B: For cluster development in the APZ, attempt to protect a significant area of the original parcel.***

As a component of a cluster development ordinance, it is preferable to preserve a reasonable percentage of the tract as undeveloped land. The Town of Southampton, for instance, uses a sliding scale that requires different percentages of prime agricultural soils to be preserved.

It is recognized that within the APZ, there are parcels that may not be suitable for agricultural cluster subdivision due to the existence of slopes, a high percentage of woodland cover, or poor agricultural soils. In order to provide for the orderly development of residential plats within the APZ, it is critical that the Planning Board have the flexibility to properly size and arrange both residential and agricultural lots. To this end, Article XIX of the Riverhead Zoning Ordinance should encourage agricultural cluster subdivision review within the APZ with a goal of preserving the prime agricultural soils upon the tract to the greatest extent practicable.

***Policy 3.6C: Require that all subdivision applications in the APZ submit a proposed cluster plan together with a conventional subdivision layout plan and yield map.***

Section 108-87 of the Riverhead Zoning Ordinance states that each applicant for a major subdivision shall submit at least one (1) proposed cluster plan with each major subdivision application. By requiring all subdivision applications in the APZ to present an alternative cluster plan, applicants would have the flexibility to optimize lot configuration and the opportunity to preserve prime agricultural soils, and environmentally sensitive or scenic areas.

At the time the Planning Board grants final approval to a subdivision plan, the Planning Board shall provide a written report decision stating its findings and conclusions with respect to the layout of the subdivision. The findings statement would justify and defend the final layout of a subdivision plan and explain the criteria that the Planning Board applied in coming to its decision. In this way, the findings statement would ensure that the Planning Board clarifies how it considers each alternative layout and renders a decision on an application.

***Policy 3.6D: Establish development standards for clustered housing areas.***

The Town zoning ordinance needs to include specific development standards pertaining to clustered subdivisions within the APZ. The intent is for the clustered area to maintain a low-density, suburban-rural character. Thus, the following standards are suggested for residential lots:

- Minimum lot size: 30,000 square feet.
- Minimum lot width: 175 feet.

- Maximum height: 35 feet.
- Maximum floor area ratio: 1 story house 9%, 2 story house 6%, 3 story house 4%
- Maximum building coverage: .12
- Maximum impervious (buildings and paved surfaces) coverage: 0.30 to 0.40

For some of the above standards, a range is provided. This does not mean that a range should be permitted in the zoning code, but that the Town should decide upon a single number within this range. In considering which numbers would be most appropriate, the Town should take into account current market trends, existing environmental conditions, visual quality, and so on.

***Policy 3.6E: Through the subdivision review process, establish standards for the siting of house lots and agricultural parcels.***

The siting of house lots and agricultural parcels is a critical consideration in the process of developing cluster subdivisions within the APZ as well as on parcels zoned RAB-80 north of Sound Avenue. Because each tract is different, with its own natural and built features, each site should be developed in a way that is tailored to its own conditions. That is, the arrangement of lots and open space on each site will be unique. The following is a checklist of items that serves as a guide for laying out the site:

- If possible, agricultural parcels should be coterminous with existing agricultural parcels, parcels stripped of development rights, or parks on adjacent properties. This would create larger pockets of open space and farmland, which are generally better suited to agricultural activity. Also, it would reduce the potential for farms to be located next to residential or commercial uses, which may complain about farm-related “nuisances,” such as odor, noise, or fugitive topsoil.
- The agricultural parcels divided from the tract should include as many of the site's natural, scenic, and historic resources as possible. Developed areas should be located in such a way that they avoid detracting from the integrity of those resources. These resources can be described as follows:

*Natural Resources:* prime agricultural soils, soils of Statewide importance, streams, ponds, wetlands, woodlands, habitat areas for special status species, and flood hazard areas.

*Historic Resources:* Structures such as farmhouses and barns, as well as sites such as cemeteries and areas with potential archaeological resources.

*Scenic Resources:* hills and contours, meadows, cultivated fields, vineyards and orchards, pastures, as well as any of the natural or historic resources mentioned above that contribute to the scenery. (See Chapter 5, the Scenic and Historic Preservation Element for a discussion of how existing scenic views can be taken in account in clustered subdivisions.)

- Housing should generally be concentrated in the least desirable agricultural areas in the form of a single node. However, the arrangement of natural, scenic, and historic resources on

some sites may be such that multiple nodes are preferable. Although multiple nodes should be permitted, no individual node should contain less than 30 percent of the total number of building lots on the tract. For example, if the cluster subdivision contains 50 lots in all, it would be possible to have three nodes on the property: two with 15 lots each and the third with 20 lots. This is intended to reduce the potential for the over-dispersal of housing throughout the tract, which defeats the original intent to create appropriate agricultural parcels.

***Policy 3.6F: If County Health Department approvals are not expected to be forthcoming, work with the County to promote the conditional approval of the plat.***

Areas within the APZ east of Roanoke Avenue are located in the County's Groundwater Management Zone IV, which allows individual septic systems on 20,000-square foot lots. Alternatively, areas west of Roanoke Avenue within the APZ are located in Groundwater Management Zone III, which allows for the installation of individual septic systems on 40,000-square foot lots.

Recent subdivision policy directives issued by the Suffolk County Department of Health Services would constrain the use of agricultural lots created via cluster subdivision within Groundwater Management Zone III. An analysis of this policy's affect on land subdivision assuming a minimum lot area of 80,000 square feet (yield) results in a maximum agricultural area of 60 percent of a tract with residential lot areas of a minimum of 32,000 square feet.

***Policy 3.6G: Allow very limited use of agricultural parcels on a clustered subdivision.***

The primary intent is for the parcels to serve as active agricultural land. That is, the land should be owned by or leased to a farmer for cultivation or pasture. In addition, the following compatible uses could be permitted:

- Historic structures predating the subdivision (i.e., farmhouses, barns) should be allowed to remain within the open space preserve, but with certain restrictions regarding their future use.
- Agriculture; homesteads; agro-tourism activities; retail sale of agricultural products.
- Accessory dwelling units.
- Home occupations, home professional offices; artist/craft studios; bed-and-breakfasts.
- Sites for active recreation (i.e., playing fields, lawns, picnic areas, playing courts, etc.), provided that they do not occupy more than 5 percent of the land area within the open space preserve.
- Walking and biking trails, provided that they do not interfere with agricultural activity.

***Policy 3.6H: Do not allow golf courses to count toward open space in clustered subdivisions in the APZ.***

Golf courses would not be permitted within the open space preserve portion of a clustered subdivision in the APZ, because they would prevent agricultural use of the preserve. Although golf courses can be less environmentally harmful than agricultural uses (i.e., same or lower use of pesticides), the conversion of open space to golf courses virtually ensures that the land will be permanently removed from the available pool of farmable land. This would further reduce the ability of the agricultural industry to remain and prosper in Riverhead, a major goal of both this Element and Chapter 7, the Economic Development Element.

**Goal 3.7: Implement a Transfer of Development Rights (“TDR”) program to reduce development pressure on Riverhead’s APZ and certain parcels zoned RAB-80, north of Sound Avenue.**

TDR is based on the premise that land ownership confers upon the owner a bundle of specific development rights, as shaped by municipal zoning regulations, state and federal environmental regulations, and other laws. By allowing the owner to separate those development rights from the land, and then allowing those rights to be transferred elsewhere, it is possible to conserve the underlying land as open space or agricultural land.

TDR is not the same thing as cluster development. Both TDR and clustering involve the shifting of development rights, but cluster development involves the re-organization of development yield *on the same property*, whereas TDR involves the transfer of rights *from one property to another*. TDR has the potential to create "win-win" situations for preservationists and property owners. Through TDR, significant land areas can be preserved in rural or open space areas, while property owners retain their equity value by being able to sell development rights to property owners in more urbanized areas.

Although the Town implemented TDR legislation in 1997, the program has never been used. In addition to refining the TDR legislation and ensuring the long-term funding of the Town PDR legislation, an installment purchase program is a valuable tool for the Town to use to preserve agriculture.

***Policy 3.7A: Amend Chapter of the Riverhead Town Code to maximize the utility of the receiving area to accept rights and ensure the viability of development rights transfer.***

The existing Town of Riverhead Zoning Ordinance, in general, and the Transfer of Development Rights legislation should be amended to provide for the following modifications.

- Assign development rights for real property within the sending area using an arithmetic rate of one (1) development right per 43,560 square feet of real property without the preparation of a conventional yield map. In order to avoid the creation of fractional development rights, the number of rights will be rounded down to the nearest whole number.

- Allow for heights of development on County Road 58 to a maximum of 50 feet at a rate of one (1) development right per 1,500 square feet of increased floor area.
- Repeal the as-of-right 50 foot maximum height within the Business D District and allow heights of up to 50 feet from the as-of-right 35 feet at a rate of one (1) development right per 1,500 square feet of increased floor area.
- Amend the Planned Recreational Park (PRP) district to provide for an as-of-right floor area ratio of ten percent (10%) with an ability to increase the FAR to a maximum of 15% at a rate of one (1) development right per 1,500 square feet of increased floor area.
- Amend the Planned Industrial Park (PIP) District to provide for an as-of-right floor area ratio of ten percent (10%) with an ability to increase the FAR to a maximum of 15% at a rate of one (1) development right per 1,500 square feet of increased floor area.
- Amend the Agricultural Lands Preservation Ordinance to allow the alienation of development rights purchased by Town funds and allow the deposit of such rights in the clearinghouse at a rate of .5 rights per acre of development rights purchased.
- Provide for receiving areas within a half-mile distance from the commercial centers of Aquebogue and Jamesport.
- Repeal the special permit provisions for one hundred percent coverage within the Business D District and require the purchase of development rights for increased building coverage at the rate of one (1) development right per 1,500 square feet of increased coverage.
- Allow the total area of impervious surfaces to be increased with the transfer of development rights at a conversion factor to be determined.
- Allow for heights of attached multi-family units approved north of Sound Avenue to increase to fifty (50) feet with the use of transferred development rights at a conversion factor to be determined.
- Provide for a residential TDR receiving overlay with performance standard criteria to allow high-density residential development on appropriately sized parcels with frontage upon major thoroughfares and served by necessary infrastructure. See Chapter 2, the Land Use Element, for more details.
- Require TDR on a one for one basis for yields greater than one (1) unit per acre within the retirement community overlay district.
- Require TDR to increase coverage within the Destination Retail Center (DRC) district from 10 percent to a maximum of 15 percent, at the rate of one (1) development right per 1,500 square feet of increased floor area.

All of the TDR Sending and TDR Receiving zones are located within the Riverhead Central School District, avoiding any potential problem that might have been associated with the transfer of development rights across school boundaries.

The prices offered for development rights will be determined by the marketplace. Importantly, interest in TDR purchase (and thus price) is largely driven by real estate demand in the *receiving zone*. A TDR program is most successful in areas where the receiving zone has an extremely strong real estate market, where the profit potential from additional development is high. This is the main reason for which the TDR receiving zone has been concentrated in the area along Sound Avenue, which is expected to have a very high potential demand for residential development. However, parcels within the RAB-80 district north of Sound Avenue also have natural, scenic, agricultural, and open space values, along with strong real estate market values and adequate infrastructure. For this reason, the RAB-80 district gives landowners the flexibility to send and receive development rights in the TDR program. The Route 58 corridor and Enterprise Park are also expected to be high-demand areas, where property owners would be willing to actively seek out development rights for the purpose of building additional commercial square footage.

***Policy 3.7B: Establish a TDR Bank or Clearinghouse that can purchase, hold, and later resell development rights from the APZ.***

TDR, in its ideal form, can operate entirely within the auspices of the private real estate market. That is, a willing TDR buyer with property would seek out a willing TDR seller. However, in many parts of the country, TDR programs have also made use of a public entity that functions as a TDR bank or Clearinghouse. That is, the public entity purchases and holds on to development rights with the long-term intent of selling them off to a private property owner.

Although the Town of Riverhead has had a TDR program since 1997, the program has never been used, and no development rights have been transferred from the agricultural sending areas to the receiving areas. The Town and the County have purchased and then retired development rights, but because the Town has not been authorized to act as a bank, it has not been able to resell those rights to property owners within the Town's receiving districts. By acting as a bank and selling off its accumulated development rights, there are several benefits:

- First, the Town can recuperate some of the costs of the initial purchase, reducing the long-term cost of open space preservation for taxpayers. The revenue from the sale should ideally be dedicated to toward the preservation of other open space tracts, functioning like a revolving fund. Alternatively, the revenue could be used to expand the Town's greenway system or improve Town parks.
- Second, the bank can help kick-start private-sector interest in the TDR program.
- Third, the Town can step in to purchase development rights from properties in the APZ that are at risk of development but for which there are no ready buyers. At a later time, when a property owner in the TDR Receiving area expresses interest in purchasing development rights, those rights can potentially be purchased from the Town.

- In the event that the Town borrows funds for purchases of development rights in the future, the Clearinghouse should be created and funded through borrowing.

***Policy 3.7C: As an incentive for selling development rights, provide property owners in the APZ and RAB-80 district with a higher development yield calculation for the purposes of the TDR than they would otherwise be permitted to build on-site.***

To further encourage the utilization of TDR, the development rights on a property will be determined in the following way. If the landowner decides to ***transfer***, the number of transferable development rights would be calculated by the Planning Board at a rate of one (1) development right per 43,560 square feet of land area, not including underwater land. If, however, the landowner decides to subdivide any portion of the property (partial transfer), the Planning Board would require the approval of a standard yield plan with a minimum lot area of 40,000 square feet and would assign one (1) development right per lot. In order to create lots for future filing with the Suffolk County Clerk and for building permit application, two (2) development rights would need to be retired for each building lot.

Further, a landowner within the APZ and RAB-80 district would also have the option of partial transfer and partial site development. But in no event shall the partial transfer yield more total lots or rights than could be achieved pursuant to the yield map requirements of 80,000 square-foot lots in the APZ. For instance, the owner of a 100-acre tract could petition the Planning Board to issue 100 TDR certificates pursuant to the zoning legislation. In the absence of TDR, the owner would be able subdivide the tract into 43 lots at minimum lot size of 80,000 square-feet. The 43 lots, at a two acre yield, would retire 86 TDR certificates, which are computed a ratio of one TDR certificate per acre. The 14 remaining TDR certificates, however, would be retired as well. As a result, since 43 lots represent the maximum yield on the parcel, all 100 TDR certificates would be retired to achieve on-site development.

The property appraisal would include transferable rights, even though they could not be developed on the site. The negative implication for the landowner is that he or she would be taxed on this appraisal, but it also means that the value could be borrowed against, giving the owner additional equity.

***Policy 3.7D: Establish development standards for subdivisions in the residential receiving zones.***

Subdivision standards in the receiving zones need to be adjusted from standard lot dimensional criteria in order to accommodate TDRs as certified by the Planning Board. The following adjustments should be made:

- Minimum lot size: 30,000 square feet.
- Minimum lot width: 175 feet.
- Maximum height: 35 feet.
- Maximum floor area ratio: 1 story house 9%, 2 story house 6%, 3 story house 4%

- Maximum building coverage: .12
- Maximum impervious (buildings and paved surfaces) coverage: 0.30 to 0.40

**Goal 3.8: Use public funding to purchase development rights in Riverhead's agricultural greenbelt for the purpose of open space preservation.**

The Town of Riverhead already has enacted a Town Purchase of Development Rights (PDR) program and cooperates with Suffolk County in the County PDR program.

***Policy 3.8A: Continue to use Town funding to acquire development rights from farmland and open space parcels.***

The Town Board should continue to pursue an aggressive program to acquire agricultural lands and open space and promote public and private conservation strategies. This program should include extending funding for the Town's development rights acquisition program, and renewing and potentially increasing the open space bond financing program. With this dedicated reserve fund, the Town would have the ability to leverage significant County and State funds for land acquisition and private conservation efforts.

Despite the expense associated with such efforts, farmland acquisition and open space preservation benefit the character and identity of a community. Also, the long-term land values of privately owned properties adjacent to open space preserves may tend to be higher, resulting in higher tax revenue from these properties that would have otherwise not been anticipated. This would partially compensate for the expense of open space acquisition.

Generally, it is preferable for both the Town and landowners to purchase development rights, rather than land in fee simple. For land owners, the sale of development rights provides them with a cash outlay that can be used to finance farm operations or retire outstanding debts. Also, PDR effectively reduces the value of the land itself, resulting in a lower potential tax assessment, lower estate transfer taxes, or other tax benefits.<sup>5</sup> Among other benefits, the farmer pays no closing costs and can continue to live in his house and farm the land.

There are three important benefits for the Town. First, the Town would pay less for the development rights than would be necessary for fee simple<sup>6</sup>, suggesting a more efficient use of taxpayer money. Second, the owner of the deed-restricted land still holds the title and is thus responsible for ongoing maintenance. Third, the property stays on the local tax roles, albeit at a

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<sup>5</sup> Connecticut Forest and Park Association, "Cultivating a Legacy: Farmland Preservation in Connecticut," *Connecticut Woodlands Magazine*, Spring/Summer 2001, reprinted at the web site of the Connecticut Farm Bureau, <[www.cfba.org/fpc1](http://www.cfba.org/fpc1)>, visited March 4, 2002.

<sup>6</sup> "Fee simple" is defined as the absolute ownership of land, giving the owner the sole authority to use and control the parcel. "Fee simple" is in contrast to an "easement", which is defined as a right or privilege that a party may have in another's land. For example, a "right of way" is a type of easement that allows a party to travel across a portion of another person's property.

lower assessed value. In this regard, in the drafting of the new zoning use district to regulate development within the APZ, the Town Board should design the relevant schedule of dimensional regulations in such a way as to ensure that appraised values of development rights to be purchased remain commensurate with the appraised value of development rights to be built.

***Policy 3.8B: Increase Town funding available for the purchase of development rights, and to the greatest extent possible, use local funding to leverage County and State funding for the purpose of purchasing farmland or development rights.***

The Town has developed a strong framework for the Purchase of Development Rights (PDR) program and uses County criteria to assess potential parcels for PDR. The partnership between the Town and Suffolk County is strong, as the two programs have led to the preservation of over 100 parcels amounting to 5,000 acres.

Continued local funding for the Town PDR program is of critical importance to the long-term success of the program in Riverhead. Currently, the PDR program is supported by a \$30 million bond to purchase agricultural and open space land and development rights, as well as the revenues from the Community Preservation Fund (CPF) 2 percent real estate transfer tax. These funds, however, do not cover the projected long-term needs of the program. The real estate transfer tax only affects improved properties over \$150,000 and unimproved properties over \$75,000, and therefore, does not generate the kinds of revenues generated by neighboring towns.

In the absence of more definitive and dedicated long-term funding, the Town has looked to State and federal programs for additional funding for open space and farmland acquisition. The State Clean Air and Water fund has provided funding, as has the County greenway program. However, the Town must find additional sources of funding to keep the PDR program as the primary local farmland preservation mechanism. The Town should consider placing additional bond issues before the voters for approval.

***Policy 3.8C: Continue to explore a wide variety of local, State, County, foundation and non-profit funding sources that can be utilized for purchasing farmland or development rights for the purpose of permanent farmland preservation.***

Both the Town and the County have a Purchase of Development Rights (PDR) program in place. Thus far, the County has purchased 3,889 acres and the Town 1,103 acres. The Peconic Land Trust has worked closely with communities on the South Fork to leverage funding available for land acquisition and open space preservation. The Town should encourage those entities to continue allocating money toward this aim.

***Policy 3.8D: Coordinate and pool resources with County and State agencies, private entities, and non-profit organizations for the purpose of purchasing development rights.***

In order to achieve greater benefit from the Town's PDR program, the Town should coordinate its efforts with County, State, private, and non-profit groups. Town resources could be combined

with the resources of those entities on a case-by-case basis to create a large pool of funding, which can be used for farmland preservation. In particular, the Town should continue its strong partnership with the Peconic Land Trust to leverage funds for open space preservation.

***Policy 3.8E: Reconsider criteria used to identify parcels for the purchase of development rights.***

The County and the Town share the same criteria for identifying potential parcels for purchase. A result is that the Town and County may duplicate preservation efforts on the same properties, while other properties go unconsidered. The Town should reconsider its criteria and determine whether there might be ways to avoid duplication. The Town could focus its efforts on properties that the County is less willing to consider.

***Policy 3.8F: Adopt a local Installment Purchase Program.***

With recent passage of State enabling legislation for installment purchase programs, a new mechanism for leveraging funds is available to the Town. Through an Installment Purchase Program, the Town enters into an agreement with a landowner to purchase the property (fee simple or development rights) incrementally over time, paying interest and/or interest plus principal. The Town should consult with State officials to determine the best ways to structure the Installment Purchase Program.

An installment program benefits a property owner in several important ways:

- The landowner collects interest payments, which are exempt from income taxes. Semi-annual interest paid on the outstanding balance of the purchase price is exempt from federal, State, and local income tax (to the same extent as interest on the County's general obligation bonds).
- The landowner can defer taxes on capital gains. Pursuant to the Internal Revenue Code of 1986, property owners entering into installment purchase agreements for the sale of development rights may, in certain circumstances, defer recognition of capital gain until they actually receive the principal amount.
- Landowners can transfer the installment purchase agreement. The installment purchase agreement is a negotiable instrument, and property owners are permitted to securitize and sell their interests in installment purchase agreements at settlement or later.
- Because installment purchase agreements can be transferred, they offer flexibility in estate planning. They can be placed into marital trusts or used in connection with various estate-planning techniques. Additionally, separating the development rights from the land and making the agreement transferable allows the property owner's heirs to sell their interest in the agreement rather than in the land in order to pay estate taxes.
- A farmer may also receive a deduction from his taxable income equal to the difference between the value and the sale price of the development easements. The usefulness of this

deduction would be limited by the landowner's income, assuming that the landowner has outside income.

There are also several important advantages for the Town:

- The Town has a lower upfront cost associated with the purchase. That is, rather than having to gather all of the necessary funding in a lump sum at the start of the process, the Town can pay off the land purchase incrementally, as the money is raised through taxes or other means.
- Although payment is incremental, open space preservation is immediate.
- The Town may be able to purchase the land at a reduced cost. Because of the value of benefits offered over a 30-year period, a landowner may be willing to sell the land or the development rights at prices as low as 50 to 60 percent of appraised value.
- Because a smaller pot of money is necessary upfront, securing funding is simpler. That is, it can be raised locally through taxes or other mechanisms. There is no waiting for State or County approval of funding grants and no need for a big-ticket bond issue.

***Policy 3.8G: Allow local property owners to consider voluntary donations of farmland to the Township, County, State or to a foundation or non-profit organization for the purpose of permanent farmland preservation.***

There may be some interest among property owners in donating all or a portion of their farmland properties, whether in fee simple or in the form of a development easement, to a public entity, a foundation or a non-profit organization. Property owners could potentially receive significant tax benefits from making such donations.

***Policy 3.8H: Monitor areas from which development rights have been purchased, to ensure that they remain free of development.***

### **Goal 3.9: Help promote Riverhead's agricultural industry and products.**

Regulatory techniques, used on their own, are not sufficient to protect the long-term future of agriculture in the Town of Riverhead. Therefore, it becomes increasingly important to couple regulatory tools with market and incentive based programs that work to preserve agriculture. There are several incentive-based strategies that have been successfully used across the country in an attempt to preserve agriculture, the most successful of which are used in concert with aggressive regulatory techniques.

***Policy 3.9A: Continue to allow and encourage farm-based retail sales, but improve enforcement to ensure that such retail outlets do not sell a higher-than-permitted amount of non-local goods.***

There is a strong market for East End produce, fish, and game. This market is currently being tapped by those farmers who have erected permanent stores or temporary stands on their farms to sell their locally grown products, as permitted under the Town's zoning regulations. In focus groups and CAC meetings, some farmers expressed the concern that some farm-based stores and stands were selling a higher-than-permitted percentage of non-local products. By improving enforcement of farm-based sales, the Town could reduce what many farmers perceive to be unfair competition. In order to address such issues, the Town should promulgate legislation controlling the development and operation of farm stands.

***Policy 3.9B: Sponsor a seasonal farmers' and baymen's market.***

An improved indoor weekly farmers' market has been recommended in the downtown area (see Chapter 6, the Business Districts Element). In addition, the Town should study the feasibility of a seasonal farmers' and baymen's market that would take place in a larger location with better regional access. The location should provide adequate infrastructure to support local sales, such as parking, bathroom facilities, coolers and freezers, etc. Towards this end, the Town should identify the most viable area for this use and implement the necessary zoning amendments.

***Policy 3.9C: Provide incentives and develop outreach tools to encourage East End farmers and fishers to participate in the seasonal farmers' and baymen's market.***

As an incentive to farmers, the Town could offer market infrastructure (i.e., tables, canopies, electricity and water connections). Through brochures, advertisements, and the Town's website, Riverhead should promote the significant benefits of the market. In a study conducted by the *Farming Alternatives Program of Cornell University*, farmers' markets were found to provide rich entrepreneurial environments that help people develop homegrown businesses. Farmers' markets serve to transform an informal enterprise into a more formal business, allowing participants to gain important skills in understanding the needs of consumers, merchandising and display, and cooperating with others. Farmers' markets can also be a vehicle to help educate the non-farming majority about local agriculture and fisheries and other opportunities to support these industries. Farmers' markets could be a gathering point for farm and fishery tours and a source of information about agro-tourism.

***Policy 3.9D: Promote Community Supported Agriculture.***

Towns throughout the country have had success with Community Supported Agriculture, in which residents pay a subscription to a local farm, and in return, they receive fresh produce on a weekly basis.

**Goal 3.10: Reduce the potential for excessive golf course development in Riverhead's agricultural greenbelt, and ensure that golf courses are environmentally friendly.**

***Policy 3.10A: Allow limited golf course development in the APZ.***

Golf courses provide important open space and recreational values, which have been proven to attract high-end residential development either within or contiguous to the golf course parcel. This type of development should be allowed within the APZ, but regulated as follows.

- i) Existing courses – Regulated by an overlay zoning use district that would limit residential yields to 1.5 units per hole with the ability to increase residential yields to a maximum of 3.5 units per hole with the use of transferred development rights.
- ii) New courses – As new courses have no inherent residential development component, vacant parcels contiguous with such new courses should be designated receiving areas with an ability to accept one (1) development right per acre.

***Policy 3.10B: Ensure that golf courses meet high standards for environmental quality.***

Historically, one of the main drawbacks of golf course development has been the potential for groundwater or surface water contamination resulting from intensive use of pesticides and herbicides.

Excessive water use is another problem associated with golf courses. Golf course maintenance often requires daily irrigation, particularly in times of drought. County Health Department regulations should continue to be enforced to ensure that new golf courses are not exceeding daily water use limits. To strengthen these regulations, it is recommended that the Town adopt regulations requiring the use of Integrated Pest Management (IPM) techniques for course maintenance. In addition, the Town should endorse programs that require golf courses to limit water usage, and to monitor water quality and the impacts of chemical applications on water quality. Also, golf courses should be required to utilize stormwater Best Management Practices (BMPs), such as extended wet and dry detention ponds, wastewater recycling and reuse. Environmental standards related to golf courses are discussed in more detail in Chapter 4, the Natural Resources Conservation Element.

**Goal 3.11: Protect the family farm.**

***Policy 3.11A: Consider allowing streamlined review for certain types of subdivisions on family farms.***

Guidelines and specific criteria can be established to support continued farming while allowing subdivisions as a means to providing affordable housing for family members and farm workers.

***Policy 3.11B: Work with family farmers to identify technical or financial information that may help improve the efficiency, productivity, or profitability of their farm operations.***

There are successful examples around the country of how small-scale farmers have managed to thrive in an increasingly competitive industry dominated by large commercial farm operations. Building off State and County resources, the Town should identify success stories and compile a set of case studies or guidelines that can provide useful insights for Riverhead farmers.

***Policy 3.11C: Consider allowing farm operations to have small secondary businesses, subject to certain restrictions, that can provide supplementary income for the farm operation.***

Farmers can use small secondary businesses to supplement their income from agricultural production. For example, a farmer who has carpentry skills may choose to set up a woodworking shop in an underutilized portion of a barn. Such a "farm business" could be permitted subject to meeting certain regulations in order to ensure that the business is secondary to the farm use, compatible with the surrounding agricultural and residential areas, and not detrimental to the natural environment.

## **7. Economic Development Element**

### **7.1 VISION STATEMENT**

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With the increasing popularity of the North Fork as a tourist destination, Riverhead should develop attractions that can capture a significant portion of the emerging tourist industry in general and agro-tourism in particular. At the same time, Riverhead should continue to pursue a diverse economic base by promoting office and industrial development, agriculture, retail development, and entrepreneurial and small-business activity in appropriate locations. Economic development pursuits must be balanced with the conservation policies expressed in the other sections of this plan, particularly with regard to historic, scenic, and natural resources.

## **7.2 INTRODUCTION**

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Riverhead has a strong and diverse economic base, with significant opportunities for growth in the future. Riverhead's major growth opportunity is in the area of tourism. Over the course of the 1990s, the North Fork became a significant tourist destination for the first time. The wine country, outdoor recreation activities, the Atlantis Aquarium, Splish Splash, Tanger Mall, and other attractions started drawing a significant flow of day-trippers, weekenders, and vacationers. Riverhead can implement a wide variety of strategies to encourage travelers to spend more time and money in Town.

In addition to tourism, there is likely to be demand for additional office and industrial development. Historically, office and industrial development have been concentrated in the western parts of Long Island, closer to New York City and the densely settled suburbs of Nassau and western Suffolk counties. However, as land becomes more scarce and expensive in those areas, development pressure will leapfrog over the Central Pine Barrens region and land in western Riverhead.

There is also enormous potential for retail growth, not only in conjunction with tourism, but also in the form of "destination retail centers" like Tanger Mall. The Downtown Revitalization Strategy of August 2000 and Chapter 6, the Business Districts Element, call for tourism-oriented retail in downtown Riverhead and the Jamesport hamlet center. These places are well-suited for tourism retail, because they can build off of nearby tourist attractions, downtown having the Aquarium, various other cultural attractions, and annual summertime events, and Jamesport having an established niche of antique and crafts stores and proximity to the wine country. There is also potential for development of additional destination retail centers like Tanger Mall that draw upon a regional consumer market.

While Riverhead has the largest concentration of farm activity in the County and a high volume of farm sales, the agricultural industry has continued to be vulnerable to the depletion of land resources in the face of suburban sprawl. Chapter 3, the Agriculture Element, lays out a comprehensive strategy for farmland preservation. Provided that land resources remain available, agriculture can continue to be a strong and viable industry in the local economy. The agricultural industry is undergoing a shift toward the production of wines, organic produce, and landscaping products. These high-value product lines are helping farms remain competitive in the marketplace.

### **RIVERHEAD'S ASSETS**

Riverhead has several major assets that can be harnessed to promote economic development. First and foremost, Riverhead is the gateway to the North Fork and is located at the terminus of the Long Island Expressway (LIE). As more and more people travel through Town bound for North Fork attractions, they can be enticed to visit attractions in Riverhead, stay in local hotels and bed-and-breakfast inns, spend money in local shops, and eat in local restaurants. Also, because Riverhead is located at the juncture of the North and South Forks, it has the

potential to draw upon the tourism markets of both forks, as well as the suburban market of western Long Island.

Another major asset is the Town's abundant land resources. Riverhead has the potential to accommodate a great deal of new commercial and residential development, even after large areas of open space are preserved. This concept leads to the third major asset — the Town's character. The Town's rural and open space reserves and historic fabric lend character to Riverhead, distinguishing it from sprawling suburban areas to the west and the built out beach communities to the south. Tourists, visitors, homebuyers, and business are attracted to Riverhead by its beautiful scenery and historic character. Degradation of those scenic and historic resources could actually diminish the Town's ability to attract business (see Chapter 5, the Scenic and Historic Resources Preservation Element).

### **7.3 TOURISM**

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As noted, the North Fork of Long Island became a popular tourist destination for the first time in the 1990s. There were several reasons for this phenomenon.

1. First, heavy summer traffic and overcrowding on the South Fork of the island caused more and more people to explore the North Fork as an alternative destination.
2. Second, people seeking less expensive summer rentals, hotel rooms, and vacation properties started looking to the North Fork.
3. Third, agro-tourism (in general) and the East End wine country (more specifically) grew in popularity.
4. Fourth, other forms of non-beach activities grew in popularity. These include antique-hunting, cultural activities, hiking, biking, horseback riding, and other forms of cultural and outdoor recreation.

As tourism activities became more diversified, the tourist season started to outgrow the summer, beginning in the springtime and spilling over into the fall and even winter. Also, people are taking fewer vacations (lasting one week or more) and making more frequent weekend and day trips.

#### **TOURIST ATTRACTIONS**

Building up the tourism industry in Riverhead will require a multi-faceted strategy. The first step is to continue to develop attractions that appeal to tourists. The Town has already pursued this goal for many years. The key to tourism development in Riverhead is to develop the types of attractions and destinations that tourists are actively seeking, based on current national and local trends. This section summarizes some of the major attractions that already exist in Town.

### **Downtown Attractions**

Downtown Riverhead already has a number of successful cultural attractions that appeal to tourists: the Atlantis Aquarium, the Suffolk County Historical Society (museum), the Long Island Railroad Museum, the East End Arts Council, and the Leavitt Music Hall. Annual downtown events, including the Country Fair, the Polish Fair, the Blues Festival, and the Community Mosaic, have also been successful in attracting visitors. While these attractions and events have had an extremely positive impact, downtown has not reached its full potential as a tourist attraction. While continuing to develop downtown attractions, the Town should work on cultivating "market niches" oriented to tourists, so that downtown shops, services, and restaurants can better capitalize on the tourist traffic.

### **Long Island Wine Country**

Although the first vines were planted in 1973, the East End wine country did not start attracting significant tourism traffic until the mid- to late-1990s. Following in the footsteps of Northern California's Napa Valley, the East End vineyards and wineries have developed tourist facilities and activities, such as guided tours, wine tasting, wine sales, eateries, gourmet delis, and gift shops. Many also have banquet facilities for parties, weddings, business functions, and other events. The success of wine country tourism is not just a matter of high-quality wine, it is also a matter of providing good transportation options and protecting the North Fork's rural character — two factors critical to the success of Napa Valley as a tourism destination. The small rural hamlets that dot Riverhead and Southold have a unique opportunity to reposition themselves for wine country-oriented tourism, with restaurants, specialty shopping, gourmet food stores, bed-and-breakfast inns, and events.

### **Other Agro-tourism**

Wine country tourism falls into the more general category of agro-tourism, defined as any agricultural activity that attracts tourists who are interested in seeing, learning about, or participating in that activity, or who want to purchase fresh farm products. Some farms in Riverhead and Southold currently provide tours, allow visitors to pick-their-own produce, and sell locally grown and homemade products. One example is Woodside Farm in Jamesport, which grows blueberries, peaches, and other fruits. Tours are offered, and farm products are sold. In the future, there may be the potential for "farm experience" vacations or farm-based bed-and-breakfasts — two vacation concepts that are growing in popularity nationally and internationally.

### **Theme Park Attractions**

Theme parks cater to children and families, one of the largest segments of the travel market. To be successful, theme parks need several essential factors: (1) activities and events that are appealing to children; (2) activities that parents feel will be rewarding for their children (i.e., educational, cultural, and/or fun); and (3) excellent access and visibility, ideally from a major

highway. Riverhead already has one of the most popular and successful theme parks on Long Island — Splish Splash. Two other popular theme parks, the Animal Farm and the Long Island Gamefarm, are located nearby in Manorville. In Enterprise Park, there is the opportunity to add additional theme park attractions. One issue to consider with theme parks is how to encourage spillover economic impacts on surrounding areas. There may be ways to entice theme park visitors to visit other parts of Town, patronizing other attractions and businesses. The Town should work with theme park operators to encourage cross-fertilization.

### **Race Track**

The existing race track on Route 58 is a popular destination, particularly during the summer months. As one of the only race track facilities on the East End, the race track draws loyal crowds who patronize local businesses. There has been discussion of the potential for establishing a new race track at the Enterprise Park at Calverton, but no firm plans have been determined. If the new race track were built, it is unclear what would happen to the existing facility. In all likelihood, two race tracks would not be needed, meaning that if the new facility were built, the Route 58 track would be vacated and could eventually become available for redevelopment as a different use.

### **Active Outdoor Recreation**

Parks and recreational facilities not only serve local residents, but they often attract out-of-town visitors as well. According to the Travel Industry Association of America, "adventure" travel (such as off-road mountain biking) and biking vacations are on the rise. Equestrian riding is also experiencing a resurgence in popularity. The second largest annual horse show on Long Island — the North Fork Classic — is now held in Enterprise Park.<sup>1</sup>

Riverhead has a variety of public and private parks and recreational facilities that provide opportunities for sailing, canoeing, kayaking, fishing, hunting, swimming, bird watching, golf, tennis, horseback riding, and all sorts of team sports. As of 2001, the Town has plenty of parkland to accommodate both residents and tourists, as discussed in Chapter 11, the Parks and Recreation Element. However, the Town is lacking some types of facilities that would appeal to tourists, particularly walking, hiking, or biking trails.

### **Beaches**

Trips to the beach are one of the most popular forms of tourism. Riverhead has five public beaches that attract numerous visitors during the summer months: Wading River Beach, Wildwood State Park, Reeves Park Beach, Iron Pier Beach, and South Jamesport Park. There

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<sup>1</sup> Bob Liepa, "The Heart of Horse Country," *The Times Review*, <[www.timesreview.com](http://www.timesreview.com)>, visited December 19, 2001.

are also numerous private beaches on the Sound and Flanders Bay. However, the primary beach destinations on the East End have traditionally been on the south shore of the island: Fire Island, West Hampton Beach, and other locations in the towns of Brookhaven, Southampton, and East Hampton. Because these beach environments are so well-known and well-tooled for beach recreation, Riverhead would have difficulty competing for beach-bound tourists. Instead, Riverhead should focus on alternate forms of tourism, as discussed in the other sections of this chapter — cultural attractions, agro-tourism, and active recreation.

### **Golf Courses**

Golf courses have been demonstrated to attract visitors, as well as provide recreation for residents. The Town of Riverhead currently has seven (7) golf courses (135 holes) that are privately owned and open to the public: Calverton Links, Cherry Creek Golf Links (36 holes), Fox Hill Golf and Country Club, Great Rock Golf Club, Long Island National, Sandy Pond Golf Course (9-hole Par 3) and Swan Lake Golf Club; one (1) municipal course (18 holes): Indian Island Golf Course; and two (2) private clubs (36 holes): Friars Head Golf Club and Olde Vines Golf Club

### **OVERNIGHT ACCOMMODATIONS**

Riverhead will require additional hotel space in the future, as the tourism market increases in volume. Unlike the South Fork, which caters to households with second homes spending the whole summer, the North Fork's emerging tourist industry caters more toward day-trippers and weekend travelers. These tourists rely primarily on hotel accommodations or bed-and-breakfast inns, as opposed to summer homes, or they may stay with friends or relatives. Those tourists who do look to Riverhead for seasonal accommodations are typically seeking out housing that is more affordable than what can be found on the South Fork.

- **Hotels and Motels.** The largest hotel in Riverhead is the Best Western, located next to Tanger Mall on Route 25. This hotel caters to a wide range of people, from tourists seeking an inexpensive alternative to the South Fork to out-of-town business travelers. The Ramada Inn benefits enormously from its visibility and easy access from the LIE. There are also several small hotels and motels in the Jamesport and Aquebogue areas, including two waterfront motels.
- **Rental Cottages.** There are several places in Riverhead that offer summer cottages (for example, J&S Reeves Summer Cottages in Aquebogue; Woodcliff Park and Cottages in Baiting Hollow; Moore's Cottages in Jamesport). These provide a lower-cost alternative to more expensive summer rentals on the South Fork.
- **Bed-and-Breakfast Inns.** A bed-and-breakfast inn is typically defined as a private residence, where the live-in owner provides overnight accommodations and a meal to a traveler. There are several bed-and-breakfast inns found throughout Riverhead. Many are found in historic Victorian houses, Arts and Crafts homes, or farmhouses, which evoke old-style domestic charm.

- **Country Inns.** The Riverhead Town Code defines a country inn as a commercial use of real property consisting of a building not to exceed two stories and which contains no more than 20 rooms arranged or designed to be made available as overnight accommodations for guests for a stay of no longer than a two-week rental. Accessory restaurant or tavern use of a premises shall be housed within the principal building with a total restaurant seating not to exceed six times the number of guest units and total tavern seating not to exceed one-third of the restaurant seating. In the event that a parcel is improved with a country inn, the subject property is restricted from improvement with any other permitted or specially permitted uses. Accessory uses within the country inn building are limited to recreational use, conference room, or library not to exceed 10% of the total floor area of rooms provided.
- **Country Clubs, Resorts, and Spas.** Country clubs, resorts, and spas facilities provide hotel rooms in combination with a variety of private recreational facilities and health-oriented activities, such as golf courses, tennis courts, swimming pools, running tracks, health clubs, marinas, or therapeutic facilities that offer massages, mineral pools, mud baths, etc. Typically, country clubs, resorts, and spas are located on a private campus, providing a private, quiet, and relaxing environment, picturesque views, and access to waterfront areas or open space. Riverhead does not currently have any resorts or spas, and although there are several golfing country clubs, they do not have overnight accommodations. Such facilities could be extremely successful in Riverhead, as they would cater to the vineyard tourists eager to enjoy a scenic, serene experience in the countryside.
- **Banquet and Convention Facilities.** Banquet facilities provide venues for private parties, such as weddings, and convention facilities provide space for professional meetings, events, and expositions. Banquet facilities are often provided in conjunction with hotels, resorts, spas, bed-and-breakfasts, wineries, or country clubs. Many take advantage of a picturesque or characteristic setting, with scenic views that provide a beautiful backdrop for photographs and an evocative setting for personal/family gatherings. Convention halls are sometimes provided in conjunction with hotels. The success of a convention facility is typically less dependent on scenery, but more dependent upon good access, a central location, and facilities of an adequate size.

## TOURIST-ORIENTED RETAIL

As discussed in Chapter 6, the Business Districts Element, there are two locations in the Town where tourist-oriented shops, restaurants, entertainment, and events should be concentrated: downtown Riverhead and the Jamesport hamlet center. Downtown has a traditional Main Street with turn-of-the-century buildings; a waterfront park along the Peconic River; and a variety of cultural attractions, including the popular Atlantis Aquarium. Jamesport is located in the North Fork wine country, and it has a cluster of historic buildings with a row of antique stores that form a traditional hamlet center. Tanger Mall and other forms of retail are discussed in greater detail in Section 7.6.

## **TOURISM: GOALS & POLICIES**

**Goal 7.1: Continue to attract tourists by developing a wide variety of attractions throughout the Town, with particular emphasis on those attractions that appeal to weekenders and day-trippers.**

Many of the policies stated throughout this Element are in support of this general goal.

***Policy 7.1A: Develop a coordinated theme for tourist signage and post signs along major roadways in downtown, and in the hamlet centers.***

Signs should convey a coordinated "Riverhead theme," with images, words, colors, and/or lettering that reflect those characteristics that contribute to the Town's identity (e.g., the Peconic waterfront, the agricultural belt, and wine country). This unified theme would convey the message that Riverhead has a package of attractions that can be enjoyed over the course of a visit. Roadside signage would help direct visitors to their destinations. Signs in downtown and the hamlet centers could be more elaborate, providing a directory of local shops, restaurants, and attractions, as well as transit information and descriptions of historical sites and natural features.

**Goal 7.2: Promote cultural attractions in downtown Riverhead.**

The Downtown Revitalization Strategy and Chapter 6, the Business District Element, contain many strategies and policies in support of this goal.

***Policy 7.2A: Support the development and growth of cultural attractions in downtown.***

Cultural attractions include not only quasi-public facilities like museums, aquariums, and theaters, but also smaller, private facilities like art galleries and entertainment venues (i.e., piano bars, jazz clubs).

***Policy 7.2B: Cluster multiple cultural attractions along Main Street in downtown.***

With a mix of different cultural attractions, downtown can appeal to a wider range of tourists, and each cultural anchor can build off the success of the other. That is, with some creative marketing, visitors can be encouraged to circulate throughout downtown on foot, visiting multiple destinations and patronizing shops and restaurants on the way.

***Policy 7.2C: Encourage coordinated marketing and programming for cultural attractions.***

This can encourage visitors to extend their stay. During longer visits, weekenders and daytrippers are more likely to spend money in local shops and restaurants. Coordinated marketing could include ticket packaging (such as a unified one-day pass) or excursion trips

through the Long Island Railroad. Programming involves the coordination of "theme" events between different venues. For instance, picking up on the Aquarium's aquatic theme, the Historical Society could offer a whaling exhibit or the Arts Council could host an exhibit on maritime-related artwork.

**Goal 7.3: Promote the growth of the wine industry and agro-tourism in Riverhead.**

***Policy 7.3A: Encourage vineyards and wineries to develop facilities, amenities, and attractions that cater to tourists.***

Such amenities include wine tasting, tours, gift shops, banquet facilities, eateries, and related parking (for cars and tour buses). The Town's zoning provisions need to be flexible enough to allow such uses. Nevertheless, the size of these facilities should be limited, in order to allow some beneficial economic spill-over to the nearby hamlet centers. This could be achieved by allowing such uses to be accessory in nature and by limiting the number of seats per square foot of total floor area for eateries. Businesses in hamlet centers should work together to market themselves to vineyard-bound tourists (see Chapter 6, the Business Districts Element).

***Policy 7.3B: Work with the Metropolitan Transportation Authority to explore the feasibility of using the Long Island Railroad tracks and equipment for "wine train" excursions.***

In Northern California's Napa Valley, the wine train concept has been a great success. Visitors can park at the south entrance of the valley, buy a day pass for the train, and hop on and off the train, which stops in front of individual wineries. The wine train is particularly attractive for visitors who are interested in wine tasting but do not want to risk driving with elevated blood alcohol levels or bother having a designated driver. However, unlike Napa, the train line on the East End does not run parallel to the road that provides access to the vineyards. A wine train excursion on the East End would need to be combined with trolley services that would connect people from train stations to wineries.

The current Engine 39 project would restore a vintage LIRR locomotive and carriages and would run a wine/dine train from the Riverhead Station to the Greenport Station with a return. This concept would be greatly enhanced with the re-construction of the old Jamesport Station, which would provide a connection to trolleys and/or buses touring the wineries and vineyards on the North Fork.

***Policy 7.3C: Encourage private bus and limousine operators to offer "package" excursion trips to the wine country from East End hotels and hamlet centers, as well as tourist-oriented hotels in New York City, Connecticut, or Rhode Island.***

***Policy 7.3D: In addition to the vineyards and wineries, promote the growth of other forms of agro-tourism.***

Town zoning policies should be flexible enough to allow agro-tourism uses on active farms. At the same time, performance standards can be used to limit undue impacts on nearby residential areas.

***Policy 7.3E: Explore the feasibility of developing "farm experience" vacations and farm-based bed-and-breakfast accommodations in Riverhead.***

**Goal 7.4: Promote theme parks and commercial recreation facilities in Enterprise Park and in the area between Enterprise Park and the Long Island Expressway.**

These locations take advantage of the excellent accessibility provided by the LIE.

***Policy 7.4A: Continue to pursue the development of an additional theme park in Riverhead, ideally in Enterprise Park.***

***Policy 7.4B: Work with theme park operators to develop a multi-faceted marketing strategy to encourage theme park visitors to explore other parts of Riverhead.***

Theme park tourists can be encouraged to explore other parts of Town for shopping or eating through the following strategies:

- Combined multi-day admission between theme parks and the Atlantis Aquarium. The Aquarium is a unique attraction that is a hybrid between a traditional cultural/educational attraction and a theme park. It has the same basic market as most theme parks — children and their families — and thus, cross-fertilization between such attractions is a possibility. Splish Splash and the Aquarium have an excellent potential for combined marketing, since they share the same "water" theme.
- Flexible parking rules and admission tickets at theme parks, such that people can leave midday for lunch or shopping and then return later without having to pay again.
- Supervised children's events and programs, such that parents can drop off their children for a morning or afternoon at the theme park, and then visit downtown, Tanger Mall, or other destinations on their own.
- Distribution of coupons and advertisements for downtown and Enterprise Park attractions at theme park entrances, such that visitors become aware of other recreational opportunities in Riverhead. This would encourage people to explore other locations in Riverhead later in the day or on another trip.

**Goal 7.5: Promote the establishment of equestrian facilities throughout Riverhead.**

***Policy 7.5A: Facilitate the development of a state-of-the-art equestrian show facility and bridle trails in Enterprise Park.***

Equestrian show facilities can have beneficial economic impacts, as evidenced on the South Fork of the island. Unlike some other sporting or entertainment venues, equestrian shows occur year-round, and patrons spend several days at a time in the host community, staying in local hotels and patronizing local restaurants and shops. There is more than enough room to accommodate such a facility in Enterprise Park and still fit all the other proposed uses for the site. Perhaps, the equestrian facility could be linked to the proposed theme park and family entertainment uses on the site by providing horse-riding lessons.

Building off the equestrian show facility, bridle trails could be built throughout Enterprise Park. Not only would this provide an additional amenity for equestrian enthusiasts, but the horses would also add a unique sense of identity to the park. These bridle trails could be connected to the Townwide greenway system through the Pine Barrens Core Barrens Area. (see Chapter 11, the Parks and Recreation Element).

***Policy 7.5B: Encourage the development of horse barns, equestrian clubs, and riding academies throughout Riverhead.***

Ensure that the Town's zoning provisions allow for such uses in agricultural areas.

**Goal 7.6: Expand and improve parks and recreational facilities in Riverhead, and make them accessible to tourists by fee.**

This goal generally echoes the goals and policies expressed in Chapter 11, the Parks and Community Facilities Element. The policies herein focus on the idea of making Town parks tourist-friendly. It would behoove the Town to establish an appropriate rate schedule for residents and visitors.

***Policy 7.6A: Develop a greenway system with walking trails, and potentially biking and equestrian trails as well, all of which could be used by both residents and tourists.***

This policy is expressed in greater detail in Chapter 11, the Parks and Recreation Element.

***Policy 7.6B: Develop a marketing campaign intended to draw attention to Riverhead's outdoor recreational opportunities.***

In order to attract additional tourists to Riverhead's parks and recreational facilities, the Town must not only provide the appropriate facilities, but also advertise their availability. The Town should work with business leaders, business organizations, and the Chamber of

Commerce on several initiatives to market Riverhead as a good place for pursuing active recreational activities:

- Often, when considering potential vacation destinations, prospective tourists explore their options online or in travel guides. One advertising strategy is to provide web sites and publishers with pre-prepared information on Riverhead's recreational opportunities.
- Another option is to prepare brochures that are made available in restaurant lobbies, hotel lobbies, concierge desks, and other similar locations in both Riverhead and other East End towns. Such information could also be made available in retail stores that cater to outdoor recreation, such as bike shops, kayak rental outlets, camping stores, etc. These locations would target people who are already on the East End for a weekend or vacation, as well as people interested in recreational activities.

***Policy 7.6C: Ensure that parks, recreational facilities, and greenways can be easily found and accessed by out-of-town visitors.***

The Town should work with State and County officials to install directional signs to parks and greenway entrances. Information signs should also be placed at the entrances to parks and greenways. Convenient, safe parking should be available at those entrances as well.

***Policy 7.6D: Provide essential visitor amenities near the entrances of parks, recreational sites, and greenways.***

In appropriate locations (ideally, near park entrances), the Town should allow parks to have concession stands that provide beverages, snacks, essential supplies like batteries, and even equipment rental, such as bicycles and kayaks. Also, public restrooms should be available in certain locations.

***Policy 7.6E: Concentrate commercial recreation facilities in Enterprise Park and the area located between Enterprise Park and the terminus of the Long Island Expressway.***

These include golf courses, family entertainment, facilities providing sports instruction, and so on.

**Goal 7.7: Encourage development of additional overnight accommodations in the appropriate locations, subject to design, development, and environmental standards.**

In the future, additional hotel space is likely to be needed in Riverhead, due to increasing tourism. New hotel space should be provided in locations and designed in a manner that are appealing to tourists. Hotels should be permitted in a variety of different locations, in order to tap into different segments of the accommodations market.

***Policy 7.7A: Allow hotel and convention center development within Enterprise Park at Calverton and in areas adjacent to the Long Island Expressway.***

These locations are attractive because they have convenient access and a central location. They appeal to business travelers, people needing to stay in a convenient, central location, and tourists seeking out an affordable alternative to other accommodation options.

***Policy 7.7B: Encourage cottage accommodations, bed-and-breakfast accommodations, and banquet facilities in downtown and the hamlet centers.***

Summer cottages, bed-and-breakfast accommodations, and banquet facilities can fit into an environment like downtown Riverhead or Jamesport, where there are residences, restaurants, entertainment venues, and shopping, and where there are opportunities for visitors to circulate on foot.

***Policy 7.7C: Encourage cottage accommodations, bed-and-breakfast accommodations, motels, country clubs, resorts, spas, and banquet facilities in picturesque settings throughout Town.***

Many tourists prefer to stay in places that are picturesque, quiet, quaint, or off-the-beaten-path. Therefore, some types of accommodations should be permitted adjacent to waterfront areas, open space preserves, or popular recreational attractions like beaches, marinas, hiking trails, equestrian facilities. Certain types of accommodations could be permitted in the midst of residential areas.

Some of the older, smaller, historic homes along Flanders Bay or Long Island Sound could be converted into rental cottages or bed-and-breakfasts. Also, country inns can continue to be permitted, provided that they are smaller in size and compatible with surrounding rural and residential areas in their design. However, motel, country club, resort, spa, and banquet facilities should be avoided in residential neighborhoods, because they could be incompatible with the off-the-beaten-path quality of those areas. Such facilities should be located only in designated tourism/resort areas, as discussed in Chapter 2, the Land Use Element. Hotel and convention center development should not be located in the rural and residential areas of the Town, between business districts.

***Policy 7.7D: Ensure that overnight accommodations located in residential, rural, open space, and waterfront locations are environmentally and aesthetically compatible with their surroundings.***

Currently, the Town's zoning provisions for "country inns" provide for moderate-size hotel development in areas throughout Riverhead. The Town should implement reductions in the 50 room maximum for country inns, as well as design standards and guidelines for such hotels, so that they fit into the neighboring residential, open space, and rural areas. The Riverhead Planning Board has established policy in this regard and a public hearing has been

held upon the legislation. Buffering and landscaping standards should be considered, as one way to reduce visual impacts. Design standards should limit total floor area and impervious coverage, establish a maximum building size, and impose design standards for façades, building massing, and parking lots. Site plan review and architectural design review should also be required.

In addition, the Town should ensure that accommodations are developed in such a way that they do not result in unnecessary clearing, excessive runoff or erosion, excessive traffic impacts on residential areas, or other potentially harmful environmental impacts. Adverse impacts due to site lighting and illumination are notable in this regard. Wastewater disposal methods are reviewed and approved by the County, but the Town should consult with the County to ensure that appropriate standards are applied.

Pursuant to Resolution 456 dated May 6, 2003, the Riverhead Town Board has revised the definition of Country Inn, in order to ensure the compatibility of the use with the rural character of the Town of Riverhead. The revision reduces the allowable number of rooms from fifty (50) to twenty (20) rooms, and further regulates the intensity of accessory restaurant and tavern uses.

**Goal 7.8: Building off their historic character and unique setting, concentrate tourism-oriented retail in downtown Riverhead and Jamesport.**

***Policy 7.8A: In downtown Riverhead, attract tourist-oriented shops and restaurants that build off of the cultural attractions there.***

Downtown has an eclectic mix of shops and eateries, meeting the needs of a number of different submarkets, including local residents and employees, tourists and other visitors, and people conducting business at Town Hall, the Courthouse, or one of the small private offices located in downtown. Downtown can and should continue to serve these groups, but at the same time, there is room to accommodate additional tourist-oriented shops and eateries that build off of the popularity of the Atlantis Aquarium and other downtown attractions. The Downtown Revitalization Strategy makes a variety of specific recommendations for tourist-oriented retail:

- Specialty food markets and sit-down restaurants (with outdoor dining) that provide tourists with options for lunch and dinner.
- Family-oriented shops and restaurants that cater to families. Exhibits at the Aquarium are primarily directed toward young children.
- Antique, crafts, and furniture stores, as well as art galleries, that appeal to "cultural tourists," such as those that may be visiting the Suffolk County Historical Museum, the Long Island Railroad Museum, the East End Arts Council, the Vail-Levitt Music Hall, or the Suffolk Theater (if restored). Such stores also appeal to adults who may be in the process of settling into a new home or a vacation home.

- Stores selling recorded music (particularly music that may be hard to find in a mass-market retail store, for example), sheet music, or musical instruments. These stores would benefit from the tourist traffic created by the annual Blues Festival and the summertime concert series.

***Policy 7.8B: Implement strategies that strive to maintain the historic charm and character of downtown, promote pedestrian circulation, and enhance the Peconic River waterfront.***

Downtown Riverhead has a unique and attractive building stock dating from the late 19<sup>th</sup> to the mid 20<sup>th</sup> centuries. Buildings were placed close to the sidewalk and were designed in a pedestrian-oriented (rather than an auto-oriented) format. Many buildings have attractive architectural details. Tourists are known to enjoy traveling to such historic places. Preserving and enhancing these characteristics can help promote downtown Riverhead as a tourist destination.

The Downtown Revitalization Strategy recommends improving the waterfront park, promoting a compact, fine-grain, mixed-use pattern of development, preserving historic sites, requiring traditional design formats, and giving preference to pedestrian and bicycle circulation through sidewalk and street improvements. All of these strategies would support the overall economic development strategy to promote tourism in downtown.

***Policy 7.8C: In Jamesport, attract tourist-oriented shops and restaurants that build off of wine country tourism and its established niche of antique stores.***

As discussed in Chapter 6, the Business Districts Element, Jamesport has a cluster of antique stores and small eateries that currently attract locals and some out-of-town visitors. However, because of its small size, deferred maintenance, and lack of promotion, Jamesport has yet to attract significant tourist traffic. In order for the hamlet center to meet its full business potential, the Town should build up the hamlet's specialty shopping and restaurant niche, while limiting auto-oriented and convenience retail. The reconstruction of the Jamesport LIRR station would be an important improvement in this regard. Building on the established niche of antique stores, Jamesport should provide space for additional furnishings stores, as well as art galleries, arts and crafts shops, sit-down restaurants, cafes, specialty food stores, wine shops, and other similar businesses.

***Policy 7.8D: In Jamesport, add a variety of amenities and implement a number of physical improvements along the main shopping street, in order to encourage strolling and browsing.***

A variety of public amenities could be added to Jamesport in order to further increase tourist interest. One idea is to consider rebuilding the Jamesport railroad station and re-introducing train service, in combination with the "wine train" concept. Another concept is to establish a pedestrian and bicycle trail along South Jamesport Avenue from the historic center to Jamesport Beach. In this way, Jamesport could become a pit stop for touring bicyclists. Also,

a tourist information kiosk should be provided, such that Jamesport is marketed as the gateway into wine country, where tourists can make their first stop and plan out their day over coffee or an early lunch.

In addition, investment is needed to improve the physical quality of the Jamesport environment. Chapter 6, the Business Districts Element, calls for a wide variety of strategies that can make Jamesport more attractive to tourists, including pedestrian-oriented sidewalk and street improvements; traditional design standards for new development; and façade improvements and landscaping.

## **7.4 OFFICE AND INDUSTRY**

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The service sector<sup>2</sup> in Suffolk County economy generated roughly \$18.8 billion in sales in 1998, representing 26 percent of the County economy. Throughout the 1990s, the major locus of office growth was in western Suffolk County, particularly in Brookhaven, Huntington, and Islip. Riverhead, by way of comparison, had relatively little office growth during this period. But in the future, demand for office and industrial space in Riverhead is likely to grow, for several of reasons.

- First, as land becomes more scarce and expensive in Towns to the west, more businesses will look to Riverhead for space.
- Second, although Riverhead is about 15 to 20 miles east of the more developed areas of the County, the Central Pine Barrens region restricts development for much of that stretch. This means that despite Riverhead's distance from existing business centers, it is the next major location available for significant office and industrial growth.
- Third, Riverhead has a great deal of developable land available for office and industrial development, particularly in Enterprise Park and adjacent areas.
- Fourth, the Long Island Expressway (LIE) provides excellent accessibility to the Town's major office and industrial locations.

Based on recent trends, Riverhead is likely to experience a greater demand for office space than industrial space. However, current economic outlooks remain uncertain. Riverhead's land use regulations should be flexible enough to accommodate both office and industrial development, allowing the market to decide how much of each will ultimately be built.

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<sup>2</sup> Includes sectors with NAICS codes 60-67, 73, 80, 81, 87. There are depository institutions; nondepository credit institutions; security/commodity brokers and services; insurance carriers; insurance agents, brokers, and service; real estate; holding and other investment offices; business services, health services, legal services; and engineering, accounting, and related services.

## **OFFICE AND INDUSTRY: GOALS AND POLICIES**

### **Goal 7.9: Concentrate major office and industrial development in Enterprise Park.**

Enterprise Park is uniquely suited for office and industrial development, because of its central location and convenient access from the LIE. Also, the site is already outfitted with some of the essential infrastructure necessary for large-scale development, including sewage treatment capacity. Because most of the site is publicly owned, the Town has a unique opportunity to effectuate appropriate development. The Town can hold onto the remaining parts of the site until development pressures are ripe and the best development proposal is put forward. The Town is under no pressure or obligation to sell the site in the short run, as there is no shortage of land elsewhere in Town for private development. As parcels are ultimately conveyed to private developers, the Town can use its status as the original owner to negotiate for specific improvements or design requirements.

***Policy 7.9A: Continue to implement the Reuse Plan for the Calverton Enterprise Park site, or any amendments thereto.***

The U.S. Government has the authority to sell or otherwise dispose of publicly owned properties, for reuse by private parties, even if that property had originally been condemned for a public use. The Grumman site was used for a legitimate public purpose for a long period of time, and the closure of the site was part of a nationwide initiative to close military bases under the administration of President Clinton. The federal government worked with the Town, which has land use regulatory authority, to develop a reuse plan for the site. The plan was completed in March 1996 and was prepared jointly by the Town's Community Development Agency and the Calverton Air Facility Joint Planning and Redevelopment Commission.

***Policy 7.9B: Continue working with private developers, surrounding residents, and surrounding property owners to ensure that development at Enterprise Park is compatible with the scale and character of surrounding areas.***

Development in Enterprise Park can be made to fit into the Town's rural landscape. As a single compound with an enormous land area, the site can be surrounded with wide setbacks and densely vegetated buffers that screen office and industrial development and their parking lots from the surrounding residential and rural areas.

**Goal 7.10: Strengthen the industrial zoning outside the Enterprise Park to be more responsive to market demands and surrounding uses.**

***Policy 7.10A: Allow commercial recreation uses in some of the industrial area located between Enterprise Park and the Long Island Expressway.***

The industrially zoned areas located between the LIE and the Enterprise Park should continue to allow moderate-size industrial and warehouse development. This provides an ideal location for businesses that would not necessarily want to be located in Enterprise Park, such as contractor's offices and other industries in which businesses tend to have less than 40 employees. Businesses of such sizes are well-suited to the smaller lots permitted in that area.

At the same time, the Town should also permit and encourage commercial recreational uses in some of those areas. This provides an alternative in case industrial development does not materialize or is smaller in quantity than anticipated.

***Policy 7.10B: Maintain a cluster of light industrial uses and zoning adjacent to the Route 25 exit of the Long Island Expressway, on the northwest side of the expressway.***

There is an existing cluster of moderate-size industrial uses in this area, as well as the Splish Splash amusement park. Many of the businesses located in this area provide a variety of important services, serving not only residents, but also Riverhead businesses.

***Policy 7.10C: Maintain a cluster of light industrial uses and zoning in the area that lies roughly between Pulaski Street, Mill Road, and West Main Street, west of downtown.***

There is an existing cluster of moderate-size industrial uses in this area. The site is ideally situated between Route 58 and downtown and provides business support services for both areas.

***Policy 7.10D: In the eastern part of Riverhead, rezone the following four existing industrial/utility sites:***

- (1) Site on Edgar Avenue, (including the existing Crescent Duck Farm);***
- (2) Site on West Lane (the existing industrial site);***
- (3) Site on Sound Shore Road (the existing Tosco utility site); and***
- (4) Site on Long Island Sound (KeySpan Property).***

These sites are surrounded by residential and rural uses, and conversion to more compatible uses would be appropriate in the long-term. The Tosco site is an industrial use that was

constructed before Riverhead had adopted land use regulations. The Crescent Duck Farm is currently zoned for industrial use, as many duck farms were zoned in the past, but its primary function is that of an agricultural site. The KeySpan property is unimproved and is an important site for agriculture and recreational use. It is important to note that subsequent to zoning map amendment, the Crescent Farm, Tosco, and a former Photocircuits site would enjoy non-conforming status and continue to operate.

***Policy 7.10E: Continue to allow and encourage a mix of office and industrial development in the industrial zones.***

***Policy 7.10F: Eliminate industrial zoning in locations along Route 58 and Upper East Main Street , as well as in the residential areas immediately north of downtown.***

As discussed in Chapter 6, the Business Districts Element, these areas are not well-suited to industrial development. Much of the area along Upper East Main Street and north of downtown area primarily residential in use, and industrial development would generally be incompatible. Much of the area along Route 58 is under pressure for commercial development and is ideally suited for retail.

**Goal 7.11: Ensure that office and industrial development fits into the Town's rural character.**

While continuing to allow office and industrial development in appropriate locations, the Town must balance development with environmental conservation, open space preservation, and good site planning. Riverhead's zoning regulations can be strengthened in terms of environmental protection.

***Policy 7.11A: Increase the minimum lot size for development in the industrial zones, in order to reserve those areas for large-scale development and to require greater open space preservation.***

Currently, the zoning provisions require a minimum lot size of 40,000 square feet in the Industrial A zone and requires no minimum lot size for the Industrial B zone. In order to accommodate large-scale office and industrial development (typically 50,000 square feet in size or more), a minimum lot size of 10 to 15 acres would be needed. The Industrial/Recreational zone can have smaller lot sizes for industrial development, but should still be larger than the current requirement in order to provide more open space on these lots. About one-acre to two-acre lots might be appropriate.

***Policy 7.11B: Reduce the maximum floor area ratio (FAR) for industrial and office development in the industrial zones in order to provide more open space and landscaping, and other appropriate amenities.***

***Policy 7.11C: Establish environmental performance standards for development in the industrial zones.***

Industrial and office development should be required to meet performance standards for noise, emissions, effluent, glare, and other environmental factors. Performance standards are flexible, in that they allow a wide variety of industrial uses, provided that the off-site impacts can be limited or contained.

***Policy 7.11D: Establish more stringent requirements for open space preservation, setbacks, buffers, and landscaping on individual lots in the industrial zones.***

Preserved open space areas could continue to be used for agriculture, through rental agreements between the office/industrial proprietor and local farmers, or they can be maintained as woodlands or meadows, providing habitat areas for plants and animals. Wide setbacks and densely vegetated buffers should also be provided. Riverhead's relatively flat landscape makes such buffers absolutely critical, because without them, there would be nothing to prevent new office or industrial buildings from being seen from miles away, ruining the Town's scenic quality. Parking lots in these areas should also be subject to stringent landscaping standards.

***Policy 7.11E: Maintain open space preserves in Enterprise Park, as well as any site in an industrial zone that is subject to subdivision.***

***Policy 7.11F: Provide wide setbacks and landscaped buffers around the perimeter of Enterprise Park, as well as any site in an industrial zone that is subject to subdivision.***

This policy is consistent with the Calverton NWIRP reuse plan.

***Policy 7.11G: Adopt design guidelines for office and industrial development in the industrial zones, as well as roadways and parking lots in those areas.***

This policy is intended to encourage site planning, building design, and parking lot design that is both viable for the marketplace, aesthetically attractive, and compatible with the Town's character. Roadways and parking lots should be designed not just with automobile circulation in mind, but also pedestrian, bicycle, and bus circulation.

***Policy 7.11H: Consider requiring review by the Town's Architectural Review Board of all newly proposed development in Enterprise Park.***

This would help ensure high-quality design. Review standards and guidelines specific to Enterprise Park should be developed and used as the basis for review.

**Goal 7.12: Concentrate moderate- and small-scale professional offices in proximity to residential areas.**

*Policy 7.12A: As discussed in Chapter 6, the Business Districts Element, concentrate small-scale professional office development in downtown Riverhead and in the hamlet centers.*

Small-scale professional office development should be discouraged in Enterprise Park, and in the industrial areas between Enterprise Park and the Long Island Expressway. These areas, as discussed, should be reserved for larger-scale development.

*Policy 7.12B: As discussed in Chapter 6, the Business Districts Element, allow moderate-scale professional office development along Route 58, along Route 25A in the Wading River area, and along Upper East Main Street.*

Through the CRC zone, moderate-size office campuses can be established in these areas.

## **7.5 AGRICULTURE**

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As discussed in Chapter 2, the Agriculture Element, farming plays an important role in the economy of the Town and the County. With one third of the County's remaining farmland located in Riverhead, the Town is still very much the center of the regional agricultural industry. Important agricultural products in the County include: nursery and greenhouse products, potatoes, rye, cauliflower, broccoli, pumpkins, and spinach. Also, as noted, a growing part of Suffolk County's agricultural economy is the wine industry.

### **AGRICULTURE: GOALS AND POLICIES**

**Goal 7.13: Preserve agricultural land.**

The viability of the agricultural industry in Riverhead relies upon the availability of farmland. Chapter 2, the Agricultural Element, includes a variety of strategies for farmland preservation. These strategies are reaffirmed through the following policies.

*Policy 7.13A: Implement the provisions of the Agriculture Element that strengthen the Town's Transfer of Development Rights (TDR) program and encourage cluster development in the APZ.*

*Policy 7.13B: Work more aggressively toward the purchase of conservation easements on farmland in Riverhead and encourage State and County agencies, foundations, and local non-profit organizations to do the same.*

**Goal 7.14: Provide farmers with tools, incentives, and protections to keep farming.**

*Policy 7.14A: Ensure that the Town's zoning provisions continue to allow diverse agricultural operations and facilities, as well as agro-tourism facilities and equestrian facilities.*

*Policy 7.14B: Allow accessory units in accessory structures within the Agricultural Protection Zone (APZ), so as to allow farmers to derive rental income from underutilized structures.*

Cluster subdivision within the APZ will result in large agricultural lots with a right to construct a single family residence or homestead. These agricultural lots should be provided the right to construct an accessory single family unit, in order to provide additional housing stock for small families or agricultural worker housing. In this regard, the principle structure shall be owner occupied with a minimum lot size of five (5) acres. In the event that the accessory unit is to house agricultural workers, the workers must work on the premises.

*Policy 7.14C: Work with the State's Department of Agriculture, the Cooperative Extension Service, and/or the Long Island Farm Bureau to provide farmers with technical assistance to convert their crops to agricultural product lines with expanding demand, such as organic foods, grapes, wine, pumpkins, and nurseries.*

There may be additional products as well, including more traditional products like potatoes, that may continue to be commercially successful. The Town should continue to stay abreast of evolving trends in the local agricultural industry.

*Policy 7.14D: Work with the State's Department of Agriculture, the Cooperative Extension Service, and/or the Long Island Farm Bureau to develop a program in community-supported agriculture, wherein residents make a commitment to purchase a certain amount of produce or other products during a given year from local farms.*

*Policy 7.14E: Work with the Long Island Farm Bureau to match prospective farmers with available farmland.*

*Policy 7.14F: Work with the New York State Department of Agriculture's "Grow New York" program to implement agricultural economic development strategies in Riverhead.*

Grow New York makes grant funding available for capital and technological improvements on farms, as well as marketing programs to increased demand for local farm products.

***Policy 7.14G: Encourage farmers to explore agro-tourism as means of supplementing farm income.***

***Policy 7.14H: Create greater opportunities for the local sale of farm products through the creation of improved regular farmers' markets in downtown Riverhead and new seasonal farmers markets at the western end of Route 58.***

See discussion in Chapter 3—Agricultural Element.

***Policy 7.14I: Encourage farmers to take advantage of the State's Agricultural Environmental Management Initiative, which offers grant funding to farms to help farmers come into compliance with environmental regulations, while improving productivity and neighbor relations.***

***Policy 7.14J: Strengthen the Town's Right to Farm ordinance, by:***

- ***Requiring any new development or subdivision within 500 feet of agricultural land, agricultural operations, or agricultural processing facilities to adopt a deed restriction that recognizes the presence of farm activity and obligates future residents to accept the related inconvenience or discomfort as normal and necessary.***
- ***Requiring a signature by each property transferee, such that the transferee acknowledges and agrees to the "right to farm" provision***

Agricultural sites actually have a diversity of uses and activities (i.e., production and storage facilities, temporary housing for seasonal shelters, frequent truck activity, noise from tractors and other machinery, odor from farm animals), some of which may be perceived as nuisances by the residents of new subdivisions. It is not uncommon for the residents of new rural-area subdivisions to complain about these "nuisance" activities and eventually take legal action to have those activities halted. Such actions can be financially devastating to farmers and can accelerate the loss of agricultural activity and farmland. The Town already has adopted a right-to-farm ordinance that is intended to protect existing farmers from such "nuisance" suits, but the ordinance can be strengthened.

***Policy 7.14K: Require additional setbacks and buffers for any new development or subdivision located adjacent to agricultural sites.***

In the revision of clustered subdivisions within the APZ, the Planning Board should recognize the inherent conflicts between residential and agricultural uses and provide adequate buffer yards and planting to minimize nuisances. A specification for a standard vegetated buffer or hedgerow should be devised.

## 7.6 RETAIL

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As discussed in Chapter 6, the Business Districts Element, retail is one of the largest sectors of the Riverhead economy. As its market base, Riverhead retailers not only rely on local residents and employees, but also tap into the market potential of tourists and other visitors. In 1998, Riverhead residents spent approximately \$138 million in non-gasoline products. However, in the same year, Riverhead's stores had retail sales in excess of \$310 million, far surpassing the expenditure of the residents alone. Seasonal residents, tourist populations, and residents of other nearby towns are the primary sources of the higher-than-expected retail sales figures.

In the future, Riverhead must continue to meet the shopping needs of both residents and visitors, in order to maintain the strength of the retail sector. Chapter 6, the Business Districts Element, provides a comprehensive strategy for strengthening the market draw of Riverhead's various business districts. It calls for convenience and excursion shopping along Route 58 and Route 25A and specialty shopping, sit-down restaurants, and entertainment in downtown and Jamesport. Small market niches are also to be developed for each of the hamlet centers.

In each business district, future retail growth should be coupled with policies to improve the character of the built environment (landscaping, parking lots, streetscapes, building design, signs), and provisions to improve access and circulation. In downtown and the hamlet centers, an emphasis is placed on creating an attractive pedestrian environment that promotes walking and window shopping.

### DESTINATION RETAIL

Some retail establishments are so large and so desirable, that they function as destinations in and of themselves. That is, people take day-long or half-day excursions solely for the purpose of shopping at that particular location. Tanger Mall is just such a destination. It provides a large selection of brand-name, discount products, and it is located adjacent to the last exit of the LIE, providing easy access from points west. Due to its location at the end of the expressway, as well as the availability of large land parcels, the western end of Route 58 is ideally situated for destination retail.

### RETAIL: GOALS AND POLICIES

**Goal 7.15: Concentrate convenience retail on Route 58 and in the hamlet centers, and concentrate destination retail on the western end of Route, near the Long Island Expressway.**

***Policy 7.15A: Implement the provisions of Chapter 6, the Business Districts Element, regarding commercial zoning along the Route 58 corridor and in the hamlet centers.***

As discussed in Section 7.3, tourist-oriented specialty shops and restaurants should be focused in downtown Riverhead and the Jamesport hamlet center. Concentrating convenience shopping along Route 58 and the hamlet centers ensures that everyday products and services are made available to residents in central locations. Destination retail is well-suited to the western end of Route 58, where the proximity to the LIE can draw a regional clientele.

**Goal 7.16: Limit commercial sprawl and improve the aesthetic quality of the Town's business districts.**

***Policy 7.16A: Reduce commercial zoning in areas with underdeveloped commercial zoning, particularly in Roanoke, Laurel, Calverton West, Calverton East, Wading River East, and north of downtown.***

This is intended to reduce the proliferation of commercial uses along rural corridors, detracting from scenic views.

***Policy 7.16B: Impose more stringent standards for building design, parking lot design, signage, landscaping, and open space in all commercial zones.***

Aesthetic improvement such as these can bolster the attractiveness of the business districts, improving the ability of stores to attract and retain customers.

## **7.7 HOME OCCUPATIONS AND BUSINESSES**

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Home occupations and home businesses provide opportunities for entrepreneurial activity in Riverhead. An entrepreneur starting his or her own business, who may not have abundant start-up resources, can operate the business out of the home on a temporary basis until the business gets underway. Similarly, if flexible live-work arrangements are permitted, someone who may be spending the summer or other parts of the year on the East End has the opportunity to work from home, rather than enduring a long daily commute. With the dawn of the high-speed telecommunications and the internet, workers can easily work from home and still communicate closely with their offices throughout the course of the day.

However, some restrictions on home occupations and home businesses are necessary and appropriate, in order to prevent impacts on adjacent residences. Home occupations (a home office or workshop used only by residents living on the premises) would not typically have off-site impacts, but home businesses could generate noise or visual nuisances that are inappropriate in a residential area. For example, while a computer programmer could set up a home office with virtually no impact on the neighborhood, a plumbing contractor working out of home would have greater impacts. Contractors require indoor and outdoor storage for materials and equipment, and their operations are often associated with truck activity.

Similarly, artist or artisan space (i.e., a cabinet-maker's workshop) may involve off-site impacts like noise or fumes that ought to be regulated.

## **HOME OCCUPATIONS AND BUSINESSES: GOALS AND POLICIES**

**Goal 7.17: Maintain the ability of residents to establish home occupations in all residential areas.**

***Policy 7.17A: Revise zoning provisions to permit home occupations in all residence zones throughout the Town.***

Currently, the zoning provisions allow home occupations as a permitted accessory use in the Agriculture, Residence B, Residence C, and Residence D districts. The zoning regulations should be amended in order to allow a home occupation anywhere that a residential use is permitted. During CAC meetings, some participants expressed concern that allowing home occupations could result in an increased level of residential development. It is unlikely that this would happen. Riverhead would not be unique among towns in allowing home businesses, so it is unlikely that a person would seek a home in Riverhead solely for the purpose of being able to set up a home business. Housing demand is more strongly influenced by other factors, such as housing cost, property taxes, the quality of the local schools, location relative to highways and transit, and location relative to place of work.

***Policy 7.17B: Modify the definition of "Home Occupation" to address the following at a minimum:***

- ***Prohibit outdoor storage;***
- ***Prohibit retail sales;***
- ***Limit the size of the home occupation, relative to the size of the residential use;***
- ***Limit hours of operation and hours of deliveries or shipments;***
- ***Require that no additions or accessory structures be built for the purpose of accommodating the home occupation;***
- ***Prohibit signs related to the home occupation;***
- ***Limit on-site parking to what is necessary for the residential use;***
- ***Limit the area of impervious surfaces of residential lots for home occupations;***
- ***Limit the weight of vehicles that are parked upon residential lots for home occupations;***
- ***Require that the only people working on the home occupation be residents of the housing unit in which the home occupation is located.***

To enforce these requirements, the Town can consider subjecting home occupations to the special permit review process, or some other appropriate review process.

*Policy 7.17C: Require home occupations to comply with performance standards for noise, odor, glare, and other environmental impacts.*

**Goal 7.18: Allow residents to set up home businesses in residential areas, provided that adequate space is available and that the business can be compatible with the neighborhood.**

*Policy 7.18A: Revise zoning provisions to permit home businesses on single-family residential lots of 40,000 square feet or more in size.*

Smaller lots or lots in clustered subdivisions would not be of adequate size to accommodate home businesses, with their parking and storage needs, as well as their potential off-site impacts.

## **10. Utility Service Element**

### **10.1 VISION STATEMENT**

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Utility infrastructure is critical to the health, safety, and welfare of the community. Water, sewer, electric, natural gas, and telecommunications facilities are relied upon by residents and businesses for day-to-date activity and contribute to the Town's economic wellbeing. Utilities should continue to be expanded to meet Riverhead's growing needs. At the same time, the Town should strive to limit any potential negative impacts from new infrastructure on the natural environment or Riverhead's historic or scenic resources.

## **10.2 SUMMARY OF BACKGROUND RESEARCH**

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### **ELECTRICITY AND NATURAL GAS**

Since the breakup of the Long Island Lighting Company (LILCO), the Long Island Power Authority (LIPA), as a public entity, has been responsible for electric distribution. Gas distribution has been the responsibility of LILCO's successor company, Keyspan, a private, regulated corporation.

LIPA operates and maintains the power grid that serves Riverhead and hooks up new users into the system. While LIPA is responsible for delivering electricity to homes and business, residents and employers have the option of purchasing these energy sources from other suppliers. This flexibility in the energy market was made possible by federal deregulation of the energy sector in the late 1990s. Since LIPA is a public entity of the State of New York, power supply and distribution are still closely regulated by the State.

As of 2001, the combined forces of utility deregulation and aging power plants have raised the specter of a nationwide energy crisis. So far, Riverhead has not experienced chronic blackouts or brownouts. If the New York City metropolitan region is afflicted by an energy crisis, it is conceivable that Riverhead could experience rolling blackouts or energy shortages, along with other communities. LIPA is currently undertaking several projects to secure a more reliable power supply. These include the Cross Sound Cable project (high voltage underwater cable that would connect the electric transmission grids of new England and Long Island), the installation of new turbines at LIPA plants, the use of portable generators for emergency backup, and the development of a program for off-shore wind power. Either power plant expansions and/or conservation measures may be needed in the future to serve the Long Island's growing economy and population.

Keyspan has been more active in the expansion of its natural gas infrastructure than had LILCO. Service in Riverhead has been expanding. As a general rule, Keyspan will install 100 feet of new main at no cost for each new prospective customer. Recently, the company has indicated it would embark upon a more aggressive expansion plan, to the point that it would make installation more favorable to residents. During focus groups, participants have indicated an interest in maximizing the availability of natural gas service in Riverhead.

### **SANITARY SEWERS**

The Town has a sanitary sewer district with a full sewage treatment plant. This facility provides sanitary waste treatment and disposal for the area around downtown Riverhead, including most of the Route 58 corridor. The facility recently underwent an \$8.5 million upgrade. It is sized at 1.3 million gallons per day (gpd) and provides a 100,000 gpd scavenger waste disposal point which is one of the only two such disposal points available in Suffolk County, the other being at Bergan Point in the Town of Babylon, near the southwestern end of the County.

The Riverhead plant has tertiary treatment, but only for nitrates. Plant effluent is discharged into the Peconic River. The Suffolk County Department of Health Services (SCDHS) believes that this effluent does not adequately dissipate since the extreme west end of the Peconic Estuary is not adequately flushed due to its small size and the distance to the mouth. The Riverhead Town Board, as the sewer district commissioners, and the SCDHS are exploring the possibility of using the Indian Island Golf Course for recharge after treatment (i.e. application of gray water to the ground).

The Riverhead Town Board extended the appurtenances of the Riverhead Sewer District westerly within the bed of County Route 58 to the terminus of the LIE. Due to forecasted sanitary flows emanating from the development of this area, the District is currently at full capacity. The conclusions of the Peconic Estuary Study indicate that there are no plans for increasing the capacity of the district treatment facility without certain technological changes.

However, the Town Board has established the Calverton Sewer District to collect and treat industrial wastewater and sanitary sewage generated by the development of the real property within Enterprise Park at Calverton (“EPCAL”). The existing treatment facility serving EPCAL was originally constructed to serve the Calverton Naval Weapons Industrial Reserve Plant (NWIRP) and has a capacity of 62,000 gallons per day. The Calverton Sewer District will eventually expand to serve all users within EPCAL.

Riverhead currently has one (1) privately owned sewage treatment plant (STP), which serves the condominium development known as Willow Ponds, located at Sound Avenue, Roanoke. The Willow Ponds STP is rated at a capacity of 70,000 gallons per day with expected total flows of 50,355 gallons per day. Due to this under capacity, the Willow Ponds development could sustain higher development yields and is a unique parcel to accept transferred development rights.

## **SOLID WASTE AND RECYCLING**

Riverhead operated a municipal residential collection system and sanitary landfill until the mid-1990s. In 1993, the Town ceased accepting waste at its Young’s Avenue landfill but continued to utilize the transfer station at this 40-acre facility. This transfer station is now closed.

The Town has developed a solid waste management plan that identifies six (6) solid waste collection districts for residential solid waste and recycling collection. Figure 10-1 delineates the boundaries of the six collection districts in Riverhead. The Town solicits bids for each district. The selected carter(s) must provide the Town Clerk’s Office with quarterly tonnage reports for tracking quantities of residential household waste and recyclables. Table 10-1 shows the 2002 quarterly tonnage figures for the six collection districts in Riverhead. In 2002, Crown Sanitation Inc. collected approximately 5,400 tons of household municipal solid waste (MSW) in collection districts A, B and C, and Waste Management Inc. collected approximately 5,000 tons of household MSW in collection districts D, E and F.

**Table 10-1: Solid Waste Collection Quarterly Data, January 1, 2002 – December 31, 2002**

<i>Carting Company</i>	<i>Type of Waste</i>	<i>1/1 – 3/31</i>	<i>4/1 – 6/30</i>	<i>7/1 – 9/30</i>	<i>10/1 – 12/31</i>
<i>Crown Sanitation (Districts A, B &amp; C)</i>	Household MSW	1263.14	1378.48	1404.39	1348.67
	Paper / Cardboard	345.19	352.98	296.45	331.54
	Commingled Glass, Metals & Plastics	151.56	123.12	151.91	142.19
	Yard Waste & Bulk	600.20	859.63	753.18	737.67
<i>Waste Management (Districts D, E &amp; F)</i>	Household MSW	971.27	1289.79	1490.20	1247.76
	Paper / Cardboard	165.37	171.41	197.31	191.05
	Commingled Glass, Metals & Plastics	79.88	83.82	102.20	75.48
	Yard Waste & Bulk	524.13	739.26	650.33	724.41

Source: *Town of Riverhead Tax Receiver, 2003.*

The Town also provides for residential yard waste collection and residential yard waste drop-off with compost offered to Town residents. The yard waste facility is now located at the Young’s Avenue site. Household hazardous waste collection is conducted quarterly under the Town’s STOP program (Stop Throwing Out Pollutants), a very successful program in the Town. Riverhead has also provided its citizens with small battery disposal bins at Town Hall.

Commercial property owners must contract for private waste collection services. Under Chapter 103 of the Town code, source separated/curbside recycling is mandatory in Riverhead for both commercial and residential properties. The Town requires cardboard and newsprint and commingled materials (plastics, metals) to be recycled.

The Town completed and received NYSDEC approval for its 1999 Solid Waste Management Plan. The Town officially adopted the plan and is currently updating the plan to reflect the next five-year management approach to solid waste. Included in the update will be information on the comprehensive recycling program, updated trends in solid waste as reflected in six district tonnage reports, and identification of future solid waste collection, disposal and facility requirements.

The most significant recent change in solid waste management has been the reclamation of the Town’s Young’s Avenue landfill, a 40-acre site adjacent to a former municipal sand mine, used primarily for daily cover material and highway sanding. The landfill is being reclaimed pursuant to 6NYCRR Part 360 Solid Waste Management Facility Regulations. The Town selected reclamation for a number of reasons including: the growing number of residential developments in the area surrounding the landfill; cover system (cap) was installed, and long term monitoring and maintenance required for a capped landfill (currently 30-years pursuant to Part 360). The reclamation project is being funded with low interest rate bonds and the state will provide up to two-million dollars in matching funds for landfill closure projects.

Figure 10-1

Back of Figure

To date the reclamation project has been refined into a major materials separation project with approximately 80 percent of the materials recovered for recycling. The balance of the waste is disposed of at an out of state landfill. There have been no hazardous materials found and there have been no odors generated largely because the putridcides have decomposed. The project is currently within budget, and slightly ahead of its scheduled completion (2006), with one-third of the landfill's reclamation nearing completion. One of the by-products of the reclamation project is aggregate (stone, gravels and sands). This material is being used in the manufacture of hot-mix asphalt after a Beneficial Use Determination (BUD) for the aggregates was made by the NYSDEC. The asphalt plant is located on the adjacent former sand mine has also been restored in accordance with the NYSDEC mining permit requirements.

Upon completion of the reclamation project and the use of the reclaimed aggregates as feedstock for the portable plant, consideration has been given to utilize the entire 70-acre site as a Town park, among other. New applications and requests for expanding existing solid waste facilities within the Town are being studied. It is expected that the Master Plan and the Updated Solid Waste Management Plan will provide the recommendations necessary to consider these applications.

## **DRINKING WATER**

The Town of Riverhead has demonstrated a strong commitment to providing high-quality drinking water and fire flow protection to its residents. The Riverhead Water District has been expanding its boundaries over the last 20 years from just within the hamlet of downtown Riverhead to approximately 90 percent of the Town. The district now includes a substantial portion of the Town, covering 44.3 square miles using 214.17 miles of water main to supply both domestic and firematic use. Currently there are 1,526 fire hydrants within the district. The Riverhead Water District currently serves over 36,000 customers, 30,000 in Riverhead and 6,000 in the Towns of Southold and Southampton. In addition to the Water District, there are two small private suppliers serving manufactured homes located off Forge Road. All other residents and businesses are supplied by private wells.

The Riverhead Water District maintains 12 supply wells that have a total pumping capacity of 19 million gallons per day. In addition, it maintains five storage facilities that have a combined storage capacity of 4.25 million gallons. The quality of the water is considered to be very good, as it meets all federal and state drinking water standards. The saltwater intrusion problems of the North and South Forks of Long Island are not a problem in Riverhead.

As the district has continued to expand and grow, it has planned on the construction of additional water supply and storage facilities. The aquifer system beneath the Town is of sufficient size to allow for the continued growth within the Town. Additional supply wells will be needed in the future. These wells will need to be located in the western portion of the Town where the aquifer system is deeper allowing full sized wells to be built.

The Riverhead Water District has been able to expand its boundaries and increase its water supply capabilities without increasing the cost of water to its customers. The cost of water has remained unchanged for the past 17 years at \$1.00 per thousand gallons. The water rate is one of the lowest on Long Island. The District has been able to maintain this low cost of water by continuing to operate as a very efficient utility and by establishing a key money fee for all new development within the district. The key money fee is used to construct new water supply facilities for new consumers without placing the added cost on the existing District residents.

Currently, the SCWA and the Riverhead Water District work together to assist each other on a need basis. There are already two metered cross-connects which allow interchange of water, the Southold part of the SCWA being the major beneficiary. The SCWA would like to add two cross-connects to the existing system: one at the Brookhaven-Riverhead border on Route 25; the other at the Southold-Riverhead border on Sound Avenue. This would assist the SCWA in serving Southold.

Nationally, the trend is toward consolidation of water services. Small water districts are being absorbed into large entities. Larger organizations have a greater competitive advantage, because of lower per-unit administrative and capital costs. Also, because of more restrictive National Water Standards, all districts have increasing costs related to testing-monitoring, treatment, and technology. These costs are relatively easier to absorb for a larger entity. As an example of the consolidation trend, American Water Works has grown into a major national water purveyor that serves 16 million people in 29 states. American Water itself is currently being purchased by RWEAG.

The major advantage of a small, local water district is that it can be more attuned to local needs. Because it is directly accountable to Town government, and thus local constituents and voters, the Riverhead Water District has a special interest in providing a reliable, high-quality supply of water to its residents. The Riverhead Water District has been, and will continue to be able to meet the water supply needs of the entire Town over the next 20 years.

## **TELECOMMUNICATIONS**

### **Telephone and the Internet**

As a former Bell Company, Verizon operates and maintains the telephone wires that run throughout Riverhead and is responsible for delivering basic telephone service (i.e., dial tone) and dial-up internet service to the Town's households and businesses. As new buildings are built, Verizon is required to link new buildings into the telephone system. As a result of the deregulation of the telecommunications industry in the 1990s, telephone customers can now choose different service providers for both local and long-distance calling.

A number of companies, such as Easy Access and Direct TV, are now also offering high-speed DSL connections in the Riverhead area. The DSL network is still in the process of being expanded nationwide, and there may be parts of Riverhead (as in every city and town) where DSL is not currently available. DSL speeds can vary widely, depending on the service package,

but residential DSL is typically about 30 kb/second, whereas business DSL can reach as high as 125 kb/second.<sup>1</sup>

### **Cable**

Riverhead's primary cable provider is Cablevision, which offers both basic cable (with multiple television channels) and digital cable (offering a larger number of channels at a higher quality). However, digital cable is not currently available everywhere in the Cablevision system, and some parts of Riverhead may not yet be serviceable. Cablevision and other companies also offer internet cable service in some parts of the Town. Cable internet connections can typically upload data at speeds of 150 kb/second, consistently one of the fastest connections available. By way of comparison, a typical residential DSL line has a speed of about 30 kb/second, and a dial-up 56k modem has a speed of 6 kb/sec.

### **Cellular Communications**

Over the last decade, cities and towns nationwide have been inundated with applications for cellular antennae, which are used to provide continuous service to the users of cell phones and other wireless devices. Cellular companies have particularly targeted areas in major metropolitan centers and along major highways, where their customers travel. Although cellular antennas have been installed primarily upon towers on private property, the Town has recently encouraged installation upon water district water towers and standpipes. The Town expects to receive more and more applications for cellular towers in coming years, particularly for areas along the Route 58, Route 25, and Sound Avenue corridors. As such, the Town has and will continue to encourage the co-location of antennas on existing towers.

Because cellular technology is relatively new, its potential health impacts are uncertain. Reports were circulated in the late 1990s suggesting that cell phone use could be linked to cancer or other health problems, but those reports were never confirmed. It is unknown whether residents living in proximity to a cell tower could be subject to some of the same health hazards, if such hazards do in fact exist.

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<sup>1</sup> [www.cable-modem.net](http://www.cable-modem.net).

### 10.3 GOALS & POLICIES

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**Goal 10.1: Ensure that Riverhead's homes, businesses, and institutions are provided with adequate, reliable, high-quality electric, natural gas, cable, and telecommunications services.**

*Policy 10.1A: Continue to require new subdivisions to install electric, natural gas, telephone, and cable television lines in the beds of new roadways and to provide new lots with connections.*

This policy is already standard practice for the Town and ensures a basic level of utility service to Town residents and businesses.

*Policy 10.1B: Strongly encourage the expansion of the latest internet technologies throughout Riverhead.*

High-speed internet services provide residents and businesses with crucial connections to the World Wide Web, which provides a wealth of information, services, and business opportunities. Through high-speed services, the ability of residents and businesses to take full advantage of the internet is increased.

*Policy 10.1C: Pursue the construction of an electric power generator at EPCAL to provide less expensive electric power at EPCAL and to customers town-wide.*

**Goal 10.2: Ensure that Riverhead's homes, businesses, and institutions are provided with an adequate, reliable, high-quality supply of drinking water.**

*Policy 10.2A: Continue to expand the Riverhead Water District and the district's capacity, as necessary, to serve current and future Riverhead residents.*

*Policy 10.2B: Continue to monitor the water supply provided through the Riverhead Water District and strive for high standard of water quality.*

Currently, the Town's water district is considered to have high-quality water. The Town should continue to ensure that this high standard is maintained into the future.

*Policy 10.2C: Require adequate buffers around public wells, in order to reduce the potential for negative impacts on well systems or groundwater.*

*Policy 10.2D: Require that private wells are sited and built so as to avoid the risk of being negatively impacted from nearby development.*

***Policy 10.2E: Require that septic systems, package treatment plants, and other discharge-to-ground wastewater systems are sited and built so as to avoid the risk of negatively impacting public or private wells.***

As discussed in Chapter 4, the Natural Resources Conservation Element, the location and design of septic systems should also be such that groundwater and surface water resources are protected.

**Goal 10.3: If possible, expand areas around downtown Riverhead, Enterprise Park, and the hamlet centers that can be served by sewer.**

***Policy 10.3A: With changes to zoning districts in downtown Riverhead and along Route 58, explore the feasibility of expanding the boundaries of the Town's sewer district.***

It has been determined that the land area within the sewer district boundaries, if built out under current zoning, would use up the remaining capacity of the sewage treatment plant. The Proposed Land Use Plan in Chapter 2, the Land Use Element, includes a rezoning for certain areas within the sewer district, possibly resulting in reduced sanitary sewer flow from those flows forecasted by Malcolm Pirnie, Inc. in 1990. The Malcolm Pirnie forecast should be revisited to discover potential excess sewer district capacity.

***Policy 10.3B: Consider the feasibility of expanding the Town's sewage treatment, taking into account the nitrate flushing dynamic in the western end of the Peconic Estuary.***

As noted, Riverhead's treatment plant discharges effluent into the Peconic River. Nitrates are not as effectively flushed from this area as compared to others, due to its location at the western edge of the estuary. Another option is to explore the expansion of sewage capacity using a combination of ground and surface water discharge.

***Policy 10.3C: Continue to explore the need and feasibility of an expanded sewage treatment plant for Enterprise Park.***

The Town has established a second sewer district to collect and treat effluent from Enterprise Park. The Town is exploring the possibility of expanding the former facility that served the original site from a capacity of 62,000 gallons per day (gpd) to 500,000 gpd.

***Policy 10.3D: Suspend the collection and treatment of wastewater generated by out-of-district users.***

By contrast, the Riverhead Sewer District currently collects and treats wastewater generated by Suffolk County facilities located within the Town of Southampton. The average daily flow processed from these facilities is estimated at 200,000 gallons per day.

The Riverhead Sewer District should convince the County of Suffolk to be in a position to collect and treat this wastewater by the end of the contract term, which would provide capacity for necessary development within the Town of Riverhead, particularly work force housing.

**Goal 10.4: Encourage energy conservation and efficient use of utility infrastructure and services.**

***Policy 10.4A: Encourage water saving plumbing devices to be utilized town-wide.***

This would make more efficient use of the capacity of the Town's sewage treatment plant or private package treatment plants.

**Goal 10.5: Ensure that the physical infrastructure associated with utility services is respectful of the Town's natural, scenic, and historic resources.**

***Policy 10.5A: Require all new utility lines to be installed underground.***

This is intended not only to reduce visual blight, but to promote public safety. Overhead wires, in particular, can pose safety hazards to residents.

***Policy 10.5B: Work with utility providers to underground existing above-ground utility lines.***

Although this is a costly undertaking, there may be cost-effective ways to move utility lines underground over time. As roadway widening and improvement projects occur, requiring the movement of utility poles, utility providers could take advantage of the roadway work to underground the lines. Facilitating access to underground lines for maintenance purposes should also be addressed.

***Policy 10.5C: Add cellular towers to the Type I list pursuant to § 61-14 of the Town Code and require the preparation of an Environmental Impact Statement (EIS) to support special permit petitions for new cellular towers.***

The addition of new cellular telephone antennas to the existing network is necessary to fill service gaps. In the review of special permit petitions for the construction of cell towers to house new antennas, the Town Board should determine the dimension and location of service gaps and verify the public need to fill such gaps through the SEQR process.

***Policy 10.5D: Strive for increased gray water irrigation on active recreational fields and golf courses.***

The Town is currently participating with Suffolk County in a study to assess the feasibility of gray water irrigation on Indian Island Golf Course. In the event that such application of treated wastewater is environmentally acceptable, a pilot program should be pursued at the golf course

and other suitable sites. Other sites that should be considered include Town parks and private and public golf courses Townwide. This policy would result in the reduced discharge of treated wastewater into the Peconic Estuary, reducing the potential for long-term environmental impacts to surface waters.

***Policy 10.5E: Explore the feasibility of expanding tertiary treatment of the Town's sewage treatment plant.***

The Town currently does tertiary treatment for nitrates only.

**Goal 10.6: Continue to provide a high-quality solid waste disposal program.**

***Policy 10.6A: Continue to review the quarterly tonnage reports that track the amount of residential household waste and recyclables generated throughout the six (6) solid waste collection districts in Riverhead.***

***Policy 10.6B: Work with private property owners to review the annual performance of solid waste pickup done for commercial and multi-family sites by contracted haulers.***

**Goal 10.7: Continue to provide a high-quality recycling program that strives to reduce the amount of solid waste that Riverhead sends to landfills.**

***Policy 10.7A: Prepare an updated solid waste management plan to be approved by the NYS Department of Environmental Conservation.***

***Policy 10.7B: Continue curbside pick-up of newspaper, mixed paper and white paper as part of the list of recyclable items that the Town picks up in residential areas.***

***Policy 10.7C: Consider adding expanding the list of recyclable items that the Town will require to be picked up by private haulers on non-residential sites.***

***Policy 10.7D: In conjunction with the approved solid waste management plan, explore the feasibility of requiring the recycling of building debris or materials.***

***Policy 10.7E: Continue to review the annual performance of recycling and leaf pick-up, and if necessary, consider adjusting pick-up schedules to better serve the public.***

***Policy 10.7F: Continue to work with State and County officials to monitor and improve the recycling program as necessary.***

New York State reached its goal of 40 to 42 percent recycling by 1997, which was established in the 1987 New York State Solid Waste Management Plan. The Town should continue to strive for a 40 to 42 percent recycling rate, consistent with statewide goals. If necessary, the Town can consider applying for State grant funding, under the Municipal Waste Reduction and Recycling Program. Examples of the types of projects that can be funded by the grant include: waste reduction capital, planning, and promotion costs; recycling equipment; and recycling structures and materials recycling facilities.

**Goal 10.8: Continue to mine the former Town landfill and prepare a reclamation plan.**

***Policy 10.8A: Continue to pursue State funding for mining.***

State funding applications have been filed for the \$2 million State matching funds. These funds are for landfill closures and landfill reclamation is an approved closure method under 6NYCRR part 360. The Riverhead site does not require any remediation as it is not a hazardous waste site and thus not a priority site by definition. The New York State DEC approved closure plan for the Town's landfill is the landfill reclamation work plan, which is being implemented.

**Goal 10.9: Consider development standards for solid waste management facilities.**

***Policy 10.9A: Develop setback requirements between solid waste management facilities and adjacent uses.***

Setbacks may be different depending on the land use, groundwater flow, wind direction, etc.

***Policy 10.9B: Develop site plan requirements for solid waste management facilities.***

Buffers, landscape plans, building design types, odor controls, debris controls, fencing, etc., should be considered for this type of land use.

**Goal 10.10: Require special permits for all solid waste management facilities.**

***Policy 10.10A: Consider limiting tonnages of materials imported from outside the Town's six collection districts.***

This can be done during the special permit process. Communication and coordination with the DEC would be necessary.

**Goal 10.11: Ensure that the Solid Waste Management Plan identifies geographic locations which could support solid waste facilities.**

*Policy 10.11A: Identify locations for private facilities including transfer stations, compost operations, materials processing, etc., and do not allow applications to be made as non-nuisance industries or wholesale businesses.*

*Policy 10.11B: Identify possible locations for municipal facilities for leaf composting, yard waste, recycling bins and battery drop offs.*

*Policy 10.11C: Consider more residential STOP dates or more permanent drop off facilities.*

Cooperative effort with the Fire Districts could accomplish this policy,

## Riverhead Town Code

### Article XXV Industrial C (Ind C) Zoning Use District [1]

[Added 10-12-2004 by L.L. No. 37-2004]

[1]

*Editor's Note: Original Art. XXV, Recreational District, of the 1976 Code, added 12-15-1981, as amended, was repealed 7-15-2008 by L.L. No. 22-2008.*

§ 301-124 Supplementary guidelines.

### Chapter 301 Zoning and Land Development Part 2 Districts Article XXV Industrial C (Ind C) Zoning Use District

§ 301-121 Purpose and intent.

§ 301-122 Uses.

§ 301-123 Lot, yard, bulk and height requirements.

§ 301-124 Supplementary guidelines.

§ 301-121 Purpose and intent.

The intent of the Industrial C (Ind C) Zoning Use District is to allow a mix of light industrial, warehouse development, and office campuses in the area between Enterprise Park and the terminus of the Long Island Expressway. The Ind C Zoning Use District is intended for moderate-sized businesses generally defined as those with less than 40 employees. In addition, the district allows and encourages commercial recreation businesses. The use of generous landscaping and open space buffers is intended to help protect the rural appearance and minimize views of development from the expressway and arterial roads.

§ 301-122 Uses.

In the Ind C Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

A.

Permitted uses:

(1)

Offices.

(2)

Warehouses.

(3)

Greenhouses.

(4)

Wholesale businesses.

(5)

Laboratories, including prototype manufacturing.

(6)

Vocational schools.

(7)

Golf courses.

(8)

Parks and playgrounds.

(9)

Equestrian facilities.

(10)

Commercial sports and recreation facilities.

(11)

Dog and horse training and boarding facilities.

(12)

Manufacturing (indoor).

[Added 5-4-2010 by L.L. No. 9-2010]

B.

Special permit uses:

(1)

Outdoor theaters (including bandshell, bandstand, amphitheater).

(2)

Sports arena.

(3)

Motor coach terminal.

[Added 3-18-2008 by L.L. No. 11-2008]

(4)

Agricultural production upon real property seven acres or greater lying within Scenic River Areas defined pursuant to the Order of the Commissioner of the New York State Department of Environmental Conservation dated September 18, 1990.

[Added 10-21-2008 by L.L. No. 39-2008]

(5)

One-family dwelling upon real property of four acres or greater within Scenic River Areas defined pursuant to the Order of the Commissioner of the New York State Department of Environmental Conservation dated September 18, 1990.

[Added 10-21-2008 by L.L. No. 39-2008]

C.

Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically permitted are the following:

(1)

Cafeteria for an office or other building, when contained within the building or ancillary structure on the same parcel, for the purpose of serving employees and their guests.

(2)

Retail uses, as accessory to wholesale business, subject to the following limitations:

(a)

Retail use shall not exceed 10% of the gross floor area of the wholesale business or 3,000 square feet, whichever is less.

(b)

The parcel shall have frontage on an arterial road.

(c)

Retail uses shall be located at the front of the parcel and building.

(d)

Off-street visitor parking shall be provided.

(3)

Day care, as accessory to an office use.

(4)

Outdoor recreation facilities, as accessory to an office use.

(5)

The sale at retail of homegrown or homemade products upon agriculturally used land, provided that all retail uses shall be subject to site plan approval pursuant to Article LVI, Site Plan Review, and the other provisions of this chapter. The farmer may sell supporting farm products and farm products not grown by the farmer, provided that the area for the sale of said products at no time exceeds 40% of the total merchandising area.

[Added 10-21-2008 by L.L. No. 39-2008]

D.

Prohibited uses:

(1)

Professional offices.

(2)

Municipal offices.

(3)

Outdoor storage, except as accessory to the specially permitted use set forth in Subsection B(3) of this section.

[Amended 5-6-2008 by L.L. No. 15-2008]

(4)

Indoor theater.

(5)

Residential uses.

**§ 301-123 Lot, yard, bulk and height requirements.**

A.

No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule<sup>[1]</sup> incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.

[1]

*Editor's Note: The Zoning Schedule is included as an attachment to this chapter.*

B.

In order to foster environmental conservation as well as preservation of the Town's scenic and rural quality, properties shall provide attractively landscaped contiguous open space areas, equal to at least 20% of the lot area, that shield views of the development from arterial roads and the Long Island Expressway. Preference is given to preservation of existing habitat (such as meadows or forests) rather than clearance and creation of new habitat. The open space should serve to provide on-site stormwater management.

**§ 301-124 Supplementary guidelines.**

[Amended 5-5-2009 by L.L. No. 17-2009]

The design standards and parking standards listed in the provisions below (Subsections A and B of this section) are intended as a guide or measure for improvements in parcels in this zoning district, and the word "shall" recited in the provisions below, with the exception of Subsection B(1) which requires adherence to the Parking Schedule, is intended to obtain compliance with the provisions to the extent practicable as determined by the Board responsible for review.

A.

Design standards.

(1)

Developments of multiple buildings in the Ind C District shall be planned in a campus layout.

(2)

Continuous sidewalks, off-street transit stops (where routes exist or are planned) and bike racks close to business entrances shall be provided for properties fronting Route 25 or other major arterial street.

(3)

Signage shall be provided in accordance with Article XLVIII, Signs, of this chapter.

(4)

Buffering and transitions.

(a)

Trash/dumpster areas shall be screened by wood fences or landscaping, or a combination thereof, pursuant to § 245-8.

(b)

Along borders with public streets, buffer plantings of a minimum twenty-foot depth shall be provided. Along property lines shared with Enterprise Park and other properties, buffer plantings of a minimum ten-foot depth shall be provided. Buffer plantings shall minimize views of paving and buildings from public streets and from Enterprise Park.

**B.**

Parking standards.

(1)

The number of off-street parking spaces in the Ind C Zoning Use District shall be provided in accordance with § 301-231, Off-street parking, of this chapter.

(2)

Planted berms shall be used to screen the view of automobiles from public roadways.

(3)

Off-street parking is prohibited in front yards and within 20 feet of side property lines and within 10 feet of rear property lines.

(4)

In order to soften the appearance of parking lots, large areas of surface parking should be broken up by rows of landscaping no less than 10 feet in width, in order to create parking fields of no more than 50 spaces each. Landscaping shall include ground cover, ornamental grasses, or low shrubs. This landscaping requirement is in addition to the twenty-percent parcel-wide landscaping mentioned above.

(5)

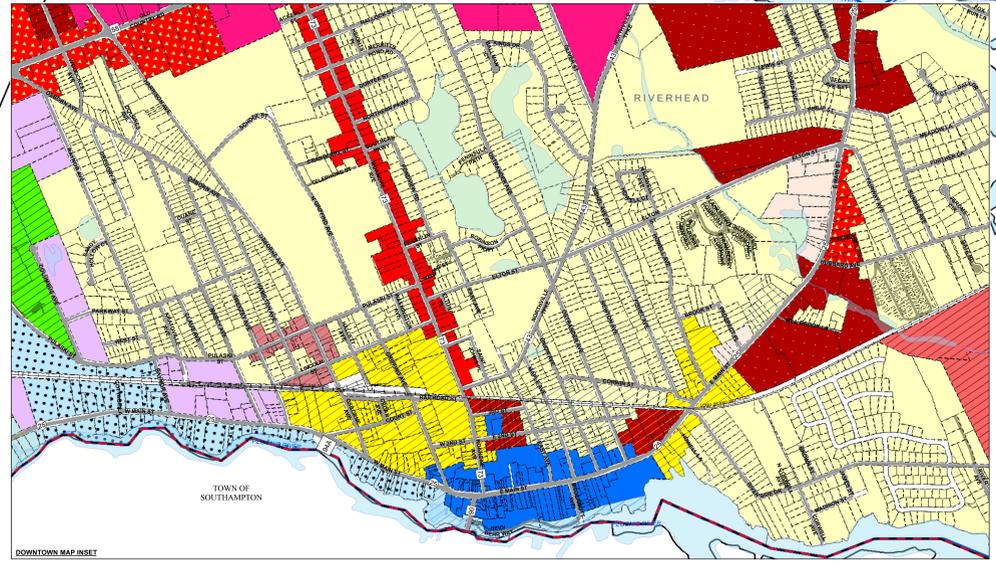
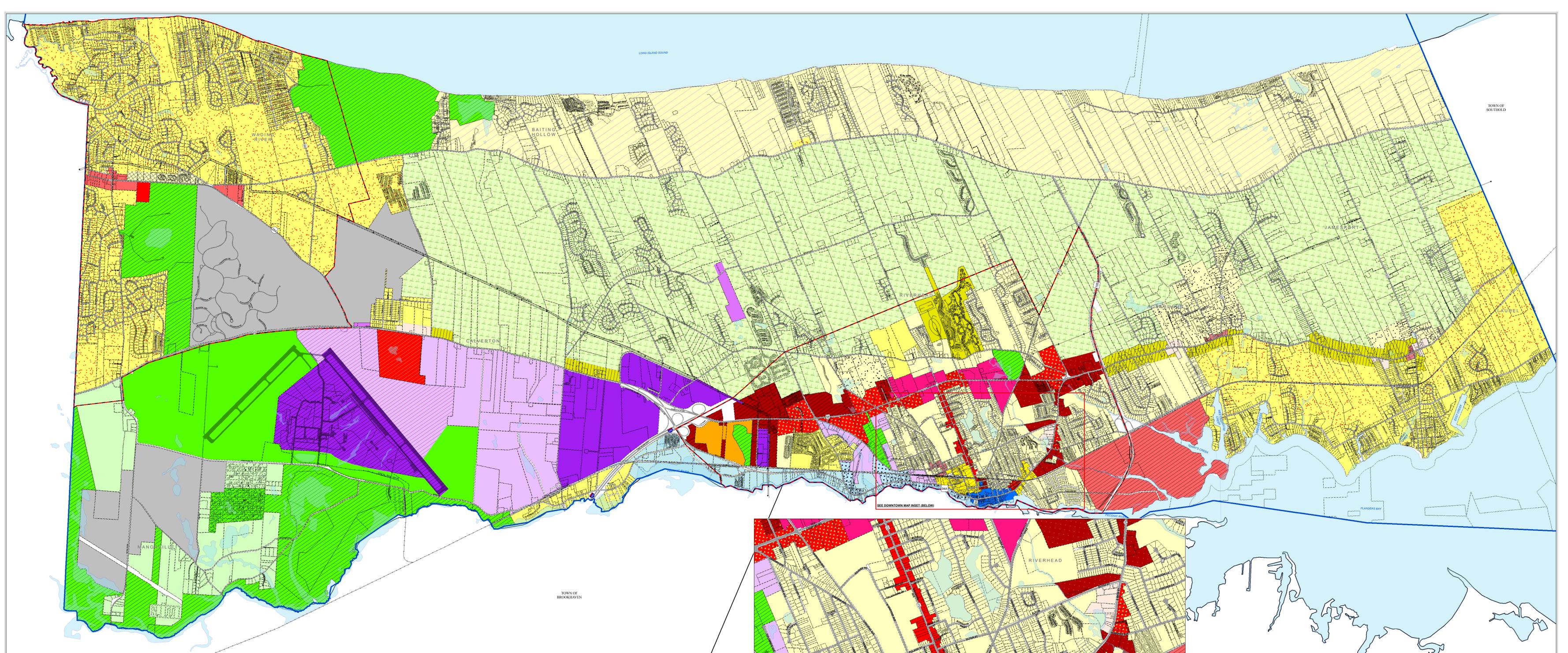
In order to provide recharge of the groundwater basin and minimize runoff, at least one of the following stormwater management techniques shall be used in parking lots where underlying soils support infiltration of precipitation to the groundwater:

(a)

Where sanding and salting are not used in the winter, low-traffic or seasonal parking overflow areas of the parking lot shall be surfaced with porous pavement or gravel.

(b)

Landscaped areas of the parking lot shall be sited, planted, and graded in a manner to provide infiltration and detention of runoff from paved areas.



LEGEND	
	LIPA Overhead Transmission Lines
	Rail Road
	Town Boundary
	Hamlet Boundaries
	Bridge
	Asphalt
	Water Bodies
	Property Lines
	<b>ZONING USE DISTRICTS</b>
	(APZ) Agricultural Protection
	(BC) Business Center
	(BUS CB) Business CB
	(BUS F) Business F
	(BUS PB) Professional Business
	(CO) Cabaret Office
	(CR) Commercial/Residential Campus
	(DC-1) Main Street
	(DC-2) Waterfront
	(DC-3) Office
	(DC-4) Office/Residential Transition
	(DC-5) Residential
	(DRC) Destination Retail Center
	(Def Inst) Defense Institutional
	(HC) Hamlet Center
	(HR) Hamlet Residential
	(Ind A) Industrial A
	(Ind B) Industrial B
	(Ind C) Industrial C
	(L I) Light Industrial
	(MRF) Multi Family Residential Professional Office
	(NRP) Natural Resources Protection
	(OS) Open Space Conservation
	(PIP) Planned Industrial Park
	(PRC) Precinct River Community
	(PRP) Planned Recreational Park
	(RAA) Residence A-80
	(RAB) Residence A-80
	(RBB) Residence B-80
	(RBB) Residence B-80
	(RC) Residence RC
	(RCC) Riverfront Corridor
	(RLC) Rural Corridor
	(SC) Shopping Center
	(TC) Tourism Resort Campus
	(VC) Village Center



Page's Law Center  
2014 County of Suffolk, NY  
Copyright © 2015 County of Suffolk, NY  
The information shown on this map is provided as a general reference only and is not intended to be used for any other purpose. The user of this information is responsible for its accuracy and completeness. Please verify with the Town of Riverhead and its appropriate agencies before using this information for any other purpose.

map of  
**2015 ZONING USE DISTRICTS**

**TOWN OF RIVERHEAD**  
200 Howell Ave.  
Riverhead, New York 11901  
[www.townofriverheadny.gov](http://www.townofriverheadny.gov)

Revised:  
17 January 2015  
24 March 16, 2015  
31 May 11, 2015

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October 20, 2017

## **Via Electronic Filing**

Hon. Kathleen H. Burgess, Secretary  
New York State Public Service Commission  
Empire State Plaza, Agency Building 3  
Albany, NY 12223-1350

**RE: Riverhead Solar 2 Project, Town of Riverhead, Sullivan County, New York**

Dear Secretary Burgess:

Riverhead Solar 2, LLC (“the Applicant” or “Riverhead Solar”), a wholly-owned subsidiary of FTP Power, LLC, is seeking a Certificate of Environmental Compatibility and Public Need (“Certificate”), under Article 10 of the Public Service Law, to construct a 36 megawatt (“MW”) alternating current (“AC”) photovoltaic (“PV”) solar energy generation facility, Riverhead Solar 2 (the “Facility” or “Project”), in the Town of Riverhead, Suffolk County, New York.

Under 16 NYCRR § 1000.4, a prospective Certificate Applicant is required to submit a proposed Public Involvement Program (“PIP”) plan for review by the Department of Public Service (“DPS”) staff at least 150 days prior to the filing of a Preliminary Scoping Statement. Accordingly, Riverhead Solar submits, for DPS Staff’s review and comment, the attached proposed PIP, which includes figures depicting the Project Area and Study Area, and exhibits identifying the stakeholders for this Project, outlining stakeholder consultation goals, and providing a sample meeting log which will be used to track engagement efforts. The purpose of this PIP is to introduce the Project to the local community and other interested parties, and to explain the public outreach and involvement efforts that Riverhead Solar will pursue throughout the development of this Project.

We look forward to working with the New York State Board on Electric Generation Siting and the Environment, the DPS, and Project stakeholders in review of this project. If you have any questions, please feel free to contact me at (518)438-9907.

Respectfully,

*/s/ Laura K. Bomyea, Esq.*

James A. Muscato II

Kristin L. Pratt

Laura K. Bomyea

Young/Sommer LLC

Attorneys for Riverhead Solar 2, LLC

# sPower Calverton Solar Energy Facility

Middle Country Road/NYS Route 25 and  
Peconic Avenue

Hamlet of Calverton, Town of Riverhead  
Suffolk County, New York

PREPARED FOR

---



**sPower**

2180 South 1300 East, Suite 600  
Salt Lake City, Utah 84106

PREPARED BY

---



**VHB Engineering, Surveying and  
Landscape Architecture, P.C.**

100 Motor Parkway, Suite 135  
Hauppauge, NY 11788  
631.787.3400

August 2017

**FINAL ENVIRONMENTAL IMPACT STATEMENT  
sPOWER CALVERTON SOLAR ENERGY FACILITY  
MIDDLE COUNTRY ROAD/NYS ROUTE 25 AND PECONIC AVENUE  
HAMLET OF CALVERTON, TOWN OF RIVERHEAD  
SUFFOLK COUNTY, NEW YORK**

**PROJECT LOCATION:** South side of Middle Country Road, west of Peconic Avenue, Hamlet of Calverton, Town of Riverhead, Suffolk County

**APPLICANT:** sPower  
2180 South 1300 East, Suite 600  
Salt Lake City, Utah 84106

**LEAD AGENCY:** Town of Riverhead Planning Board  
200 Howell Avenue  
Riverhead, New York 11901

**PREPARER & CONTACT:** This Final Environmental Impact Statement was prepared by:

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**DATE OF PREPARATION:** August 2017

**AVAILABILITY OF  
DOCUMENT:**

This document, together with the Draft Environmental Impact Statement (DEIS), is the Final Environmental Impact Statement (FEIS). It has been prepared for the Lead Agency. Copies are available for public review and comment at the offices of the Lead Agency, on the Town of Riverhead website at [www.townofriverheadny.gov](http://www.townofriverheadny.gov) and at the Riverhead Public Library.

**DATE OF FILING:** \_\_\_\_\_

This document is a Final Environmental Impact Statement (FEIS)  
for the sPower Calverton Solar Energy Facility.

This FEIS incorporates, by reference, the Draft Environmental Impact Statement (DEIS) for this proposed action, dated June 2017. The aforementioned DEIS was deemed complete by the Town of Riverhead Planning on July 6, 2017, and written comments on the DEIS were accepted until August 6, 2017.

Written Correspondence is provided in Appendix A of this FEIS.

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# 1

## Introduction

This document is a Final Environmental Impact Statement (FEIS) prepared in response to comments received on the Draft Environmental Impact Statement (DEIS) for the proposed action, dated June 2017. The Town of Riverhead Planning Board (hereinafter the "Planning Board") is the lead agency for the review of the proposed action, which consists of subdivision, site plan, special permit, and other approvals for the development of the sPower Calverton solar facility in the hamlet of Calverton, Town of Riverhead (see Figure 1). The proposed action (also referred to as the "solar PV energy facility") is comprised of three primary components, as follows:

- › Subdivision of land to create a 109.9-acre parcel (and two other parcels) for the development of a 20 megawatt alternating current (MWAC) solar photovoltaic (PV) panel array
- › An 8,670±-linear foot (LF) underground transmission generation tie-in ("gen-tie") line within a 15±-foot-wide easement
- › A solar collection facility.

Each of these components is further described below, and preliminary project plans (which were included as Appendix B in the DEIS) are provided within Appendix B of this FEIS.

As indicated in the DEIS, the solar PV panel array facility would be located on the proposed "Parcel A" to be created by the subdivision of two existing parcels into three parcels, Parcels "A," "B" and "C" (see Land Division maps in Appendix B). The two existing parcels are known on the Suffolk County Tax Map (SCTM) as follows:

- › District 0600 - Section 116.00 – Block 01.00 – Lot 007.002, and
- › District 0600 – Section 098.00 – Block 01.00 – Lot 021.001.

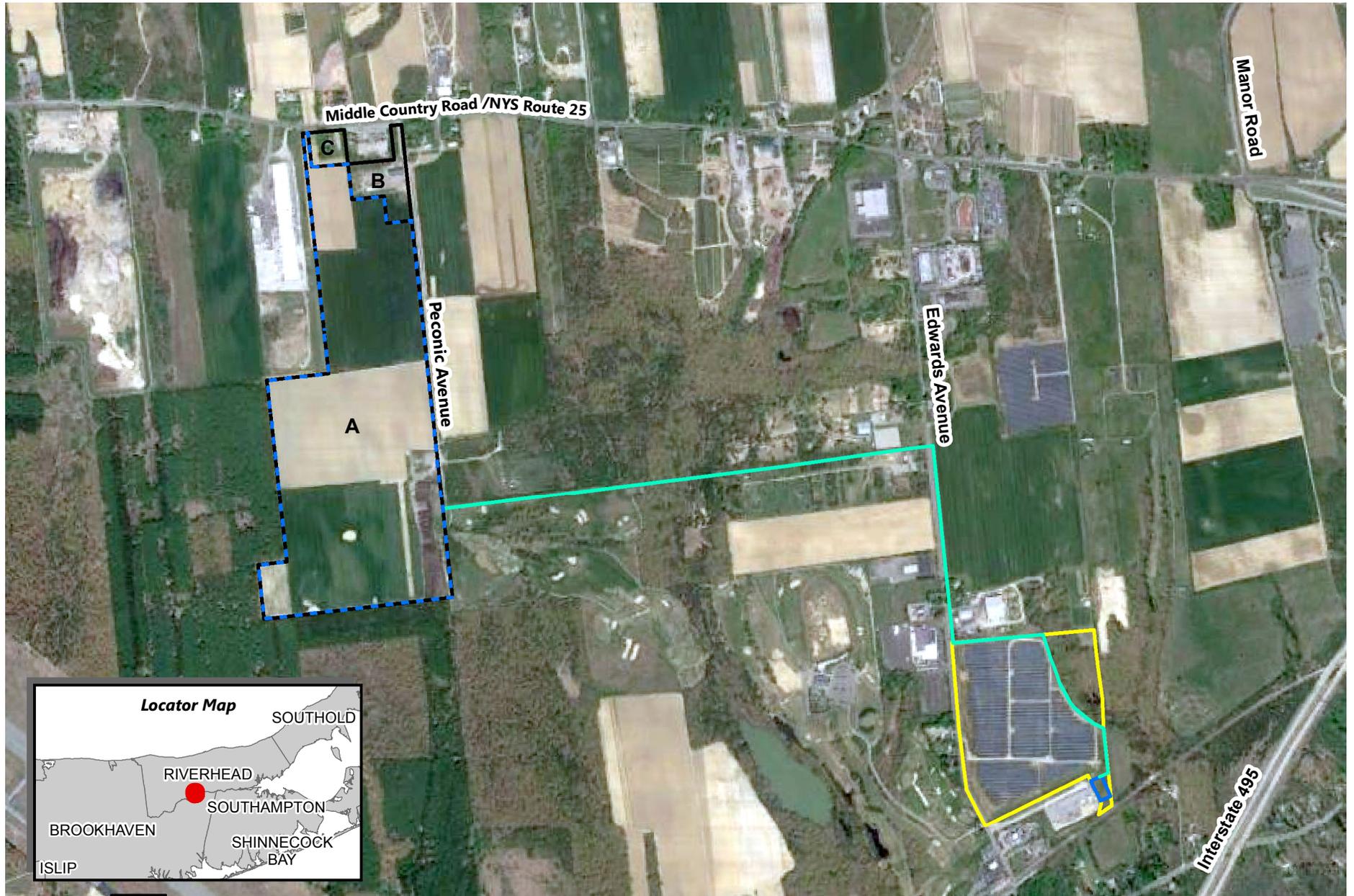
These two SCTM parcels are collectively referred to herein as the "subdivision property." The subdivision property is located on the west side of Peconic Avenue and south of Middle Country Road/New York State [NYS] Route 25. Parcels B and C will remain in their existing use and no new improvements are contemplated on either newly-created parcel as part of the proposed action.

The underground gen-tie line would be installed within a proposed 15±-foot easement that extend from Parcel A, through the following tax parcels (together referred to as the "easement property"):

- › District 0600 – Section 116.00 – Block 02.00 – Lot 007.004
- › District 0600 – Section 117.00 – Block 01.00 – Lot 006.000, and
- › District 0600 – Section 117.00 – Block 02.00 – Lots 007.002 and 008.002.

The gen-tie line connects to the proposed solar collection facility, which is a step up transformer that generates the electricity from a 34.5 kilovolt (kV) to 138 kV output that would connect to the Edwards Avenue Long Island Power Authority (LIPA) Substation. The proposed solar collection facility would be situated on the southern portion of SCTM No. District 0600 – Section 137.00 – Block 01.00 – Lot 032.001, located on the east side of Edwards Avenue and north of the Long Island Railroad (LIRR) tracks. This property is developed with an existing sPower solar PV panel array facility, and is hereinafter referred to as the "existing solar facility and proposed collection facility" or the "collection facility parcel."

Collectively, the three above-described areas (the "subject property" or the "project area") total 165.4± acres, and are currently developed with sod farm operations, a single-family residence, a former golf course now occupied by another recreational use (i.e., a paintball facility), undeveloped wooded land, a tree farm, and an existing solar facility. A Site Location Map and a map of the relevant SCTM parcels are provided herein as Figure 1 and Figure 2, respectively.



**Proposed sPower Solar Energy Facility | Calverton, NY**

**Site Location Map**

- Proposed Solar Array Field
- Proposed Collection Facility Location
- X Proposed Subdivision Lots
- Existing Solar Facility and Proposed Collection Facility Parcel
- Proposed Generation-Tie Line

Source: Google Earth (May 2016)



Proposed sPower Solar Energy Facility | Calverton, NY

**Suffolk County Tax Map Parcels**

-  Proposed Solar Array Field
-  Proposed Collection Facility Location
-  Proposed Subdivision Lots
-  Existing Solar Facility and Proposed Collection Facility Parcel
-  Proposed Generation-Tie Line
-  Suffolk County Tax Parcels

Sources: Suffolk County Real Property Tax Service Agency;  
Google Earth (May 2016)

The DEIS for the proposed action was accepted by the Planning Board (i.e., the lead agency) as complete and adequate for public review at its July 6, 2017 public meeting, circulated to all involved agencies and interested parties, and made available to the public via the Town of Riverhead's website and the Riverhead Public Library. The DEIS comment period was held open through August 6, 2017.

In accordance with 6 NYCRR §617.9(b)(8):

*A final EIS must consist of: the draft EIS, including any revisions or supplements to it; copies or a summary of the substantive comments received and their source (whether or not the comments were received in the context of a hearing); and the lead agency's responses to all substantive comments. The draft EIS may be directly incorporated into the final EIS or may be incorporated by reference. The lead agency is responsible for the adequacy and accuracy of the final EIS, regardless of who prepares it. All revisions and supplements to the draft EIS must be specifically indicated and identified as such in the final EIS.*

This FEIS incorporates, by reference, the DEIS for this proposed action, dated June 2017. All revisions and supplements to the DEIS, if any, are noted as such within the relevant respective responses to substantive comments, in the following sections of this FEIS.

## **1.1 Format of FEIS**

A review of written letters received by the lead agency during the course of the SEQRA review process indicates that many commenters expressed their general support for the proposed action. These comments are included in the FEIS, but are not "substantive comments" as contemplated in 6 NYCRR §617.9(b)(8), and are not individually addressed herein. These comments are designated as "GS" (General Support). Comments of General Support are summarized in Section 2 of this FEIS and are included in Appendix A-1. As there were no written comments that expressed general opposition to the proposed action, this FEIS does not discuss same.

Substantive comments on the DEIS are limited to those contained within the Town of Riverhead Planning Department's (the "Planning Department") June 10, 2017 Staff Report, which is included in Appendix A-2 and addressed in Section 3 of this FEIS. No additional written comments were received from involved or interested agencies, or the public, during the DEIS public comment period.

# 2

## Comments in General Support

The written comments received on the proposed action that are in general support of the proposed project are designated with a "GS" before the comment number and have been grouped apart from the substantive written comments. These GS comments are contained in Appendix A-1. A summary of the written support comments follows:

### GS1 – Town of Riverhead Councilwoman Jodi Giglio

- › Councilwoman Giglio supports the proposed 20 megawatt (MW) solar project
- › The proposed solar project will produce a local source of clean, reliable energy while creating high paying jobs and a much-needed stimulus to our community and local economy
- › The proposed solar project will support the local school district through its payment in lieu of taxes (PILOT) program
- › The proposed solar project is an example of responsible environmental development

### GS2 – Long Island Farm Bureau

- › The Long Island Farm Bureau supports the solar generating facility proposed by sPower
- › Solar production on agricultural land is an effective way to preserve farmland for future generations
- › Other development types are more permanent and more likely to remove topsoil, such that they are less able to be reused for agricultural purposes in the future

GS3 – U.S. Green Building Council-Long Island

- › U.S Green Building Council-Long Island supports the proposed action
- › The proposed solar project will produce a local source of clean, reliable energy while creating high-paying jobs and providing a much-needed stimulus of responsible environmental development
- › The proposed solar project will allow the land to rest, to not use fertilizers, not use the water table and to bring in much needed revenue to the Town
- › Embracing the development of renewable energy in Riverhead, Long Island can build a green economy and ensure the availability of clean, domestic power
- › Solar production is the highest and best use of the proposed project location

GS4 – The Sustainability Institute at Molloy College

- › Sustainability Institute at Molly College supports the proposed action
- › his proposed solar project will provide New York communities with clean power to help meet the New York State Clean Energy Standard goal of 50 percent renewable energy generation by 2030 , the Sustainability Institute’s mission and the green economy
- › The proposed solar project will provide distributed energy generation consistent with New York’s Renewing the Energy Vision (REV)
- › The proposed action will allow the land to rest, and will not tap into the ground water supply while allowing ground water to recharge without pesticides and synthetic fertilizers

GS5 – International Brotherhood of Electrical Workers (Local 25 IBEW)

- › The IBEW Local 25 supports the proposed action
- › sPower is a sophisticated, determined and experienced leading partner that has demonstrated their ability to see projects through to completion
- › The proposed solar project will deliver low cost renewable energy to our local residents on Long Island

GS6 – DeLea Sod Farms

- › DeLea Sod Farms support the proposed action
- › The proposed solar project will produce a local source of clean, reliable energy
- › The proposed solar project will create high-paying jobs and provide a much-needed stimulus for the community and local economy
- › sPower’s proposed projects fit well with the Governor’s plan for renewable energy development
- › Solar projects at this site will allow the land to rest, to not use fertilizers, not use the water table and bring in much needed revenue to the town
- › A green economy will be built along with productive resources and ensure the availability of clean, domestic power

- › Solar production is the highest and best use of the identified properties
- › Local schools will be able to use the money that this project will generate while not using any of the school's resources

GS7 – DeLalio Sod Farms LLC

- › DeLalio Sod Farms supports the proposed action
- › The proposed solar power site will help provide clean power to help meet state policy mandates and local clean energy goals
- › The proposed solar project will produce a local source of clean, reliable energy while creating jobs and providing a much-needed stimulus to the community and local economy
- › The proposed solar project will fit within the Governor's Plan for renewable energy development
- › The proposed solar project will help to build a green economy and ensure the availability of clean, domestic power
- › Solar production will be a compliment to other sources of present day energy

GS8 – Westbury Properties

- › Westbury Properties supports the proposed action
- › The proposed solar project will produce a local source of clean, reliable energy while creating high-paying jobs and providing a much-needed stimulus to our community and local economy
- › The proposed solar project will fit within Governor Cuomo's plan for renewable energy development
- › Solar projects will allow the land to rest, without harmful pesticides and fertilizers
- › The proposed solar project will bring in much needed revenue into the Town
- › The proposed solar project will help to build a green economy and ensure the availability of clean, domestic power
- › Solar production is the highest and best use of the identified properties
- › Local schools will be able to use the money that this project will generate while placing zero demand on school resources

# 3

## Responses to Substantive Comments

The aforementioned June 10, 2017 Planning Department Staff Report is included in Appendix A-2 of this FEIS. No additional written correspondence was received from involved or interested agencies, or the public, during the DEIS public comment period. Thus, this section contains responses to all substantive comments from the Planning Department Staff Report. Each written comment has been coded "C1" (as in, Commenter No. 1) and assigned a comment number (e.g., C1-1, C1-2).

Within Sections 3.1 through 3.8 of this FEIS, comments are arranged and numbered by topic (i.e., land use and zoning [LUZ], soils and topography [ST], environmental features [EF], etc.). If one comment is closely related or similar in nature to one or more other comments received, those comments have been combined and paraphrased for the purpose of providing a unified response and avoiding repetition to the extent practicable. Each comment presented below is not necessarily a direct quote, but any paraphrased comment or paraphrased portion thereof is intended to remain as accurate as possible to the original comment.

### 3.1 Land Use and Zoning

#### **Comment No. LUZ-1**

The 2015 Suffolk County Agricultural and Farmland Protection Plan (hereinafter, the "2015 SCAFPP") does not support the conversion of farmland to solar facilities. The preparers need to provide direct commentary from the Suffolk County Planning Commission (SCPC) with respect to the proposed action. This may be in the form of coordinating a direct response from the SCPC or for the Lead Agency to solicit comments during the DEIS comment period. Please provide a letter from the Riverhead Farmland

Preservation committee with respect to the proposed action. All projects involving farmlands are expected to be reviewed by this advisory committee. [C1-17, C1-18]

**Response No. LUZ-1**

The proposed action was the subject of a referral to the SCPC in 2016 and heard by that Commission on December 7, 2016. By unanimous vote (i.e., 15-to-zero), the SCPC determined that the proposed action was a matter for local determination, and offered eight comments on the substance of the matter, as presented below (see SCPC resolution in Appendix C). Each of the SCPC comments is followed by a relevant discussion of the proposed action.

1. *The Suffolk County Planning Commission's Model Utility [Solar Code] – 2015 should be reviewed including the section on abandonment of solar energy facilities and relevant aspects of the Code should be incorporated into the project where practical.*

The Town of Riverhead has its own Commercial Solar Energy Production System ordinance (Article LII of the Town Code), which was not based on the SCPC's model ordinance. However, the Town's ordinance addresses and restricts many of the same aspects of such facilities as the SCPC model ordinance, including the permitted locations, minimum lot size, maximum ground coverage, etc., and the Town's ordinance specifically includes detailed requirements for the decommissioning of permitted facilities to achieve a similar purpose as the "Abandonment" provisions of the SCPC's model ordinance.

The proposed action is subject to the Town's Commercial Solar Energy Production Systems ordinance, and will adhere to all requirements including the decommissioning requirements set forth at §301-282.L and §301-283 of the Town Code. A complete analysis demonstrating the proposed action's consistency with the aforementioned Town requirements is presented in Section 3.1.2 of the DEIS.

2. *The Suffolk County Planning Commission's publication on Managing Stormwater – Natural Vegetation and Green Methodologies should be reviewed and additional stormwater mitigations incorporated where practical.*

The stormwater management system to be implemented as part of the proposed action (see preliminary *Grading and Drainage Plan* and *Drainage Reserve Area Detail* in Appendix B of this FEIS) provides for the storage and recharge of all stormwater runoff to be generated at the subject property within vegetated drainage reserve areas to be strategically located throughout the subject property, respecting the existing site topography. Accordingly, the proposed system is consistent with the general intent of the SCPC's referenced publication.

3. *The Town should require that the applicant be prohibited from exporting any soil material, classified as prime agricultural soils, off the subject parcel. And that the proposed solar panel arrays not negatively impact the viability of the prime agricultural soils on-site.*

The 2015 SCAFPP identifies the prime agricultural soils present in Suffolk County, as related to its rating of farmland properties for potential acquisition (see Table 4-1 of the 2015 SCAFPP). The list of soils is based on the *Soil Survey of Suffolk County*, New York (USDA, 1975) (hereinafter, the "Soil Survey") and includes the following soils found at the subject property:

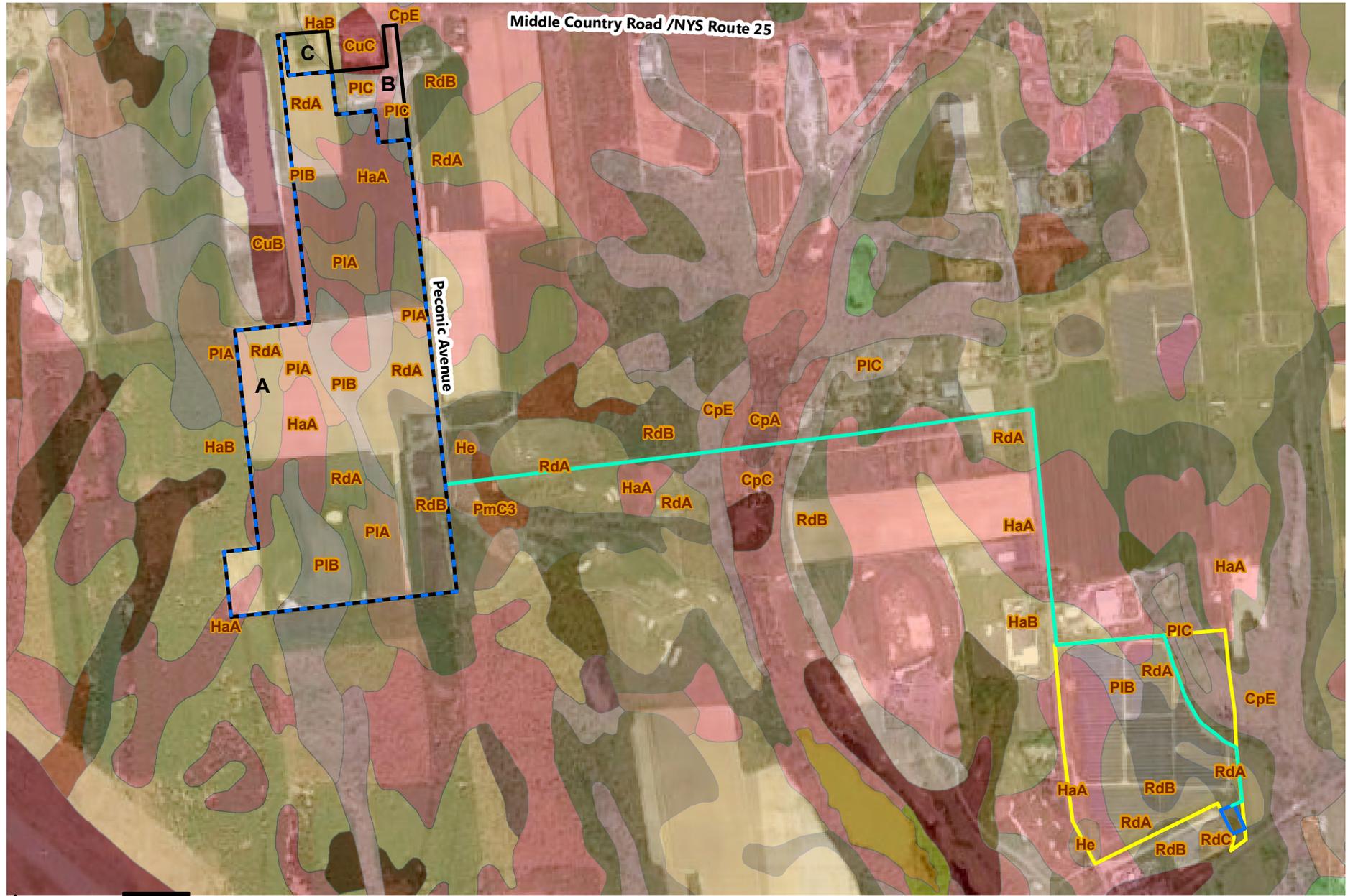
**Table 1 Prime Agricultural Soils at the Subject Property**

<b>Map Unit Symbol</b>	<b>Map Unit Name</b>
HaA	Haven loam, 0 to 2 percent slopes
HaB	Haven loam, 2 to 6 percent slopes
He	Haven loam, thick surface layer
RdA	Riverhead sandy loam, 0 to 3 percent slopes
RdB	Riverhead sandy loam, 3 to 8 percent slopes

As illustrated by the map of soil types on the subject property (see Figure 3, below), the five soil types identified above as prime agricultural soils are present among a total of approximately 15 different on-site soil types (also see Table 9 of the DEIS). They are scattered throughout the subdivision property, the easement properties to be crossed by the gen-tie line, and the solar collection parcel, among non-prime agricultural soils.

The DEIS describes in detail the nature of the proposed activities, as it relates to the anticipated impacts to soils and topography, concluding that only minor disturbances are expected to result from implementation of the proposed action (see Section 3.2.2 of the DEIS). Existing grade would be maintained to the maximum extent practicable, with only minor recontouring of small portions of the solar PV facility parcel proposed to accommodate the drainage design, and the narrow trench and directional boring needed to install the gen-tie would minimally disturb existing soils. Accordingly, existing soils would largely be kept intact, including any prime agricultural soils present at the subject property. The limited quantities of prime agricultural soils that would be excavated to accommodate the proposed grades (see preliminary *Grading and Drainage Plan* [Sheet C-6] in Appendix B of this FEIS) would be reused on-site to the maximum extent practicable. Therefore, the proposed action is expected to be consistent with the intent of the SCPC's comment. After the proposed action is implemented, and after the proposed facility is decommissioned, the prime agricultural soils would remain.

It should also be noted that, as presented within Section 5.4 of the DEIS, development in accordance with prevailing zoning (e.g., industrial use) would be expected to result in substantial re-grading and excavation for the establishment of building foundations and level floor plates, installation of drainage infrastructure, and grading for driveways, parking and loading areas, such that the importation or exportation of large quantities of fill and natural material may be required. The proposed action would clearly be more protective of on-site soils than would the development of the subject property in accordance with prevailing zoning.



- Proposed Solar Array Field
- Proposed Subdivision Parcels
- Proposed Generation-Tie Line
- Proposed Collection Facility Location
- Existing Solar Facility and Proposed Collection Facility Parcel

**USDA Soils**

CpE	HaA	PIA	PmC3	W
Bd	CuB	HaB	PIB	RdA
CpA	CuC	HaC	PIC	RdB
CpC	De	He	PmB3	RdC

**Proposed sPower Solar Energy Facility | Calverton, NY**

**Soils Map**

Sources: USDA Web Soil Survey (2013); Google Earth (May 2016)

4. *The proposed action should only be approved in such a manner that is in accordance with the New York Agriculture & Markets Law.*

The proposed action will be consistent with the relevant provisions of the New York Agriculture & Markets Law. The subdivision property and the solar collection facility parcel are currently within Agricultural District 7 (AD7), as discussed at Section 3.1 of the DEIS, and as addressed within the Agricultural Data Statement in Appendix F of the DEIS. It is expected that these properties would no longer be considered a part of AD7 following implementation of the proposed action, and would no longer benefit from the tax relief associated therewith. As such, the proposed action would result in a significant increase in the generation of property taxes to the Town of Riverhead and all local taxing jurisdictions. Moreover, additional local revenues would be generated in the form of penalties that may be assessed upon the loss of the Agricultural District designation.

5. *The Town should require that the applicant install or provide for the installation of an irrigation system in all planting area intended to provide screening and buffering along all abutting roadways and certain adjacent land uses to help to insure the mitigation [sic] of impacts to those surrounding properties and their users.*

The proposed action includes the installation of an irrigation system in all areas of screen plantings, consistent with this comment (see preliminary *Planting Plan* in Appendix B).

6. *It is suggested that the Town and applicant review the U.S. Department of Agriculture's Natural Resources Conservation Services information on "cover crops and soil health" for best practices regarding what to grow under and between the proposed solar array panels. Cover crops have the potential to prevent erosion, improve soil's physical and biological properties, supply nutrients and suppress weeds, and break pest cycles along with various other benefits.*

As indicated on the preliminary *Planting Plan* (see Appendix B), the areas beneath the solar panel array are proposed to be planted with a specially designed solar farm seed mix. The proposed *Planting Plan* will be implemented in accordance with all relevant approvals of the Town of Riverhead Planning Board as the SEQRA lead agency and the body having Site Plan jurisdiction over the proposed action.

7. *Due to the project's proximity to Calverton/EPCAL Airport the applicant should consult with the Airport and the FAA as early as possible in the application process to determine the presence or absence of solar glare and glint potentially generated from the proposed solar arrays.*

The DEIS presented extensive analyses of the proposed action with respect to glare and glint and the potential for impacts upon aviation and the nearby runways at the EPCAL property. As detailed in Section 3.4 and Appendix H of the DEIS, two professional glare analyses performed by HMMH and Barrett Energy Resources Group, respectively, confirmed that no adverse impacts would result. The analyses were based upon the results of sophisticated software (i.e., the Solar Glare Hazard Analysis Tool) developed specifically for analyzing potential glare impacts, and the corresponding policies established by the Federal Aviation Administration (FAA) for the design and location of solar PV facilities within airports.

8. *The proposed 15 foot wide easement on lands of others for the purpose of providing an underground transmission line "Tie-Gen Route" should be in perpetuity or for at least as long as the 20-year Power Purchase Agreement (PPA)*

The applicant has entered into option agreements to purchase easements across private property for the gen-tie line that are considerate of the above comment. The option agreements along with the form of easement that will be entered into at the time the option is exercised provide the duration of the easement, which conforms to the suggestion within the above comment. Executed copies of Memoranda of Easement Option Agreement are provided within Appendix D of this FEIS.

It should be noted that the proposed action was evaluated for consistency with the 2015 SCAFP in Section 3.1.2 of the DEIS. As indicated therein, none of the parcels comprising the subject property have been identified as preservation targets by the relevant comprehensive planning documents analyzed in this Section, nor is the project area within the Town's established Agricultural Protection zoning district or identified for same within the Town's Comprehensive Plan (see Figures 4 and 5 of the DEIS, respectively). Moreover, as the proposed action is temporary in nature (i.e., for the duration of the Power Purchase Agreement [PPA] and the term of the proposed Special Permit), the subject property could potentially be returned to another use, including an agricultural use, in the future.

The proposed action was introduced before the Town of Riverhead Farmland Preservation Committee (FPC) and considered by that advisory board. It is expected that the FPC will make a formal recommendation supporting the proposed action. The formal recommendation remains pending at this time. The recommendation will be secured prior to implementation of the proposed action.

## **3.2 Soils and Topography**

### **Comment No. ST-1**

Identify all soils that are listed as prime agricultural soils, and the policy of protection and importance of same. [C1-7]

### **Response No. ST-1**

The presence of prime agricultural soils at the subject property, the protection policy and an analysis of the potential for the proposed action to result in a significant adverse impact on such resources, is discussed in detail in the DEIS in Section 3.2 and within Response No. LUZ-1 (including Table 1 and Figure 3), above. As indicated therein, and based upon the analyses presented in Section 3.2 of the DEIS, no significant adverse impacts on prime agricultural soils are expected to result from implementation of the proposed action, although they would temporarily be used for non-agricultural purposes.

### **Comment No. ST-2**

Identify any prime agricultural soils that are indicated in Table 9 of the DEIS, and explain the importance and fate of any prime agricultural soils that may be impacted by the proposed action. [C1-20]

**Response No. ST-2**

See Response Nos. LUZ-1 and ST-1, above. No significant adverse impacts to prime agricultural soils are expected to result from implementation of the proposed action.

### **3.3 Environmental Features**

**Comment No. EF-1**

Provide a letter or other confirmation from the Riverhead Conservation Advisory Council (CAC) that a wetland permit is not required. [C1-21]

**Response No. EF-1**

As detailed within Sections 3.3.1.4 and 3.3.2.4 of the DEIS (which are devoted to a discussion of wetlands and the potential impacts on such resources, respectively), the subject property and its surroundings were investigated for the presence of wetlands, and evaluated with respect to the potential regulatory jurisdiction of the New York State Department of Environmental Conservation (NYSDEC) and the Town of Riverhead. As part of that effort, the Town's inventory of potential wetlands was reviewed, field inspections of the subject property (including Parcels A, B, and C, the gen-tie line, and the collector facility property) and its environs were undertaken by VHB on behalf of the applicant on September 14 and 18, 2016, and the proposed action was evaluated to determine whether any proposed activities were subject to the Town's regulation. The DEIS (pages 83 – 84) acknowledges that the determination that several of the features identified in the Town's inventory of potential wetlands are, in fact, upland habitats, and therefore not regulated by the Town's wetland ordinance, is subject to confirmation by the Town of Riverhead.

Formal confirmation that the proposed action does not require a Town wetland permit was requested from the Town of Riverhead CAC by correspondence dated August 18, 2017 (see copy in Appendix E to this FEIS). As indicated therein, it is the applicant's understanding that members of the Town of Riverhead Planning Department reviewed the results of the fieldwork performed by VHB, undertook an inspection(s) of the subject property, and confirmed that no regulated wetlands exist within 150 feet of the proposed action (the Town's area of jurisdiction). Accordingly, it is expected that no wetland permit will be required for the proposed action. A determination by the CAC remains pending, but will be secured prior to implementation of the proposed action.

**Comment No. EF-2**

Provide a description of a "wildlife sweep," conducted before and during construction as mitigation. [C1-22]

**Response No. EF-2**

The DEIS (page 93) indicates that potential measures for the avoidance of direct impacts to eastern box turtles include the conducting of a wildlife sweep prior to clearing activities. As part of such a sweep, qualified personnel could identify the habitat areas that are most likely to contain eastern box turtles, visit the targeted areas, and relocate any observed individuals away from areas to be cleared prior to conducting any construction activity.

It is noted that only a small portion of the overall subject property represents suitable habitat for the eastern box turtle, e.g., the Spruce-Fir Plantation, Successional Old Field, Successional Shrubland and Pitch Pine Oak Forest communities) ecological communities. The Ecological Communities map included in the DEIS (see Figure 4 of this FEIS) confirms that the areas of suitable habitat are primarily limited to portions of the gen-tie route, and portions of the subdivision property and solar collection parcel that will remain unaffected by the proposed improvements.



- Proposed Solar Array Field
- Proposed Subdivision Lots
- Proposed Generation-Tie Line
- Proposed Collection Facility Location
- Existing Solar Facility and Proposed Collection Facility Parcel

**Ecological Communities**

- |                               |                                      |
|-------------------------------|--------------------------------------|
| ML: Mowed Lawn                | SSH: Successional Southern Hardwoods |
| URP: Unpaved Road/Path        | PL: Pastureland                      |
| MRP: Mowed Roadside/ Pathway  | SFP: Spruce/Fir Plantation           |
| RSE: Rural Structure Exterior | PPF: Pitch Pine-Oak Forest           |
| SOF: Successional Old Field   | SA: Stockpile Area                   |
| SS: Successional Shrubland    | FAP: Farm Pond/Artificial Pond       |

**Proposed sPower Solar Energy Facility | Calverton, NY**

**Ecological Communities**

Sources: Google Earth (May 2016);  
 VHB Field Surveys (04/09-11/2014, 06/27-28/2015, 09/14-15/2016, 09/18/2016);  
 Ecological Communities as described in Edinger, et. al. (2014)

### 3.4 Socioeconomics

#### **Comment No. SE-1**

Clarify the duration of the 100-200 temporary jobs and provide actual example(s) of the applicant's experience in support of prior history that a solar array of this size provides 100-200 construction jobs. Provide supporting documentation regarding this prediction and number of jobs. [C1-8, C1-25]

#### **Response No. SE-1**

The number of temporary jobs to be created as a result of the proposed action will vary over the course of the construction period, which is expected to be six-to-nine months in duration. As provided in the DEIS (see pages 103 - 104), estimates based on the experience of the Applicant and estimates developed using a recognized economic modeling software (i.e., IMPLAN) predict that the number of jobs to be created ranges between 100-to-200 direct construction jobs, with other secondary job generation benefits also predicted.

Further input as to the number of temporary jobs was requested from a contractor with relevant, local experience constructing commercial solar PV energy facilities such as that proposed. Correspondence provided by Mr. Keith Feldmann, Vice President of Eldor Renewable Energy (dated August 7, 2017) indicates the following, with respect to the number of direct construction jobs expected to be created as a result of the proposed action (see copy of correspondence in Appendix F):

*"Based on over 50MW's of projects completed, and over 45 MW's in progress or under contract in the same region, we can offer the following:*

- › *Approximate Project Construction Duration: 6 to 12 months*
- › *General range in the number of construction personnel on site at any one time: 20-150*
- › *Peak head-count: 200*

*This estimate accounts for all on-site personnel only."*

#### **Comment No. SE-2**

Additional economic benefits generated by the green industry must be specific- what equipment, supplies and tax base are contemplated? [C1-12]

#### **Response No. SE-2**

Aside from the direct construction jobs cited in Response No. SE-2, the Eldor letter in Appendix F also indicates the following:

*"...in our experience, local technical consultants and other services benefit from this type of project, including:*

- › *Environmental Engineering and Permitting*
- › *Survey*
- › *Waste Disposal*
- › *Temporary Sanitary Facilities*
- › *Local Food Catering Companies*

- › *Equipment Rental Companies*
- › *Material Vendors*

Some of the entities listed above, which would benefit from revenues in the form of direct sales to the applicant or its contractors, could be considered a part of the “green industry” referred to at Page 11 of the DEIS, especially if they specialize in serving renewable energy projects, or if low-impact development technologies or materials are central to their business. While it is not practicable to determine which dollars are expected to be spent specifically with green industry vendors, or on environmentally friendly “green” products, it is recognized that at least a portion of the approximate \$30 million construction cost for the proposed renewable energy project would benefit the green industry.

With respect to the additional tax base mentioned at Page 11 of the DEIS, a detailed assessment of the expected tax revenues that would be generated upon implementation of the proposed action is presented within Section 3.5 of the DEIS. As concluded within the DEIS, future tax revenues would far exceed the revenues generated by the subject properties under existing conditions (i.e., an increase of approximately \$826,414 per year, or more than 40 times the existing property tax revenues).

**Comment No. SE-3**

Jobs lost from the existing sod farm will be shifted to other operations controlled by the farm owner. The FEIS must include a letter or other form of validation from the sod farm that supports the statement. [C1-13]

**Response No. SE-3**

The requested letter from the current owner of the sod farms at the subject property, Mr. Richard DeLea, dated May 10, 2017, is provided within Appendix G to this FEIS.

**Comment No. SE-4**

Provide a letter from the sod farm in support of the proposed job relocation efforts. [C1-23]

**Response No. SE-4**

See Response No. SE-3, above, and correspondence in Appendix G, noting that jobs would be redirected (rather than lost) as a result of the proposed action.

**Comment No. SE-5**

Provide a source (reference) for the information provided in Table 17: Existing Property Tax Revenue . [C1-24]

**Response No. SE-5**

The tax information provided in Table 17 of the DEIS was obtained from the Town of Riverhead 2016-2017 Tax Roll available via the Town website at [www.townofriverheadny.gov](http://www.townofriverheadny.gov). Copies of the relevant tax roll pages for SCTM parcel nos. 0600 – 116.00 – 01.00 – 007.002 and 0600 – 098.00 – 01.00 – 021.001 are provided in Appendix H of this FEIS.

**Comment No. SE-6**

Provide a source for the information on Table 19: Projected Tax Revenues (Parcel A) and Table 20: Projected Tax Revenues (Parcels B & C). [C1-26]

**Response No. SE-6**

Table 19 of the DEIS presented an estimate of the future property tax revenues that would be generated by the subdivision parcel (i.e., the future lots to be created by the subdivision of SCTM parcel nos. 0600 – 116.00 – 01.00 – 007.002 and 0600 – 098.00 – 01.00 – 021.001), following implementation of the proposed action.

The tax projection for the 109.9-acre parcel (“Parcel A”) that will contain the proposed solar facility was developed based on input provided to counsel to the applicant by the Town of Riverhead Tax Assessor. Specifically, the Town Assessor estimated the future total value of the parcel to be \$5,500,000, and estimated the future land value to be \$1,309,200. Those values were applied to the current tax rates for the various taxing jurisdictions. Only the land value was applied to the tax rate for all taxing districts other than special districts, for which the full taxable value was applied, in accordance with the expected terms of the PILOT agreement to be entered into with the Town Board. As indicated at Table 19 of the DEIS, the property taxes and PILOT payments, combined, would be approximately \$833,861.

To more completely represent the future property taxes that would be received by the Town and other taxing jurisdictions from the subject property, an estimate of the future property taxes from proposed Parcels B & and C was also developed, as presented in Table 20 of the DEIS. This estimate was based upon the 2016-2017 Tax Roll data for SCTM parcel no. 0600 – 098.00 – 01.00 – 021.001, which contains all of the existing improvements at the subdivision property under existing conditions. The value of those improvements (i.e., total value \$133,900 less the land value \$59,000) is approximately \$74,900. The combined land value of Parcels B & and C was estimated on a per-acre basis, using the known land value of Lot 21.1 (i.e., \$59,000 over 8.20 acres), and applying same to the size of the proposed Parcels B and & C (i.e., 7.45 acres). The result was an estimated land value of \$53,631 for Parcels B and & C. Existing farm building and agricultural use exemptions were carried forward, as no change in their use is contemplated as part of the proposed action, which reduced the total value (i.e., \$128,531) to \$70,331, as applied to the tax rates for all taxing districts other than special districts. Overall, Parcels B & and C are expected to generate approximately \$13,061 in annual property taxes, or a grand total of approximately \$846,922 when combined with the proposed solar farm on Parcel A, as indicated in the DEIS.

### **3.5 Growth-Inducement**

**Comment No. GI-1**

There was a contradiction in the DEIS suggesting that no significant growth inducing aspects are associated with the project and that the project would not cause a population increase and would not increase development potential in the project area. The document states the proposed solar facility will generate enough electricity to power 5,723 residential homes, equal to 44% of homes located in Riverhead. This raises the question, will the electrical needs of 5,723 homes that exist be supplied this power; or will the energy needs of 5,723 new homes be met? Certainly, providing new energy supply sources to meet the existing demand and goals for clean energy does not prohibit triggering an expansion of growth that may be (currently) inhibited because there is a lack of new energy supplies. This

is akin to building any new supply source for utility expansion (a new supply well for potable water, a new [Wastewater Treatment Plant] WWTP for a sewer district and power supply facility-including a solar array for an electric utility company). Each example might induce new growth as the result of filling an existing limit or void in the supply side. Is this energy supply being used to support energy demands of the Southampton Town Riverside Redevelopment Project or any other proposed large scale development project of regional significance? Are any new solar projects being proposed in Riverhead? Other local townships? Include quantifiable and supporting documentation regarding the electricity for the 5,723 homes, and whether they would be existing homes or new development. [C1-3, C1-9, C1-27]

**Response No. GI-1**

The proposed action would not cause significant population increase and would not increase development potential in the project area. The purpose for the proposed action is to replace existing generation capacity of the grid with a renewable energy source that does not rely upon the combustion of fossil fuels or the generation of significant air emissions, as do the existing traditional power plants, in support of local, regional and statewide energy goals.

LIPA engages in planning studies to forecast capacity needs of its entire service area and to plan for meeting these future needs. Thus, energy needs for future population growth and future development of residences and business, within the LIPA's service area, which includes the Town, are accounted for by LIPA's planning efforts.

The results of LIPA's latest planning efforts are presented in its 2017 Integrated Resources Plan (IRP).<sup>1</sup> PSEG's IRP summary indicates that Long Island's peak load forecast has declined by over 24 percent, or approximately 1,700 MW, since 2013 (page 4). Further, LIPA currently has surplus generation capacity out to 2035 (PSEG IRP summary, page 11). Based on these results, the Brattle Group prepared the LIPA Generation Planning Review, on behalf of LIPA.<sup>2</sup> The review found that 2016 and 2017 load forecasts indicate that additional capacity would not be needed until 2030 and 2035, respectively, and that neither development of the Caithness Long Island II power plant nor repowering of the E.F. Barret and Port Jefferson power plants are expected to be needed (page 1). According to the PSEG IRP summary, the decline in the peak load forecast is due to behind the meter initiatives, such as energy efficiency initiatives and rooftop solar installations, that have resulted in low rates of growth for electricity demand (page 8). Based on the foregoing, no additional generation capacity is expected to be needed in order to meet current and future energy demands for Long Island. Accordingly, the availability of energy is not a limiting factor on future development potential within the Town.

According to the LIPA resolution that authorized LIPA to enter into a PPA with the Applicant, adopted by the LIPA Board of Trustees at its December 17, 2014 meeting, LIPA sought to add new renewable energy generation to its energy portfolio and to replace inefficient peaking units from the system through the Request for Proposals for up to 280 MW of New, On-Island, Renewable Capacity and Energy (the "280 MW RFP"). The 280 MW RFP, issued October 18, 2013, recognized LIPA's plan to add 400 MW of renewable energy to the system by 2018, and requested applicants to submit proposals that would supply

<sup>1</sup> PSEG Long Island, *2017 Integrated Resource Plan: PSEG Long Island Analysis Summary*, April 10, 2017 (accessed July 31, 2017); available from [http://www.lipower.org/pdfs/company/trans/2017-04-10\\_PSEG\\_IRP\\_Summary\\_Report.pdf](http://www.lipower.org/pdfs/company/trans/2017-04-10_PSEG_IRP_Summary_Report.pdf)

<sup>2</sup> Brattle Group, *LIPA Generation Planning Review*, April 6, 2017 (accessed August 2, 2017); available from [http://www.lipower.org/pdfs/company/trans/2017-04-06\\_Brattle%20Report\\_Redacted.pdf](http://www.lipower.org/pdfs/company/trans/2017-04-06_Brattle%20Report_Redacted.pdf).

up to 280 MW of renewable energy. The 20 MW of energy generated by the proposed action would contribute to a diversification of LIPA's resource portfolio and would allow for generating units that are more expensive to run and that cause more greenhouse gas emissions to be used less frequently or retired (such units are typically those peaking units LIPA is seeking to replace). It is noted that LIPA's current and future plans for procurement of additional renewable energy generation, including that resulting from the proposed action, will help to achieve New York's goal to have 50 percent of its energy needs met through renewable sources by 2030 (page 6), which will require that LIPA acquire 800 MW of renewable generation by 2030.<sup>3</sup>

As indicated in Section 4.4.2 of the DEIS, the 20 MW of electricity from the proposed action would generate sufficient electricity that could power the 5,723 homes. Data on generating capacity of the proposed action from the Applicant and average electricity use data for New York State households from the U.S. Energy Information Administration (EIA) were used to estimate that the proposed action could power 5,723 homes. The relevant excerpt from Section 4.4.2 of the DEIS (Pages 133-134) is reproduced below:

*Based on site- and project-specific results of a PVsyst Photovoltaic Software model analysis, which accounts for a range of variables including monthly albedo values (i.e., the solar radiance that reaches the earth's surface) at the subject property, project-specific PV array and system generation and loss factors, and loss factors during conversion at the step-up facility (see model results in Appendix I of the DEIS), the sPower Calverton solar facility will result in an annual supply of 37,648 megawatt hours (MWh) to the LIPA power grid for use by PSEG Long Island's customers. According to the latest available data (2009) from the U.S. Energy Information Administration (EIA), the average household in New York State consumes 6,578 kilowatt hours (kWh), or approximately 6.6 MWh, annually.<sup>4</sup> Therefore, based on these factors, the proposed action would be expected to generate sufficient electricity to power approximately 5,723 homes - - the equivalent of over 44 percent of the total number of homes in the Town of Riverhead.*

The number of homes in the Town of Riverhead was sourced from 2010 U.S. Census Bureau data (Profile of General Population and Housing Characteristics: 2010). The 2010 Census data indicated there were 12,990 occupied housing units in the Town of Riverhead. This data was used as a reference to put the 5,723 homes into context. As mentioned in the DEIS, the electricity generated by the proposed action would power the equivalent of 5,723 homes. However, electricity generated at a particular power plant or generating facility is not transmitted to a specific location(s).

Based on the information above, which indicates that generation capacity is not a factor for population growth or new development in the LIPA transmission and distribution system area, the proposed action's 20 MW of renewable energy would not induce additional development and/or growth. LIPA, and New York State as a whole, are looking to shift energy generating capacity to renewable sources and retire existing electric plants, and avoid new construction of, non-renewable generation. Moreover, there are innumerable factors associated with development of new homes and of larger-scale development projects

<sup>3</sup> Long Island Power Authority, *Energy Guide: 2017 Long Island Integrated Resource Plan and Repowering Studies* (accessed August 2, 2017); available from <http://www.lipower.org/papers/reports.html>.

<sup>4</sup> United States Energy Information Administration, *Table CE4.7 from 2009 Residential Energy Consumption Survey (RECS)* (accessed May 2017); available at <http://www.eia.gov/consumption/residential/data/2009/index.cfm?view=consumption>.

in the Town of Riverhead and other municipalities, including availability of land, local land use controls, and market demand, among other socioeconomic considerations.

It should also be noted that, applications for future significant developments that may require project-specific discretionary approvals from state or local agencies would be subject to further review under SEQRA, and, thus, their associated potential environmental impacts (including secondary and cumulative impacts) would be analyzed to evaluate whether significant adverse impacts would result from such development.

**Comment No. GI-2**

The FEIS must clarify how the new energy supplies are allocated; new development, existing development or a mix. Are future growing energy needs indicated in the DEIS generated by growth projections in Riverhead, other east end towns, Suffolk County or New York State? Is the proposed action providing electricity to meet the upcoming and existing demand through justification of sustainable development; or is the proposed action a "replacement" for fossil fuels whereby no increase in electrical connections are anticipated whereby the electrical demand (status quo) remains the same? This is an important aspect for growth inducement and needs/benefits evaluations. This is why the Lead Agency has requested information on other proposed facilities within Suffolk County for an evaluation as to whether or not other municipalities are constructing solar facilities at specific locations or Riverhead has a disproportionate number of acres (regardless of zoning use district) committed to solar power facilities. There is a perception that placing these facilities in Riverhead for providing electricity to areas outside the Town may trigger and environmental injustice to the host community. [C1-14, C1-27]

**Response No. GI-2**

Electricity generated within the LIPA transmission and distribution system area is dispersed throughout the Long Island electricity zone (i.e., Zone K, see New York Independent Service Operation Zone maps<sup>5</sup>). In addition, there are cables connecting the Long Island zones to regional power markets to supplement energy needs during peak times.<sup>6</sup> As mentioned above in Response No. GI-1, electricity generated at a particular power plant or generating facility is not transmitted to a specific location(s). Division of the electricity that would be generated by the proposed action among existing and future users is not feasible.

As also discussed in Response No. GI-1, and as suggested within the comment, the proposed facility is intended to replace existing generation capacity on the grid with a renewable energy source, reducing the reliance on traditional power plants that operate on the combustion of fossil fuels and produce related air emissions. The determination by LIPA that no additional generation capacity will be needed through 2035 attests to the fact that the proposed action will replace generation, rather than increase the generation capacity of the grid as a whole.

The table contained in Appendix I of this FEIS and Response No. GI-4, below, provides detail on the existing solar facilities within LIPAs distribution and transmission area, including their capacities and the locations of the larger systems (i.e., those rated at 1.0 MW or above). As indicated therein, the majority of the solar generation capacity of these larger systems is currently located outside of the Town of Riverhead

<sup>5</sup> [http://www.nyiso.com/public/markets\\_operations/market\\_data/maps/index.jsp](http://www.nyiso.com/public/markets_operations/market_data/maps/index.jsp)

<sup>6</sup> LIPA, *DPS Public Statement Hearings Information Session Agenda* (accessed August 2, 2017); available from available from <http://www.lipower.org/papers/reports.html>.

(i.e., 85.6 percent of all large system capacity). Even upon implementation of the proposed action (i.e., the addition of 20 MW rated capacity at the subject property in the Town of Riverhead), the majority of all capacity would still continue to be located outside of the Town. Moreover, the DEIS demonstrated throughout that the proposed action would be consistent with the zoning requirements and special permit criteria for the Town’s Commercial Solar Energy Production Systems; would be located within one of the Town’s only five zoning districts where such facilities may be built (out of 36 total zoning districts); and would be consistent with local and state energy goals.

**Comment No. GI-3**

Section 3.1.3 of the DEIS suggests the proposed action will essentially benefit the Town by, “helping to provide for growing energy needs in a non-polluting manner.” The FEIS needs to be specific and quantify “growing energy needs within Riverhead.” [C1-19]

**Response No. GI-3**

As indicated in Response No. GI-1, since 2013, Long Island’s peak load forecast has declined by 24 percent, and the LIPA system, which includes the Town of Riverhead, will not require additional capacity until 2035. Thus, the above-referenced statement from the DEIS should be qualified to indicate that the proposed action will help to provide for new energy from renewable sources that will serve the LIPA transmission and distribution system, including the Town, with electricity generation that does not involve combustion of fossil fuels or air emissions associated therewith.

**Comment No. GI-4**

Provide a list of proposed and completed solar projects within the municipalities listed in Table 21: Summary of East End Municipal Solar Ordinances. [C1-28]

**Response No. GI-4**

A representative of PSEG Long Island was contacted regarding the above comment, which yielded a table of all operating solar projects that have a signed Power Purchase Agreement (PPA) with LIPA (see table in Appendix I). Several are smaller rooftop systems, which are scattered throughout the LIPA distribution and transmission area. The larger systems, i.e., those rated at 1.0 MW or above) generally include ground-mounted projects such as that proposed. These larger systems are identified in Table 2, below:

**Table 2 Solar Projects with LIPA PPA (> 1.0 MW)**

	<b>Project</b>	<b>Size (MWAC)</b>	<b>COD/Operation Date</b>	<b>Municipality(ies)</b>
<b>1</b>	Long Island Solar Farm	31.5	11/1/2011	Brookhaven
<b>2</b>	Eastern Long Island Solar Project (Carports)	11.3	Various (Oct 2011-Oct 2012)	Islip, Smithtown, Southampton
<b>3</b>	Leavenworth Greenworks LLC	9.5	5/31/2016	Brookhaven
<b>4</b>	Sutter Greenworks LLC	5.0	11/2/2015	Riverhead
<b>5</b>	GES Megafour, LLC	3.0	10/30/2015	Riverhead
<b>6</b>	Cedar Creek B	1.9	6/30/2017	Hempstead
<b>7</b>	Sterlington Greenworks LLC	1.3	11/2/2015	Riverhead
<b>8</b>	Tanger Factory Outlet Centers Inc. (Rooftop)	1.2	2/17/2017	Babylon

The table included in Appendix I indicates that there are approximately 76.5 MW of solar facilities operating under PPAs with LIPA. Table 2, above, indicates that the vast majority (i.e., 64.7 MW) of the total capacity is in the form of larger systems, of which there are eight. Of that number, a total of 55.4 MW, or approximately 85.6 percent of all large system capacity, are located outside of the Town of Riverhead. These systems are primarily located within other Suffolk County townships, with the exception of the 1.9-MW-facility at the Cedar Creek sewage treatment plant in Nassau County.

**Comment No. GI-5**

The DEIS provides statements from a mix of energy plans including County and State goals. Page 134 includes the LIPA February 2010 Goals and an acknowledgement by the applicant that the proposed action “would add 20MW of new electricity to the system.” This statement regarding new power supplies supports potential for growth inducement. [C1-31]

**Response No. GI-5**

The statement that the proposed action “would add 20MW or new electricity to the system” should be qualified to indicate that the 20 MW generated by the proposed action would be new electricity generated from renewable resources. As indicated in Response No. GI-1, the LIPA system has sufficient capacity until 2035, and generation from renewable sources will allow peaking units to be retired and help New York State to meet its goal wherein 50 percent of all electricity generation will be from renewable resources by 2030. This qualified discussion does not support potential for growth inducement.

### **3.6 Cumulative Impacts**

**Comment No. CI-1**

The FEIS must confirm there are no pending applications for additional solar facilities by including an acknowledgement from the Town of Riverhead Planning Department. [C1-29]

**Response No. CI-1**

By letter dated August 8, 2017, Mr. Greg Bergman of the Town of Riverhead Planning Department advised that there are “no other applications for commercial solar energy production facilities within the Town of Riverhead” apart from proposed action. A copy of the aforementioned correspondence is included in Appendix J of this FEIS.

**Comment No. CI-2**

In Section 4.1, Cumulative Impacts, the DEIS states the cumulative impact assessment was well beyond the level of detail required by SEQRA. In lieu of the comments of growth inducement, 5,723 homes, meeting future or current energy demands and sustainable growth, the Planning Department recommends this general statement regarding the detail required be removed. The applicant quantified the energy supplied by the proposed action and number of homes that could be supplied. These are reasonably “foreseeable impacts” and hardly speculative. The EPCAL property and Southampton’s proposed redevelopment in Flanders are active development projects. [C1-30]

**Response No. CI-2**

Per this FEIS, the discussion of 5,723 homes in the DEIS was presented as a means of providing context for the estimated quantity of electricity that is expected to be generated by the proposed facility. The proposed action will not result in or facilitate the development of new homes, or any other future developments that would have a demand for electricity (e.g., EPCAL or Riverside). Instead, the proposed action will replace existing generation by traditional power plants on the utility grid which rely upon the burning of fossil fuels, with a clean, renewable source of electricity in accordance with local and state goals.

**3.7 Alternatives to the Proposed Action****Comment No. ALT-1**

The DEIS did not evaluate the solar facilities in Suffolk County, NY as alternative locations, but the applicant has evaluated alternative sites within the Town of Riverhead. [C1-10]

**Response No. ALT-1**

The comment is noted.

**Comment No. ALT-2**

Provide a source for the information in Table 24: Projected Tax Revenues (Alternative Industrial Uses). In the paragraph below Table 24 please revise the reference to the "xxx" above. [C1-32]

**Response No. ALT-2**

As indicated on Page 154 of the DEIS, the tax projections under the Alternative Industrial Use presented in Table 24 (Page 155 of the DEIS) relied upon the property value and value of improvements for the existing industrial use on the adjacent property (i.e., SCTM parcel no. 0600 – 116.00 – 01.00 – 007.004; hereinafter "Lot 7.4"). The specific methodology used to estimate the future tax revenues of the industrial use alternative is as follows:

- › According to the Town of Riverhead 2016-2017 Tax Roll, Lot 7.4 is 28.62 acres in size, a land value of \$162,400, and a total value of \$1,100,000. The size of the existing building located on Lot 7.4 was scaled from a contemporary aerial photograph to measure approximately 132,000 SF in size.
- › Based on these given values, the land value of the 104.84 acres of developable industrial subdivision land under this alternative (i.e., Parcel A minus a 50-foot roadway right-of-way serving the subdivision) was estimated as follows:
  - 1)  $\$162,400 \div 28.62 \text{ Ac} = \$5,674.35/\text{Ac}$
  - 2)  $\$5,674.35/\text{Ac} \times 104.84 \text{ Ac} = \$594,899$
- › The value of improvements for Lot 7.4 was calculated by netting the given land value from the given total value, i.e., \$1,100,000 minus \$162,400, indicating a value of improvements of \$937,600 for the 132,000 SF industrial use building.
- › Applied to the expected 786,075 SF of industrial use building floor area under this alternative yielded an estimate of the value of improvements for the alternative as follows:

- 1)  $\$937,600 \div 132,000 \text{ SF} = \$7.10303/\text{SF}$
  - 2)  $\$7.10303/\text{SF} \times 786,075 = \$5,583,515$
- › The total value of this alternative was, therefore, estimated to be \$594,899 (land value) plus \$5,583,515 (improvements value), or \$6,178,414.
  - › All current property tax rates, as presented in Table 24 of the DEIS, were then applied to this total taxable value to derive the projected property tax revenue.

Table 24 in the DEIS contains an error and reflects a minor mathematical error. The tax revenue projection for the industrial use alternative includes the estimated revenues (developed using data from the 2016-2017 Tax Roll in a similar fashion as described above) that would be received by the Town of Riverhead as property taxes from the property and existing improvements on Parcels B and C (i.e., \$13,060.94 as shown in Table 20 of the DEIS). The error does not materially affect any conclusions presented in the DEIS or any comparisons of impacts or benefits between the proposed action and this alternative contained therein. A corrected and more complete Table 24 is presented below:

**Table 3 Projected Tax Revenues (Alternative Industrial Use) (REVISED)**

<b>Alternative Site Development – Industrial Subdivision</b>			
	Taxable Value	Tax Rate per \$1,000	Tax Amount
County General Fund	\$ 6,178,414	1.411	\$ 8,717.74
NYS Real Property Tax Law	\$ 6,178,414	0.526	\$ 3,249.85
NYS MTA Tax	\$ 6,178,414	0.048	\$ 296.56
Out of County Tuition	\$ 6,178,414	0.174	\$ 1,075.04
Riverhead Town Tax	\$ 6,178,414	43.157	\$ 266,641.81
Town Highway 1,2,3,4	\$ 6,178,414	8.483	\$ 52,411.49
Riverhead CSD #2	\$ 6,178,414	106.607	\$ 658,662.18
Riverhead Free Library	\$ 6,178,414	3.861	\$ 23,854.86
Baiting Hollow Free Library	\$ 6,178,414	0.014	\$ 86.50
Riverhead Ambulance District (AM001)	\$ 6,178,414	1.945	\$ 12,017.02
Riverhead Fire Zone 1 (FD302)	\$ 6,178,414	7.438	\$ 45,955.04
Lighting District (LT301)	\$ 6,178,414	1.305	\$ 8,062.83
Water Ext. 37 (RWD343)	\$ 6,178,414	1.036	\$ 6,400.84
		<b>Subtotal</b>	\$ \$1,087,431.76
		Plus Proposed Parcels B&C	\$ \$13,060.94
		<b>Total Property Taxes</b>	<b>\$ 1,100,492.70</b>

The paragraph below Table 24 in the DEIS contains only one reference, which is to Table 24.

### 3.8 Miscellaneous Comments

#### Comment No. GEN-1

The list of required approvals and text within the DEIS did not include sufficient statements regarding the easement required from the Town of Riverhead for placement of privately owned and maintained utilities in a public roadway owned and operated by the Town. The applicant must identify the process, revenues

to the Town if applicable and expenses, restrictions, rights to access, duration and renewals, assignments and legal responsibilities regarding this necessary easement. A copy of the draft legal instrument must be included in the FEIS as an appendix. [C1-1, C1-16]

**Response No. GEN-1**

The Town Attorney has agreed to provide the applicant’s counsel with a proposed easement granting permission to install the gen-tie route beneath the Edwards Avenue roadway. The easement will be agreed upon by the Town and applicant prior to implementation of the proposed action.

**Comment No. GEN-2**

The list of approvals listed in the FEIS must include the status of each application/approval including a date of application and expected date of decision or action. Please include the Utility Easement required from the Town of Riverhead and the NYSDEC and Town of Riverhead Conservation Advisory Committee (CAC), even if wetland non-jurisdictional letters are secured from these agencies. [C1-2, C1-5]

**Response No. GEN-2**

The list of required permits and approvals provided at Table 3 of the DEIS, and their current status, is presented below:

**Table 4 Required Permits and Approvals (REVISED)**

<b>Agency</b>	<b>Required Permit/Approval</b>	<b>Status</b>
Town of Riverhead Town Board	Special Permit Utility Easement	Pending SEQRA To be Submitted
Town of Riverhead Planning Board	Subdivision; Site Plan	Pending SEQRA
Town of Riverhead Board of Appeals	Potential Area Variance(s) for Solar Collection Facility	To be Submitted (if required)
Town of Riverhead Building Department	Building Permit	Submission pending Subdivision, Site Plan and Variance Approvals
Town of Riverhead Highway Department	Road Opening Permit	To be Submitted
Town of Riverhead CAC	Permit or Letter of Non-jurisdiction	Awaiting confirmation from Town
New York State Department of Environmental Conservation	Notice of Intent (SPDES General Permit for Stormwater [GP-0-15-002]); Wetlands Letter of Non-Jurisdiction	NOI to be submitted; Wetlands Non-Jurisdiction Letter Secured on 9/4/14
New York State Department of Transportation	Highway Work Permit	To be Submitted

It should be noted that a letter of Non-Jurisdiction was secured from the NYSDEC for the existing solar PV energy facility located on the solar collector parcel. The proposed action would include the routing of the proposed gen-tie line within that same property, as well as the construction of the collector facility. The proposed improvements will be similar in nature to those implemented at that site as part of the prior project, and the current proposed improvements will respect an equivalent or greater setback to the (partially) on-site NYSDEC-regulated freshwater wetland (No. R-41) as did the prior project. Therefore, it is expected that no freshwater wetland permit would be required for the current proposed action. A copy of the formal determination of No-Jurisdiction is provided in Appendix K to this FEIS.

With respect to the wetland permit jurisdiction of the Town of Riverhead, please refer to Response No. EF-1, above, and correspondence in Appendix E to this FEIS. No Town wetland permit is expected to be required.

**Comment No. GEN-3**

What happens after the 20-year Power Purchase Agreement (PPA)? Who will own the rights to the property and its development if sPower is no longer a solvent organization? Are all the easements transferable? How will the Town be advised of all transfers of company and property ownerships? This comment needs to be addressed throughout the entire DEIS. [C1-4]

**Response No. GEN-3**

As discussed in the DEIS, it is expected that the proposed facility will be decommissioned at the end of the 20-year term. The applicant sPower will continue to own the subject property, or its successors will, as with any real estate. The easements over private property for the proposed gen-tie line are site controlled by the applicant (see Memoranda of Easement Option Agreement) in Appendix D of this FEIS, wherein the terms for transfer of the easements are set forth. The Town Attorney has agreed to provide the applicant's counsel with a proposed easement granting permission to install the gen-tie route beneath the Edwards Avenue roadway, which is also expected to address the terms of transfer. In addition to the provisions of the proposed easement, the Town of Riverhead would benefit from the Town's extensive requirements associated with the Commercial Solar Energy Production Systems Special Permit for decommissioning, which require, among other things, that a decommissioning plan be submitted, and that a surety acceptable to the Town be maintained in an amount sufficient to cover the cost of removal of the facility.

**Comment No. GEN-4**

Please verify that the proposed action would qualify for exemption from requirements under Article VII of the New York State Public Service Law for solar generation under 80 MW, as indicated in Section 2.6, Required Permits and Approvals, Gen Tie Approvals. The exemption is stated as "expected." It may also be denied, so this requires some clarification. [C1-6]

**Response No. GEN-4**

As stated on page 13 of the DEIS, approval under Article VII of the NY Public Service Law from the NY Public Service Commission ("PSC") for the gen-tie line for the proposed solar facility would not be required because certain thresholds requiring such Article VII approval, based on the voltage and length of the line, are not met by the proposed project. The other way in which PSC approvals could be necessary for the line is if the owner of the line is treated as an "electric corporation" (as utilities are defined) under the Public Service Law. Under the NY Public Service Law, however, a solar generating facility with an electric generating capacity of 80 MW or less is excluded from the definition of an "electric corporation," and thus, is not subject to the requirements of an electric corporation that owns a transmission line, so long as that facility is located at or near the generator site. The PSC has generally interpreted this exemption to apply to transmission lines located within a mile of the site of the generator. Thus, this "exemption" was stated to be "expected" in the DEIS because the proposed solar facility is planned to have an electric generating capacity of 20 MW, much less than the 80 MW threshold, and because the proposed gen-tie line would be located near (defined as within one mile of) the generating facility. There is no process whereby the exemption would either be approved or denied; rather, it either

applies or it does not, based on the size (80 MW or less in generating capacity), type (alternative energy) of generating facility and location of the line.

**Comment No. GEN-5**

The DEIS does not quantify the existing site's use of water, fertilizer, pesticides, and prime agricultural soils, if present, that are used for the sod farm operations. This information should be included in the FEIS for an improved evaluation of the existing conditions compared to the proposed action and listed alternatives. [C1-11]

**Response No. GEN-5**

The proposed action is expected to result in a net environmental benefit as compared to the existing uses of the subject property. Agricultural uses typically represent a significant demand for potable water for irrigation, and as sources of potential water resource contaminants such as nitrogen (from fertilizers) and pesticides. The subject property includes, among other parcels, a 109±-acre sod farm parcel (i.e., SCTM Parcel District 0600 – Section 116.00 – Block 01.00 – Lot 007.002), which is nearly entirely devoted to sod production.

For agricultural uses, irrigation application quantities may vary with conditions, with management practices, and depending what is grown, among other variables. In order to estimate the irrigation demands from a typical sod farm, the United States Geological Survey (USGS) publication, *Estimating Irrigation Water Use in the Humid Eastern United States*<sup>7</sup> (the "USGS Irrigation Study") was referenced. The USGS Irrigation Study collected data on irrigation use at turf (sod) farms in the state of Rhode Island – which has a similar coastal location to the Town of Riverhead and is approximately 50 miles from the Town at its nearest point. Four to nine study sites were observed over a period of five years. The results of the USGS Irrigation Study indicate that the study properties utilized, on average, between 1.1 and 6.8 inches of irrigation water per year, with a mean of 3.5 inches. Based on this mean of 3.5 inches per year, the 109±acre sod farm at the subject property utilizes an estimated 10,593,361± gallons of irrigation water per year. As expressed above, this value could range higher or lower based on a variety of factors. By contrast, the proposed action is expected to utilize a limited irrigation system to sustain the planted buffer along selected perimeters of the proposed solar PV facility (see preliminary *Planting Plan* in Appendix B of this FEIS). No irrigation is proposed for the plantings that are to be installed beneath the solar panel arrays.

As with irrigation, fertilizer use can also vary significantly with conditions, with management practices, and depending upon what is grown, among other variables. It is recognized that the owner of the on-site sod farm could decide to use its fields instead to grow one or more of a variety of crops, at its own discretion. Therefore, in characterizing the quantities of fertilizer use that could occur at this farm property absent the proposed action, published data was referenced for general agricultural uses. Within the neighboring Town of Brookhaven's Forge River Watershed Management Plan (March 2012), a factor of 3.5 pounds per year per 1,000 square feet of land area was used in modeling the nitrogen inputs from parcels in agricultural use. While fertilizers commonly also contain nutrients other than nitrogen (e.g., phosphorous), the nitrogen load was calculated as a means of quantifying the potential fertilizer use at the subject property. Based on the application rate of 3.5 pounds per year per 1,000 square feet, the 109±-acre sod

<sup>7</sup> Levin, S.B., and Zariello, P.J., 2013, Estimating irrigation water use in the humid eastern United States: U.S. Geological Survey Scientific Investigations Report 2013-5066, 32p., <http://pubs.usgs.gov/sir/2013/5066/>.

farm at the subject property would utilize enough fertilizer to introduce 16,618 pounds of nitrogen into the local environment. Instead, under the proposed action, the areas beneath the solar panel arrays will be seeded with native, and low-maintenance, non-fertilizer dependent species, which will require virtually no fertilization as part of its routine maintenance.

With respect to pesticide use, it is not practical to estimate the quantity of pesticides that might be applied to the subject property. Pesticide use is common in agriculture, but the range of products and management practices is too diverse to practically quantify. Nonetheless, it is recognized that pesticides would likely be used at the subject property if agricultural uses continued, whereas the proposed unmanned solar facility with native and low-maintenance species planted throughout the property would not require regular pesticide application.

The prime agricultural soils present at the subject property are identified within Table 1 of this FEIS (see Page 11), and their location and extent are represented on Figure 3 (see Page 12 of this FEIS). The DEIS calculated the areas of each type of soil among the overall 165.4± acres that comprise the subject property, including the subdivision property (Parcels A, B and C), the easement properties, and the solar collection facility parcel (see Table 9 at Page 47 of the DEIS). As indicated by Table 9 of the DEIS, there are approximately 114.4 acres of prime agricultural soils among the five relevant soil types present at the overall subject property. Prime agricultural soils at the subject property are expected to remain largely intact upon implementation of the proposed action, as discussed further within Response Nos. LUZ-1, ST-1 and ST-2, above.

**Comment No. GEN-6**

Provide a description of construction techniques for the gen tie crossing of Edwards Avenue. [C1-15]

**Response No. GEN-6**

Directional drilling will be used in order install the generation tie in under Edwards Avenue. A schematic drawing depicting the proposed improvements is inset on the preliminary *Gen-Tie Route – Utility Profile* (see Sheet No. PR-1 in Appendix B). The project will have one, 6-inch HDPE power conduit, and one, 4-inch communications HDPE conduit. The drilling equipment will be placed within the easement and the bore will be advanced at an angle of approximately 25 degrees. Contractors will take all proper measures to ensure the existing utilities are not affected by utilizing mark out “One Call” services as well as by using ground penetrating radar, as needed, to ensure the boring remains clear of existing utilities. The boring under the roadway will take approximately 1-2 days, and work zone safety management will be performed to maintain safe pedestrian and vehicular access.



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# Appendix A-1



# TOWN OF RIVERHEAD

Jodi Giglio, Councilwoman

Town Hall • 200 Howell Avenue  
Riverhead, New York 11901  
Tel: (631) 727-3200 Ext. 225 • Fax: (631) 369-3990  
giglio@townofriverheadny.gov

February 13, 2017

## Re: Support for sPower 20 MW Solar Project, Riverhead, NY

To whom it may concern:

I am writing to express my support for sPower's proposed 20 megawatt (MW) solar project. sPower, the applicant, submitted an expanded environmental assessment form (EAF) per New York's State Environmental Quality Review Act (SEQRA) to the Town of Riverhead. As required by SEQRA, the EAF analyzed the Project's potential environmental impacts and determined that the Project would result in minimal impacts. Additionally, the Project site is located on land zoned industrial, but it has been used as agriculture or a sod farm.

It is my opinion that the proposed Project will have the minimum impact upon the property. Solar generating facilities are a temporary use of the property, and are needed to produce clean energy.

The Project will produce a local source of clean, reliable energy while creating high-paying jobs and providing a much needed stimulus to our community and local economy. The solar Project would support the local school district through its payment in lieu of taxes (PILOT) program. Additionally, this Project is an example of responsible environmental development.

sPower has worked closely with the Town to ensure that responsible development would be implemented. Additional landscaping has been proposed by the applicant to retain the aesthetic quality of our Town at my request.

I support this Project and wish for its success with the Town of Riverhead.

Sincerely,



Jodi Giglio



**GS2**

104 Edwards Avenue, Suite 3  
Calverton, NY 11933  
Tel (631) 727-3777 Fax (631) 727-3721  
AskUs@lifb.com www.lifb.com

Re: Support of sPower's 20 MW Solar Project, Riverhead, NY

To Whom It May Concern,

The Long Island Farm Bureau is a membership association of 3,500 farmers, fishermen, nurserymen, agribusinessmen and residents interested in preserving a rural quality of life for its members and the Long Island community. Our mission is to serve and strengthen agriculture on Long Island.

As you may know, sPower Group (a solar generating company that develops solar arrays), is in contract with Green Meadows, LLC (a DeLea Sod Farms entity) to purchase and develop 109 acres of its property on the south side of Middle Country Road west of Edwards Avenue in Calverton to generate 20 MW of electricity (enough to power over 7,000 homes). The 109 acres is part of the 185 acres of industrially zoned property that DeLea operates as a sod farm in this area. sPower has submitted an application to the Town Planning Board and hundreds of pages of reports, studies and other documentation to support the application.

At a time when many farmers are facing the high costs of agricultural production and over burdensome regulation, the Long Island Farm Bureau has identified solar production on land in agricultural production as an effective way to preserve farmland for future generations. The temporary use of agricultural fields for solar generation will have little to no impacts upon the land or the agricultural soils and is far better than the potential impacts of more intense permanent industrial, commercial or residential development which most likely will result in the removal of top soil. When these properties are no longer used to generate electricity, the solar facility can be easily decommissioned to allow for reuse of the property for agricultural or any other purpose.

While we remain firmly committed to the preservation of farmland, the Long Island Farm Bureau believes that well-sited, utility-scale solar facilities are compatible with these goals when located and developed appropriately. With this in mind, the Long Island Farm Bureau supports the solar generating facility proposed by sPower. We will work closely with sPower to ensure their compatibility with our land use policies while supporting their efforts to meet LIPA's objective to procure large-scale renewable energy generation for Long Island whenever appropriate.

Very truly yours,

Robert Carpenter  
Administrative Director



**OFFICERS**

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Sammy Chu  
*Edgewise Energy*

**Vice Chairman**  
Victor DaCosta  
PMP, LEED AP BD+C, G-PRO: CM  
*Alternative Solutions of New York*

**Treasurer**  
Tammy Cunha  
LEED AP BD+C  
*PW Grosser Consulting Engineers*

**Secretary**  
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*Roanoke Realty Partners*

**General Counsel**  
Michael L. McCarthy  
*McCarthy & Reynolds P.C.*

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Gordon L. Seaman, Jr.  
*Gordon L. Seaman Inc.*

Robert Stricoff  
*American Land Services*

Richard Wiedersum  
AIA, LEED AP  
*Wiedersum Associates Architects*

**MANAGEMENT TEAM**

**Executive Director**  
Hon. Paul J. Tonna  
*Former Suffolk County Presiding Officer*

**Administrator**  
Sarah Filosa  
*USGBC-LI*

Debby Young  
*USGBC-LI*

February 16, 2017

150 Motor Parkway  
Suite LL80  
Hauppauge, NY 11788

**Re: SUPPORT RIVERHEAD 20 MW SOLAR PROJECT**

To whom it may concern,

I am writing on behalf of the U.S. Green Building Council- Long Island to express our support for sPower's proposed 20 megawatt (MW) solar project (Project) in the Town of Riverhead. The Town of Riverhead has been a leader in solar and is poised to play a large role in providing New York communities with clean power to help meet state policy mandates and local clean energy goals.

The Project will produce a local source of clean, reliable energy while creating high-paying jobs and providing a much needed stimulus to our community and local economy. Additionally, this Project is an example of responsible environmental development. Disturbed lands prevent impacts to the environment and this is as low impact as possible.

The Project is located on land that is zoned Industrial and that has been used inappropriately for agriculture. Solar projects allow the land to rest, to not use fertilizers, not use the water table and bring in much needed revenue to the Town.

By embracing the development of renewable energy in Riverhead, we can build a green economy, turn land that might otherwise be turned into a warehouse or some other Industrial use causing traffic and stressing the Town's resources into a productive resource and ensure the availability of clean, domestic power. sPower's proposed projects fit well with Governor Andrew Cuomo's Clean Energy Standard (CES) for renewable energy development. We also believe that for the foreseeable future, solar production is the highest and best use of the proposed project location.

The USGBC-LI urges the Town of Riverhead to approve the Project.

Sincerely,

Sammy Chu  
Chairman  
U.S. Green Building Council- Long Island



**GS4**

Neal Lewis, Esq., Executive Director  
7180 Republic Airport,  
Farmingdale, New York 11735  
P: 516.323.4510  
F: 631.777.8281

Feb. 16, 2017

Re: Support for Riverhead 20 MW Solar Project in Riverhead

To Whom It May Concern:

The Sustainability Institute supports efforts to significantly increase the generation of renewable energy for Long Island's electric grid so as to greatly reduce our greenhouse gas emissions, clean the air we breathe, and set us on track to meet the New York State Clean Energy Standard as established under the strong leadership of Governor Cuomo.

I write today as the executive director of the Sustainability Institute at Molloy College to express our support for sPower's proposed 20 MW solar project to be located in the Town of Riverhead. This project could play an important role in providing New York communities with clean power to help meet the 50% renewable energy generation by 2030 New York State Clean Energy Standard while also providing distributed energy generation consistent the New York's Renewing the Energy Vision (REV).

This Project will be located on land that is zoned Industrial and that has been used for agriculture. A solar project at this site will allow the land to rest, it will not tap into the ground water supply while allowing ground water to recharge without pesticides and synthetic fertilizers that harm the water that we all rely upon for our drinking water supply.

In sum, consistent with both our mission of advancing a sustainable energy plan for Long Island, and achieving the Governor's Clean Energy Standard, the Sustainability Institute writes to express our support for the sPower 20 MW solar project that will advance a green economy in Riverhead and be a much better local use of land than the alternative of a warehouse or some other Industrial use causing traffic and stressing the local resources.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neal Lewis". The signature is fluid and cursive, written over a white background.

Neal Lewis  
Executive Director



**GS5**  
**INTERNATIONAL BROTHERHOOD**  
**OF**  
**ELECTRICAL WORKERS**  
**Nassau-Suffolk Counties**

To whom it may concern:

The IBEW Local 25 represents over 2,000 electricians in the Construction, Telecommunication, manufacturing and utility industries across Long Island. The primary goals and mission of the union are to organize workers to promote reasonable methods of work, to cultivate relationships in the industry, to secure adequate pay, and to provide the highest quality work product that our customers and clients can rely on.

The IBEW Local 25 has cultivated a long standing and exceptional relationship with sPower. Together we have worked on over 23 MW<sub>dc</sub> of projects in Riverhead and Brookhaven and have created over 300 construction jobs that allow local electricians to work in their own backyard. sPower is an industry leading partner that shows the sophistication, determination and experience necessary to build projects in Long Island.

sPower has demonstrated their ability to see projects through to completion. In a challenging environment, where permitting can take longer than normal, sPower is showing the ability to work collaboratively with the Town of Riverhead, the school board, the farm bureau, property owners, IBEW Local 25, and the residents to advance the current Riverhead Solar 20 MW project and other future solar projects in the region. During the last planning board meeting, the project received tremendous support from each of these groups and we are confident that the project will be able to enter into construction after the SEQR process is completed.

The IBEW Local 25 is committed to providing our organized support and members to advance this project through development and construction. The Riverhead Solar project is one of the nearer term projects and we are confident that sPower and the IBEW can complete these project by 2018 and deliver low cost renewable energy to our local residents on Long Island.

We look forward to supporting sPower on all future development in Long Island

Kevin B. Casey  
IBEW Local 25  
Business Manager

# DeLea Sod Farms

444 Elwood Road  
East Northport, NY 11731  
631-368-8022

GS6

February 1, 2017

Mr. Stanley Carey, Chairman  
Riverhead Planning Board  
200 Howell Avenue  
Riverhead, NY 11901

RE: Letter of Support for Riverhead Projects by sPower

Dear Mr. Carey,

I am writing on behalf of DeLea Sod Farms to express our support for sPower's proposed solar projects in the Town of Riverhead. As you know, Riverhead has been a leader in Solar and is poised to play a large role in providing New York communities with clean power to help meet state policy mandates and local clean energy goals.

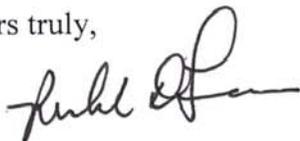
The sPower project will produce a local source of clean, reliable energy while creating high-paying jobs and providing a much needed stimulus to our community and local economy.

sPower's proposed projects fit well with the Governor's plan for renewable energy development. The project sites are located on industrially zoned land that has been used inappropriately for agriculture. Solar projects allow the land to rest, to not use fertilizers, not use the water table and bring in much needed revenue to the Town.

By embracing the development of renewable energy in Riverhead, we can build a green economy, turn land that might otherwise be turned into a warehouse or some other industrial use causing traffic and stressing the Town's resources into a productive resource and ensure the availability of clean, domestic power. We also believe that for the foreseeable future, solar production is the highest and best use of the identified properties. In addition, the local schools could really use the money that this project will generate while not using any of the school's resources.

We appreciate the outreach efforts that sPower has undertaken, and we look forward to continuing to have the company as a member of our community. DeLea Sod Farms urges the Riverhead Planning Commission to approve the site plans that the company has submitted for the proposed solar project in the Town of Riverhead.

Yours truly,



Richard DeLea-President



# DeLalio Sod Farms LLC

FOR THE FINEST IN TURF

652 DEER PARK AVENUE, DIX HILLS, NEW YORK 11746

631-242-3700

Fax 631-242-3754

www.delaliosod.com

January 27, 2017

Mr. Stanley Carey, Chairman  
Riverhead Planning Board  
200 Howell Ave.  
Riverhead, NY 11901

**Re: LETTER OF SUPPORT FOR RIVERHEAD PROJECTS BY sPOWER**

Dear Mr. Carey,

We would like to express our support for sPower's proposed solar projects in the Town of Riverhead. As you know, Riverhead has been a leader in Solar, and is ready to play a large role in providing New York communities with clean power to help meet state policy mandates and local clean energy goals.

The sPower project will produce a local source of clean, reliable energy while creating jobs and providing a much needed stimulus to the community and local economy.

sPower's proposed projects fit well with the Governor's Plan for renewable energy development. The project sites are located on Industrially Zoned land which allows for this type of development within the envelope of this proposed project.

By embracing the development of renewable energy in Riverhead, we can build a green economy and ensure the availability of clean, domestic power. We believe that solar production will be a compliment to other sources of present day energy.

We appreciate the outreach efforts that sPower has undertaken, and we look forward to continuing to have the company as a member of our community. We urge the Riverhead Planning Commission to approve the Site Plans that the company has submitted for the proposed Solar Project in the Town of Riverhead.

Sincerely,

DeLalio Sod Farms LLC

A handwritten signature in blue ink that reads "Leonard M. DeLalio".

Leonard M. DeLalio

# WESTBURY PROPERTIES

346 Maple Avenue - Suite 12 · Westbury, NY 11590 · 516-333-0666 · Fax 516-333-6903

January 30, 2017

Mr. Stanley Carey, Chairman  
Riverhead Planning Board  
200 Howell Ave.  
Riverhead, NY 11901

Re: Letter of Support for Proposed SPower Projects in Riverhead

Dear Mr. Carey,

I am writing on behalf of Westbury Properties to express our support for SPower's proposed solar projects in the Town of Riverhead. We are the owners of a 51.4 acre parcel in Calverton that is directly west of the old Calverton Links property, and lies between the right of ways known as Peconic Avenue to the west and Canoe Lake Road to the east. As you know, Riverhead has been a leader in renewable energy and is poised to play a large role in providing Long Island communities with clean power to help meet New York State policy mandates and local clean energy goals.

The SPower project will produce a local source of clean, reliable energy while creating high-paying jobs and providing a much needed stimulus to our community and local economy. SPower's proposed projects fit well with Governor Cuomo's plan for renewable energy development. The project sites are located on Industrially Zoned land that has been used inappropriately for agriculture. Solar projects allow the land to rest, without harmful pesticides and fertilizers, without any negative impact on the aquifers, and bring in much needed revenue to the Town.

By embracing the development of renewable energy in Riverhead, together we can build a greener economy, redirect land that might otherwise be turned into warehousing or some other industrial use causing traffic and stressing the Town's resources, into a productive resource that will ensure the future availability of clean, domestic power. We also believe that for the foreseeable future, solar production is the highest and best use of the identified properties. In addition, the local schools could really use the money that this project will generate while placing zero demand on school resources.

We appreciate the outreach efforts that SPower has undertaken, and we look forward to continuing to have the company as a member of our community. Westbury Properties respectfully urges the Riverhead Planning Commission to approve the site plans that SPower has submitted for the proposed solar energy project in the Town of Riverhead.

Sincerely,

Anthony Posillico



Managing Partner  
Westbury Properties



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# Appendix A-2



## TOWN OF RIVERHEAD PLANNING DEPARTMENT

200 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2596  
(631) 727-3200, FAX (631) 727-9101

**Jefferson V. Murphree, AICP**  
*Town Building and  
Planning Administrator*  
Ext. 239

**Jeffrey Seeman**  
*Environmental  
Planner*  
Ext. 207

**Karin Gluth**  
*Planner*  
Ext. 206

**Emily Toth**  
*Secretary to the  
Planning Board  
Secretary to the Zoning  
Board of Appeals*  
Ext. 240

### SEQRA Staff Report

June 10, 2017

Review of the DEIS sPower- Determination of Adequacy and Document Distribution for Public Review and Comment

Jeffrey Seeman, CGCS/CEP  
Town of Riverhead Environmental Planner

The purpose of determination of adequacy is necessary to evaluate how the sPower DEIS, dated May 2017, prepared by VHB Engineering, Surveying and Landscape Architecture, PC complies with required environmental assessment identified in Final Scope prepared and issued by the Town of Riverhead Planning Board, acting as Lead Agency.

The DEIS was delivered to the Planning Department on Thursday June 8, 2017 and minor changes were added on Friday June 9, 2017. The DEIS was reviewed on June 8-10 to determine if the DEIS was adequate for public review. The DEIS does comply with the minimum requirements of adequacy and does meet the requirements set forth in the April 6, 2017 Final Scope adopted by the Planning Board as Lead Agency by resolution 2017-030. The DEIS review stimulated comments which are identified and summarized below. Although the DEIS has addressed the issues identified in the Final Scope, several review comments surfaced with consistency. It is recommended each of these comments together with all substantive comments raised during the DEIS review and comment period be addressed in the FEIS:

1. The list of required approvals and text within the DEIS did not include sufficient statements regarding the easement required from the Town of Riverhead for placement of privately owned and maintained utilities in a public roadway owned and operated by the Town. The applicant must identify the process, revenues to the Town if applicable and expenses, restrictions, rights to access, duration and renewals, assignments and legal responsibilities regarding this necessary easement. A copy of the draft legal instrument must be included in the FEIS as an appendix. — C1-1
2. The list of approvals listed in the FEIS must include the status of each application/approval including a date of application and expected date of decision or action. — C1-2

3. The applicant has addressed the question of growth inducing impacts by providing both background from the SEQRA Handbook and 6NYCRR Part 617.9 (b) (5) (iii) as to its applicability to this application. That said, there was found contradiction in the DEIS suggesting that no significant growth inducing aspects are associated with the project. The document states the proposed solar facility will generate enough electricity to power 5,723 residential homes, equal to 44% of homes located in Riverhead. This raises the question, will the electrical needs of 5,723 homes that exist be supplied this power; or will the energy needs of 5,723 new homes be met? The purpose of adding growth inducement to the Final Scope was to identify additional solar arrays that could be built in the study area, and what impact this proposed action and potentially future facilities may have on the area with respect to the supply side of energy necessary to meet the demand of existing and new development. Certainly providing new energy supply sources to meet the existing demand and goals for clean energy does not prohibit triggering an expansion of growth that may be (currently) inhibited because there is a lack of new energy supplies. This is akin to building any new supply source for utility expansion (a new supply well for potable water, a new WWTP for a sewer district and power supply facility-including a solar array for an electric utility company). Each example might induce new growth as the result of filling an existing limit or void in the supply side. Is this energy supply being used to support energy demands of the Southampton Town Riverside Redevelopment Project or any other proposed large scale development project of regional significance? The FEIS must better address and clarify this issue. — C1-3

Comments:

1. Executive Summary page iii: What happens after 20 years? Who will own the rights to the property and its development if SPower is no longer a solvent organization? Are all the easements transferable? How will the Town be advised of all transfers of company and property ownerships? This comment needs to be addressed throughout the entire EIS. — C1-4
2. Table 3 page 13: Add- Utility Easement Town of Riverhead. Add- dates of submissions and expected decision dates. This must be done wherever this table is reproduced within the document. The CAC and NYSDEC should be added to the list even if letters of non-jurisdiction are secured from each of these agencies. — C1-5
3. Page 13: Gen Tie Approvals – in the last sentence of paragraph 1 please verify the exception. The exemption is stated as “expected.” It may also be denied, so this requires some clarification. — C1-6
4. Executive Summary xi: 1.3 Soils and Topography: the section needs to identify all soils that are listed as Prime Agricultural Soils, and the policy of protection and importance of same. — C1-7
5. Executive Summary xvi: Socioeconomics – clarify the duration of the temporary jobs and provide actual example(s) of the applicant’s experience in support of prior history that a solar array of this size provides 100-200 construction jobs. — C1-8
6. Executive Summary xvii 1.7 Growth Inducement- “The capacity of the proposed gen-tie line would be sufficient only for the currently proposed project and would not be capable of accommodating the additional load for another, similar project(s). Additionally, the proposed action would not cause a population increase and would not increase development potential in the project area.” How about the 5,723 homes? Is this energy supply being used to support the Southampton Town Riverside Redevelopment Project or any other proposed large scale development project of regional significance? Are any new solar projects being proposed in Riverhead? Other local townships? — C1-9

7. Executive Summary xxv: The DEIS did not evaluate the solar facilities in Suffolk County, NY as alternative locations but the applicant has evaluated alternative sites within the Town of Riverhead. — C1-10
8. 2.2 Existing Site Conditions: Page 5- The DEIS does not quantify the existing site's use of water, fertilizer and pesticides, prime Ag-soils if present that are used for the sod farm operations. This information should be included in the FEIS for an improved evaluation of the existing conditions compared to the proposed action and listed alternatives. — C1-11
9. Page 11: Additional economic benefits generated by the green industry must be specific- what equipment, supplies and tax base are contemplated? — C1-12
10. Page 11: Jobs lost from the existing sod farm will be shifted to other operations controlled by the farm owner. The FEIS must include a letter or other form of validation from the sod farm that supports the statement. — C1-13
11. Page 11: "...the proposed action will also benefit the Town by helping to provide for growing energy needs in a sustainable way." This statement and (page 12) acknowledgement that the proposed action can supply electricity to 5,723 homes tends to support growth inducement. The FEIS must clarify how the new energy supplies are allocated; new development, existing development or a mix. Are the energy demands generated by growth projections in Riverhead, other east end towns, Suffolk County or NYS? It is common knowledge the South Fork (Southampton and East Hampton) generate significant energy demands on the utility especially during peak tourist summer season. Southampton has proposed a major redevelopment of the Riverside-Flanders area that will require electrical connections. Is the proposed action providing electricity to meet the upcoming and existing demand through justification of sustainable development; or is the proposed action a "replacement" for fossil fuels whereby no increase in electrical connections are anticipated whereby the electrical demand (status quo) remains the same ? This is an important aspect for growth inducement and needs/benefits evaluations. This is why the Lead Agency has requested information on other proposed facilities within Suffolk County for an evaluation as to whether or not other municipalities are constructing solar facilities at specific locations or Riverhead has a disproportionate number of acres (regardless of zoning use district) committed to solar power facilities. There is a perception that placing these facilities in Riverhead for providing electricity to areas outside the Town may trigger and environmental injustice to the host community. — C1-14
12. 2.5 Construction and Phasing: page 12- provide a description of techniques for the gen tie crossing of Edwards Avenue. — C1-15
13. 2.6 Required Permits and Approvals Pages 12-13: The list of required approvals and text within the DEIS did not include sufficient statements regarding the easement required from the Town of Riverhead for placement of privately owned and maintained utilities in a public roadway owned and operated by the Town. The applicant must identify the process, revenue and expenses, restrictions, rights to access, duration and renewals, assignments and legal responsibilities regarding this necessary easement. A copy of the legal instrument must be included in the FEIS as an appendix. The list of approvals listed in the FEIS must include the status of each application/approval including a date of application and expected date of decision or action. Please include the NYSDEC and Town of Riverhead Conservation Advisory Committee (CAC) wetland non-jurisdictional letters. — C1-16
14. Page 27: Suffolk County 2015 SCAFPF does not support the conversion of farmland to solar facilities. The preparers need to provide direct commentary from the Suffolk County — C1-17

- Planning Commission (SCPC) with respect to the proposed action. This may be in the form of coordinating a direct response from the SCPC or for the Lead Agency to solicit comments during the DEIS comment period. — C1-17, Cont'd
15. Page 42: Suffolk County Agricultural and Farmland Protection Plan 2015: Please provide a letter form the Riverhead farmland committee with respect to the proposed action. All projects involving farmlands are expected to be reviewed by this advisory committee. — C1-18
  16. Page 45: The last statement on this pages suggests the action will essentially benefit the Town by, “helping to provide for growing energy needs in a non-polluting manner.” The FEIS needs to be specific and quantify “growing energy needs within Riverhead.” — C1-19
  17. Table 9 page 47: Identify any Prime Ag soils on this table and in the text section explain the importance and fate of any Prime Ag soils that may be impacted by the proposed action. — C1-20
  18. Page 88: provide a letter or other confirmation from the Riverhead CAC that a wetland permit is not required. — C1-21
  19. 3.3.3 Proposed Mitigation page 97: Provide a description of a “wildlife sweep” before and during construction as mitigation. — C1-22
  20. Job Generation page 101: Provide a letter form the sod farm in support of the proposed job relocation efforts. — C1-23
  21. Table 17 Exiting Property Tax Revenue page 102: Provide a source (reference) for the information provided in the table. — C1-24
  22. 3.5.2 Potential Impacts -Job Generation page 103: Provide a duration for the 100-200 temporary jobs and supporting documentation regarding this prediction and number of jobs. — C1-25
  23. Property Taxes pages 105-105 provide a source for the information on tables 19 and 20. — C1-26
  24. 3.6 Growth Inducement: see the comments above regarding the 5,723 homes and other relevant comments that must be addressed in the FEIS. The comment responses must be consistent throughout the document, with quantifiable and supporting information. — C1-27
  25. Table 21 page 115: Provide a list of proposed and completed solar projects within the municipalities listed in table 21. — C1-28
  26. 4.1 Cumulative Impacts page 118: The FEIS must confirm there are no pending applications for additional solar facilities by including an acknowledgement from the Town of Riverhead Planning Department. — C1-29
  27. Page 121: the DEIS states the cumulative impact assessment was well beyond the level of detail required by SEQRA. In lieu of the comments of growth inducement, 5,723 homes, meeting future or current energy demands and sustainable growth, the Planning Department recommends this general statement regarding the detail required be removed. The applicant quantified the energy supplied by the proposed action and number of homes that could supplied. These are reasonably “foreseeable impacts” and hardly speculative. The EPCAL property and Southampton’s proposed redevelopment in Flanders are active development projects. — C1-30
  28. 4.4 Use and Conservation of Energy pages 129-137: The DEIS provides statements from a mix of energy plans including County and State goals. Page 134 includes the LIPA February 2010 Goals and an acknowledgement by the applicant that the proposed action “would add 20MW of new electricity to the system.” This statement regarding new power supplies supports potential for growth inducement. — C1-31

29. Table 24 Projected Tax Revenues (Alternative Industrial Uses): provide a source for the information. In the paragraph below please revise the reference to the “xxx” above (this may be a typo and “place holder” for Table 24). — C1-32

cc: sPower  
2180 South 1300 East Suite 600  
Salt lake City, UT 84106

Green Meadows, LLC  
444 Elwood Road  
East Northport, NY 11731

VHB Engineering  
100 Motor Parkway  
Hauppauge, NY 11788

C. Kent, Esq.  
Farrell Fritz, P.C.  
100 Motor Parkway, Suite 138  
Hauppauge, NY 11788



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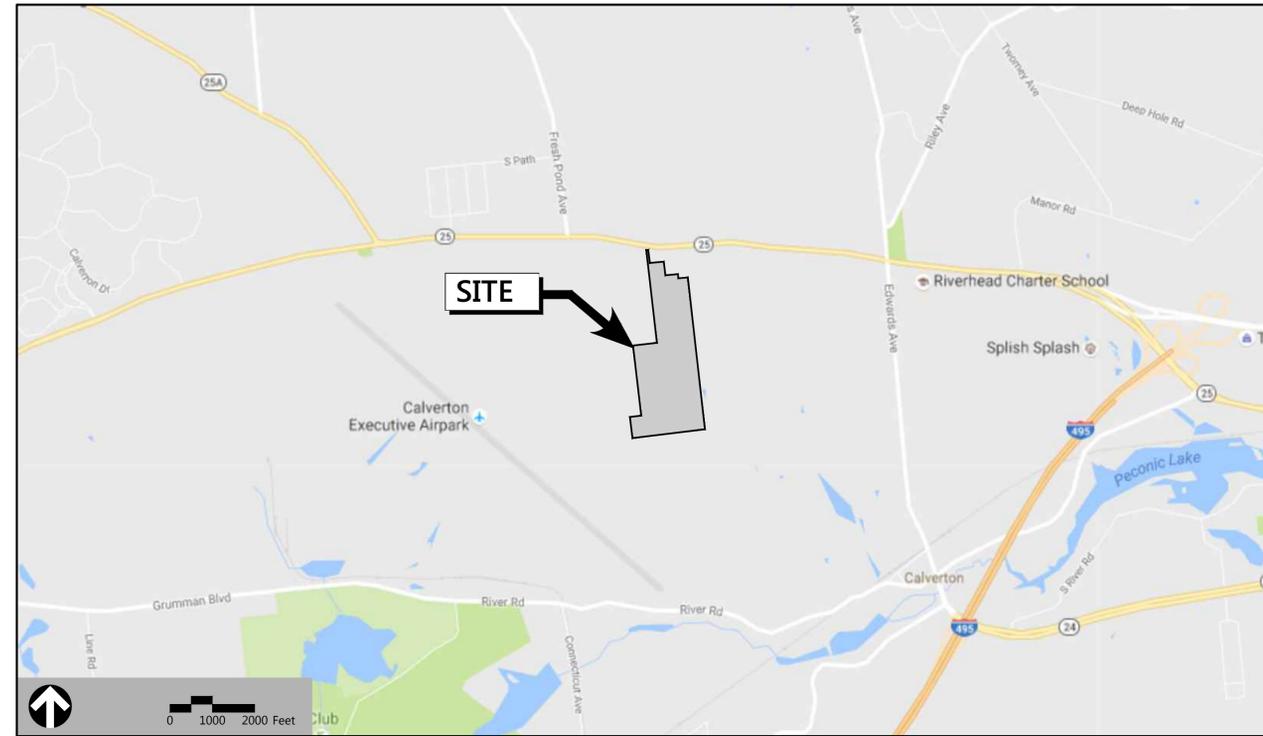
# Appendix B

# Site Plans

Issued for	Site Plan Review
Date Issued	August 15, 2016
Latest Issue	January 26, 2017

## sPower Calverton

Middle Country Road (NYS 25)  
& Peconic Avenue  
Town of Riverhead, Calverton,  
New York



Engineering, Surveying &  
Landscape Architecture, PC  
100 Motor Parkway  
Suite 135  
Hauppauge, NY 11788  
631.787.3400

### Surveyor

VHB Engineering, Surveying &  
Landscape Architecture, PC  
100 Motor Parkway, Suite 135  
Hauppauge, NY 11788  
631.787.3400

### Solar Consultant

P.V. Engineers D.P.C  
54 W. 40th Street  
New York, NY 10018  
646.274.8114

### Geotech

GZA Environmental of NY  
104 West 29th Street  
10th Floor  
New York, NY 10001  
212.594.8140

### Substation Consultant

TRC  
1866 Colonial Village Lane  
Suite 112  
Lancaster, PA 17601  
717.239.2209

### Electric

PSEG Long Island  
1650 Islip Avenue  
Brentwood, New York 11717  
631.348.6044

### Owner

Delea Sod Farms, Inc.  
444 Elwood Road  
East Northport, NY 11731  
(631)368-3264

### Applicant

sPower  
2180 South 1300 East  
Suite 600  
Salt Lake City, UT 84106-2749  
(801)679-3500

### Sheet Index

No.	Drawing Title	Latest Issue
C-1	Legend And General Notes	January 26, 2017
C-2	Gen-Tie Route	January 26, 2017
C-3	Collection Facility Layout & Materials Plan	January 26, 2017
C-4	Collection Facility Grading Plan / Landscape Plan	January 26, 2017
C-5	Solar Facility Layout, Materials and Utility Plan	January 26, 2017
C-6	Solar Facility Grading and Drainage Plan	January 26, 2017
C-7	Solar Facility Drainage Reserve Area Detail	January 26, 2017
C-8	Solar Facility Erosion and Sediment Control Plan	January 26, 2017
C-9	Site Details 1	January 26, 2017
C-10	Site Details 2	January 26, 2017
C-11	Solar Facility Soil Borings	November 14, 2016
C-12	Solar Facility Test Pits	November 14, 2016
L-1	Solar Facility Planting Plan	November 14, 2016
PR-1	Edwards Avenue Gen-Tie Route Utility Profile	January 26, 2017

### Reference Drawings

No.	Drawing Title	Latest Issue
CF-1	Collection Facility Details	November 14, 2016
	Subdivision Map	August 15, 2016
	Existing Conditions Plan of Land	March 30, 2016

### PLANNING BOARD CERTIFICATION

This is to certify that this site plan has been approved by the Planning Board of the Town of Riverhead by Planning Board Resolution number \_\_\_\_\_ dated \_\_\_\_\_  
Signature by Planning Board Chairperson \_\_\_\_\_  
Date of signature \_\_\_\_\_





**LEGEND**

- — — — — PROPERTY BOUNDARY
- — — — — LOT LINES
- ..... GEN-TIE ROUTE
- - - - - ZONE LINE
- SOLAR PROPERTIES

N



0 150 300 600 Feet

**sPower Calverton**  
 Middle Country Road & Peconic Avenue  
 Town of Riverhead, Calverton, NY

No.	Revision	Date	Appd.
1	PER TOWN COMMENTS	11/14/2016	CR

Designed by: CS      Checked by: CR  
 Issued for:      Date: May 25, 2016

Not Approved for Construction

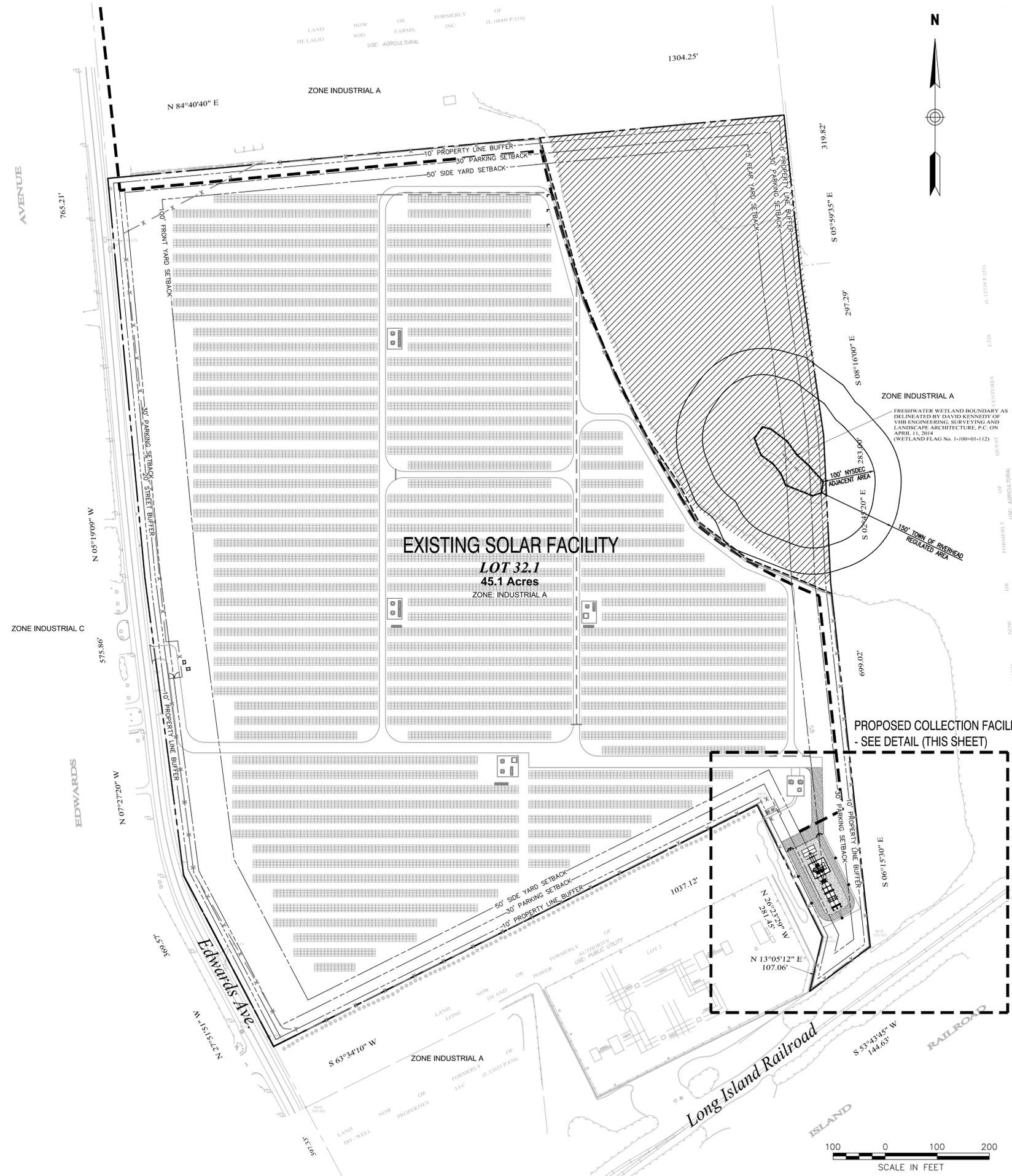
Drawing Title: **Gen-Tie Route**

Drawing Number: **C-2**

Sheet 2 of 13

Project Number: 29194.03

Saved Wednesday, November 16, 2016 2:37:22 PM: DPONTIER Plotted Thursday, January 26, 2017 5:28:26 PM: Pontier, Danielle

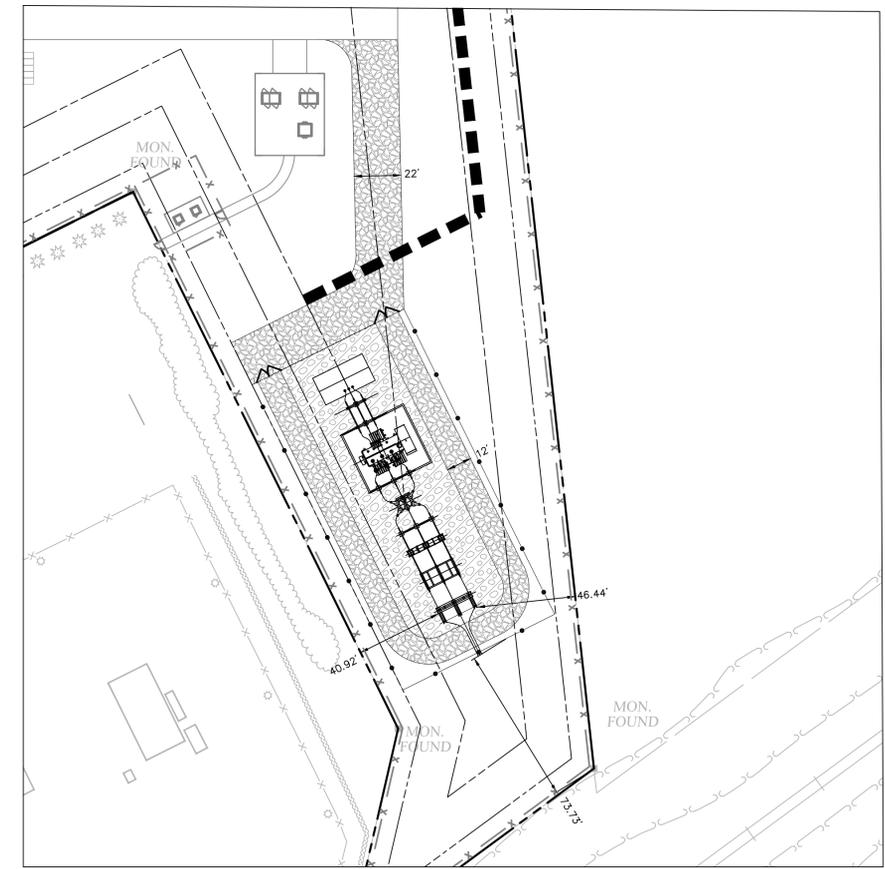


**Reference**  
 BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY:  
 PJM LAND SURVEYING, PLLC  
 132 CLYDE STREET / SUITE 16  
 WEST SAHILL, NY 11796  
 DATED: 2/28/14

**Zoning Summary Chart - Parcel A**

Existing Zoning District:	Industrial A				
Overlay District:	Commercial Solar Energy Production Systems				
Existing Use:	Solar Facility				
Proposed Use:	Solar Facility				
Industrial A Dimensional Criteria					
Section	Zoning Regulation	Requirement	Previously Approved	Proposed	Conforms
§108 ATTACHMENT 3	MINIMUM LOT AREA	80,000 SF	1,964,687 SF (45.1 AC)	1,964,687 SF (45.1 AC)	YES
§108 ATTACHMENT 3	MINIMUM LOT WIDTH AT FRONT STREET	200 Feet	1,711 Feet	1,711 Feet	YES
§108 ATTACHMENT 3	BUILDING LOT COVERAGE	40 %	28.00%	28.01%	YES
§108 ATTACHMENT 3	MAXIMUM IMPERVIOUS SURFACE	70	28.00%	28.01%	YES
§108 ATTACHMENT 3	MAXIMUM HEIGHT OF BUILDINGS	30 Feet	N/A	30 Feet +	YES
§108 ATTACHMENT 3	MAXIMUM F.A.R.	0.40	0.00	0.00	YES
§108 ATTACHMENT 3	MINIMUM FRONT YARD DEPTH	100 Feet	100.1 FEET	100.1 Feet	YES
§108 ATTACHMENT 3	MINIMUM SIDE YARD DEPTH (EACH/COMBINED)	50/100 Feet	50.2/100.5 Feet	40.9/91.1 Feet	NO
§108 ATTACHMENT 3	MINIMUM REAR YARD DEPTH	75 Feet	89.0 Feet	46.4 Feet	NO
§108 ATTACHMENT 3	PROPERTY LINE BUFFER	10 Feet	10 Feet	10 Feet	YES
§108 ATTACHMENT 3	STREET BUFFER	20 Feet	20 Feet	20 Feet	YES
§108 ATTACHMENT 3	PARKING BUFFER	30 Feet	30 Feet	30 Feet	YES
+ PROPOSED COLLECTION FACILITY HEIGHT					
Commercial Solar Energy Production Systems					
Section	Zoning Regulation	Requirement	Previously Approved	Proposed	Conforms
§108 ARTICLE XL	MINIMUM LOT AREA	5 Acres	1,964,687 Sq. Ft.	1,964,687 Sq. Ft.	YES
§108 ARTICLE XL	MAXIMUM LOT COVERAGE	80 %	0%	28.01%	YES
§108 ARTICLE XL	MAXIMUM GROUND MOUNTED PANEL HEIGHT	8 Feet	N/A	≤10 Feet +	NO

\* PRE-EXISTING NON-CONFORMING CONDITION



**Proposed Collection Facility**  
 SCALE: 1" = 40'



Engineering, Surveying & Landscape Architecture, PC  
 100 Motor Parkway  
 Suite 135  
 Hauppauge, NY 11788  
 631.787.3400

PLANNING BOARD CERTIFICATION

This is to certify that this site plan has been approved by the Planning Board of the Town of Riverhead by Planning Board Resolution number \_\_\_\_\_ dated \_\_\_\_\_  
 Signature by Planning Board Chairperson \_\_\_\_\_  
 Date of signature \_\_\_\_\_

**sPower Calverton**  
 Middle Country Road & Peconic Avenue  
 Town of Riverhead, Calverton, NY

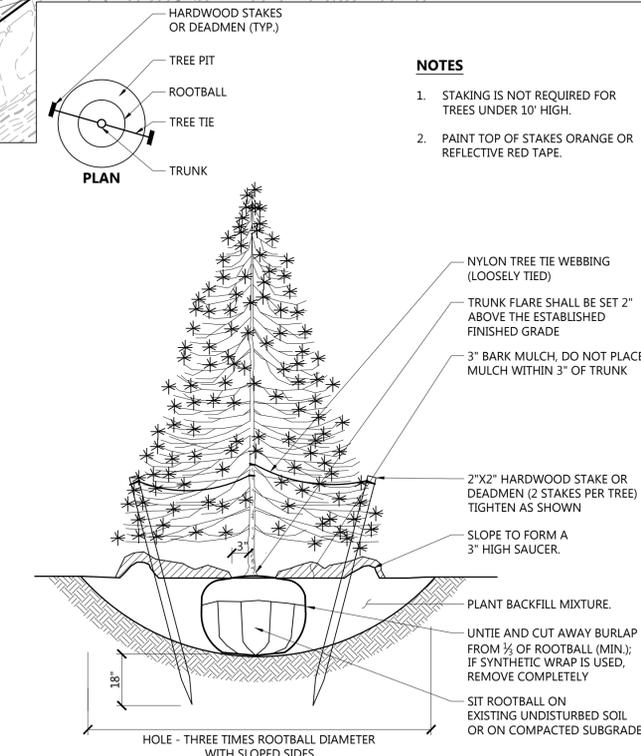
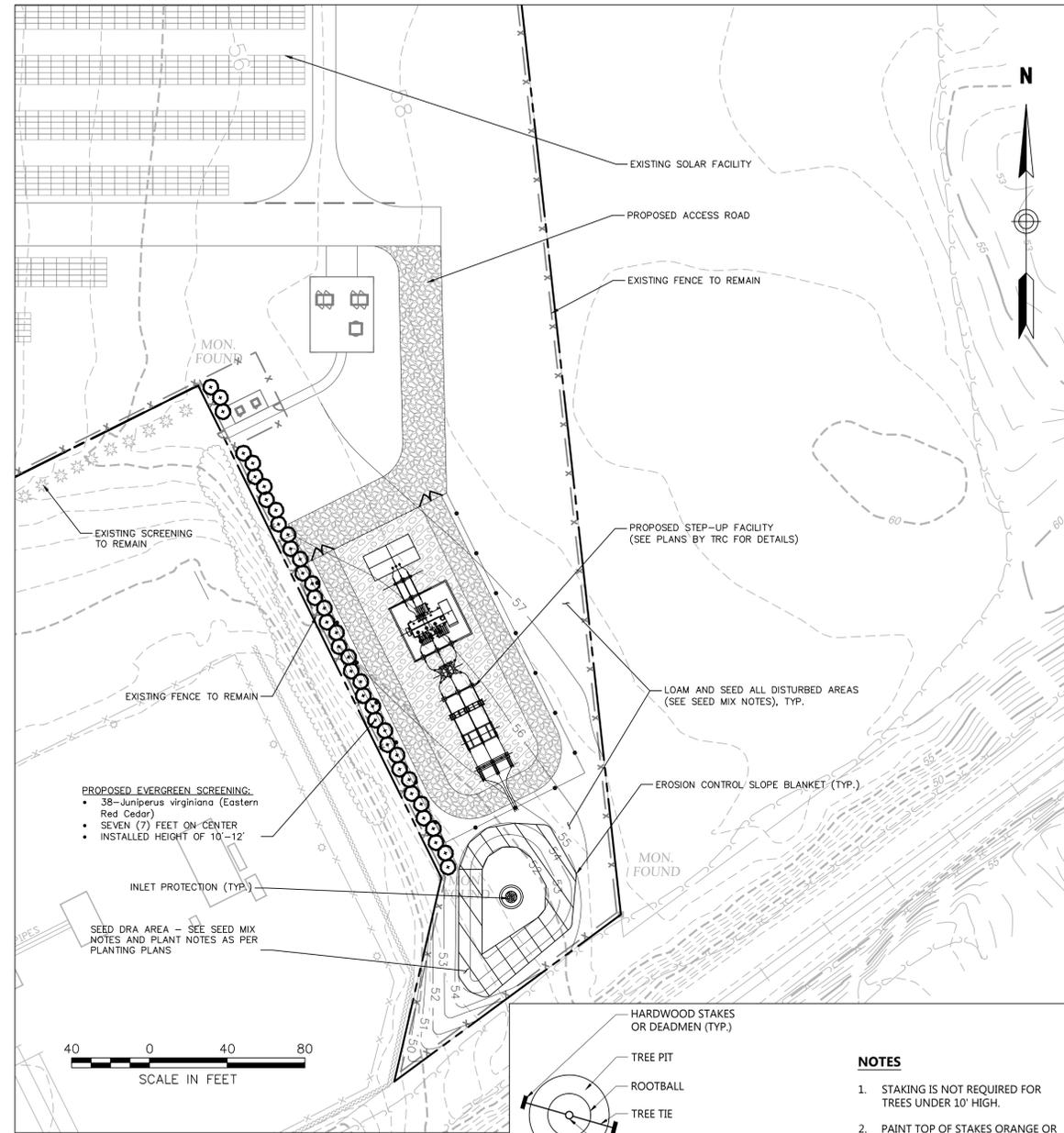
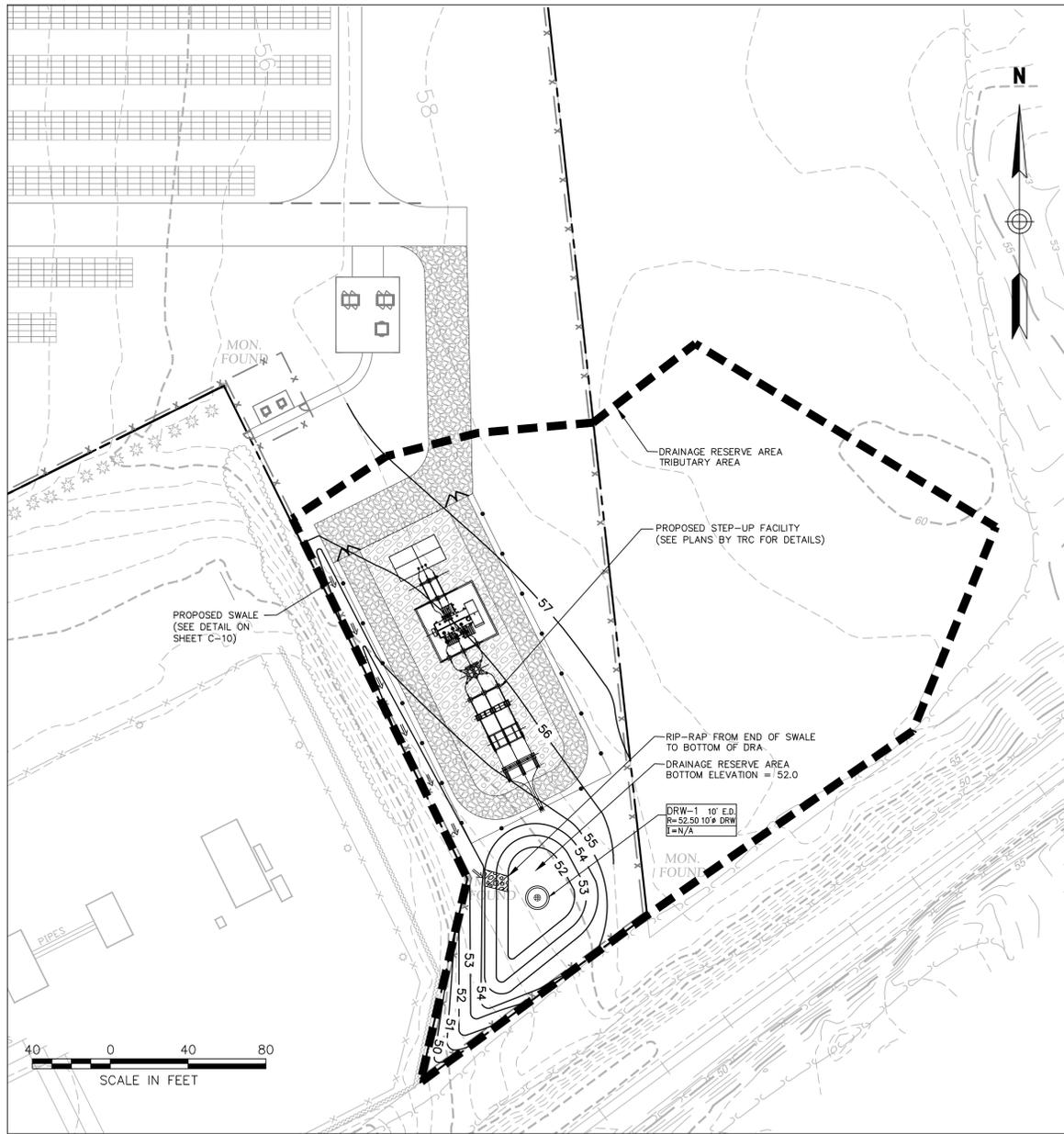
No.	Revision	Date	Appr.
1	PER PLANNING BOARD COMMENTS	1/28/2017	CR
1	PER TOWN COMMENTS	11/14/2016	CR
1	PER TOWN COMMENTS	11/14/2016	CR
Designed by DP		Checked by CR	

Issued for **Site Plan Review** August 15, 2016

Not Approved for Construction  
**Collection Facility  
 Layout & Materials Plan**

Drawing Number  
**C-3**  
 Sheet 3 of 13

*Signature*



- NOTES**
- STAKING IS NOT REQUIRED FOR TREES UNDER 10' HIGH.
  - PAINT TOP OF STAKES ORANGE OR REFLECTIVE RED TAPE.

PLANNING BOARD CERTIFICATION  
 This is to certify that this site plan has been approved by the Planning Board of the Town of Riverhead by Planning Board Resolution number \_\_\_\_\_ dated \_\_\_\_\_  
 Signature by Planning Board Chairperson \_\_\_\_\_  
 Date of signature \_\_\_\_\_

**sPower Calverton**  
 Middle Country Road & Peconic Avenue  
 Town of Riverhead, Calverton, NY

No.	Revision	Date	Aspd.
1	PER PLANNING BOARD COMMENTS	1/26/2017	CR
1	PER TOWN COMMENTS	11/14/2016	CR
1	PER TOWN COMMENTS	11/14/2016	CR

Designed by DP Checked by CR

Site Plan Review August 15, 2016

Not Approved for Construction  
 Drawing Title  
**Collection Facility**  
**Grading Plan /**  
**Landscape Plan**

Sheet **C-4** of 4  
 13



**Drainage Calculation Summary**

- STORAGE VOLUME BASED ON A 2-INCH RAINFALL
- RUNOFF COEFFICIENTS FOR:  
 DRAINAGE RESERVE AREAS = 1.00  
 LANDSCAPED, GRASSED, NATURAL, OTHER PERVIOUS AREAS = 0.30  
 GRAVEL ROADS / EQUIPMENT AREAS = 0.50

Drainage Reserve Area	Contributing Area (SF)	Runoff C	Rainfall (FT)	Volume (CF)
REQUIRED STORAGE VOLUME CALCULATION				
DRAINAGE RESERVE AREA	3,708	X 1.0	X 2/12	= 618
LANDSCAPED / GRASSED AREAS	53,245	X 0.30	X 2/12	= 2,662
GRAVEL ROADS / EQUIPMENT AREAS	13,420	X 0.50	X 2/12	= 1,118
			REQUIRED STORAGE VOLUME	= <b>4,399</b>
PROVIDED STORAGE VOLUME DESIGN:				
STORAGE VOLUME PROVIDED IN DRAINAGE RESERVE AREA:	4,825 CF			

**Erosion Control Notes**

- PRIOR TO STARTING ANY OTHER WORK ON THE SITE, THE CONTRACTOR SHALL NOTIFY APPROPRIATE AGENCIES AND SHALL INSTALL EROSION CONTROL MEASURES AS SHOWN ON THE PLANS AND AS IDENTIFIED IN FEDERAL, STATE, AND LOCAL APPROVAL DOCUMENTS PERTAINING TO THIS PROJECT.
- INSTALL EROSION CONTROL MEASURES AS SHOWN ON PLANS AND DETAILS PRIOR TO CONSTRUCTION. EXCAVATED MATERIAL THAT IS CONTAINED ON SITE SHALL BE SURROUNDED BY HAY BALES AND/OR SILT FENCE AS REQUIRED. SILT FENCES AND HAY BALES SHOULD BE INSPECTED AFTER EVERY STORM AND AT THE END OF THE WORKING DAY.
- SEDIMENT SHALL BE CONTAINED WITHIN THE CONSTRUCTION SITE AND AWAY FROM ALL DRAINAGE STRUCTURES. INSTALL TEMPORARY EROSION CONTROLS AT DESIGNATED CATCH BASIN GRATES TO PREVENT SEDIMENT FROM ENTERING NEWLY CONSTRUCTED OR EXISTING DRAINAGE SYSTEMS.
- CONTRACTOR SHALL INSPECT AND MAINTAIN EROSION CONTROL MEASURES, AND REMOVE SEDIMENT THEREFROM ON A WEEKLY BASIS AND WITHIN TWELVE HOURS AFTER EACH STORM EVENT AND DISPOSE OF SEDIMENTS IN AN UPLAND AREA SUCH THAT THEY DO NOT ENCUMBER OTHER DRAINAGE STRUCTURES AND PROTECTED AREAS AS OUTLINED IN SWPPP.
- ALL SLOPES GREATER THAN 3:1 (HORIZONTAL TO VERTICAL) WILL BE STABILIZED WITH SEED AND SECURED BY GEO-TEXTILE FABRIC, OR ROCK RIP-RAP AS REQUIRED TO PREVENT EROSION DURING CONSTRUCTION.
- EROSION CONTROL BLANKETS ARE TO BE INSTALLED ON 1:6 DRAINAGE RESERVE AREA SLOPES ADJACENT TO SHEET FLOW UNTIL VEGETATION IS ESTABLISHED.
- CONTRACTOR SHALL PERFORM CONSTRUCTION SEQUENCING SUCH THAT EARTH MATERIALS ARE EXPOSED FOR A MINIMUM OF TIME BEFORE THEY ARE COVERED, SEEDED, OR OTHERWISE STABILIZED TO PREVENT EROSION.
- CONTRACTOR SHALL BE FULLY RESPONSIBLE TO CONTROL CONSTRUCTION SUCH THAT SEDIMENTATION SHALL NOT AFFECT REGULATORY PROTECTED AREAS, WHETHER SUCH SEDIMENTATION IS CAUSED BY WATER, WIND, OR DIRECT DEPOSIT.
- ALL ADJACENT PUBLIC ROADS SHALL BE KEPT CLEAN AND FREE OF SEDIMENT AND DEBRIS AT ALL TIMES.
- UPON COMPLETION OF CONSTRUCTION AND ESTABLISHMENT OF PERMANENT GROUND COVER, CONTRACTOR SHALL REMOVE AND DISPOSE OF EROSION CONTROL MEASURES AND CLEAN SEDIMENT AND DEBRIS FROM ENTIRE DRAINAGE AND SEWER SYSTEMS.

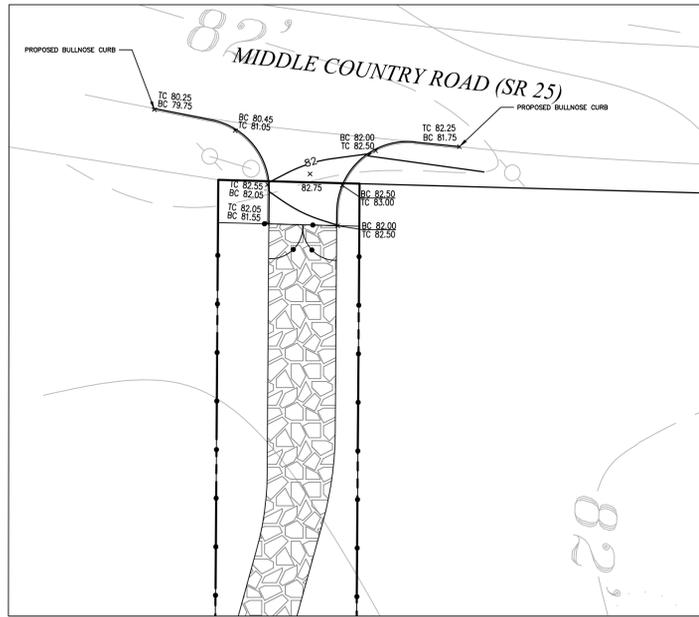
**SOLAR FARM SEED MIX**

% SEED	BOTANICAL NAME	COMMON NAME
30%	Festuca rubra	Creeping Red Fescue
30%	Festuca ovina 'Whisper'	Sheep Fescue 'Whisper'
15%	Festuca ovina var. curiuscula (F. longifolia) 'Heron'	Hard Fescue 'Heron'
15%	Festuca brevipila 'Chariot'	Hard Fescue 'Chariot'
10%	Lolium multiflorum (L. perenne var. italicum)	Annual Ryegrass
Total 100%		

**SEED MIX NOTES:**

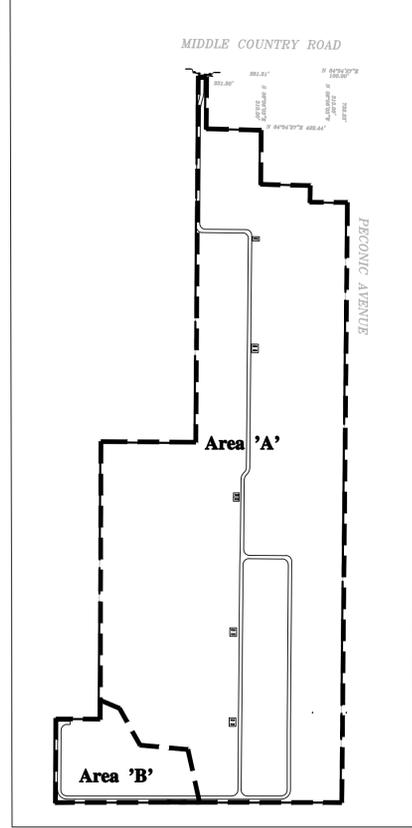
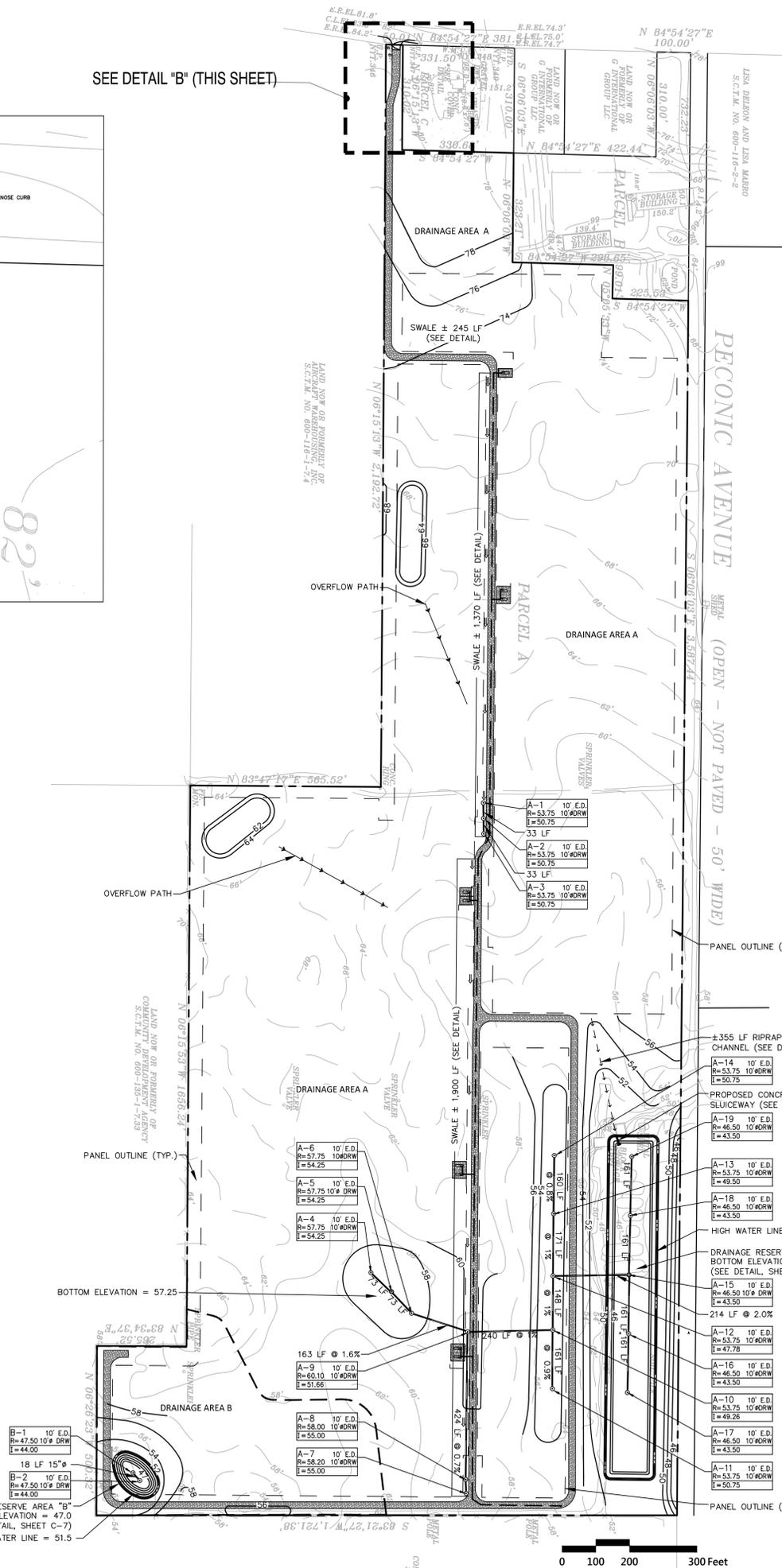
- DISTURBED AREAS TO BE SEEDED ONLY. SEEDING RATE TO BE 6 LB PER 1,000 SF. SEED MIX TO BE ERNMX-186 "SOLAR FARM SEED MIX" AS MANUFACTURED BY ERNST CONSERVATION SEEDS, 8884 MERCER PIKE, MEADVILLE PA, 16335 (800) 873-3321.
- CONTRACTOR SHALL INSTALL & MAINTAIN (DURING MAINTENANCE PERIOD & PRIOR TO ACCEPTANCE) SEED APPLICATION AS PER MANUFACTURER'S ESTABLISHMENT AND RECOMMENDATIONS.
- CONTRACTOR SHALL SUBMIT SOURCE, SAMPLE, CERTIFIED SEED ANALYSIS, AND DETAILED METHOD OF INSTALLATION & ESTABLISHMENT FOR LANDSCAPE ARCHITECT APPROVAL PRIOR TO ORDERING.





**Detail "B"**  
SCALE: 1" = 30'

SEE DETAIL "B" (THIS SHEET)



**Tributary Area Map**

**Legend**

- OVERFLOW PATH
- SWALE
- RIPRAP CHANNEL

**Notes**

1. EXCESS MATERIAL FROM EXCAVATION OF GEN-TIE ROUTE WILL BE PLACED ON THE PROPOSED SITE (LOT A).

**Drainage Calculation Summary**

- Local Drainage Design Criteria**
1. STORAGE VOLUME BASED ON A 2-INCH RAINFALL
  2. RUNOFF COEFFICIENTS FOR:
    - CONCRETE PADS = 1.00
    - PANELS = 1.00
    - DRAINAGE RESERVE AREAS = 1.00
    - LANDSCAPED, GRASSED, NATURAL, OTHER PERVIOUS AREAS = 0.30
    - GRAVEL ROADS/ EQUIPMENT AREAS = 0.50
  3. PER THE GEOTECHNICAL REPORT PREPARED BY GZA GEOENVIRONMENTAL OF NEW YORK DATED SEPTEMBER 1, 2015 GROUNDWATER WAS NOT OBSERVED IN ANY OF THE TEST BORINGS OR TEST PITS HOWEVER A WET SAMPLE WAS ENCOUNTERED AT A DEPTH OF 30 FEET AND 40 FEET AT TEST BORINGS B-4 AND B-1, RESPECTIVELY.
  4. INTERCONNECTING PIPE BETWEEN DRYWELLS SHALL BE 15-INCH DIAMETER HDPE SMOOTH INTERIOR WALL CORRUGATED PLASTIC PIPE (CPP), UNLESS OTHERWISE NOTED ON THE PLANS.
  5. FOR GRADING AND DRAINAGE DESIGN IT IS ASSUMED THAT ALL SOD IS TO REMAIN IN PLACE.

Drainage Area - A				
	Contributing Area (SF)	Runoff C	Rainfall (FT)	Volume (CF)
REQUIRED STORAGE VOLUME CALCULATION				
CONCRETE PADS	1,211	X 1.0	X 2/12	= 202
PANELS	1,406,157	X 1.0	X 2/12	= 234,360
DRAINAGE RESERVE AREAS	154,717	X 1.0	X 2/12	= 25,786
LANDSCAPED / GRASSED AREAS	2,716,460	X 0.30	X 2/12	= 135,823
GRAVEL ROADS / EQUIPMENT AREAS	139,032	X 0.50	X 2/12	= 11,586
			REQUIRED STORAGE VOLUME	= <b>407,757</b>
PROVIDED STORAGE VOLUME DESIGN:				
			STORAGE VOLUME PROVIDED IN DRAINAGE RESERVE AREA A:	434,661 CF

Drainage Area - B				
	Contributing Area (SF)	Runoff C	Rainfall (FT)	Volume (CF)
REQUIRED STORAGE VOLUME CALCULATION				
CONCRETE PADS	0	X 1.0	X 2/12	= 0
PANELS	111,844	X 1.0	X 2/12	= 18,640.67
DRAINAGE RESERVE AREAS	10,240	X 1.00	X 2/12	= 1707
LANDSCAPED / GRASSED AREAS	217,326	X 0.30	X 2/12	= 10866
GRAVEL ROADS / EQUIPMENT AREAS	27,123	X 0.50	X 2/12	= 2260
			REQUIRED STORAGE VOLUME	= <b>33,473.88</b>
PROVIDED STORAGE VOLUME DESIGN:				
			STORAGE VOLUME PROVIDED IN DRAINAGE RESERVE AREA B:	34,384 CF



Engineering, Surveying & Landscape Architecture, PC  
100 Motor Parkway  
Suite 135  
Hauppauge, NY 11788  
631.787.3400

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Signature by Planning Board Chairperson \_\_\_\_\_  
Date of signature \_\_\_\_\_

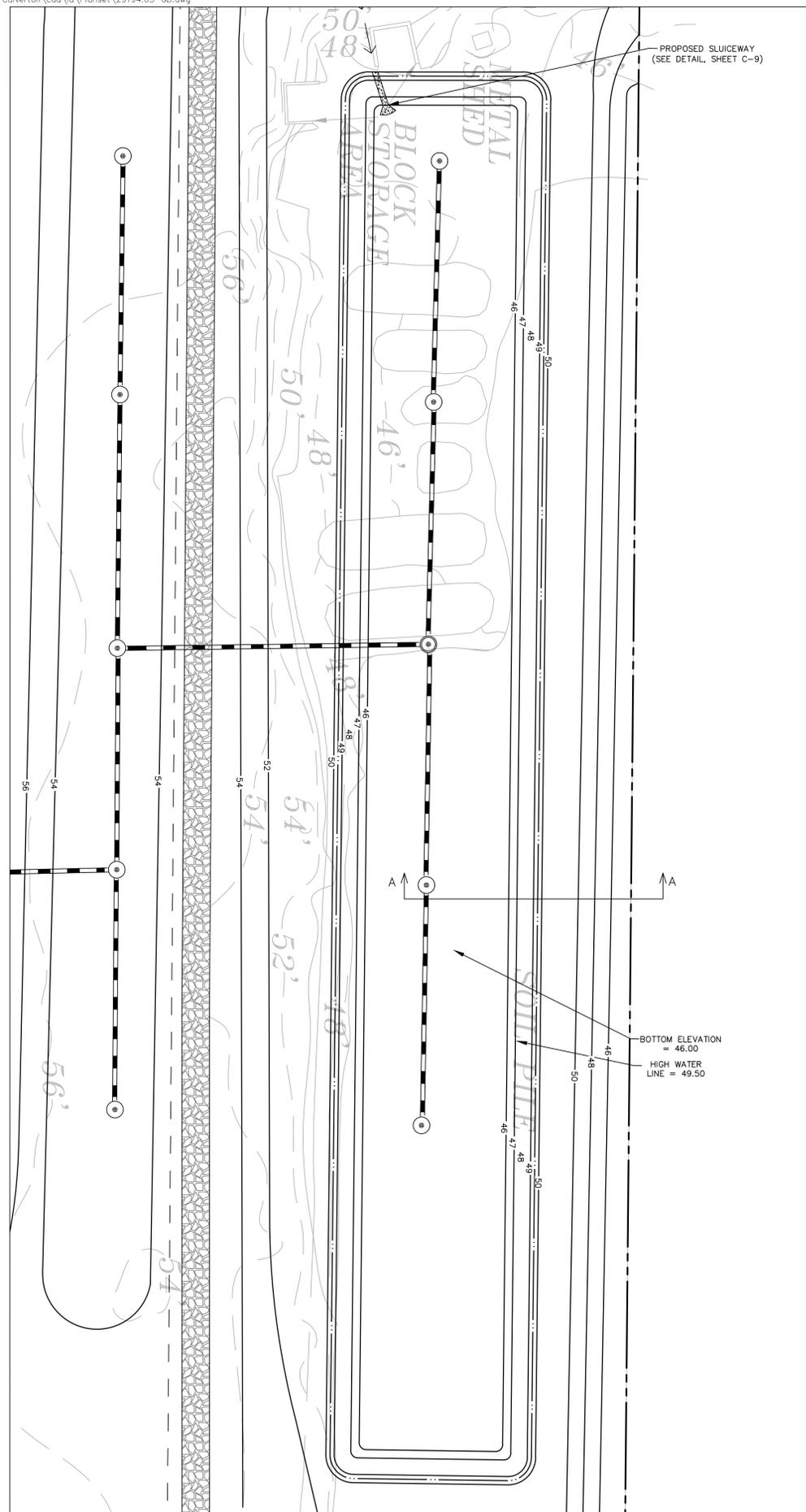
**sPower Calverton**  
Middle Country Road & Peconic Avenue  
Town of Riverhead, Calverton, NY

No.	Revision	Date	Aspd.
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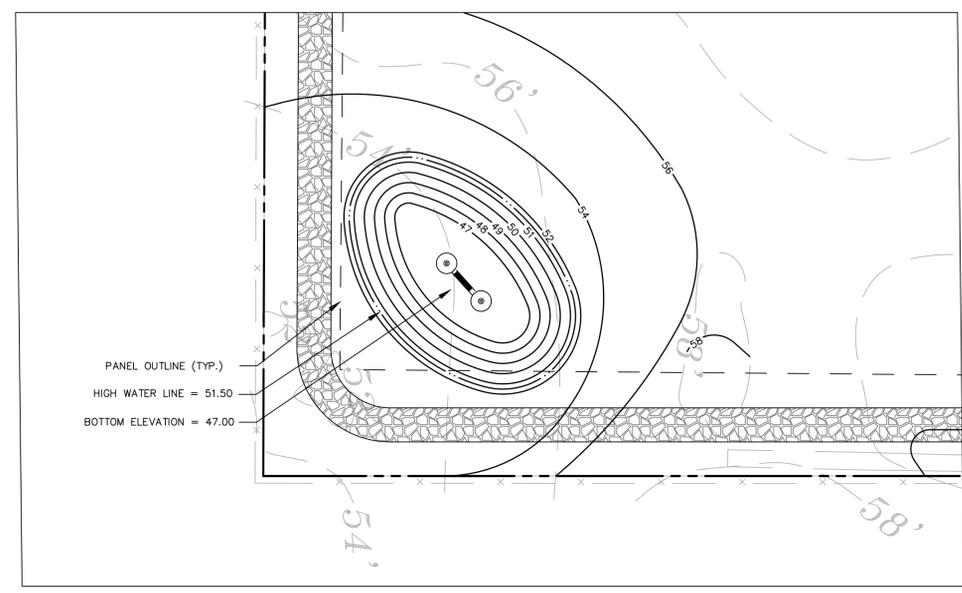
Designed by: DP  
Checked by: CR  
Issued for: \_\_\_\_\_  
Date: \_\_\_\_\_

**Site Plan Review** August 15, 2016

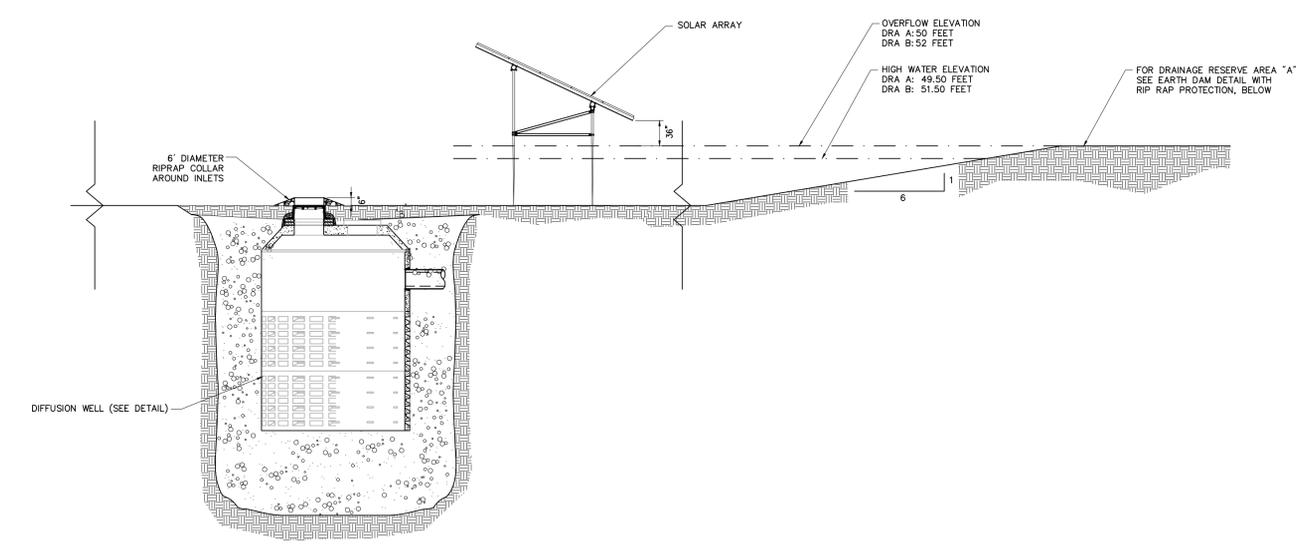
Not Approved for Construction  
Drawing Title: **Solar Facility Grading and Drainage Plan**  
Drawing Number: \_\_\_\_\_



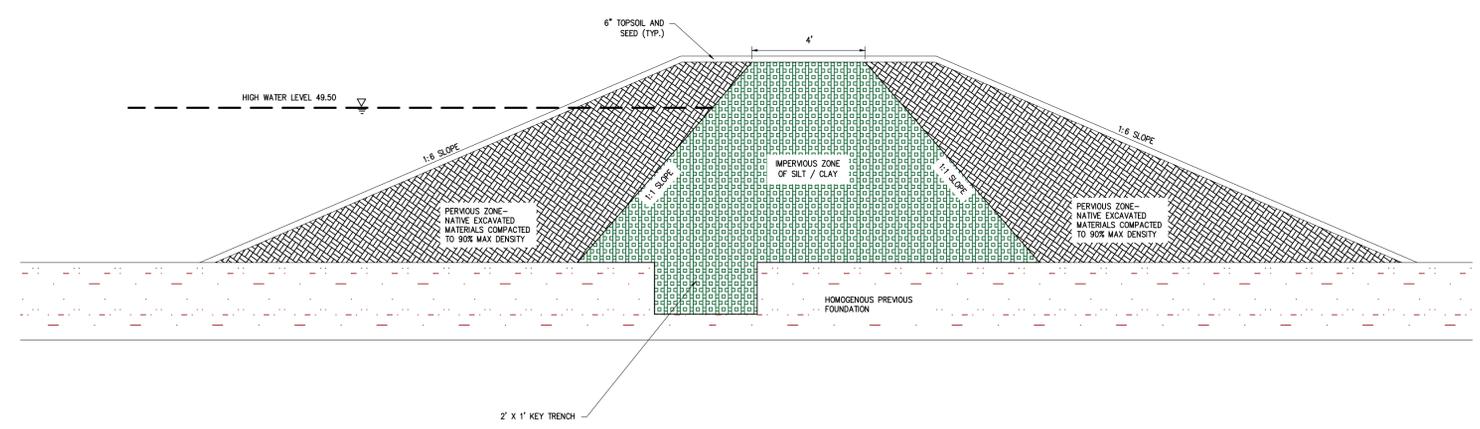
**Drainage Reserve Area "A"**  
1"=50'



**Drainage Reserve Area "B"**  
1"=50'



**Drainage Reserve Area Section (A-A)**  
N.T.S.



**Earth Dam Detail (Drainage Reserve Area "A")**  
N.T.S.

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Date of signature \_\_\_\_\_

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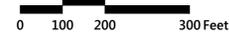
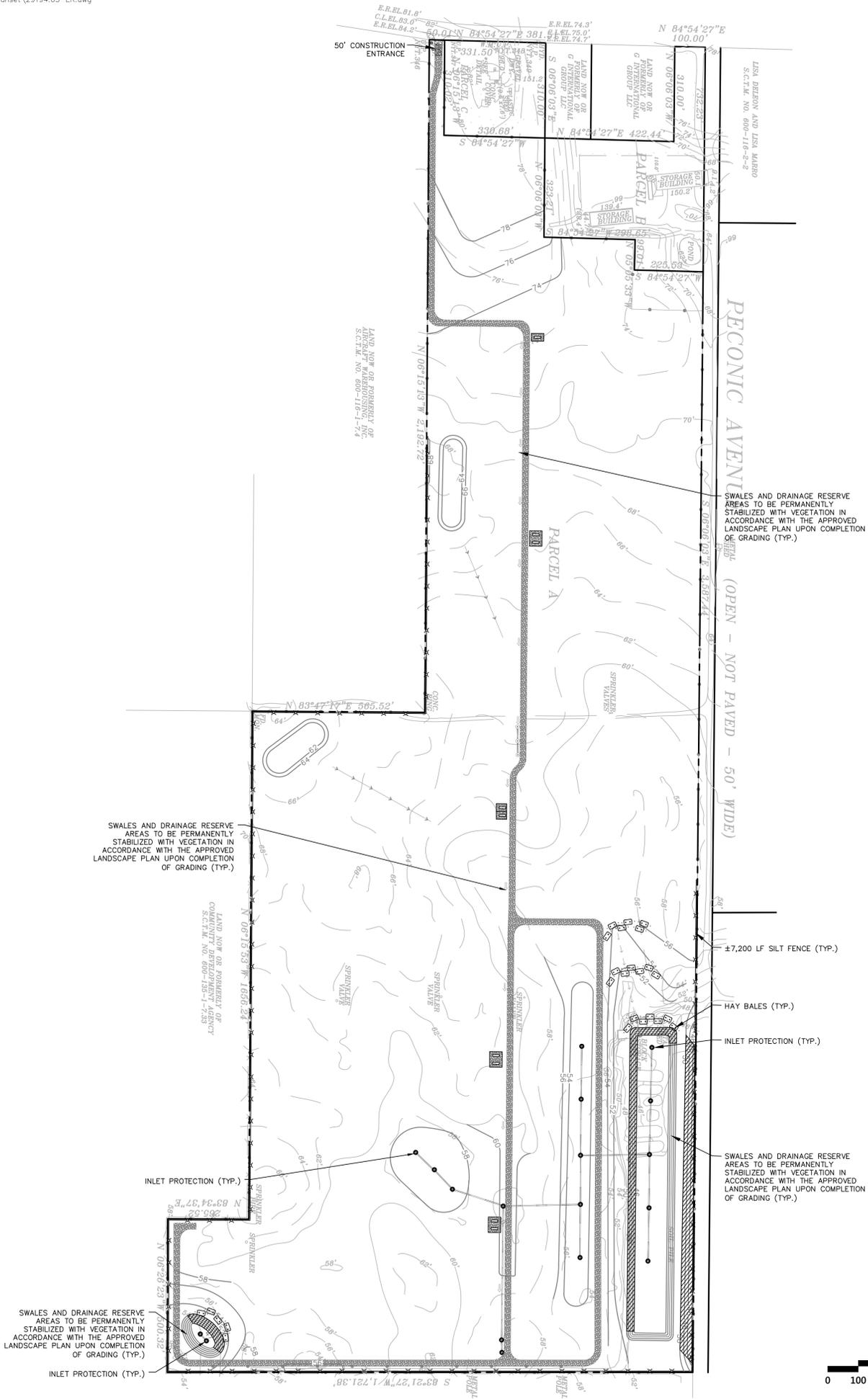
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Designed by: DP  
Checked by: CR

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**Solar Facility  
Drainage Reserve  
Area Detail**



### Erosion Control Notes

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### LEGEND

-  CONSTRUCTION ENTRANCE
-  INLET PROTECTION
-  SILT FENCE
-  STRAW BALE BARRIER
-  EROSION CONTROL BLANKET

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Signature by Planning Board Chairperson \_\_\_\_\_

Date of signature \_\_\_\_\_

### sPower Calverton

Middle Country Road & Peconic Avenue  
Town of Riverhead, Calverton, NY

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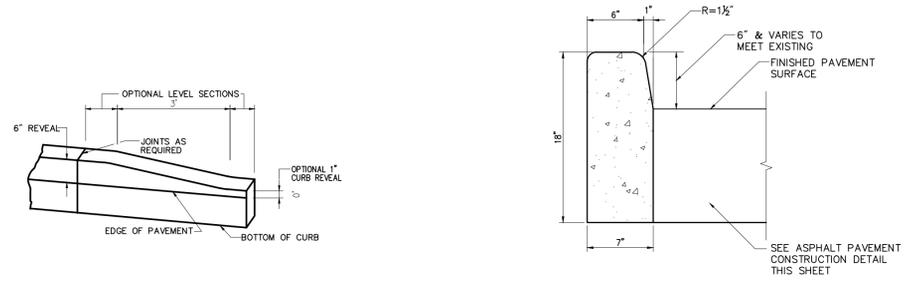
Designed by DP Checked by CR  
Issued for Date  
**Site Plan Review August 15, 2016**

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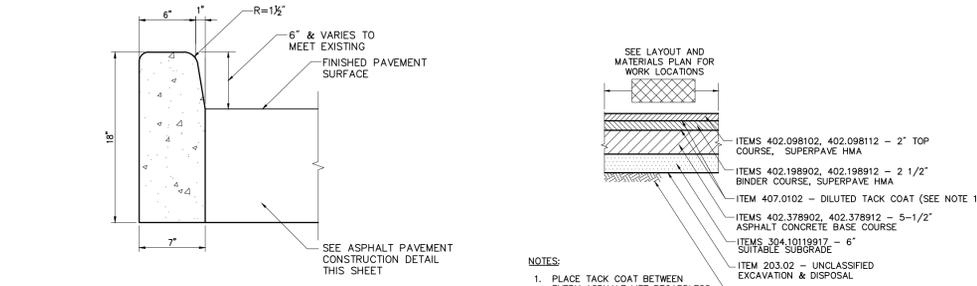
**Erosion and Sediment Control Plan**

Sheet **C-8** of 8

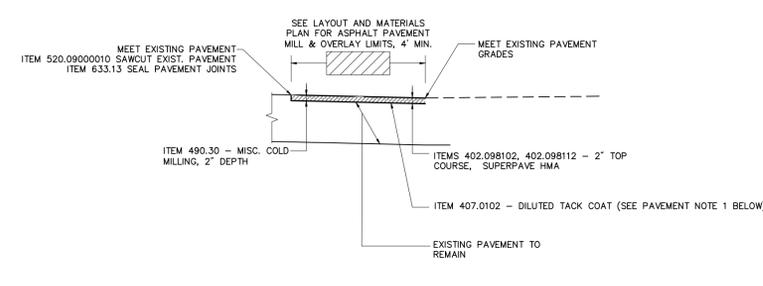
Project Number **29194.03**



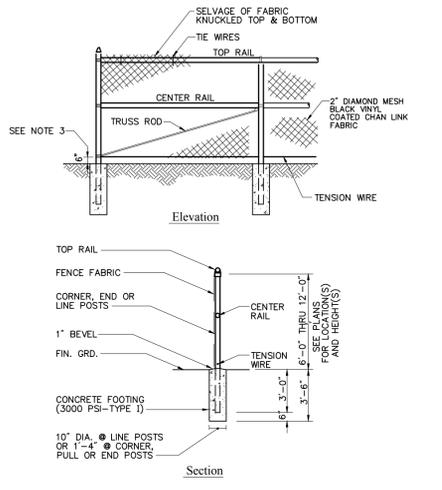
**Concrete Curb Transitions( Bullnose Curb)**  
N.T.S. Source: VHB 4/07



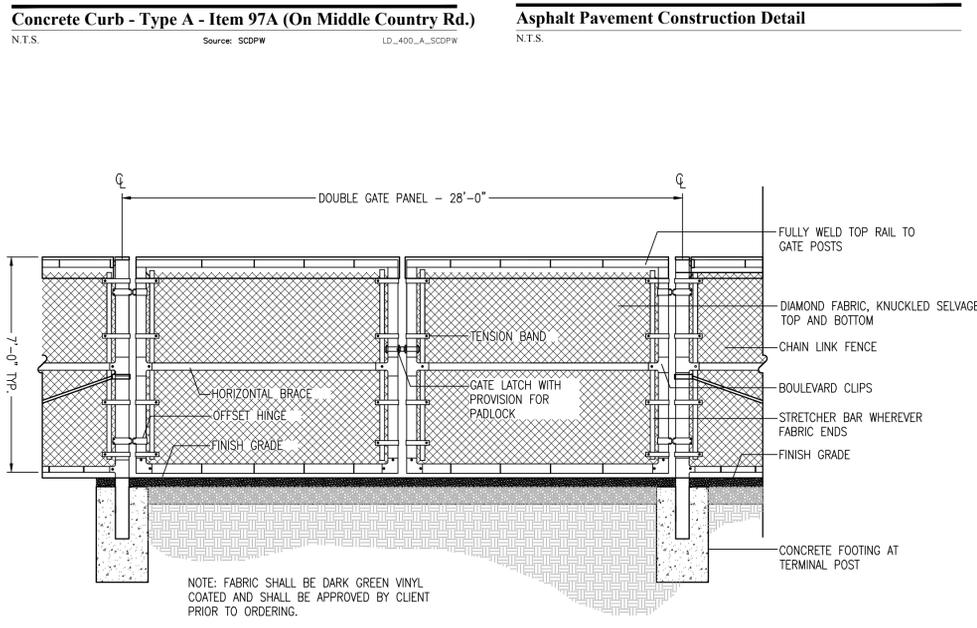
**Asphalt Pavement Construction Detail**  
N.T.S. Source: SCDPW LD\_400\_A\_SCDPW



**Asphalt Pavement Mill & Overlay Detail- Middle Country Road (NYS 25)**  
N.T.S.

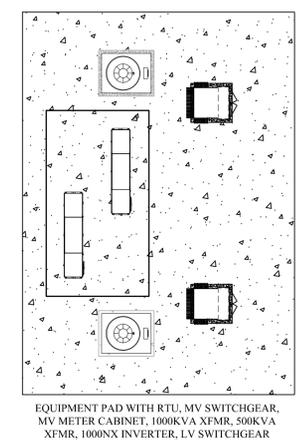


**6' to 12' Chain Link Fence**  
N.T.S. Source: VHB 6/08

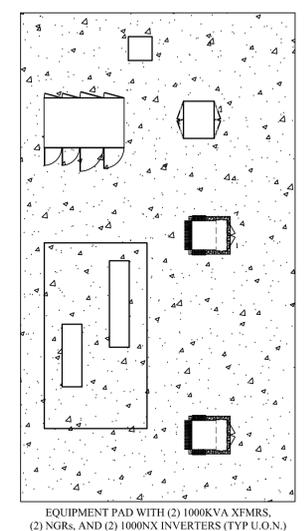


**Vehicle Gate**  
N.T.S. Source: P.V. ENGINEERS

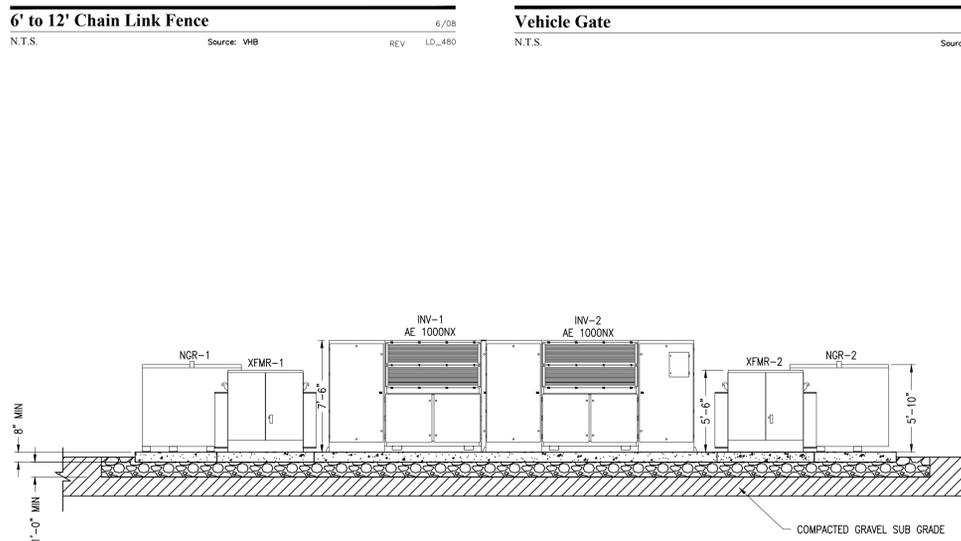
**PAVEMENT NOTES:**  
1. PLACE TACK COAT BETWEEN EVERY ASPHALT LIFT REGARDLESS OF WHEN PLACED AND AT THE JOINTS BETWEEN NEW AND EXISTING ASPHALT PAVEMENT EDGES.



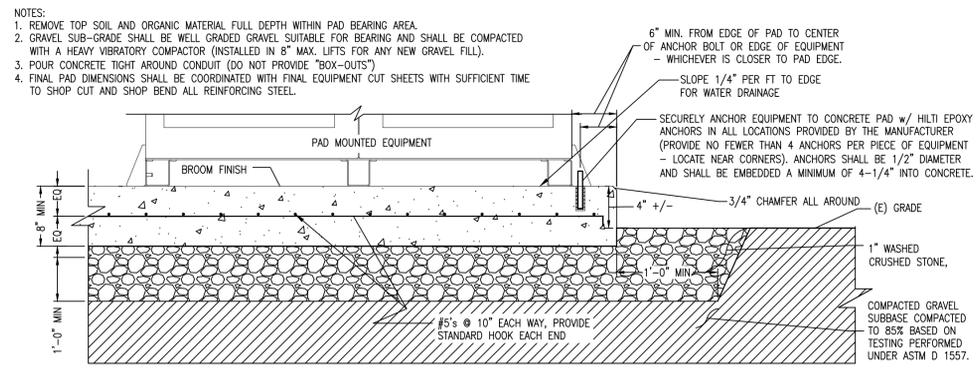
**Typical Equipment Pad - Plan View**  
N.T.S. Source: P.V. ENGINEERS



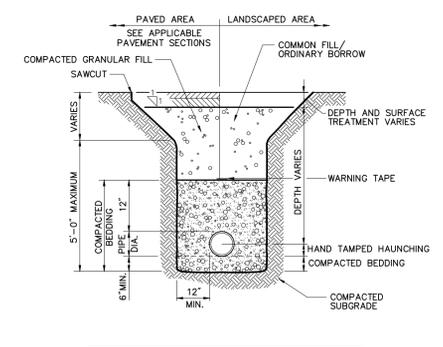
**Typical Equipment Pad - Plan View**  
N.T.S. Source: P.V. ENGINEERS



**Typical Equipment Pad- Elevation**  
N.T.S. Source: Borrego Solor



**Typical Equipment Pad**  
N.T.S. Source: P.V. ENGINEERS



**Utility Trench**  
N.T.S. Source: VHB 8/11

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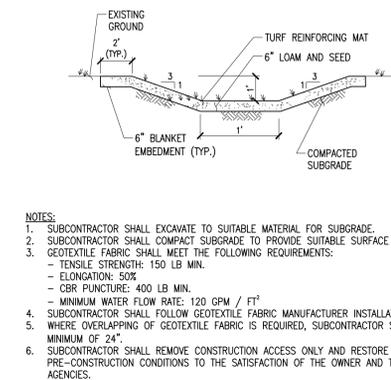
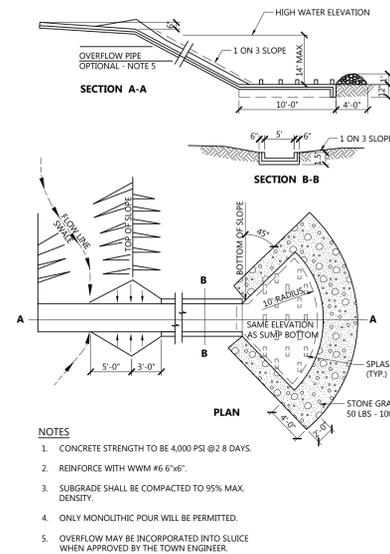
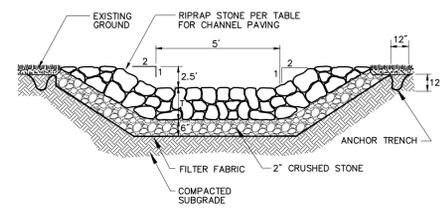
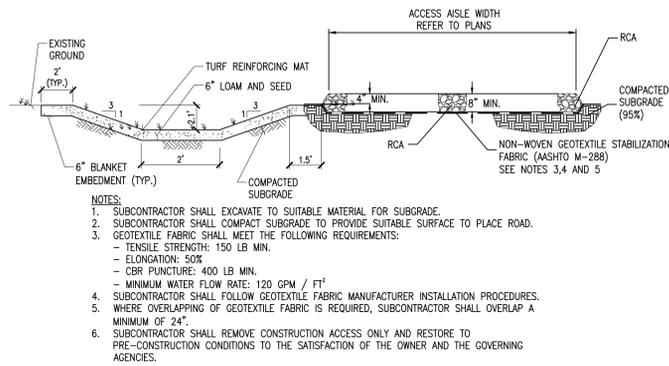
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Site Plan Review August 15, 2016

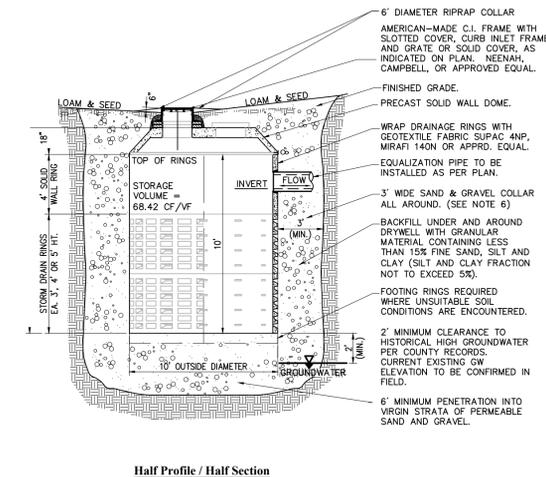
Not Approved for Construction  
**Site Details 1**

Sheet **C-9** of 13  
9 13



**Gravel Access Cross Section / Grassed Swale**

N.T.S. Source: Borrego Solar / VHB

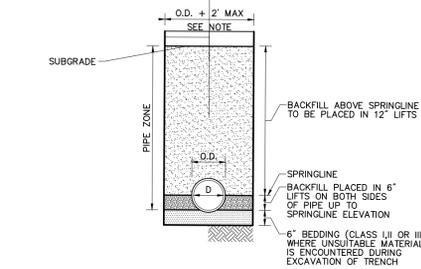


**Precast Storm Water Drainage Drywell - 10-foot Dia. (DRW)**

N.T.S. Source: VHB

**Riprap Channel**

N.T.S. Source: VHB



**Pipe Trench**

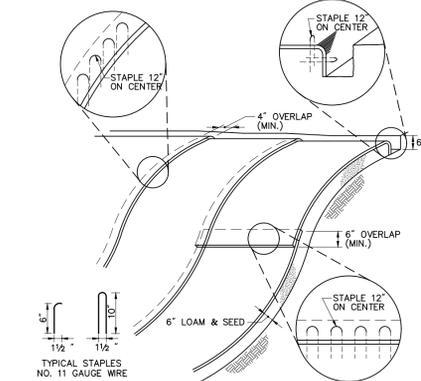
N.T.S. Source: VHB

**Sluiceway**

N.T.S. Source: VHB

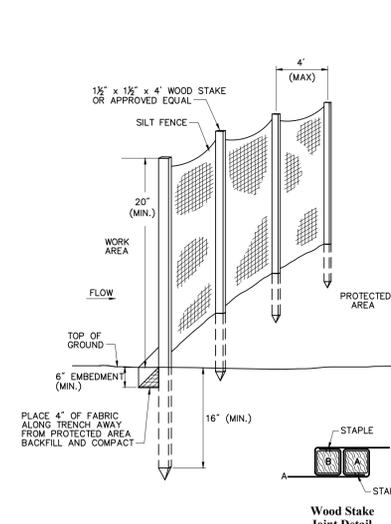
**Grassed Swale (Edwards Avenue Site)**

N.T.S. Source: VHB



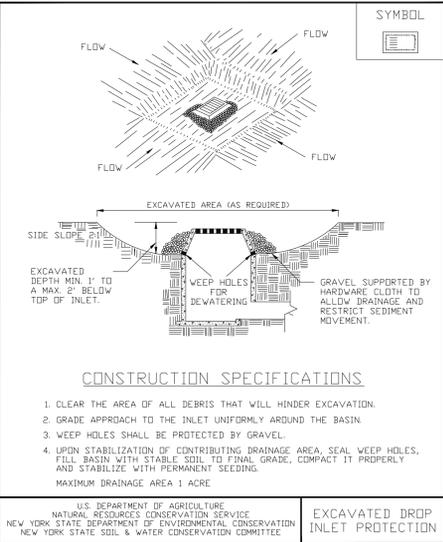
**Erosion Control Blanket Slope Installation**

Source: VHB



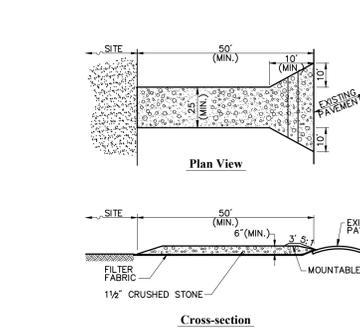
**Silt Fence Barrier**

Source: VHB



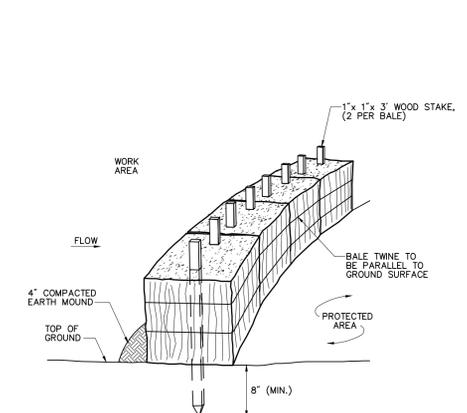
**Excavated Drop Inlet Protection**

Source: NYSDOC



**Stabilized Construction Exit**

Source: VHB



**Straw Bale Barrier**

Source: VHB

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Date of signature \_\_\_\_\_

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Site Plan Review August 15, 2016

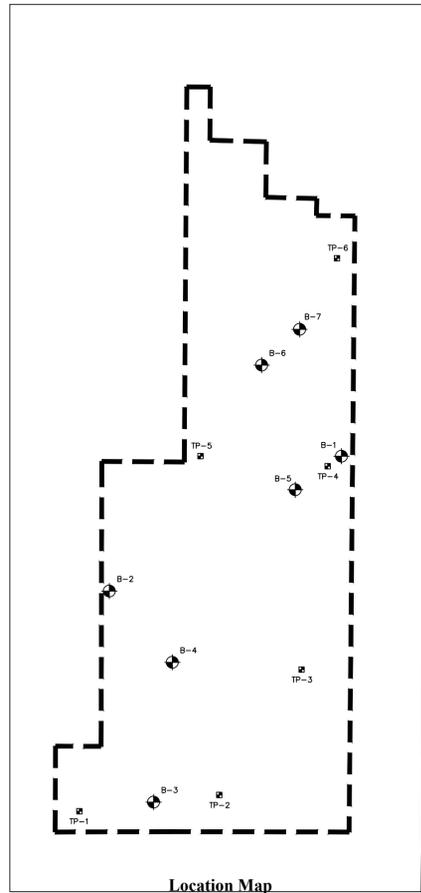
Not Approved for Construction

Site Details 2

Drawing Number

C-10

Sheet 10 of 13



Location Map

TEST BORING LOG									
GZA GeoEnvironmental, Inc.		Proposed Solar Power Facility		EXPLORATION NO.: B-01		SHEET: 1 of 2		PROJECT NO.: 14-00233-00	
Logged By: J. Jackson		Drilling Co.: LAVERE		Date: 08/11/16		Time: 08:00		Water Depth: 0.0	
Depth (ft)	Corr. (ft)	Depth (ft)	Pen. (ft)	Blow (SPT)	Remarks	Gravel	Stations		
0.0	0.0	0.0	0.0	0.0	S-1: Very loose, brown, fine to coarse SAND, trace fine gravel, trace S&S (SP)		1.0	TOPSOIL	0.0
0.2	0.4	24	19	4.1	S-2: Very loose, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.5	0.8	24	19	2.1	S-3: Loose, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	8.7	S-4: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	20	6.6	S-5: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	8.8	S-6: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	8.8	S-7: Loose, tan, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	7.5	S-8: Medium dense, light brown, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	8.8	S-9: Loose, light brown, fine SAND, trace fine gravel, trace S&S (SP)				

1 - Wet sample at 40.42 feet  
2 - Backfill with green spon composition

TEST BORING LOG									
GZA GeoEnvironmental, Inc.		Proposed Solar Power Facility		EXPLORATION NO.: B-03		SHEET: 1 of 2		PROJECT NO.: 14-00233-00	
Logged By: J. Jackson		Drilling Co.: LAVERE		Date: 08/11/16		Time: 08:00		Water Depth: 0.0	
Depth (ft)	Corr. (ft)	Depth (ft)	Pen. (ft)	Blow (SPT)	Remarks	Gravel	Stations		
0.0	0.0	0.0	0.0	0.0	S-1: Loose, brown, fine to coarse SAND, trace fine gravel, trace S&S (SP)		1.0	TOPSOIL	0.0
0.2	0.4	24	17	4.4	S-2: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.5	0.8	24	19	7.7	S-3: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	8.8	S-4: Medium dense, light brown, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	8.8	S-5: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	8.8	S-6: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	8.8	S-7: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	5.12	S-8: Medium dense, tan, fine to medium SAND, trace fine gravel, trace S&S (SP)				

1 - Wet sample at 50.0 feet  
2 - Backfill with green spon composition

TEST BORING LOG									
GZA GeoEnvironmental, Inc.		Proposed Solar Power Facility		EXPLORATION NO.: B-05		SHEET: 1 of 2		PROJECT NO.: 14-00233-00	
Logged By: J. Jackson		Drilling Co.: LAVERE		Date: 08/11/16		Time: 08:00		Water Depth: 0.0	
Depth (ft)	Corr. (ft)	Depth (ft)	Pen. (ft)	Blow (SPT)	Remarks	Gravel	Stations		
0.0	0.0	0.0	0.0	0.0	S-1: Very loose, brown, fine to coarse SAND, trace fine gravel, trace S&S (SP)		1.0	TOPSOIL	0.0
0.2	0.4	24	19	1.1	S-2: Loose, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.5	0.8	24	19	6.6	S-3: Loose, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	6.6	S-4: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	6.6	S-5: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	6.6	S-6: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	6.6	S-7: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	6.6	S-8: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				

1 - Wet sample at 16.11 feet  
2 - Backfill with green spon composition

TEST BORING LOG									
GZA GeoEnvironmental, Inc.		Proposed Solar Power Facility		EXPLORATION NO.: B-01		SHEET: 1 of 2		PROJECT NO.: 14-00233-00	
Logged By: J. Jackson		Drilling Co.: LAVERE		Date: 08/11/16		Time: 08:00		Water Depth: 0.0	
Depth (ft)	Corr. (ft)	Depth (ft)	Pen. (ft)	Blow (SPT)	Remarks	Gravel	Stations		
0.0	0.0	0.0	0.0	0.0	S-1: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)		1.0	SAND (SP)	0.0
0.2	0.4	24	19	5.7	S-2: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.5	0.8	24	19	8.7	S-3: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	8.7	S-4: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	8.7	S-5: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	8.7	S-6: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	8.7	S-7: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	8.7	S-8: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				

1 - Wet sample at 40.42 feet  
2 - Backfill with green spon composition

TEST BORING LOG									
GZA GeoEnvironmental, Inc.		Proposed Solar Power Facility		EXPLORATION NO.: B-04		SHEET: 1 of 2		PROJECT NO.: 14-00233-00	
Logged By: J. Jackson		Drilling Co.: LAVERE		Date: 08/11/16		Time: 08:00		Water Depth: 0.0	
Depth (ft)	Corr. (ft)	Depth (ft)	Pen. (ft)	Blow (SPT)	Remarks	Gravel	Stations		
0.0	0.0	0.0	0.0	0.0	S-1: Loose, brown, fine to coarse SAND, trace fine gravel, trace S&S (SP)		1.0	TOPSOIL	0.0
0.2	0.4	24	24	4.5	S-2: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.5	0.8	24	24	7.9	S-3: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	24	7.9	S-4: Medium dense, light brown, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	24	7.9	S-5: Medium dense, light brown, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	24	6.11	S-6: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	24	6.11	S-7: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	24	6.11	S-8: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				

1 - Wet sample at 50.0 feet  
2 - Backfill with green spon composition

TEST BORING LOG									
GZA GeoEnvironmental, Inc.		Proposed Solar Power Facility		EXPLORATION NO.: B-02		SHEET: 1 of 2		PROJECT NO.: 14-00233-00	
Logged By: J. Jackson		Drilling Co.: LAVERE		Date: 08/11/16		Time: 08:00		Water Depth: 0.0	
Depth (ft)	Corr. (ft)	Depth (ft)	Pen. (ft)	Blow (SPT)	Remarks	Gravel	Stations		
0.0	0.0	0.0	0.0	0.0	S-1: Very loose, brown, fine to coarse SAND, trace fine gravel, trace S&S (SP)		1.0	TOPSOIL	0.0
0.2	0.4	24	19	1.2	S-2: Loose, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.5	0.8	24	19	2.5	S-3: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	6.6	S-4: Medium dense, light brown, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	6.6	S-5: Loose, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	6.6	S-6: Loose, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	6.6	S-7: Loose, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	6.6	S-8: Medium dense, light brown, fine to coarse SAND, trace fine gravel, trace S&S (SP)				

1 - Wet sample at 50.0 feet  
2 - Backfill with green spon composition

TEST BORING LOG									
GZA GeoEnvironmental, Inc.		Proposed Solar Power Facility		EXPLORATION NO.: B-04		SHEET: 1 of 2		PROJECT NO.: 14-00233-00	
Logged By: J. Jackson		Drilling Co.: LAVERE		Date: 08/11/16		Time: 08:00		Water Depth: 0.0	
Depth (ft)	Corr. (ft)	Depth (ft)	Pen. (ft)	Blow (SPT)	Remarks	Gravel	Stations		
0.0	0.0	0.0	0.0	0.0	S-1: Loose, brown, fine to coarse SAND, trace fine gravel, trace S&S (SP)		1.0	TOPSOIL	0.0
0.2	0.4	24	24	4.5	S-2: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.5	0.8	24	24	7.9	S-3: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	24	7.9	S-4: Medium dense, light brown, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	24	7.9	S-5: Medium dense, light brown, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	24	6.11	S-6: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	24	6.11	S-7: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	24	6.11	S-8: Medium dense, light brown, fine to medium SAND, trace fine gravel, trace S&S (SP)				

1 - Wet sample at 50.0 feet  
2 - Backfill with green spon composition

TEST BORING LOG									
GZA GeoEnvironmental, Inc.		Proposed Solar Power Facility		EXPLORATION NO.: B-07		SHEET: 1 of 2		PROJECT NO.: 14-00233-00	
Logged By: J. Jackson		Drilling Co.: LAVERE		Date: 08/11/16		Time: 08:00		Water Depth: 0.0	
Depth (ft)	Corr. (ft)	Depth (ft)	Pen. (ft)	Blow (SPT)	Remarks	Gravel	Stations		
0.0	0.0	0.0	0.0	0.0	S-1: Very loose, brown, fine to coarse SAND, trace fine gravel, trace S&S (SP)		1.0	TOPSOIL	0.0
0.2	0.4	24	19	3.3	S-2: Loose, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.5	0.8	24	19	6.6	S-3: Loose, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	6.6	S-4: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	6.6	S-5: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	6.6	S-6: Medium dense, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	6.6	S-7: Loose, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				
0.8	1.2	24	19	6.6	S-8: Loose, tan, fine to coarse SAND, trace fine gravel, trace S&S (SP)				

1 - Wet sample at 25.21 feet  
2 - Backfill with green spon composition



Engineering, Surveying & Landscape Architecture, PC  
100 Motor Parkway  
Suite 135  
Hauppauge, NY 11788  
631.787.3400

PLANNING BOARD CERTIFICATION  
This is to certify that this site plan has been approved by the Planning Board of the Town of Riverhead by Planning Board Resolution number \_\_\_\_\_ dated \_\_\_\_\_  
Signature by Planning Board Chairperson \_\_\_\_\_  
Date of signature \_\_\_\_\_

sPower Calverton  
Middle Country Road & Peconic Avenue  
Town of Riverhead, Calverton, NY

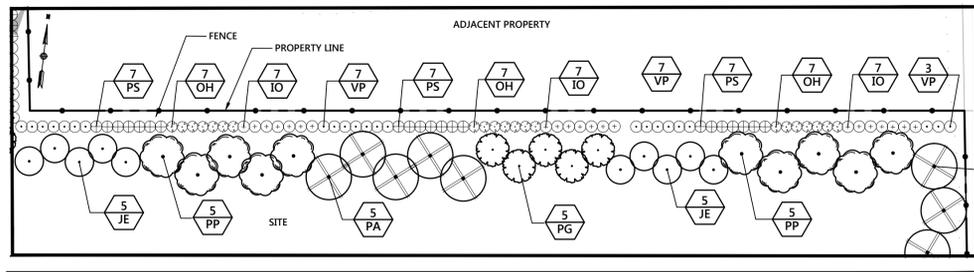
No.	Revision	Date	Appr.
1	PER TOWN COMMENTS	11/14/2016	CR

Designed for: \_\_\_\_\_ Date: \_\_\_\_\_  
Site Plan Review August 15, 2016

Not Approved for Construction  
Drawing Title: \_\_\_\_\_  
Soil Borings  
Drawing Number: \_\_\_\_\_

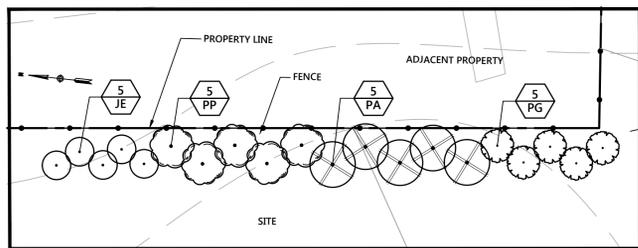
C-11





### Residential-Use Screening

SCALE: 1"=30'



### Industrial C-1 Screening Typical Scheme

SCALE: 1"=30'

#### LANDSCAPE NOTES

- ALL PROPOSED PLANTING LOCATIONS SHALL BE STAKED AS SHOWN ON THE PLANS FOR FIELD REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- CONTRACTOR SHALL VERIFY LOCATIONS OF ALL BELOW GRADE AND ABOVE GROUND UTILITIES AND NOTIFY OWNERS REPRESENTATIVE OF CONFLICTS.
- NO PLANT MATERIALS SHALL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA. CONTRACTOR SHALL NOTIFY OWNER'S REPRESENTATIVE OF ANY CONFLICT.
- A 3-INCH DEEP MULCH PER SPECIFICATION SHALL BE INSTALLED UNDER ALL TREES AND SHRUBS, AND IN ALL PLANTING BEDS, UNLESS OTHERWISE INDICATED ON THE PLANS, OR AS DIRECTED BY OWNER'S REPRESENTATIVE.
- ALL TREES SHALL BE BALLED AND BURLAPPED, UNLESS OTHERWISE NOTED IN THE DRAWINGS OR SPECIFICATION, OR APPROVED BY THE OWNERS REPRESENTATIVE.
- FINAL QUANTITY FOR EACH PLANT TYPE SHALL BE AS GRAPHICALLY SHOWN ON THE PLAN. THIS NUMBER SHALL TAKE PRECEDENCE IN CASE OF ANY DISCREPANCY BETWEEN QUANTITIES SHOWN ON THE PLANT LIST AND ON THE PLAN. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES BETWEEN THE NUMBER OF PLANTS SHOWN ON THE PLANT LIST AND PLANT LABELS PRIOR TO BIDDING.
- ANY PROPOSED PLANT SUBSTITUTIONS MUST BE REVIEWED BY LANDSCAPE ARCHITECT AND APPROVED IN WRITING BY THE OWNER'S REPRESENTATIVE.
- ALL PLANT MATERIALS INSTALLED SHALL MEET THE SPECIFICATIONS OF THE "AMERICAN STANDARDS FOR NURSERY STOCK" BY THE AMERICAN ASSOCIATION OF NURSERMEN AND CONTRACT DOCUMENTS.
- ALL PLANT MATERIALS SHALL BE GUARANTEED FOR ONE YEAR FOLLOWING DATE OF FINAL ACCEPTANCE.
- ANY AREAS DISTURBED AS A RESULT OF CONSTRUCTION PRACTICES AND THAT ARE NOT BEING PLANTED OR RE-VEGETATED WITH PROPOSED PLANT MATERIAL SHALL RECEIVE MINIMUM 6" OF LOAM AND SPECIFIED SEED MIX. LAWNS OVER 2:1 SLOPE SHALL BE PROTECTED WITH EROSION CONTROL FABRIC. NO LOAM SHALL BE PLACED IN DRAINAGE RESERVE AREAS.

- ALL DISTURBED AREAS NOT OTHERWISE NOTED ON CONTRACT DOCUMENTS SHALL BE LOAM AND SEEDED OR MULCHED AS DIRECTED BY OWNER'S REPRESENTATIVE.
- THIS PLAN IS INTENDED FOR PLANTING PURPOSES. REFER TO SITE / CIVIL DRAWINGS FOR ALL OTHER SITE CONSTRUCTION INFORMATION.

#### Irrigation Notes

- CONTRACTOR SHALL PROVIDE COMPLETE IRRIGATION SYSTEM DESIGN AND INSTALLATION FOR SCREEN PLANTINGS. DESIGN SHALL BE CERTIFIED BY A PROFESSIONAL LANDSCAPE ARCHITECT, ENGINEER, OR CERTIFIED IRRIGATION DESIGNER. DESIGN PLANS SHALL BE SUBMITTED TO OWNER'S REPRESENTATIVE FOR APPROVAL.
- CONTRACTOR SHALL PROVIDE ALL MATERIALS, LABOR, AND EQUIPMENT FOR THE COMPLETE INSTALLATION OF THE IRRIGATION SYSTEM.
- CONTRACTOR SHALL PROVIDE DRAWINGS, MATERIAL SPECIFICATIONS, SCHEMATICS, AND OTHER LITERATURE AS MAY BE REQUIRED, FOR ALL CONDUIT, CONTROLS, TIMERS, VALVES, SPRINKLER HEADS, DRIP HOSES, CONNECTORS, WIRING, RAIN GAUGE, ETC. TO THE OWNER'S CONSTRUCTION MANAGER FOR APPROVAL PRIOR TO INSTALLATION.
- IRRIGATION WATER SHALL BE SOURCED FROM ON-SITE EXISTING IRRIGATION WELLS. CONTRACTOR SHALL VERIFY REQUIREMENTS FOR BACKFLOW PREVENTION DEVICE.
- CONTRACTOR SHALL COORDINATE HIS/HER WORK WITH THE GENERAL CONTRACTOR AND SUB CONTRACTORS.
- IRRIGATION CONTROL PANEL SHALL BE LOCATED IN A LOCKABLE WEATHERPROOF CABINET DESIGNED TO HOUSE THE CONTROL PANEL.
- SITE CONTRACTOR SHALL PROVIDE 4" SCHEDULE 40 PVC SLEEVES UNDER PAVEMENT OR ACCESS ROADS TO PROVIDE ACCESS FOR IRRIGATION LINES TO ALL IRRIGATED AREAS.

#### PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
JE	101	Juniperus virginiana	Eastern Red Cedar	7 - 8' HT.	10' o.c.
PA	86	Picea abies	Norway Spruce	7 - 8' HT.	16' o.c.
PG	92	Picea glauca	White Spruce	7 - 8' HT.	12' o.c.
PP	88	Picea pungens	Colorado Spruce	7 - 8' HT.	15' o.c.

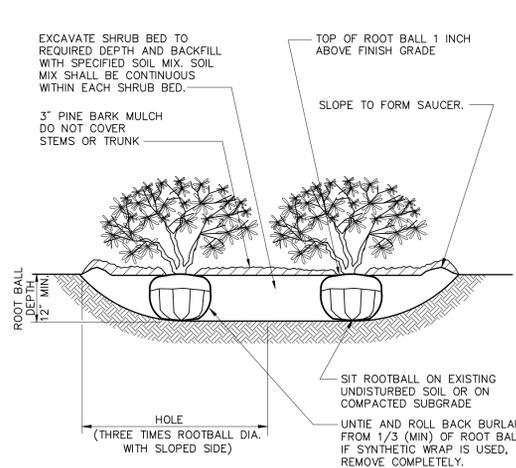
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
IO	35	Ilex opaca	American Holly	2 - 3' HT.	48" o.c.
OH	47	Osmanthus heterophyllus	Holly Olive	2 - 3' HT.	48" o.c.
PS	42	Prunus laurocerasus 'Schipkaensis'	Schip Laurel	2 - 3' HT.	48" o.c.
PS6	827	Prunus laurocerasus 'Schipkaensis'	Schip Laurel	6 - 7' HT.	60" o.c.
VP	45	Viburnum x 'Pragens'	Prague Viburnum	2 - 3' HT.	48" o.c.

#### SOLAR FARM SEED MIX

% SEED	BOTANICAL NAME	COMMON NAME
30%	Festuca rubra	Creeping Red Fescue
30%	Festuca ovina 'Whisper'	Sheep Fescue 'Whisper'
15%	Festuca ovina var. duriuscula (F. longifolia) 'Heron'	Hard Fescue 'Heron'
15%	Festuca brevipila 'Chariot'	Hard Fescue 'Chariot'
10%	Lolium multiflorum (L. perenne var. italicum)	Annual Ryegrass
Total 100%		

#### SEED MIX NOTES:

- DISTURBED AREAS TO BE SEEDED ONLY. SEEDING RATE TO BE 6 LB PER 1,000 SF. SEED MIX TO BE ERNMX-186 'SOLAR FARM SEED MIX' AS MANUFACTURED BY ERNST CONSERVATION SEEDS, 8884 MERCER PIKE, MEADVILLE PA, 16335 (800) 873-3321.
- CONTRACTOR SHALL INSTALL & MAINTAIN (DURING MAINTENANCE PERIOD & PRIOR TO ACCEPTANCE) SEED APPLICATION AS PER MANUFACTURER'S ESTABLISHMENT AND RECOMMENDATIONS.
- CONTRACTOR SHALL SUBMIT SOURCE, SAMPLE, CERTIFIED SEED ANALYSIS, AND DETAILED METHOD OF INSTALLATION & ESTABLISHMENT FOR LANDSCAPE ARCHITECT APPROVAL PRIOR TO ORDERING.

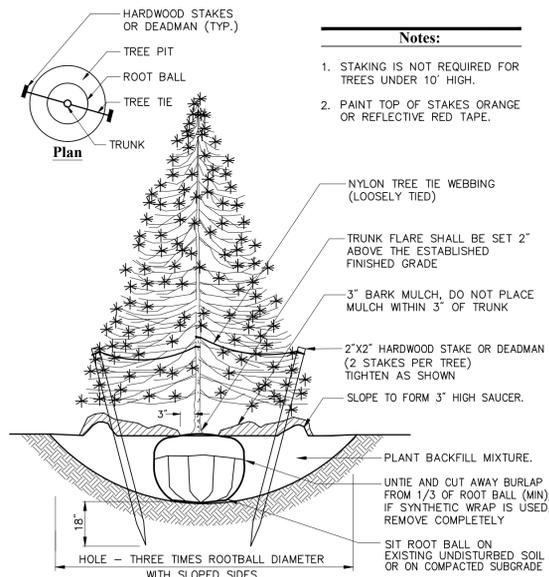


#### Notes:

- LOOSEN ROOTS AT THE OUTER EDGE OF ROOTBALL OF CONTAINER GROWN SHRUBS.

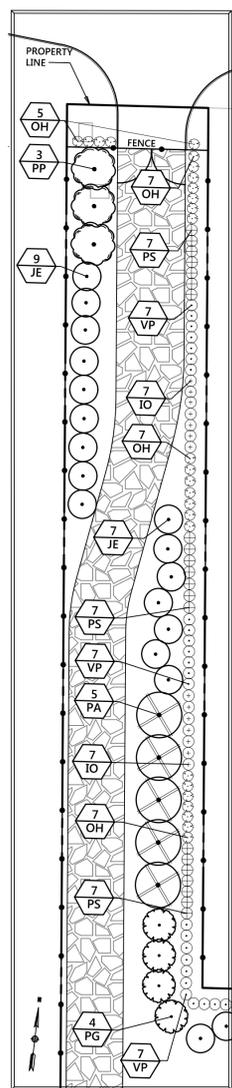
### Shrub Bed Planting

N.T.S. Source: VHB LD\_601 6/08



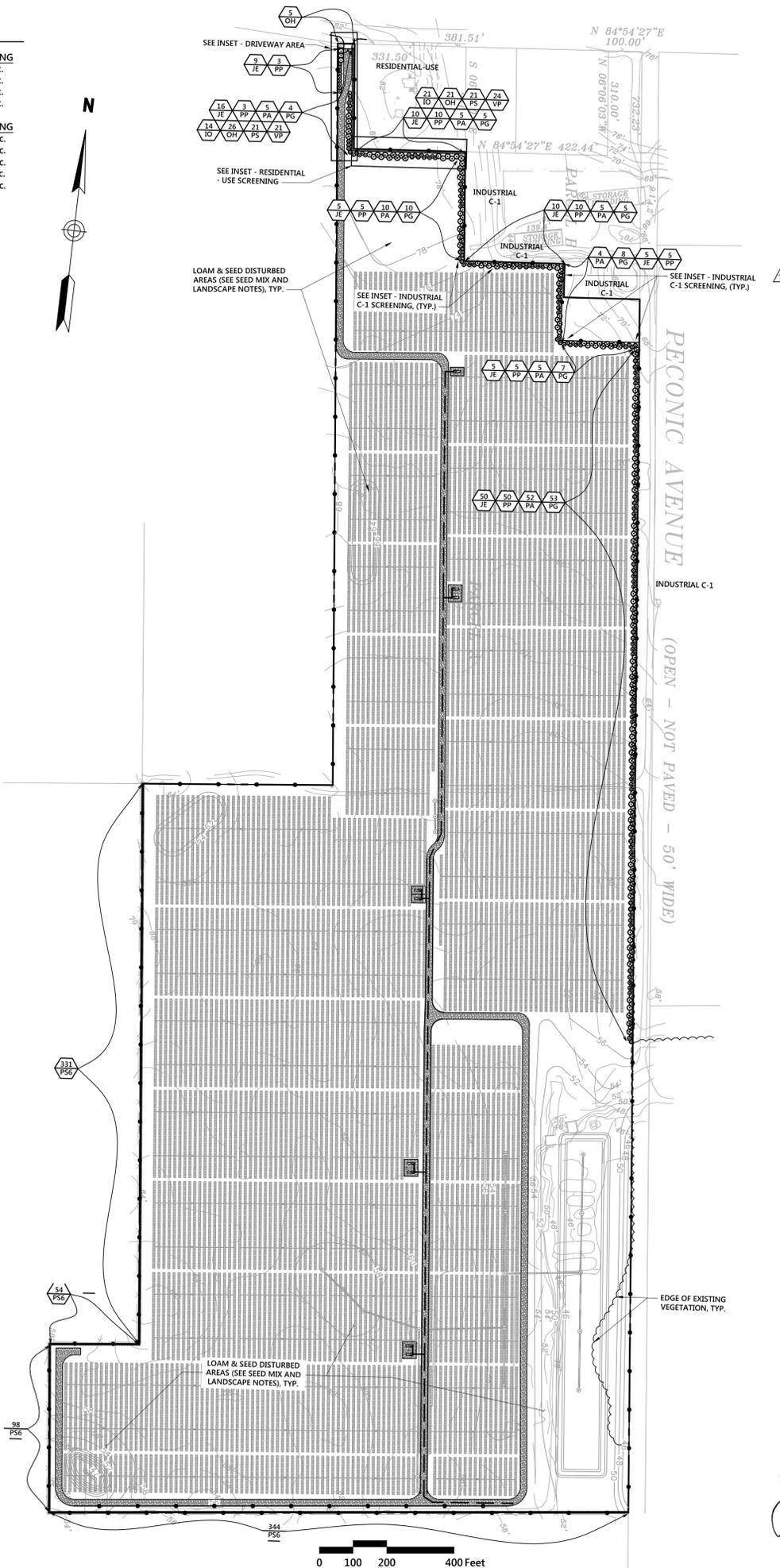
### Evergreen Tree Planting

N.T.S. Source: VHB LD\_604 6/15



### Inset - Driveway Area

SCALE: 1"=30'



**vhb**  
 Engineering, Surveying & Landscape Architecture, PC  
 100 Motor Parkway  
 Suite 135  
 Hauppauge, NY 11788  
 631.787.3400

PLANNING BOARD CERTIFICATION

This is to certify that this site plan has been approved by the Planning Board of the Town of Riverhead by Planning Board Resolution number \_\_\_\_\_ dated \_\_\_\_\_

Signature by Planning Board Chairperson \_\_\_\_\_  
 Date of signature \_\_\_\_\_

### sPower Calverton

Middle Country Road & Peconic Avenue  
 Town of Riverhead, Calverton, NY

No.	Revision	Date	Aspd.
1	PER TOWN COMMENTS	11/14/2016	CR

Designed by \_\_\_\_\_ Checked by CV  
 Issued for \_\_\_\_\_ Date \_\_\_\_\_

Site Plan Review August 15, 2016

Not Approved for Construction

Drawing Title  
**Planting Plan**

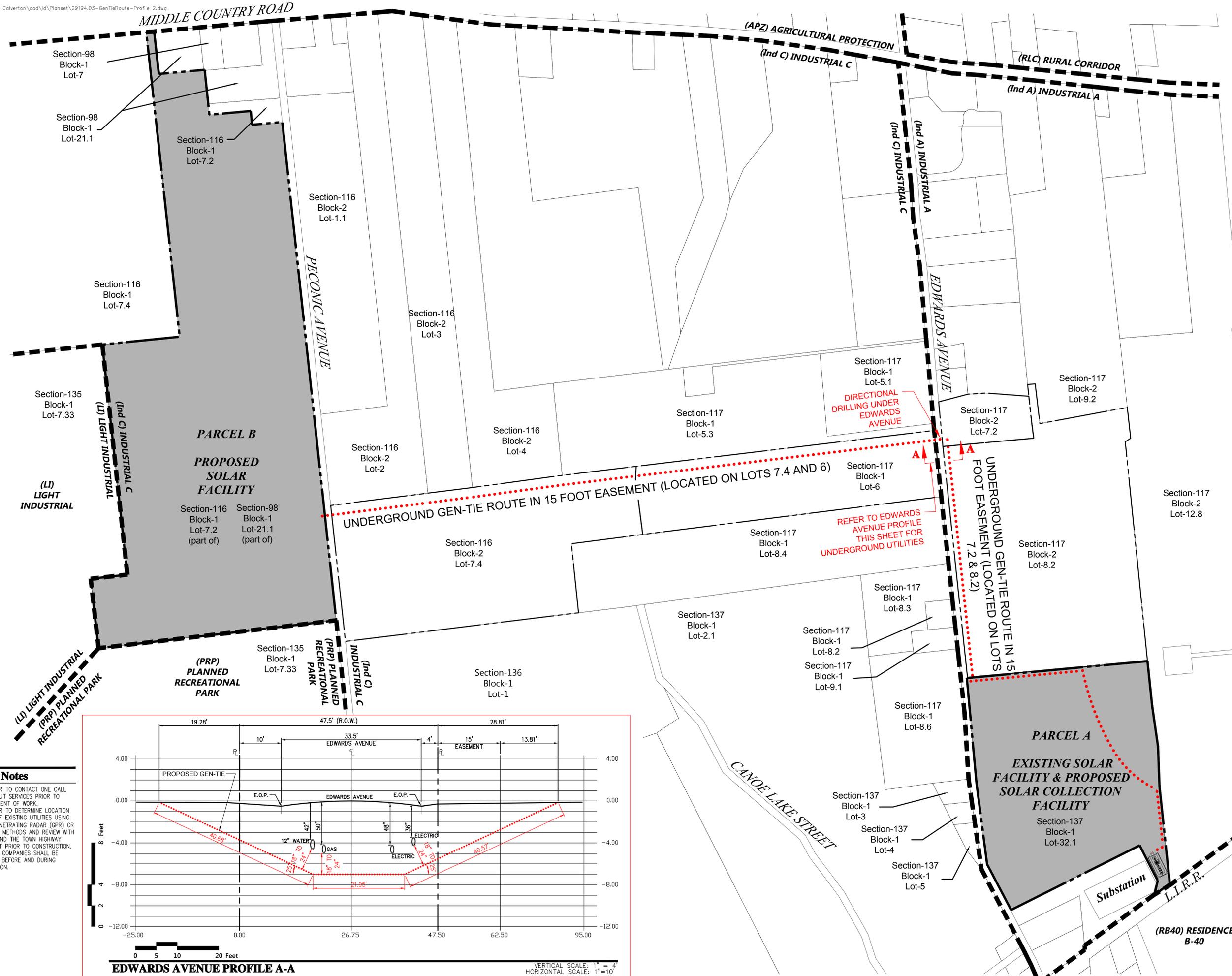
Drawing Number



L-1

Sheet 13 of 13

Project Number  
 29194.03



**LEGEND**

- PROPERTY BOUNDARY
- LOT LINES
- ..... GEN-TIE ROUTE
- ZONE LINE
- █ SOLAR PROPERTIES

N



0 150 300 600 Feet

**sPower Calverton**  
 Middle Country Road & Peconic Avenue  
 Town of Riverhead, Calverton, NY

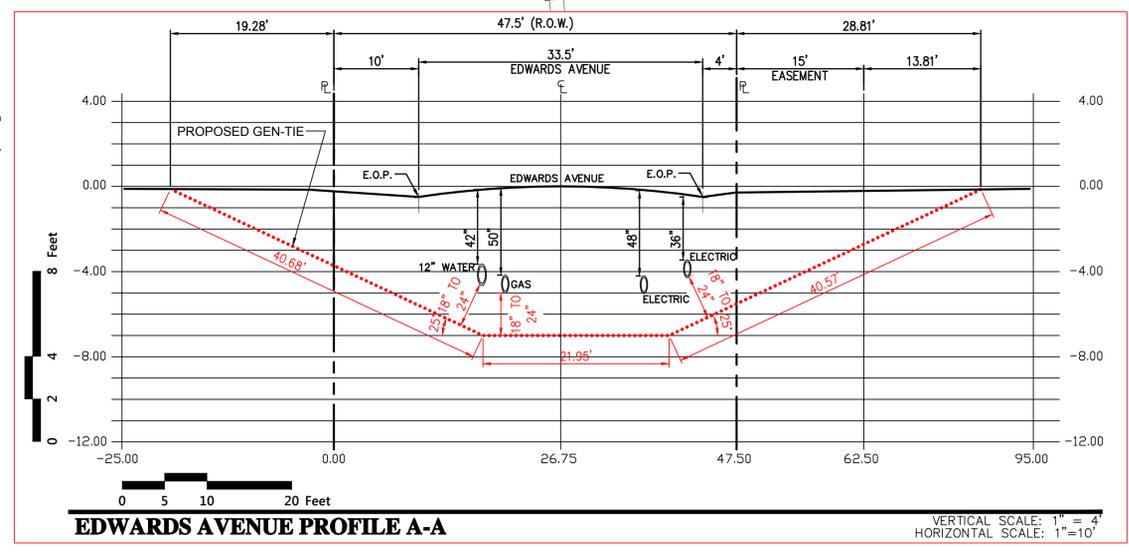
No.	Revision	Date	App'd.

Designed by: CS      Checked by: CR  
 Issued for:                      Date:                      January 26, 2017

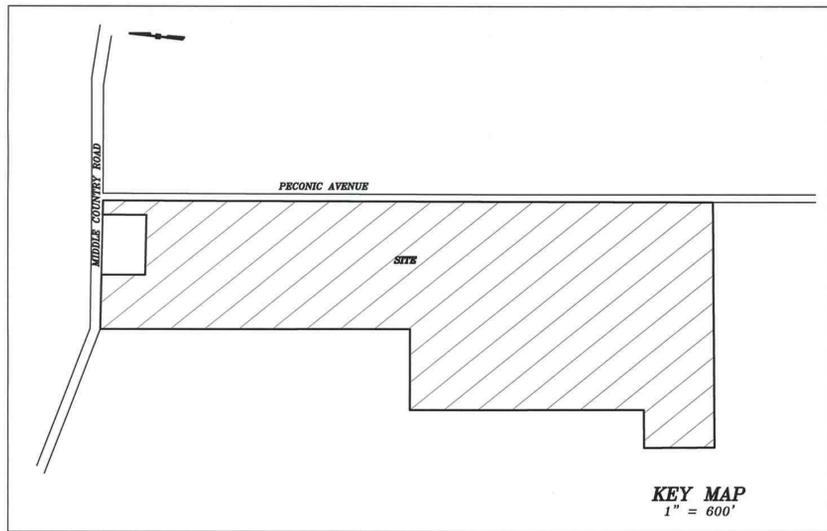
Not Approved for Construction  
 Drawing Title: **Edwards Avenue Gen-Tie Route Utility Profile**  
 Drawing Number: **PR-1**  
 Sheet 1 of 1  
 Project Number: 29194.03

Saved Thursday, January 26, 2017 5:06:02 PM (PONTIEN) Plotted Thursday, January 26, 2017 5:17:46 PM Pontien, Danielle

- Notes**
- CONTRACTOR TO CONTACT ONE CALL TO MARK OUT SERVICES PRIOR TO COMMENCEMENT OF WORK.
  - CONTRACTOR TO DETERMINE LOCATION & DEPTH OF EXISTING UTILITIES USING GROUND PENETRATING RADAR (GPR) OR EQUIVALENT METHODS AND REVIEW WITH ENGINEER AND THE TOWN HIGHWAY DEPARTMENT PRIOR TO CONSTRUCTION.
  - ALL UTILITY COMPANIES SHALL BE CONTACTED BEFORE AND DURING CONSTRUCTION.







**AREA SUMMARY:**  
**PARCEL A = 4,784,110 SQ. FT./109.9 ACRES**  
**PARCEL B = 222,066.5 SQ. FT./5.1 ACRES**  
**PARCEL C = 102,621 SQ. FT./2.3 ACRES**  
**TOTAL AREA = 5,108,797 SQ. FT./117.3 ACRES**

- LEGEND OF SYMBOLS AND ABBREVIATIONS:**
- TREE
  - WATER LINE
  - DRAIN (DL)
  - UTILITY POLE (U.P.)
  - PROPERTY LINE
  - FENCE (FE.)
  - MONUMENT
  - ▲ SEPTIC REFERENCE POINTS
  - ELEVATIONS
  - ▲ HOT BOX
  - TOP CURB ELEVATION
  - BOTTOM CURB ELEVATION
  - EDGE ROAD ELEVATION
  - S.T. SEPTIC TANK
  - C.I.C. CAST IRON COVER
  - D.W. DOWN GUT
  - U.P. N.Y.T. UTILITY POLE NEW YORK TELEPHONE
  - C.L.E.L. CENTERLINE ELEVATION
  - W.M. WATER METER

**Zoning Summary Chart**

PROPOSED PARCEL "A"	
Existing Zoning District:	Industrial C
Existing Use:	Sod Operations
Proposed Use:	Solar Facility

Section	Zoning Regulation	Requirement	Existing	Proposed	Conforms
#108 ATTACHMENT 3	MINIMUM LOT AREA	80,000 SF	N/A	4,784,110 SF (109.9 Acres)	YES
#108 ATTACHMENT 3	MINIMUM LOT WIDTH AT FRONT STREET	300 Feet	N/A	50 Feet	NO
#108 ATTACHMENT 3	BUILDING LOT COVERAGE	40 %	0%	< 40%	YES
#108 ATTACHMENT 3	MAXIMUM IMPERVIOUS SURFACE	60 %	0%	< 60%	YES
#108 ATTACHMENT 3	MAXIMUM HEIGHT OF BUILDINGS	30 Feet	N/A	< 30 Feet	YES
#108 ATTACHMENT 3	MAXIMUM F.F.A.R.	0.40	0.00	< 0.40	YES
#108 ATTACHMENT 3	MINIMUM FRONT YARD DEPTH	30 Feet	> 30 Feet	> 30 Feet	YES
#108 ATTACHMENT 3	MINIMUM SIDE YARD DEPTH (EACH/COMBINED)	30 Feet / 60 Feet	> 30 Feet / > 60 Feet	> 30 Feet / > 60 Feet	YES
#108 ATTACHMENT 3	MINIMUM REAR YARD DEPTH	50 Feet	> 50 Feet	> 50 Feet	YES

Commercial Solar Energy Production Systems					
#108 ARTICLE 14	MINIMUM LOT AREA	5 Acres	N/A	4,784,110 SF (109.9 Acres)	YES
#108 ARTICLE 14	MAXIMUM LOT COVERAGE	80 %	0%	< 80%	YES
#108 ARTICLE 14	MAXIMUM PANEL HEIGHT	8 Feet	N/A	< 8 Feet	YES

**PROPOSED PARCEL "B"**

Industrial C Dimensional Criteria					
Section	Zoning Regulation	Requirement	Existing	Proposed	Conforms
#108 ATTACHMENT 3	MINIMUM LOT AREA	80,000 SF	N/A	222,066.5 SF (5.1 Acres)	YES
#108 ATTACHMENT 3	MINIMUM LOT WIDTH AT FRONT STREET	300 Feet	100 Feet	100 Feet	NO *
#108 ATTACHMENT 3	BUILDING LOT COVERAGE	40 %	N/A	0%	YES
#108 ATTACHMENT 3	MAXIMUM IMPERVIOUS SURFACE	60 %	N/A	0%	YES
#108 ATTACHMENT 3	MAXIMUM HEIGHT OF BUILDINGS	30 Feet	N/A	< 30 Feet	YES
#108 ATTACHMENT 3	MAXIMUM F.F.A.R.	0.40	N/A	0.06	YES
#108 ATTACHMENT 3	MINIMUM FRONT YARD DEPTH	30 Feet	> 30 Feet	0	NO*
#108 ATTACHMENT 3	MINIMUM SIDE YARD DEPTH (EACH/COMBINED)	30 Feet / 60 Feet	> 30 Feet / > 60 Feet	18 Feet / 142 Feet	YES
#108 ATTACHMENT 3	MINIMUM REAR YARD DEPTH	50 Feet	> 50 Feet	147 Feet	YES

**PROPOSED PARCEL "C"**

Industrial C Dimensional Criteria					
Section	Zoning Regulation	Requirement	Existing	Proposed	Conforms
#108 ATTACHMENT 3	MINIMUM LOT AREA	80,000 SF	N/A	102,621 SF (2.3 Acres)	YES
#108 ATTACHMENT 3	MINIMUM LOT WIDTH AT FRONT STREET	300 Feet	381.51 Feet	331.51 Feet	YES
#108 ATTACHMENT 3	BUILDING LOT COVERAGE	40 %	N/A	2%	YES
#108 ATTACHMENT 3	MAXIMUM IMPERVIOUS SURFACE	60 %	N/A	13%	YES
#108 ATTACHMENT 3	MAXIMUM HEIGHT OF BUILDINGS	30 Feet	< 30 Feet	< 30 Feet	YES
#108 ATTACHMENT 3	MAXIMUM F.F.A.R.	0.40	N/A	0.02	YES
#108 ATTACHMENT 3	MINIMUM FRONT YARD DEPTH	30 Feet	96 Feet	96 Feet	YES
#108 ATTACHMENT 3	MINIMUM SIDE YARD DEPTH (EACH/COMBINED)	30 Feet / 60 Feet	N/A	143 Feet / 289 Feet	YES
#108 ATTACHMENT 3	MINIMUM REAR YARD DEPTH	50 Feet	N/A	171 Feet	YES

**ADDRESS:**  
**GREEN MEADOWS LLC**  
**444 ELWOOD ROAD**  
**EAST NORTHPORT, NY 11731**

**LAND DIVISION OF GREEN MEADOWS LLC PROPERTY LOT 5 AND PART OF LOTS 3 AND 4 MAP OF EDWIN H. BROWN SITUATED AT CALVERTON, TOWN OF RIVERHEAD SUFFOLK COUNTY, NEW YORK**

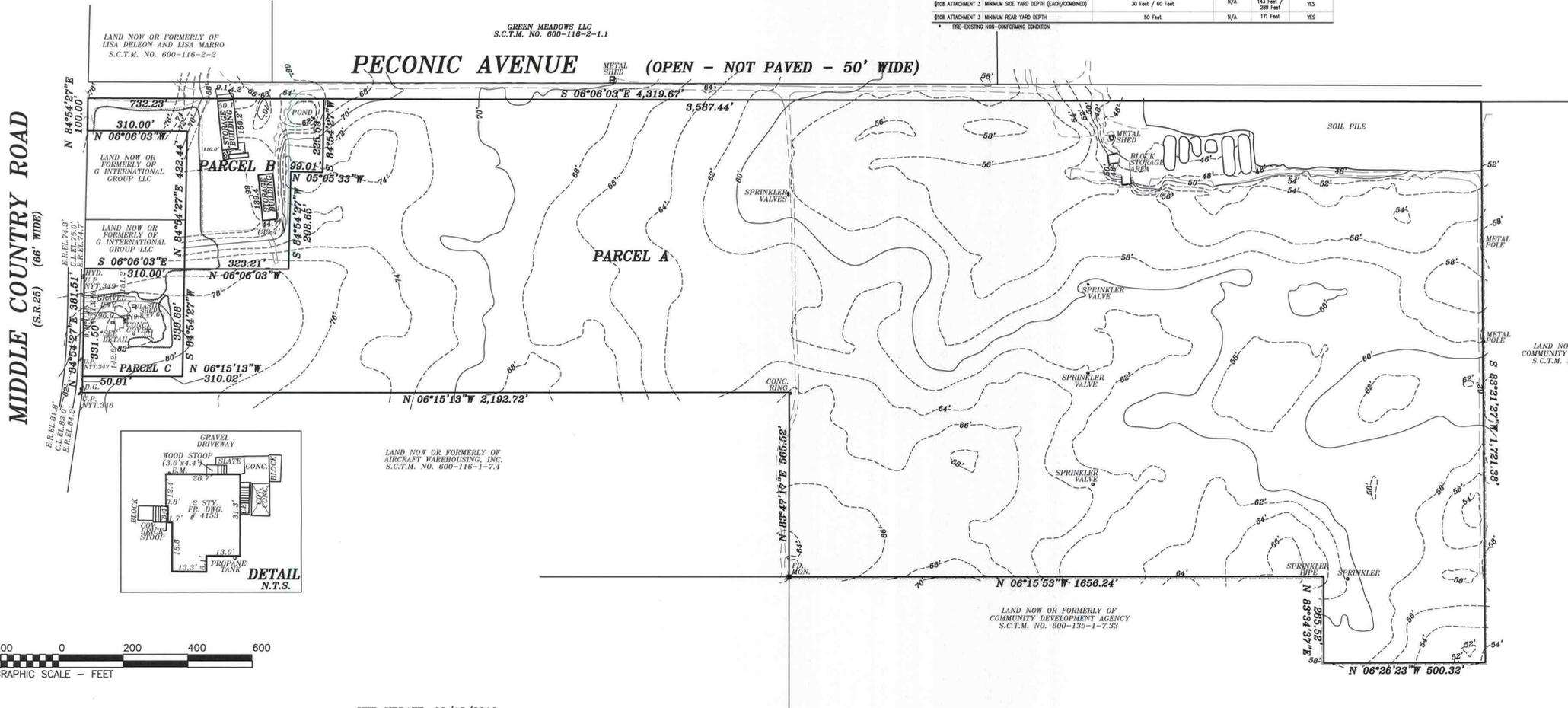
**S.C.T.M. NO. 600-116-1-7.2 AND 600-98-1-21.1**  
**ELEVATIONS N.G.V.D. 1988 DATUM**  
**BEARING SYSTEM IS BASED ON N.Y.S. PLANE COORDINATE SYSTEM**

SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES  
 HAUPPAUGE N.Y.  
 DATE: \_\_\_\_\_

THIS IS TO CERTIFY THAT THE PROPOSED REALTY SUBDIVISION OR DEVELOPMENT FOR GREEN MEADOWS LLC IN THE TOWN OF RIVERHEAD, NEW YORK, WITH A TOTAL OF 3 LOTS WERE APPROVED ON THE ABOVE DATE. WATER SUPPLIES AND SEWAGE DISPOSAL FACILITIES MUST CONFORM TO CONSTRUCTION STANDARDS IN EFFECT AT THE TIME OF CONSTRUCTION AND ARE SUBJECT TO INSPECTION NECESSARY TO THESE STANDARDS. THE APPROVAL SHALL BE VALID ONLY IF THE REALTY SUBDIVISION/DEVELOPMENT MAP IS FILED WITH THE COUNTY CLERK WITHIN 1 YEAR OF THE DATE. CONSENT IS HEREBY GIVEN FOR THE FILING OF THE MAP ON WHICH THIS ENDORSEMENT APPEARS IN THE OFFICE OF THE COUNTY CLERK IN ACCORDANCE WITH PROVISIONS OF THE PUBLIC HEALTH LAW AND THE SUFFOLK COUNTY SANITARY CODE.

WALTER J. HALBERT, P.E.  
 DIRECTOR, DIVISION OF ENVIRONMENTAL QUALITY  
 SUBJECT TO COVENANTS & RESTRICTIONS LIBER \_\_\_\_\_ PAGE \_\_\_\_\_

GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE. UNDERGROUND UTILITIES EASEMENTS NOT SHOWN AND UTILITY POLE LOCATIONS ARE NOT GUARANTEED. THE OFFSET DIMENSION SHOWN HEREON FROM THE STRUCTURES TO THE PROPERTY LINES ARE FOR SPECIFIC PURPOSE AND USE, THEREFORE ARE NOT INTENDED TO GUIDE THE ERECTION OF FENCES, RETAINING WALLS, POOLS, PATIOS, PLANTING AREAS, ADDITION TO BUILDINGS AND OTHER CONSTRUCTION. THE EXISTENCE OF RIGHT OF WAYS, WETLANDS AND/OR EASEMENTS OF RECORD, IF ANY, NOT SHOWN ARE NOT GUARANTEED. UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYORS SIGNATURE AND RED INK OR EMBOSSED SEAL SHALL NOT BE CONSIDERED A TRUE VALID COPY. ALL LOCATIONS OF AND DISTANCES TO WELLS AND CESSPOOLS ARE BY LOCATIONS FROM HOMEOWNERS, FIELD OBSERVATIONS AND/OR INFORMATION OBTAINED FROM OTHERS. SINCE MOST ARE NOT VISIBLE THESE LOCATIONS AND DIMENSIONS CANNOT BE CERTIFIED.

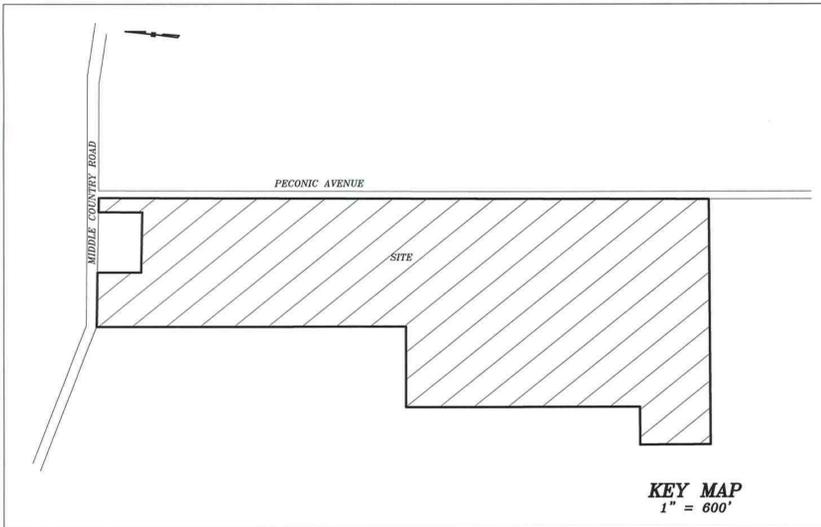


VHB UPDATE: 06/15/2016  
 UPDATE: 03/30/2016  
 DATE: 07/02/2015

FILE NO. T61147-SUB. SCALE: 1" = 200'

vhb.com

Engineering, Surveying & Landscape Architecture, PC  
 100 Motor Parkway  
 Suite 135  
 Hauppauge, NY 11788  
 631.787.3400  
**PAT T. SECCAFICO**  
 PROFESSIONAL LAND SURVEYOR  
 N.Y.S. LIC. NO. 049287



**AREA SUMMARY:**  
 PARCEL A = 4,784,110 SQ. FT./109.9 ACRES  
 PARCEL B = 222,066.5 SQ. FT./5.1 ACRES  
 PARCEL C = 102,621 SQ. FT./2.3 ACRES  
 TOTAL AREA = 5,108,797 SQ. FT./117.3 ACRES

**ADDRESS:**  
 GREEN MEADOWS LLC  
 444 ELWOOD ROAD  
 EAST NORTHPORT, NY 11731

**LAND DIVISION OF  
 GREEN MEADOWS LLC PROPERTY  
 LOT 5 AND PART OF  
 LOTS 3 AND 4  
 MAP OF EDWIN H. BROWN  
 SITUATED AT  
 CALVERTON,  
 TOWN OF RIVERHEAD  
 SUFFOLK COUNTY, NEW YORK**

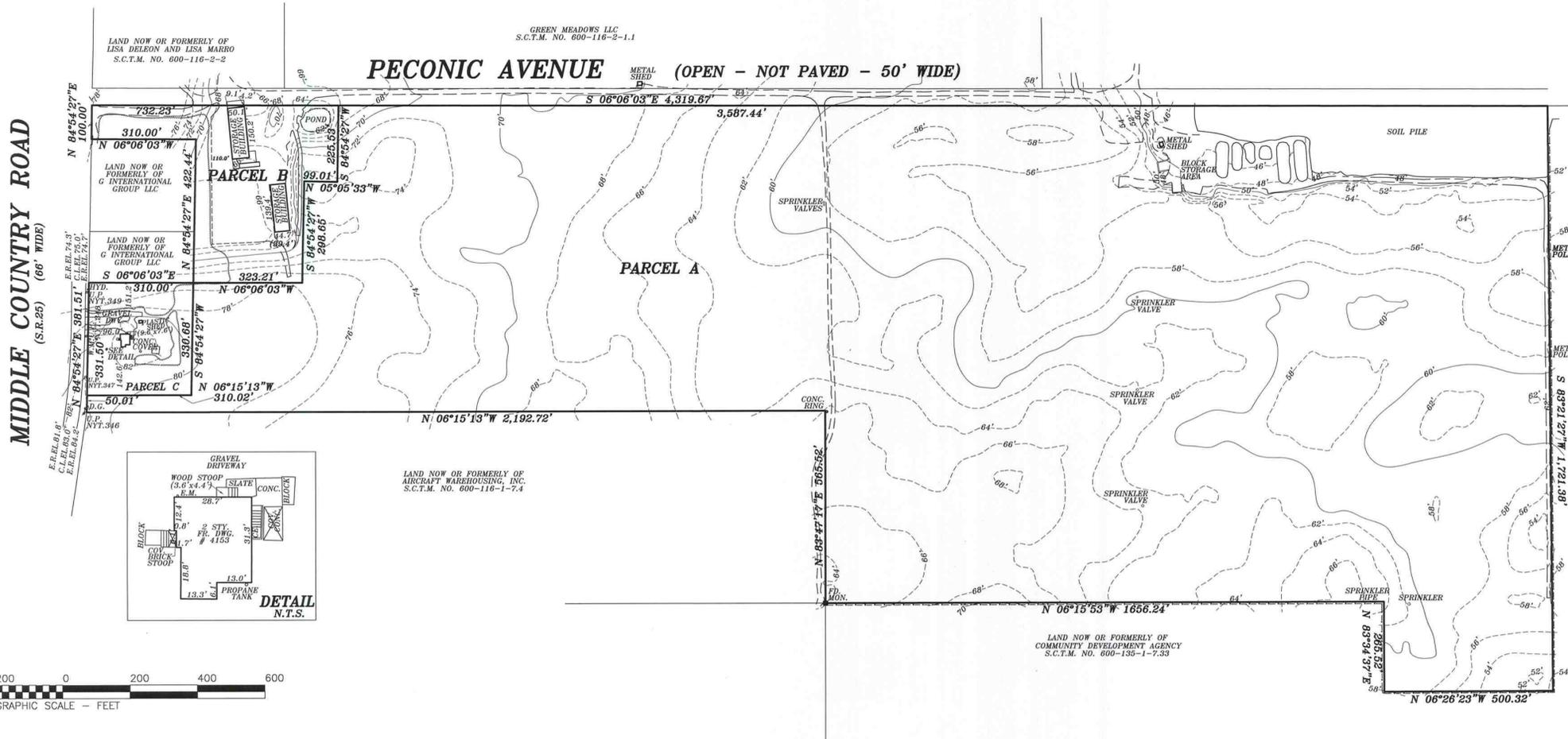
**S.C.T.M. NO. 600-116-1-7.2 AND 600-98-1-21.1  
 ELEVATIONS N.G.V.D. 1988 DATUM  
 BEARING SYSTEM IS BASED ON N.Y.S. PLANE  
 COORDINATE SYSTEM**

- LEGEND OF SYMBOLS AND ABBREVIATIONS:**
- TREE
  - WATER LINE
  - DRAIN (DL)
  - UTILITY POLE (U.P.)
  - PROPERTY LINE
  - FENCE (FE.)
  - MONUMENT
  - A, B SEPTIC REFERENCE POINTS
  - ELEVATIONS
  - HOT BOX
  - T.C.EL. TOP CURB ELEVATION
  - B.C.EL. BOTTOM CURB ELEVATION
  - E.R.EL. EDGE ROAD ELEVATION
  - S.T. SEPTIC TANK
  - C.I.C. CAST IRON COVER
  - D.G. DOWN GUY
  - U.P. N.Y.T. UTILITY POLE NEW YORK TELEPHONE
  - C.L.EL. CENTERLINE ELEVATION
  - W.M. WATER METER

**SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES  
 HAUPPAUGE N.Y.**  
 DATE: \_\_\_\_\_

THIS IS TO CERTIFY THAT THE PROPOSED REALTY SUBDIVISION OR DEVELOPMENT FOR GREEN MEADOWS LLC IN THE TOWN OF RIVERHEAD, NY, LOTS WERE APPROVED ON THE ABOVE DATE. WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES MUST CONFORM TO CONSTRUCTION STANDARDS IN EFFECT AT THE TIME OF CONSTRUCTION AND ARE SUBJECT TO SEPARATE PERMITS PURSUANT TO HOUSE SEWERS, THE APPROVAL SHALL BE VALID ONLY IF THE REALTY SUBDIVISION/ DEVELOPMENT MAP IS FILED WITH THE COUNTY CLERK WITHIN 1 YEAR OF THE DATE. CONSENT IS HEREBY GIVEN FOR THE FILING OF THE MAP ON WHICH THIS ENDORSEMENT APPEARS IN THE OFFICE OF THE COUNTY CLERK IN ACCORDANCE WITH PROVISIONS OF THE PUBLIC HEALTH LAW AND THE SUFFOLK COUNTY SANITARY CODE.

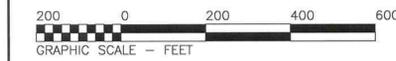
WALTER J. HILBERT, P.E.  
 DIRECTOR, DIVISION OF ENVIRONMENTAL QUALITY  
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 N.Y.S. LIC. NO. 049287





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# Appendix C

Resolution No. ZSR-16-32 of the Suffolk County Planning Commission  
Pursuant to Sections A14-14 to thru A14-25 of the Suffolk County Administrative Code

- WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a referral was received on November 17, 2016 at the offices of the Suffolk County Planning Commission with respect to the application of “**sPower Calverton**” located in the Town of Riverhead
- WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on **December 7, 2016**, now therefore, Be it
- RESOLVED, that the Suffolk County Planning Commission hereby adopts the report of its staff as the report of the Commission, Be it further
- RESOLVED, pursuant to Section A14-16 of the Suffolk County Administrative Code and Section 239-m 6 of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action, Be it further
- RESOLVED, that the Suffolk County Planning Commission Staff recommends that the proposed three lot subdivision that was part of the referral to the Commission be considered a matter for **Local Determination**; and recommends **Approval** of the sPower Calverton site plan application with the following comments for the Town of Riverhead’s consideration and use:
1. The Suffolk County Planning Commission’s Model Utility – 2015 should be reviewed including the section on abandonment of solar energy facilities and relevant aspects of the Code should be incorporated into the project where practical.
  2. The Suffolk County Planning Commission’s publication on Managing Stormwater - Natural Vegetation and Green Methodologies should be reviewed and additional stormwater mitigations incorporated where practical.
  3. The Town should require that the applicant be prohibited from exporting any soil material, classified as prime agricultural soils, off the subject parcel. And that the proposed solar panel arrays not negatively impact the viability of the prime agricultural soils on-site.
  4. The proposed action should only be approved in such a manner that is in accordance with the New York Agriculture & Market’s Law.
  5. The Town should require that the applicant install or provide for the installation of an irrigation system in all planting area intended to provide screening and buffering along all abutting roadways and certain adjacent land uses to help to insure the migration of impacts to those surrounding properties and their users.
  6. It is suggested that the Town and applicant review the U.S. Department of Agriculture’s Natural Resources Conservation Services information on “cover crops and soil health” for best practices regarding what to grow under and between the proposed solar array panels. Cover crops have the potential to prevent erosion, improve soil’s physical and biological properties, supply nutrients and suppress weeds, and break pest cycles along with various other benefits.

7. Due to the project's proximity to Calverton/EPCAL Airport the applicant should consult with the Airport and the FAA as early as possible in the application process to determine the presence or absence of solar glare and glint potentially generated from the proposed solar arrays.
8. The proposed 15 foot wide easement on lands of other for the purpose of providing an underground transmission line "Tie-Gen Route" should be in perpetuity or for at least as long as the 20-year Power Purchase Agreement (PPA)

- The Suffolk County Planning Commission Guidebook for policies and guidelines can be found on the internet at the below website address:  
<http://www.suffolkcountyny.gov/Home/departments/planning/Publications%20and%20Information.aspx#SCPC>

sPower Calverton

**COMMISSION ACTIONS ON ADOPTION OF RESOLUTION**

	<b>AYE</b>	<b>NAY</b>	<b>RECUSED</b>	<b>ABSENT</b>
<b>ANDERSON, RODNEY – At Large</b>	X			
<b>CASEY, JENNIFER - Town of Huntington</b>	X			
<b>CHARTRAND, MATTHEW - Town of Islip</b>	X			
<b>CHU, SAMUEL – Town of Babylon</b>	X			
<b>CONDZELLA, JOHN – Town of Riverhead</b>	X			
<b>ESPOSITO, ADRIENNE - Villages over 5,000</b>	X			
<b>FINN, JOHN - Town of Smithtown</b>	X			
<b>GERSHOWITZ, KEVIN G.- At Large</b>	X			
<b>KAUFMAN, MICHAEL - Villages under 5,000</b>	X			
<b>KELLY, MICHAEL – Town of Brookhaven</b>	X			
<b>KITT, ERROL – At Large</b>	X			
<b>KRAMER, SAMUEL – Town of East Hampton</b>	X			
<b>MOREHEAD, NICHOLAS – Town of Shelter Island</b>	X			
<b>PLANAMENTO, NICHOLAS - Town of Southold</b>	X			
<b>ROBERTS, BARBARA Town of Southampton</b>	X			

Motion: Commissioner Condzella

Present: 15

Seconded: Commissioner Kelly

Absent: 0

Voted: 15

Recused: 0

DECISION: Approved



---

# Appendix D

**EXHIBIT D**

**FORM OF MEMORANDUM**

Recording requested by and  
when recorded mail to:

Sustainable Property Holdings, LLC  
2180 South 1300 East, Suite 600  
Salt Lake City, UT 84106  
Attn: Land Manager

---

(space above this line for recorder's use)

**MEMORANDUM OF EASEMENT OPTION AGREEMENT**

THIS MEMORANDUM OF EASEMENT OPTION AGREEMENT (this "Memorandum") is made, dated and effective as of 5 / 3, 2016 (the "Effective Date"), between **BASHI CALVERTON LINKS LLC**, a New York limited liability company ("Grantor"), and **SUSTAINABLE PROPERTY HOLDINGS, LLC**, a Delaware limited liability company ("Grantee"), in light of the following facts and circumstances:

**RECITALS:**

WHEREAS, Grantor and Grantee have entered an Easement Option Agreement dated as of the Effective Date with respect to property more specifically described herein (as heretofore or hereinafter amended, restated, or supplemented from time to time, the "Option Agreement"); and

WHEREAS, Grantor and Grantee desire to set forth certain terms and conditions of the Option Agreement in a manner suitable for recording in the Official Records of Suffolk County, New York, in order to provide record notice of the Option Agreement and Grantee's rights in and to the land subject to the Option Agreement, as provided herein.

NOW, THEREFORE, in consideration of the mutual covenants contained in the Option Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree and stipulate as follows:

1. Description of Premises. The land subject to the Option Agreement is described on Exhibit A attached hereto, and by this reference made a part hereof (the "Premises").

2. Grant of Option. Grantor hereby grants to Grantee, pursuant to the Option Agreement, an exclusive and irrevocable option (the "Option") to cause Grantor to enter into an Access and Utility Easement Agreement with respect to, and grant to Grantee an easement interest in,

the Premises as more specifically described in the Option Agreement. The entire Option Agreement is hereby incorporated into this Memorandum by reference. Notwithstanding anything to the contrary contained herein, the provisions of this Memorandum do not in any way alter, amend, supplement, change, or affect the terms, covenants, or conditions of the Option Agreement, all of which terms, covenants, and conditions shall remain in full force and effect. In the event of any conflict between the terms of this Memorandum and the Option Agreement, the terms of the Option Agreement shall prevail.

3. Term of Option Agreement. Unless extended or earlier terminated, as provided in the Option Agreement, the term of the Option shall be for the lesser of (i) an eighteen (18) month period beginning on the Effective Date, and (ii) two (2) weeks after all governmental approvals and permits necessary for the contemplated solar energy facility have been obtained. Closing of the transaction contemplated by the Option Agreement shall occur within ninety (90) days following Grantee's exercise of the Option, in accordance with the Option Agreement, or as the parties may otherwise mutually agree.

4. Names and Addresses of Parties. The names and addresses of the parties to the Option Agreement are as follows:

Grantor:

Bashi Calverton Links, LLC  
Attn: Parviz Farahzov  
750 Route 25A, Suite 3  
Setauket, NY 11733

Grantee:

Sustainable Property Holdings, LLC  
Attn: Land Manager  
2180 South 1300 East, Suite 600  
Salt Lake City, UT 84106

5. Successors and Assigns. Grantee may freely assign its rights under this Agreement on written notice to Grantor. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns. The terms of this Memorandum and the Option Agreement are covenants running with the land and inure to the benefit of, and are binding upon, the parties and their respective successors and assigns, including all subsequent owners of all or any portion of the Premises. References to Grantor and Grantee include their respective successors and assigns. References to the Option Agreement includes any amendments thereto.

6. Miscellaneous. This Memorandum is executed for the purpose of recording in the Official Records of Suffolk County, New York, in order to provide public record notice of the Option Agreement and Grantee's rights in and to the land subject to the Option Agreement. All persons are hereby put on notice of and shall have a duty to inquire regarding the Option Agreement and all of the provisions thereof and the rights, title, interests, and claims of Grantee in and to the Premises. Any right, estate, claim, or interest in the Premises first attaching to the Premises and recorded from and after the Effective Date shall be subordinate to the terms of the Option Agreement. If Grantee acquires fee simple title to any portion of the Premises, Grantee shall have the right, at Grantee's option, to terminate any such subordinate right, estate, claim, or interest, at no cost or liability to Grantee, or to accept title subject thereto. This instrument may for convenience be executed in any number of original counterparts, each of which shall be an original and all of which taken together shall constitute one instrument.

[ *The remainder of this page is intentionally left blank.* ]

IN WITNESS WHEREOF, Grantor and Grantee, acting through their duly authorized representatives, have made and entered into this Memorandum as of the Effective Date.

**GRANTOR:**

**BASHI CALVERTON LINKS LLC**  
a New York limited liability company

By: Parviz Far  
Name: Parviz Farahzad  
Title: Member

**GRANTEE:**

**SUSTAINABLE PROPERTY HOLDINGS,  
LLC,**  
a Delaware Limited Liability Company

By: \_\_\_\_\_  
Name: Ryan Creamer  
Title: Authorized Person

IN WITNESS WHEREOF, Grantor and Grantee, acting through their duly authorized representatives, have made and entered into this Memorandum as of the Effective Date.

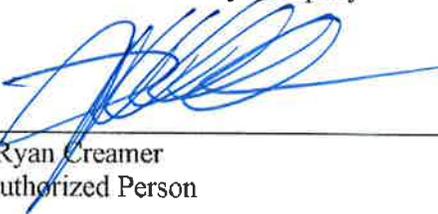
**GRANTOR:**

**BASHI CALVERTON LINKS LLC**  
a New York limited liability company

By:   
Name: Parviz Tashkzad  
Title: Member

**GRANTEE:**

**SUSTAINABLE PROPERTY HOLDINGS,  
LLC,**  
a Delaware Limited Liability Company

By:   
Name: Ryan Creamer  
Title: Authorized Person

## EXHIBIT A

### LEGAL DESCRIPTION OF PREMISES

All that certain tract or parcel of land, situate, lying and being at Calverton, in the Town of Riverhead, County of Suffolk and State of New York, know and designated as SCTM No. 0600-116.00-02.00-007.004, and more particularly identified as follows:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING AT CALVERTON, IN THE TOWN OF RIVERHEAD, COUNTY OF SUFFOLK AND STATE OF NEW YORK, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY SIDE OF PECONIC AVENUE, DISTANT 3493.41 FEET SOUTHERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF MIDDLE COUNTRY ROAD AND THE EASTERLY SIDE OF PECONIC AVENUE; SAID POINT OF BEGINNING ALSO BEING THE DIVIDING LINE BETWEEN THE PREMISES TO BE DESCRIBED HEREIN AND LAND NOW OR FORMERLY OF PETROCELLI;

RUNNING THENCE ALONG SAID DIVIDING LINE SOUTH 83° 31' 30" EAST 1688.20 FEET (DEED); SOUTH 86° 28' 00" EAST 1688.57 FEET (ACTUAL);

THENCE SOUTH 83° 30' 30" EAST (DEED); SOUTH 86° 27' 00" EAST (ACTUAL) ALONG LAND NOW OR FORMERLY OF JOSEPHINE WILLIAMS AND OTHERS, 535.35 FEET, THROUGH A MONUMENT TO A MONUMENT SET IN THE CENTER LINE OF A TRAVELED ROAD KNOWN AS "CANOE LAKE ROAD";

THENCE ALONG THE CENTER LINE OF SAID ROAD THE FOLLOWING 2 COURSES AND DISTANCES:

1. SOUTH 23° 53' 40" WEST (DEED); SOUTH 20° 57' 10" WEST (ACTUAL) 87.21 FEET TO A MONUMENT;
2. SOUTH 6° 40' 20" WEST (DEED); SOUTH 3° 43' 50" WEST (ACTUAL) 397.94 FEET TO A MONUMENT;

THENCE NORTH 83° 24' 30" WEST (DEED); NORTH 86° 21' 00" WEST (ACTUAL) 517.47 FEET TO A MONUMENT ALONG LANDS NOW OR FORMERLY OF FRED H. EDWARDS/CALVERTON GROUP;

THENCE SOUTH 07° 41' 00" WEST 497.74 FEET (DEED); SOUTH 4° 44' 30" WEST 494.49 FEET (ACTUAL) ALONG THE LAST MENTIONED LAND TO A MONUMENT;

THENCE NORTH 83° 42' 00" WEST ALONG LAND NOW OR FORMERLY OF WESTBURY EQUIPMENT CO., INC. 1686.64 FEET (DEED); NORTH 86° 38' 30" WEST 1687.01 FEET (ACTUAL) TO A MONUMENT SET IN THE EAST LINE OF PECONIC AVENUE;

THENCE NORTH 07° 30' 30" EAST (DEED); NORTH 4° 34' 00" EAST (ACTUAL) ALONG THE EASTERLY SIDE OF PECONIC AVENUE 503.12 FEET;

THENCE NORTH 07° 36' 10" EAST STILL ALONG THE EASTERLY SIDE OF PECONIC AVENUE 477.09 FEET (DEED); NORTH 04° 39' 40" EAST 476.84 FEET (ACTUAL) TO THE POINT OR PLACE OF BEGINNING.

ACKNOWLEDGEMENT OF GRANTOR

STATE OF NEW YORK }  
COUNTY OF Suffolk } S.S

On 4th of May, 2016 before me, Parviz Farahza  
Notary Public, personally appeared,  
PARVIZ FARAHZAD

\_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of New York that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Olga B. Belleau

OLGA B. BELLEAU  
Notary Public, State of New York  
No. 01BE4838584  
Qualified in Suffolk County  
Commission Expires March 30, 2019

(Notary Seal)

OLGA B. BELLEAU  
Notary Public, State of New York  
No. 01BE4838584  
Qualified in Suffolk County  
Commission Expires March 30, 2019

ACKNOWLEDGEMENT OF GRANTEE

STATE OF Utah }  
COUNTY OF Salt Lake } S.S

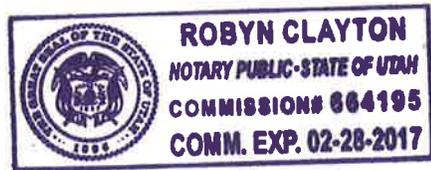
On May 4, 2016 before me, Robyn Clayton  
Notary Public, personally appeared,  
Ryan creamer

\_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Utah that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Robyn Clayton



(Notary Seal)

**EXHIBIT D**

**FORM OF MEMORANDUM**

Recording requested by and  
when recorded mail to:

Sustainable Property Holdings, LLC  
2180 South 1300 East, Suite 600  
Salt Lake City, UT 84106  
Attn: Land Manager

---

(space above this line for recorder's use)

**MEMORANDUM OF EASEMENT OPTION AGREEMENT**

THIS MEMORANDUM OF EASEMENT OPTION AGREEMENT (this "Memorandum") is made, dated and effective as of \_\_\_\_\_, 2016 (the "Effective Date"), between **BOLLA EDWARDS REALTY LLC**, a domestic limited liability company with an office for the transaction of business located at 89 Stewart Avenue, Garden City, New York ("Grantor"), and **SUSTAINABLE PROPERTY HOLDINGS, LLC**, a Delaware limited liability company ("Grantee"), in light of the following facts and circumstances:

**RECITALS:**

WHEREAS, Grantor and Grantee have entered an Easement Option Agreement dated as of the Effective Date with respect to property more specifically described herein (as heretofore or hereinafter amended, restated, or supplemented from time to time, the "Option Agreement"); and

WHEREAS, Grantor and Grantee desire to set forth certain terms and conditions of the Option Agreement in a manner suitable for recording in the Official Records of Suffolk County, New York, in order to provide record notice of the Option Agreement and Grantee's rights in and to the land subject to the Option Agreement, as provided herein.

NOW, THEREFORE, in consideration of the mutual covenants contained in the Option Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree and stipulate as follows:

1. Description of Premises. The land subject to the Option Agreement is described on Exhibit A attached hereto, and by this reference made a part hereof (the "Premises").

2. Grant of Option. Grantor hereby grants to Grantee, pursuant to the Option Agreement, an exclusive and irrevocable option (the "Option") to cause Grantor to enter into an Access and Utility

Easement Agreement with respect to, and grant to Grantee an easement interest in, the Premises as more specifically described in the Option Agreement. The entire Option Agreement is hereby incorporated into this Memorandum by reference. Notwithstanding anything to the contrary contained herein, the provisions of this Memorandum do not in any way alter, amend, supplement, change, or affect the terms, covenants, or conditions of the Option Agreement, all of which terms, covenants, and conditions shall remain in full force and effect. In the event of any conflict between the terms of this Memorandum and the Option Agreement, the terms of the Option Agreement shall prevail.

3. Term of Option Agreement. Unless extended or earlier terminated, as provided in the Option Agreement, the term of the Option shall be for the lesser of (i) an eighteen (18) month period beginning on the Effective Date, and (ii) two (2) weeks after all governmental approvals and permits necessary for the contemplated solar energy facility have been obtained. Closing of the transaction contemplated by the Option Agreement shall occur within ninety (90) days following Grantee's exercise of the Option, in accordance with the Option Agreement, or as the parties may otherwise mutually agree.

4. Names and Addresses of Parties. The names and addresses of the parties to the Option Agreement are as follows:

Grantor:

Michael G. Lewis, Esq.  
Chief Legal Officer  
Bolla Management Corp.  
809 Stewart Avenue  
Garden City, New York 11530  
Phone: (516) 240-8671  
Email: [mlewis@bollaoil.com](mailto:mlewis@bollaoil.com)

Grantee:

Sustainable Property Holdings, LLC  
Attn: Land Manager  
2180 South 1300 East, Suite 600  
Salt Lake City, UT 84106

and to –

Harris Beach, PLLC  
By: David N. Altman, Esq.  
538 Broadhollow Road, Suite 301W  
Melville, New York 11747  
(516) 762-7502  
Email: [daltman@harrisbeach.com](mailto:daltman@harrisbeach.com)

5. Successors and Assigns. Grantee will obtain Grantor's prior written consent to assign its rights under this Agreement on 30 days prior written notice to Grantor, which consent shall not be unreasonably withheld, conditioned or delayed. If an assignee under this Agreement is not an entity related or affiliated with Grantee, then such assignee shall have a net worth that is the same or reasonably equal to that of Grantee, but in no event less than \$10,000,000.00. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns.

6. Miscellaneous. This Memorandum is executed for the purpose of recording in the Official Records of Suffolk County, New York, in order to provide public record notice of the Option Agreement and Grantee's rights in and to the land subject to the Option Agreement. All persons are

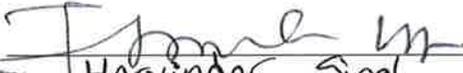
hereby put on notice of and shall have a duty to inquire regarding the Option Agreement and all of the provisions thereof and the rights, title, interests, and claims of Grantee in and to the Premises. Any right, estate, claim, or interest in the Premises first attaching to the Premises and recorded from and after the Effective Date shall be subordinate to the terms of the Option Agreement. If Grantee acquires fee simple title to any portion of the Premises, Grantee shall have the right, at Grantee's option, to terminate any such subordinate right, estate, claim, or interest, at no cost or liability to Grantee, or to accept title subject thereto. This instrument may for convenience be executed in any number of original counterparts, each of which shall be an original and all of which taken together shall constitute one instrument.

*[ The remainder of this page is intentionally left blank. ]*

IN WITNESS WHEREOF, Grantor and Grantee, acting through their duly authorized representatives, have made and entered into this Memorandum as of the Effective Date.

**GRANTOR:**

**BOLLA EDWARDS AVENUE REALTY,  
LLC**  
a New York limited liability company

By:   
Name: Harvinder Singh  
Title: member

**GRANTEE:**

**SUSTAINABLE PROPERTY HOLDINGS,  
LLC,**  
a Delaware Limited Liability Company

By:   
Name: Sean McBride  
Title: Authorized Person

**EXHIBIT A**

**LEGAL DESCRIPTION OF PREMISES**

## Schedule A Description

Underwriter No. 322752S2730

Title Number BAL2730S

Page 1

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Riverhead, County of Suffolk and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Edwards Avenue distant 2,645.04 feet southerly from the corner formed by the intersection of the westerly side of Edwards Avenue and the southerly side of Middle Country Road (Route 25); said point also being where the division line of premises herein described and land now or formerly of Fannie Spencer intersects the westerly side of Edwards Avenue;

RUNNING THENCE along the westerly side of Edwards Avenue, the following two (2) courses and distances:

1. South 05 degrees 20 minutes 41 seconds East, 222.60 feet;
2. South 06 degrees 20 minutes 01 seconds East, 262.64 feet to land now or formerly of Calverton Group;

THENCE along said last mentioned land, South 82 degrees 54 minutes 09 seconds West, 2,174.58 feet to land now or formerly of Calverton Links Ltd.;

THENCE along said last mentioned land, the following two (2) courses and distances:

1. North 07 degrees 01 minutes 01 seconds West, 398.14 feet;
2. North 10 degrees 12 minutes 19 seconds East, 87.21 feet to land now or formerly of Miloski/Gibbs;

THENCE along said last mentioned land, North 82 degrees 48 minutes 09 seconds East, 2,158.38 feet to the westerly side of Edwards Avenue at the point or place of BEGINNING.

**ACKNOWLEDGEMENT OF GRANTEE**

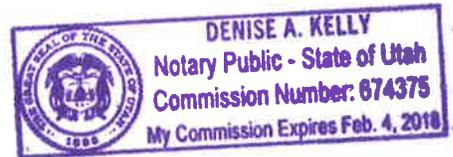
STATE OF UTAH                                    }  
  }  
COUNTY OF SALT LAKE                    } S.S

On June 15, 2016 before me, Denise A. Kelly, Notary Public, personally appeared, Sean McBride, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Utah that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Denise A. Kelly



(Notary Seal)

ACKNOWLEDGEMENT OF GRANTOR

STATE OF NEW YORK }  
 } S.S  
COUNTY OF Nassau }

On June 22<sup>nd</sup>, 2016 before me, John J. Anzalone  
Notary Public, personally appeared,  
Harvinder Singh

\_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of New York that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: 

JOHN J ANZALONE  
NOTARY PUBLIC STATE OF NEW YORK  
SUFFOLK COUNTY  
LIC# 02AN6256008  
COMM. EXP. MARCH 12, 2020

(Notary Seal)

**EXHIBIT D**

**FORM OF MEMORANDUM**

Recording requested by and  
when recorded mail to:

Sustainable Property Holdings, LLC  
2180 South 1300 East, Suite 600  
Salt Lake City, UT 84106  
Attn: Land Manager

---

(space above this line for recorder's use)

**MEMORANDUM OF EASEMENT OPTION AGREEMENT**

THIS MEMORANDUM OF EASEMENT OPTION AGREEMENT (this "Memorandum") is made, dated and effective as of June 22, 2016 (the "Effective Date"), between **DELALIO SOD FARMS, LLC**, a New York limited liability company ("Grantor"), and **SUSTAINABLE PROPERTY HOLDINGS, LLC**, a Delaware limited liability company ("Grantee"), in light of the following facts and circumstances:

**RECITALS:**

WHEREAS, Grantor and Grantee have entered an Easement Option Agreement dated as of the Effective Date with respect to property more specifically described herein (as heretofore or hereinafter amended, restated, or supplemented from time to time, the "Option Agreement"); and

WHEREAS, Grantor and Grantee desire to set forth certain terms and conditions of the Option Agreement in a manner suitable for recording in the Official Records of Suffolk County, New York, in order to provide record notice of the Option Agreement and Grantee's rights in and to the land subject to the Option Agreement, as provided herein.

NOW, THEREFORE, in consideration of the mutual covenants contained in the Option Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree and stipulate as follows:

1. Description of Premises. The land subject to the Option Agreement is described on Exhibit A attached hereto, and by this reference made a part hereof (the "Premises").

2. Grant of Option. Grantor hereby grants to Grantee, pursuant to the Option Agreement, an exclusive and irrevocable option (the "Option") to cause Grantor to enter into an Access and Utility Easement Agreement with respect to, and grant to Grantee an easement interest in, the Premises as

more specifically described in the Option Agreement. The entire Option Agreement is hereby incorporated into this Memorandum by reference. Notwithstanding anything to the contrary contained herein, the provisions of this Memorandum do not in any way alter, amend, supplement, change, or affect the terms, covenants, or conditions of the Option Agreement, all of which terms, covenants, and conditions shall remain in full force and effect. In the event of any conflict between the terms of this Memorandum and the Option Agreement, the terms of the Option Agreement shall prevail.

3. Term of Option Agreement. Unless extended or earlier terminated, as provided in the Option Agreement, the term of the Option shall be for an eighteen (18) month period beginning on the Effective Date. Closing of the transaction contemplated by the Option Agreement shall occur within ninety (90) days following Purchaser's exercise of the Option, in accordance with the Option Agreement, or as the parties may otherwise mutually agree.

4. Names and Addresses of Parties. The names and addresses of the parties to the Option Agreement are as follows:

Grantor:

DeLalio Sod Farms, LLC  
652 Deer Park Ave.  
Dix Hills, NY 11746

Grantee:

Sustainable Property Holdings, LLC  
Attn: Land Manager  
2180 South 1300 East, Suite 600  
Salt Lake City, UT 84106

5. Successors and Assigns. The terms of this Memorandum and the Option Agreement are covenants running with the land and inure to the benefit of, and are binding upon, the parties and their respective successors and assigns, including all subsequent owners of all or any portion of the Premises. References to Grantor and Grantee include their respective successors and assigns. References to the Option Agreement includes any amendments thereto.

6. Miscellaneous. This Memorandum is executed for the purpose of recording in the Official Records of Suffolk County, New York, in order to provide public record notice of the Option Agreement and Grantee's rights in and to the land subject to the Option Agreement. All persons are hereby put on notice of and shall have a duty to inquire regarding the Option Agreement and all of the provisions thereof and the rights, title, interests, and claims of Grantee in and to the Premises. Any right, estate, claim, or interest in the Premises first attaching to the Premises and recorded from and after the date of recording of this Memorandum shall be subordinate to the terms of the Option Agreement. If Grantee acquires fee simple title to any portion of the Premises, Grantee shall have the right, at Grantee's option, to terminate any such subordinate right, estate, claim, or interest, at no cost or liability to Grantee, or to accept title subject thereto. This instrument may for convenience be executed in any number of original counterparts, each of which shall be an original and all of which taken together shall constitute one instrument. This Memorandum shall have no further force or effect upon the expiration or termination of said Easement Option Agreement

*[ The remainder of this page is intentionally left blank. ]*

IN WITNESS WHEREOF, Grantor and Grantee, acting through their duly authorized representatives, have made and entered into this Memorandum as of the Effective Date.

**GRANTOR:**

**DELALIO SOD FARMS, LLC**  
a New York Limited Liability Company

By: Leonard M. D. Delio  
Name: Leonard M. D. Delio  
Title: MANAGING MEMBER

By: Janice D. McClellan  
Name: JANICE D. MCCLELLAN  
Title: MANAGING MEMBER

**GRANTEE:**

**SUSTAINABLE PROPERTY HOLDINGS,  
LLC,**  
a Delaware Limited Liability Company

By: Sean McBride  
Name: Sean McBride  
Title: Authorized Person

ACKNOWLEDGEMENT OF GRANTOR

STATE OF NEW YORK }  
COUNTY OF Suffolk } S.S

On June 22, 2016 before me, Bruce Kennedy  
Notary Public, personally appeared,  
Leonard M. Dehalio  
Janice D. McClellan

\_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of New York that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Bruce Kennedy

BRUCE KENNEDY  
Notary Public, State of New York  
No. 02KE4503483  
Qualified in Suffolk County 2014  
Commission Expires May 31, 2014

(Notary Seal)

**ACKNOWLEDGEMENT OF GRANTOR**

STATE OF NEW YORK }  
 } S.S  
COUNTY OF \_\_\_\_\_ }

On \_\_\_\_\_, \_\_\_\_\_ before me, \_\_\_\_\_  
\_\_\_\_\_, Notary Public, personally appeared,  
\_\_\_\_\_

\_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of New York that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_

(Notary Seal)

ACKNOWLEDGEMENT OF GRANTEE

STATE OF Utah }  
COUNTY OF Salt Lake } S.S

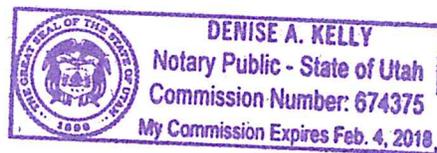
On June 17, 2016 before me, Denise A. Kelly  
Sean McBride, Notary Public, personally appeared,

\_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Utah that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Denise A. Kelly



(Notary Seal)

## EXHIBIT A

### Westerly Fifteen Feet (15') of the Following Property:

ALL that certain plot, piece or parcel of land, situate, lying and being at Calverton, Town of Riverhead, Suffolk County, New York, bounded and described as follows:

BEGINNING at a point on the easterly side of Edwards Avenue distant 2,268.43 feet northerly, as measured along the easterly side of Edwards Avenue as it turns, from the point where same intersects the northwesterly line of lands of the Long Island Railroad;

RUNNING THENCE along the easterly side of Edwards Avenue;

- 1) North 06 degrees 33 minutes 25 seconds East, a distance of 350.20 feet;
- 2) North 05 degrees 35 minutes 30 seconds East, a distance of 1,186.11 feet;
- 3) North 06 degrees 30 minutes 20 seconds East a distance of 116.20 feet to land now or formerly of V.C. Caruso and A.P. Dienicke;

THENCE along the last mentioned land:

- 1) South 83 degrees 29 minutes 40 seconds East, 652.73 feet;
- 2) North 05 degrees 49 minutes 10 seconds East, 102.46 feet; and
- 3) North 06 degrees 00 minutes East, 291.00 feet;

THENCE South 84 degrees 00 minutes East, 55.00 feet to a monument, along lands now or formerly of Harry Glass;

THENCE South 06 degrees 00 minutes West, 286.24 feet;

THENCE South 88 degrees 56 minutes 50 seconds East, 638.40 feet to land now or formerly of Gilbert A. Smith et al;

THENCE South 05 degrees 23 minutes 50 seconds West, a distance of 222.50 feet;

THENCE South 68 degrees 17 minutes 40 seconds West, 46.39 feet;

THENCE along the last mentioned land, South 05 degrees 53 minutes 10 seconds West, 1577.29 feet;

THENCE North 83 degrees 26 minutes 35 seconds West, 1,304.25 feet to the easterly side of Edwards Avenue, at the point or place of BEGINNING.

For Information Only: Premises known as 422 Edwards Avenue, Calverton, New York and being identified as District 06.00 Section 117.00 Block 02.00 Lot 008.002 on the tax map of the County of Suffolk.



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# Appendix E



August 18, 2017

Ref: 29194.03

Sean McCabe, Chairman  
and Honorable Members of the Conservation Advisory Council  
c/o Mr. Greg Bergman  
Planning Department  
Town of Riverhead  
200 Howell Avenue  
Riverhead, New York 11901

Re: Town of Riverhead Wetland Permit Inquiry  
sPower Calverton 20MW Commercial Solar Energy Production Facility  
Middle Country Road, Calverton

Dear Chairman McCabe and Honorable Council Members:

VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB) is serving as the consulting engineer for the proposed sPower commercial solar energy production facility in the hamlet of Calverton, Town of Riverhead. As depicted by the enclosed preliminary site plans, the proposed project includes; installation of solar panel arrays on a 109.9±-acre property along the south side of Middle Country Road; an 8,670±-linear-foot underground transmission generation tie-in ("gen-tie") line within a 15±-foot-wide easement; and a proposed solar collection facility to be located on the east side of Edwards Avenue, north of the Long Island Rail Road (LIRR) tracks, on property containing an existing sPower solar facility.

The proposed project is currently undergoing an environmental review in accordance with the State Environmental Quality Review Act (SEQRA) and its implementing regulations at 6 NYCRR Part 617, for which the Town of Riverhead Planning Board is as the lead agency. Among other approvals, the project requires approval from the Planning Board for Subdivision and Site Plan. A Draft Environmental Impact Statement (DEIS) was prepared by VHB, dated June 2017, which was accepted as complete by the Planning Board at its meeting of July 6, 2017.

As you are aware, the Town of Riverhead regulates wetlands and surface waters, including the surrounding upland area within 150 feet of these features, pursuant to Town Code §295 (Wetlands). As part of the environmental review process, and as detailed within Section 3.3 of the DEIS,<sup>1</sup> the subject property (i.e., the properties to be subdivided to create the 109.9±-acre solar array parcel, the 15-foot-

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<sup>1</sup> Available on the Town of Riverhead website at <http://riverhead.municipalcms.com/docview.aspx?docid=47319>.



wide easement properties, and the property that will include the solar collection facility) and its surroundings were field-surveyed by VHB on September 14 and 18, 2016. Each of the nine potential wetland features identified on the Town's wetland inventory at and in the vicinity of the subject property (see Figure 11 of the DEIS, copy enclosed) was assessed based on the Town wetland definitions set forth in Town Code §295-3 and pursuant to the procedures of the 1987 USACE Wetland Delineation Manual<sup>2</sup> and the 2012 USACE Regional Supplement for the Northcentral and Northeast Region.<sup>3</sup> This assessment confirmed that Features R-1, R-4, R-5, R-6 and R-9 are upland habitats rather than wetlands, as defined in the Town Code. Feature R-3 is currently the site of a materials stockpile at the southeast corner of the proposed solar panel array facility, with no wetland present. The relevant portions of mapped Feature R-8 are developed with building, and paved and landscaped areas associated with the Hampton Jitney bus terminal, and do not contain wetlands.

It is our understanding that, subsequent to the field surveys performed by VHB, two representatives of the Town of Riverhead Planning Department conducted their own field survey of the subject property and its surroundings on or about November 7, 2016, and confirmed the results described above (i.e., that mapped Features R-1, R-3, R-4, R-5, and R-6, the relevant portions of R-8, as well as R-9, are not Town-regulated wetlands).

The two remaining features (i.e., R-2 and R-7) are ponds located at the northeast corner of the proposed solar panel array facility property and beyond the eastern fence line of the existing solar facility east of Edwards Avenue, respectively. The boundaries of these two wetlands were delineated by VHB in 2015 (R-2) and 2014 (R-7) and are identified on the enclosed Site Plans.

As depicted on Sheet Nos. C-3 and C-5 of the enclosed Site Plans, no improvements are proposed within 150 feet of the wetland boundaries. Therefore, we respectfully submit that no wetland permit would be required with respect to Features R-2 or R-7; and when combined with the information above regarding Features R-1, R-3, R-4, R-5, R-6, R-8, that no wetland permit would be required for the proposed project.

A written acknowledgement that your Board concurs with the above determination has been requested by the Town of Riverhead Planning Department. Accordingly, we respectfully request that a written determination be provided in response to this request at your earliest convenience.

---

<sup>2</sup> Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.

<sup>3</sup> United States Army Corps of Engineers Engineer Research and Development Center. 2012. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0).

Sean McCabe, Chairman, and Honorable Council Members  
Town of Riverhead Conservation Advisory Council  
c/o Mr. Greg Bergman, Town of Riverhead Planning Department  
Ref: 29194.03  
August 18, 2017  
Page 3



Should you have any questions, or require anything further in your consideration of the above, please do not hesitate to contact the undersigned. Thank you in advance for your cooperation and assistance.

Sincerely,

VHB Engineering, Surveying and Landscape Architecture, P.C.

A handwritten signature in black ink, appearing to read "D. Wortman", with a large, sweeping flourish extending to the right.

David M. Wortman

Senior Environmental Manager

[dwortman@vhb.com](mailto:dwortman@vhb.com)

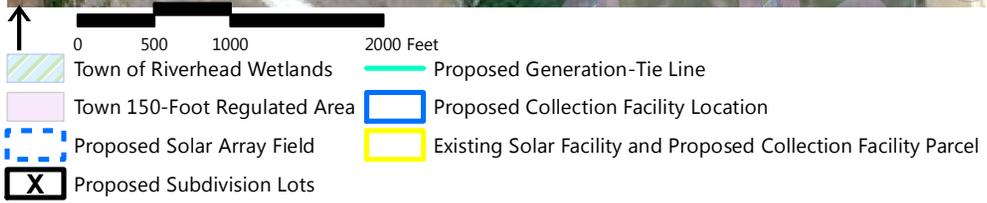
DMW/

enc.

cc: C.Kent, Esq.  
N.Hsu  
J.Moran



**Proposed sPower Solar Energy Facility | Calverton, NY**



**Town of Riverhead Wetlands**

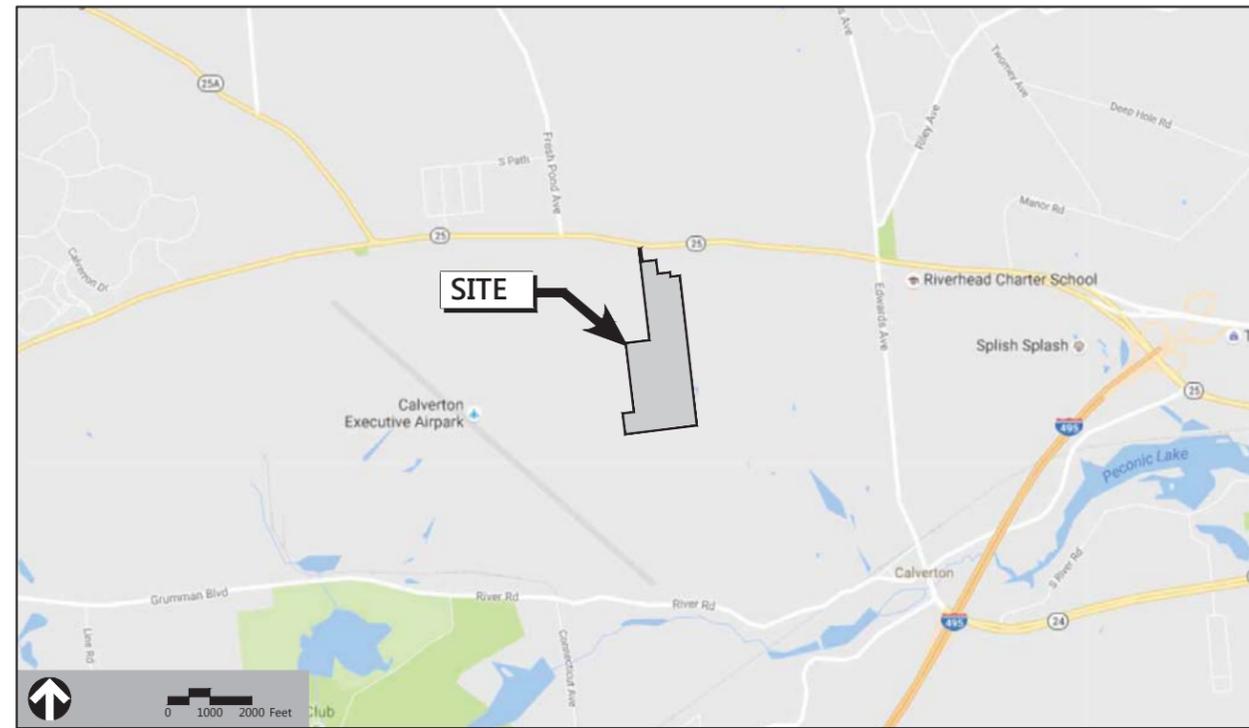
Sources: Town of Riverhead; Google Earth (May 2016)

# Site Plans

Issued for Site Plan Review  
 Date Issued August 15, 2016  
 Latest Issue January 26, 2017

## sPower Calverton

Middle Country Road (NYS 25)  
 & Peconic Avenue  
 Town of Riverhead, Calverton,  
 New York



Engineering, Surveying &  
 Landscape Architecture, PC  
 100 Motor Parkway  
 Suite 135  
 Hauppauge, NY 11788  
 631.787.3400

### Surveyor

VHB Engineering, Surveying &  
 Landscape Architecture, PC  
 100 Motor Parkway, Suite 135  
 Hauppauge, NY 11788  
 631.787.3400

### Solar Consultant

P.V. Engineers D.P.C  
 54 W. 40th Street  
 New York, NY 10018  
 646.274.8114

### Geotech

GZA Environmental of NY  
 104 West 29th Street  
 10th Floor  
 New York, NY 10001  
 212.594.8140

### Substation Consultant

TRC  
 1866 Colonial Village Lane  
 Suite 112  
 Lancaster, PA 17601  
 717.239.2209

### Electric

PSEG Long Island  
 1650 Islip Avenue  
 Brentwood, New York 11717  
 631.348.6044

### Owner

Delea Sod Farms, Inc.  
 444 Elwood Road  
 East Northport, NY 11731  
 (631)368-3264

### Applicant

sPower  
 2180 South 1300 East  
 Suite 600  
 Salt Lake City, UT 84106-2749  
 (801)679-3500

### Sheet Index

No.	Drawing Title	Latest Issue
C-1	Legend And General Notes	January 26, 2017
C-2	Gen-Tie Route	January 26, 2017
C-3	Collection Facility Layout & Materials Plan	January 26, 2017
C-4	Collection Facility Grading Plan / Landscape Plan	January 26, 2017
C-5	Solar Facility Layout, Materials and Utility Plan	January 26, 2017
C-6	Solar Facility Grading and Drainage Plan	January 26, 2017
C-7	Solar Facility Drainage Reserve Area Detail	January 26, 2017
C-8	Solar Facility Erosion and Sediment Control Plan	January 26, 2017
C-9	Site Details 1	January 26, 2017
C-10	Site Details 2	January 26, 2017
C-11	Solar Facility Soil Borings	November 14, 2016
C-12	Solar Facility Test Pits	November 14, 2016
L-1	Solar Facility Planting Plan	November 14, 2016
PR-1	Edwards Avenue Gen-Tie Route Utility Profile	January 26, 2017

### Reference Drawings

No.	Drawing Title	Latest Issue
CF-1	Collection Facility Details	November 14, 2016
	Subdivision Map	August 15, 2016
	Existing Conditions Plan of Land	March 30, 2016

### PLANNING BOARD CERTIFICATION

This is to certify that this site plan has been approved by the Planning Board of the Town of Riverhead by Planning Board Resolution number \_\_\_\_\_ dated \_\_\_\_\_  
 Signature by Planning Board Chairperson \_\_\_\_\_  
 Date of signature \_\_\_\_\_



Engineering, Surveying & Landscape Architecture, PC  
100 Motor Parkway  
Suite 135  
Hauppauge, NY 11788  
631.787.3400

Legend		Exist.	Prop.	Exist.	Prop.	
---	---	---	---	---	---	PROPERTY LINE
---	---	---	---	---	---	PROJECT LIMIT LINE
---	---	---	---	---	---	RIGHT-OF-WAY/PROPERTY LINE
---	---	---	---	---	---	EASEMENT
---	---	---	---	---	---	BUILDING SETBACK
10+00	10+00	---	---	---	---	PARKING SETBACK
---	---	---	---	---	---	BASELINE
---	---	---	---	---	---	CONSTRUCTION LAYOUT
---	---	---	---	---	---	ZONING LINE
---	---	---	---	---	---	TOWN LINE
---	---	---	---	---	---	LIMIT OF DISTURBANCE
---	---	---	---	---	---	WETLAND LINE WITH FLAG FLOODPLAIN
BSF	BSF	---	---	---	---	BORDERING LAND SUBJECT TO FLOODING
BZ	BZ	---	---	---	---	WETLAND BUFFER ZONE
NOZ	NOZ	---	---	---	---	NO DISTURB ZONE
200'RA	200'RA	---	---	---	---	200' RIVERFRONT AREA
---	---	---	---	---	---	GRAVEL ROAD
EGP	EGP	---	---	---	---	EDGE OF PAVEMENT
BB	BB	---	---	---	---	BITUMINOUS BERM
BC	BC	---	---	---	---	BITUMINOUS CURB
CC	CC	---	---	---	---	CONCRETE CURB
CG	CG	---	---	---	---	CURB AND GUTTER
CC	EGC	---	---	---	---	EXTRUDED CONCRETE CURB
CC	MCC	---	---	---	---	MONOLITHIC CONCRETE CURB
CC	POC	---	---	---	---	PRECAST CONC. CURB
SOF	SOF	---	---	---	---	SLOPED GRAN. EDGING
VSC	VSC	---	---	---	---	VERT. GRAN. CURB
---	---	---	---	---	---	LIMIT OF CURB TYPE
---	---	---	---	---	---	SAWCUT
---	---	---	---	---	---	BUILDING
---	---	---	---	---	---	BUILDING ENTRANCE
---	---	---	---	---	---	LOADING DOOR
---	---	---	---	---	---	BOLLARD
---	---	---	---	---	---	DUMPSTER PAD
---	---	---	---	---	---	SIGN
---	---	---	---	---	---	DOUBLE SIGN
---	---	---	---	---	---	STEEL GUARDRAIL
---	---	---	---	---	---	WOOD GUARDRAIL
---	---	---	---	---	---	PATH
---	---	---	---	---	---	TREE LINE
---	---	---	---	---	---	CHAINLINK FENCE
---	---	---	---	---	---	STOCKADE FENCE
---	---	---	---	---	---	STONE WALL
---	---	---	---	---	---	RETAINING WALL
---	---	---	---	---	---	STREAM / POND / WATER COURSE
---	---	---	---	---	---	DETENTION BASIN
---	---	---	---	---	---	HAY BALES
---	---	---	---	---	---	SILT FENCE
---	---	---	---	---	---	SILT SOCK / STRAW WATTLE
---	---	---	---	---	---	MINOR CONTOUR
---	---	---	---	---	---	MAJOR CONTOUR
---	---	---	---	---	---	DEPRESSION CONTOUR
---	---	---	---	---	---	PARKING COUNT
---	---	---	---	---	---	COMPACT PARKING STALLS
DYL	DYL	---	---	---	---	DOUBLE YELLOW LINE
SL	SL	---	---	---	---	STOP LINE
---	---	---	---	---	---	CROSSWALK
---	---	---	---	---	---	ACCESSIBLE CURB RAMP
---	---	---	---	---	---	ACCESSIBLE PARKING
---	---	---	---	---	---	VAN-ACCESSIBLE PARKING

Abbreviations		General
ABAN	ABANDON	
ACR	ACCESSIBLE CURB RAMP	
ADJ	ADJUST	
APPROX	APPROXIMATE	
BIT	BITUMINOUS	
BS	BOTTOM OF SLOPE	
BWLL	BROKEN WHITE LANE LINE	
CONC	CONCRETE	
DYCL	DOUBLE YELLOW CENTER LINE	
EL	ELEVATION	
ELEV	ELEVATION	
EXIST	EXISTING	
FDN	FOUNDATION	
FFE	FIRST FLOOR ELEVATION	
GRAN	GRANITE	
GTD	GRADE TO DRAIN	
LA	LANDSCAPE AREA	
LOD	LIMIT OF DISTURBANCE	
MAX	MAXIMUM	
MIN	MINIMUM	
NIC	NOT IN CONTRACT	
NTS	NOT TO SCALE	
PERF	PERFORATED	
PROP	PROPOSED	
REM	REMOVE	
RET	RETAIN	
R&D	REMOVE AND DISPOSE	
R&R	REMOVE AND RESET	
SWEL	SOLID WHITE EDGE LINE	
SWLL	SOLID WHITE LANE LINE	
TS	TOP OF SLOPE	
TYP	TYPICAL	
CB	CATCH BASIN	
CMP	CORRUGATED METAL PIPE	
CO	CLEANOUT	
COB	DOUBLE CATCH BASIN	
DMH	DRAIN MANHOLE	
CIP	CAST IRON PIPE	
COND	CONDUIT	
DIP	DUCTILE IRON PIPE	
FES	FLARED END SECTION	
FM	FORCE MAIN	
F&G	FRAME AND GRATE	
F&C	FRAME AND COVER	
GI	GUTTER INLET	
GT	GREASE TRAP	
HDPE	HIGH DENSITY POLYETHYLENE PIPE	
HH	HANDHOLE	
HW	HEADWALL	
HYD	HYDRANT	
INV	INVERT ELEVATION	
I=	INVERT ELEVATION	
LP	LIGHT POLE	
MES	METAL END SECTION	
PWW	PAVED WATER WAY	
PVC	POLYVINYLCHLORIDE PIPE	
PIV	POST INDICATOR VALVE	
RCP	REINFORCED CONCRETE PIPE	
R=	RIM ELEVATION	
SMH	SEWER MANHOLE	
TSV	TAPPING SLEEVE, VALVE AND BOX	
UG	UNDERGROUND	
UP	UTILITY POLE	

Notes:	
General	
1.	CONTRACTOR SHALL NOTIFY "NEW YORK 811" (1-800-524-7603) AT LEAST 72 HOURS BEFORE EXCAVATING.
2.	CONTRACTOR SHALL BE RESPONSIBLE FOR SITE SECURITY AND JOB SAFETY. CONSTRUCTION ACTIVITIES SHALL BE IN ACCORDANCE WITH OSHA STANDARDS AND LOCAL REQUIREMENTS.
3.	ACCESSIBLE ROUTES, PARKING SPACES, RAMPS, SIDEWALKS AND WALKWAYS SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE FEDERAL AMERICANS WITH DISABILITIES ACT AND WITH STATE AND LOCAL LAWS AND REGULATIONS (WHICHEVER ARE MORE STRINGENT).
4.	AREAS DISTURBED DURING CONSTRUCTION AND NOT RESTORED WITH IMPERVIOUS SURFACES (BUILDINGS, PAVEMENTS, WALKS, ETC) SHALL RECEIVE 6 INCHES LOAM AND SEED. (SEE ATTACHED PLANTING PLAN)
5.	WITHIN THE LIMITS OF THE BUILDING FOOTPRINT, THE SITE CONTRACTOR SHALL PERFORM EARTHWORK OPERATIONS REQUIRED UP TO SUBGRADE ELEVATIONS.
6.	WORK WITHIN THE LOCAL RIGHTS-OF-WAY SHALL CONFORM TO LOCAL MUNICIPAL STANDARDS. WORK WITHIN STATE RIGHTS-OF-WAY SHALL CONFORM TO THE LATEST EDITION OF THE STATE HIGHWAY DEPARTMENTS STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.
7.	UPON AWARD OF CONTRACT, CONTRACTOR SHALL MAKE NECESSARY CONSTRUCTION NOTIFICATIONS AND APPLY FOR AND OBTAIN NECESSARY PERMITS, PAY FEES, AND POST BONDS ASSOCIATED WITH THE WORK INDICATED ON THE DRAWINGS, IN THE SPECIFICATIONS, AND IN THE CONTRACT DOCUMENTS. DO NOT CLOSE OR OBSTRUCT ROADWAYS, SIDEWALKS, AND FIRE HYDRANTS, WITHOUT APPROPRIATE PERMITS.
8.	TRAFFIC SIGNAGE AND PAVEMENT MARKINGS SHALL CONFORM TO THE FEDERAL MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING NEW YORK STATE SUPPLEMENTS.
9.	AREAS OUTSIDE THE LIMITS OF PROPOSED WORK DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED BY THE CONTRACTOR TO THEIR ORIGINAL CONDITION AT THE CONTRACTOR'S EXPENSE.
10.	IN THE EVENT THAT SUSPECTED CONTAMINATED SOIL, GROUNDWATER, AND OTHER MEDIA ARE ENCOUNTERED DURING EXCAVATION AND CONSTRUCTION ACTIVITIES BASED ON VISUAL, OLFACTORY, OR OTHER EVIDENCE, THE CONTRACTOR SHALL STOP WORK IN THE VICINITY OF THE SUSPECT MATERIAL TO AVOID FURTHER SPREADING OF THE MATERIAL, AND SHALL NOTIFY THE OWNER IMMEDIATELY SO THAT THE APPROPRIATE TESTING AND SUBSEQUENT ACTION CAN BE TAKEN.
11.	CONTRACTOR SHALL PREVENT DUST, SEDIMENT, AND DEBRIS FROM EXITING THE SITE AND SHALL BE RESPONSIBLE FOR CLEANUP, REPAIRS AND CORRECTIVE ACTION IF SUCH OCCURS.
12.	DAMAGE RESULTING FROM CONSTRUCTION LOADS SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO OWNER.
13.	CONTRACTOR SHALL CONTROL STORMWATER RUNOFF DURING CONSTRUCTION TO PREVENT ADVERSE IMPACTS TO OFF SITE AREAS, AND SHALL BE RESPONSIBLE TO REPAIR RESULTING DAMAGES, IF ANY, AT NO COST TO OWNER.
14.	THIS PROJECT DISTURBS MORE THAN 1 ACRE OF LAND AND FALLS WITHIN THE NYSDEC CONSTRUCTION GENERAL PERMIT PROGRAM AND M4 JURISDICTION OF THE TOWN. THE CONTRACTOR IS ADVISED THAT STORM WATER POLLUTION PREVENTION PLAN DOCUMENTS HAVE BEEN PREPARED AND A NOTICE OF INTENT HAS BEEN FILED FOR THIS PROJECT. THE CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL PREVISIONS OF THE GENERAL PERMIT AND SWPPP DOCUMENTS, INCLUDING COORDINATING MANDATORY INSPECTIONS AND MAINTAINING SWPPP DOCUMENTS ON-SITE FOR THE DURATION OF CONSTRUCTION.
Utilities	
1.	THE LOCATIONS, SIZES, AND TYPES OF EXISTING UTILITIES ARE SHOWN AS AN APPROXIMATE REPRESENTATION ONLY. THE OWNER OR ITS REPRESENTATIVE(S) HAVE NOT INDEPENDENTLY VERIFIED THIS INFORMATION AS SHOWN ON THE PLANS. THE UTILITY INFORMATION SHOWN DOES NOT GUARANTEE THE ACTUAL EXISTENCE, SERVICEABILITY, OR OTHER DATA CONCERNING THE UTILITIES, NOR DOES IT GUARANTEE AGAINST THE POSSIBILITY THAT ADDITIONAL UTILITIES MAY BE PRESENT THAT ARE NOT SHOWN ON THE PLANS. PRIOR TO ORDERING MATERIALS AND BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL VERIFY AND DETERMINE THE EXACT LOCATIONS, SIZES, AND ELEVATIONS OF THE POINTS OF CONNECTIONS TO EXISTING UTILITIES AND, SHALL CONFIRM THAT THERE ARE NO INTERFERENCES WITH EXISTING UTILITIES AND THE PROPOSED UTILITY ROUTES, INCLUDING ROUTES WITHIN THE PUBLIC RIGHTS OF WAY.
2.	WHERE AN EXISTING UTILITY IS FOUND TO CONFLICT WITH THE PROPOSED WORK, OR EXISTING CONDITIONS DIFFER FROM THOSE SHOWN SUCH THAT THE WORK CANNOT BE COMPLETED AS INTENDED, THE LOCATION, ELEVATION, AND SIZE OF THE UTILITY SHALL BE ACCURATELY DETERMINED WITHOUT DELAY BY THE CONTRACTOR, AND THE INFORMATION FURNISHED IN WRITING TO THE OWNER'S REPRESENTATIVE FOR THE RESOLUTION OF THE CONFLICT AND CONTRACTOR'S FAILURE TO NOTIFY PRIOR TO PERFORMING ADDITIONAL WORK RELEASES OWNER FROM OBLIGATIONS FOR ADDITIONAL PAYMENTS WHICH OTHERWISE MAY BE WARRANTED TO RESOLVE THE CONFLICT.
3.	SET DIFFUSION WELL RIMS, AND INVERTS OF DRAINS, AND DITCHES IN ACCORDANCE WITH ELEVATIONS ON THE GRADING AND UTILITY PLANS.
4.	RIM ELEVATIONS FOR DRAIN MANHOLES, WATER VALVE COVERS, ELECTRIC AND TELEPHONE PULL BOXES, AND MANHOLES, AND OTHER SUCH ITEMS, ARE APPROXIMATE AND SHALL BE SET/RESET AS FOLLOWS: A. PAVEMENTS AND CONCRETE SURFACES: FLUSH B. ALL SURFACES ALONG ACCESSIBLE ROUTES: FLUSH C. LANDSCAPE, LOAM AND SEED, AND OTHER EARTH SURFACE AREAS: ONE INCH ABOVE SURROUNDING AREA AND TAPER EARTH TO THE RIM ELEVATION.
5.	THE LOCATION, SIZE, DEPTH, AND SPECIFICATIONS FOR CONSTRUCTION OF PROPOSED PRIVATE UTILITY SERVICES SHALL BE INSTALLED ACCORDING TO THE REQUIREMENTS PROVIDED BY, AND APPROVED BY, THE RESPECTIVE UTILITY COMPANY (GAS, TELEPHONE, ELECTRIC, FIRE ALARM, ETC.). FINAL DESIGN LOADS AND LOCATIONS TO BE COORDINATED WITH OWNER AND ARCHITECT.
6.	CONTRACTOR SHALL MAKE ARRANGEMENTS FOR AND SHALL BE RESPONSIBLE FOR PAYING FEES FOR POLE RELOCATION AND FOR THE ALTERATION AND ADJUSTMENT OF GAS, ELECTRIC, TELEPHONE, FIRE ALARM, AND ANY OTHER PRIVATE UTILITIES, WHETHER WORK IS PERFORMED BY CONTRACTOR OR BY THE UTILITIES COMPANY.
7.	CONTRACTOR SHALL COORDINATE WITH ELECTRICAL CONTRACTOR AND SHALL FURNISH EXCAVATION, INSTALLATION, AND BACKFILL OF ELECTRICAL FURNISHED SITEWORK RELATED ITEMS SUCH AS PULL BOXES, CONDUITS, DUCT BANKS, LIGHT POLE BASES, AND CONCRETE PADS. SITE CONTRACTOR SHALL FURNISH CONCRETE ENCASUREMENT OF DUCT BANKS IF REQUIRED BY THE UTILITY COMPANY AND AS INDICATED ON THE DRAWINGS OR CONSULTANTS DRAWINGS.
8.	CONTRACTOR SHALL EXCAVATE AND BACKFILL TRENCHES FOR ELECTRIC IN ACCORDANCE WITH ELECTRIC COMPANY'S REQUIREMENTS.
9.	ALL DRAINAGE STRUCTURES INTERIOR DIAMETERS (4" MIN.) SHALL BE DETERMINED BY THE MANUFACTURER BASED ON THE PIPE CONFIGURATIONS SHOWN ON THESE PLANS AND LOCAL MUNICIPAL STANDARDS. FOR MANHOLES THAT ARE 20 FEET IN DEPTH AND GREATER, THE MINIMUM DIAMETER SHALL BE 3 FEET.
Layout and Materials	
1.	SEE SOLAR CONSULTANT DRAWINGS FOR EXACT SOLAR ARRAY DIMENSIONS AND DETAILS, UTILITY PENETRATIONS, ETC.
2.	PROPOSED BOUNDS, ANY EXISTING PROPERTY LINE MONUMENTATION DISTURBED DURING CONSTRUCTION, ALL PROPOSED GRADES AND BENCHMARKS SHALL BE SET OR RESET BY A PROFESSIONAL LICENSED SURVEYOR.
3.	PRIOR TO START OF CONSTRUCTION, CONTRACTOR SHALL VERIFY EXISTING ELEVATIONS AT INTERFACE WITH PROPOSED ELEVATIONS, AND EXISTING GROUND ELEVATIONS ADJACENT TO DRAINAGE OUTLETS TO ASSURE PROPER TRANSITIONS BETWEEN EXISTING AND PROPOSED FACILITIES.

Demolition	
1.	CONTRACTOR SHALL REMOVE AND DISPOSE OF EXISTING MANMADE SURFACE FEATURES WITHIN THE LIMIT OF WORK INCLUDING STRUCTURES, PAVEMENTS, SLABS, CURBING, FENCES, UTILITY POLES, SIGNS, ETC. UNLESS INDICATED OTHERWISE ON THE DRAWINGS, REMOVE AND DISPOSE OF EXISTING UTILITIES, FOUNDATIONS AND UNSUITABLE MATERIAL BENEATH AND FOR A DISTANCE OF 10 FEET BEYOND THE PROPOSED ARRAY FOOTPRINT.
2.	EXISTING UTILITIES SHALL BE TERMINATED, UNLESS OTHERWISE NOTED, IN CONFORMANCE WITH LOCAL, STATE AND INDIVIDUAL UTILITY COMPANY STANDARD SPECIFICATIONS AND DETAILS. THE CONTRACTOR SHALL COORDINATE UTILITY SERVICE DISCONNECTS WITH THE UTILITY REPRESENTATIVES.
3.	CONTRACTOR SHALL DISPOSE OF DEMOLITION DEBRIS IN ACCORDANCE WITH APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS, ORDINANCES AND STATUTES.
4.	THE DEMOLITION LIMITS DEPICTED IN THE PLANS IS INTENDED TO AID THE CONTRACTOR DURING THE BIDDING AND CONSTRUCTION PROCESS AND IS NOT INTENDED TO DEPICT EACH AND EVERY ELEMENT OF DEMOLITION. THE CONTRACTOR IS RESPONSIBLE FOR IDENTIFYING THE DETAILED SCOPE OF DEMOLITION BEFORE SUBMITTING ITS BID/PROPOSAL TO PERFORM THE WORK AND SHALL MAKE NO CLAIMS AND SEEK NO ADDITIONAL COMPENSATION FOR CHANGED CONDITIONS OR UNFORESEEN OR LATENT SITE CONDITIONS RELATED TO ANY CONDITIONS DISCOVERED DURING EXECUTION OF THE WORK.
5.	UNLESS OTHERWISE SPECIFICALLY PROVIDED ON THE PLANS OR IN THE SPECIFICATIONS, THE ENGINEER HAS NOT PREPARED DESIGNS FOR AND SHALL HAVE NO RESPONSIBILITY FOR THE PRESENCE, DISCOVERY, REMOVAL, ABATEMENT OR DISPOSAL OF HAZARDOUS MATERIALS, TOXIC WASTES OR POLLUTANTS AT THE PROJECT SITE. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR ANY CLAIMS OF LOSS, DAMAGE, EXPENSE, DELAY, INJURY OR DEATH ARISING FROM THE PRESENCE OF HAZARDOUS MATERIAL, AND CONTRACTOR SHALL INDEMNIFY AND HOLD HARMLESS THE ENGINEER FROM ANY CLAIMS MADE IN CONNECTION THEREWITH. MOREOVER, THE ENGINEER SHALL HAVE NO ADMINISTRATIVE OBLIGATIONS OF ANY TYPE WITH REGARD TO ANY CONTRACTOR AMENDMENT INVOLVING THE ISSUES OF PRESENCE, DISCOVERY, REMOVAL, ABATEMENT OR DISPOSAL OF ASBESTOS OR OTHER HAZARDOUS MATERIALS.

Erosion Control	
1.	PRIOR TO STARTING ANY OTHER WORK ON THE SITE, THE CONTRACTOR SHALL NOTIFY APPROPRIATE AGENCIES AND SHALL INSTALL EROSION CONTROL MEASURES AS SHOWN ON THE PLANS AND AS IDENTIFIED IN FEDERAL, STATE, AND LOCAL APPROVAL DOCUMENTS PERTAINING TO THIS PROJECT.
2.	CONTRACTOR SHALL INSPECT AND MAINTAIN EROSION CONTROL MEASURES, AND REMOVE SEDIMENT THEREFROM ON A WEEKLY BASIS AND AS NECESSARY TO COMPLY WITH SPDES PERMIT REQUIREMENTS. DISPOSE OF SEDIMENTS IN AN UPLAND AREA SUCH THAT THEY DO NOT ENCUMBER OTHER DRAINAGE STRUCTURES AND PROTECTED AREAS.
3.	CONTRACTOR SHALL BE FULLY RESPONSIBLE TO CONTROL CONSTRUCTION SUCH THAT SEDIMENTATION SHALL NOT AFFECT REGULATORY PROTECTED AREAS, WHETHER SUCH SEDIMENTATION IS CAUSED BY WATER, WIND, OR DIRECT DEPOSIT.
4.	CONTRACTOR SHALL PERFORM CONSTRUCTION SEQUENCING SUCH THAT EARTH MATERIALS ARE EXPOSED FOR A MINIMUM OF TIME BEFORE THEY ARE COVERED, SEEDDED, OR OTHERWISE STABILIZED TO PREVENT EROSION.
5.	UPON COMPLETION OF CONSTRUCTION AND ESTABLISHMENT OF PERMANENT GROUND COVER, CONTRACTOR SHALL REMOVE AND DISPOSE OF EROSION CONTROL MEASURES AND CLEAN SEDIMENT AND DEBRIS FROM ENTIRE DRAINAGE AND SEWER SYSTEMS.

Existing Conditions Information	
1.	BASE PLAN: THE PROPERTY LINES SHOWN WERE DETERMINED BY AN ACTUAL FIELD SURVEY CONDUCTED BY PAT T. SECCAFICO, PROFESSIONAL LAND SURVEYOR, P.C. THE TOPOGRAPHY AND PHYSICAL FEATURES ARE BASED ON AN ACTUAL FIELD SURVEY PERFORMED ON THE GROUND BY PAT T. SECCAFICO, PROFESSIONAL LAND SURVEYOR, P.C., DATED 7/2/15 AND UPDATED 3/30/16.
2.	TOPOGRAPHY: ELEVATIONS ARE BASED ON N.G.V.D. 1988.
3.	GEOTECHNICAL DATA INCLUDING TEST PIT AND BORING LOCATIONS AND ELEVATIONS WERE OBTAINED FROM GZA GEONVIRONMENTAL OF NEW YORK.

Document Use	
1.	THESE PLANS AND CORRESPONDING CADD DOCUMENTS ARE INSTRUMENTS OF PROFESSIONAL SERVICE, AND SHALL NOT BE USED, IN WHOLE OR IN PART, FOR ANY PURPOSE OTHER THAN FOR WHICH IT WAS CREATED WITHOUT THE EXPRESSED, WRITTEN CONSENT OF VHB. ANY UNAUTHORIZED USE, REUSE, MODIFICATION OR ALTERATION, INCLUDING AUTOMATED CONVERSION OF THIS DOCUMENT SHALL BE AT THE USER'S SOLE RISK WITHOUT LIABILITY OR LEGAL EXPOSURE TO VHB.

PLANNING BOARD CERTIFICATION  
 This is to certify that this site plan has been approved by the Planning Board of the Town of Riverhead by Planning Board Resolution number \_\_\_\_\_ dated \_\_\_\_\_  
 Signature by Planning Board Chairperson \_\_\_\_\_  
 Date of signature \_\_\_\_\_

**sPower Calverton**  
Middle Country Road & Peconic Avenue  
Town of Riverhead, Calverton, NY

No.	Revision	Date	Appr.
1	PER PLANNING BOARD COMMENTS	1/26/2017	CR
1	PER TOWN COMMENTS	11/14/2016	CR
1	PER TOWN COMMENTS	11/14/2016	CR

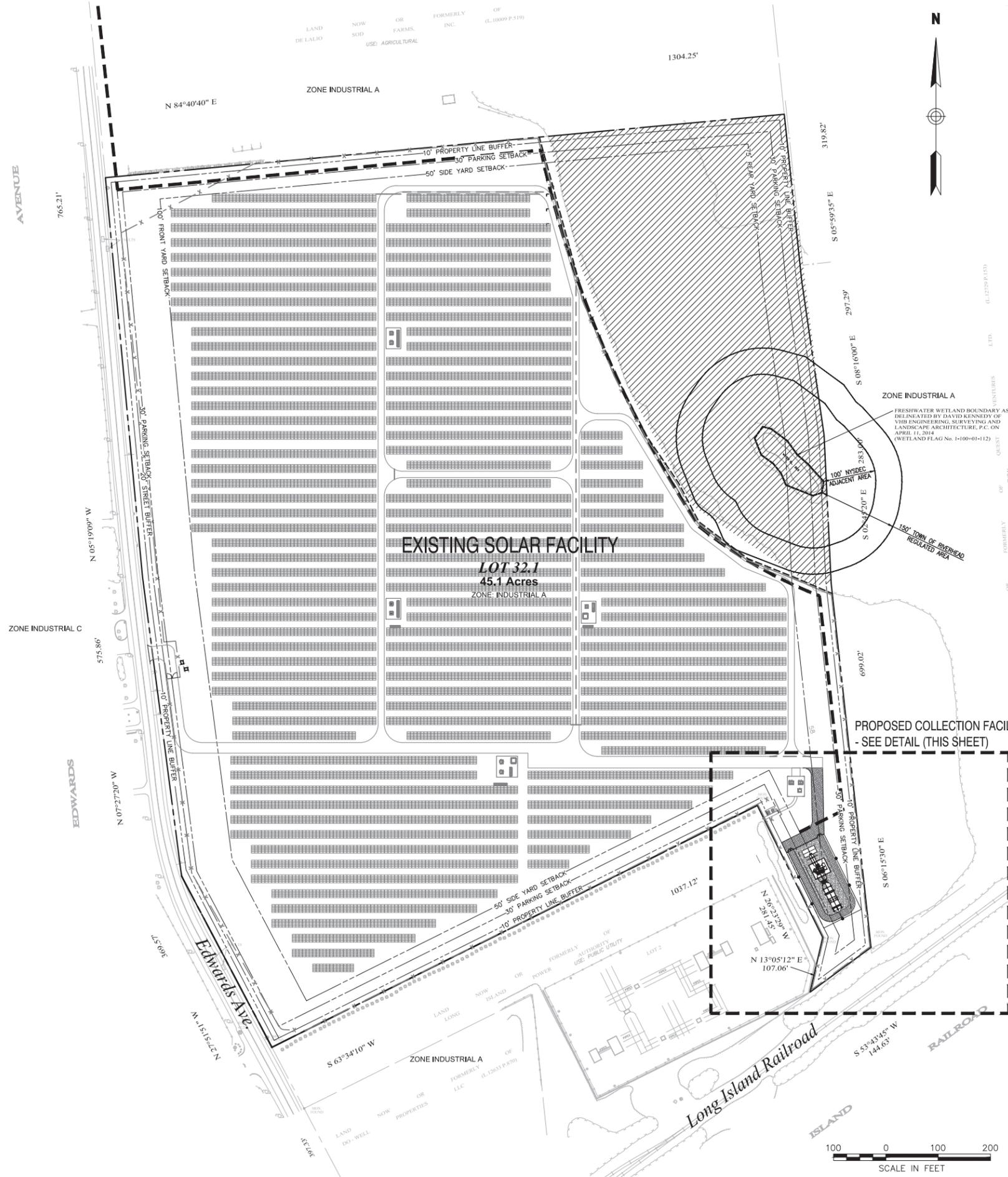
Designed by DP Checked by CR  
Issued for Date August 15, 2016

**Site Plan Review**

Not Approved for Construction

Legend and General Notes

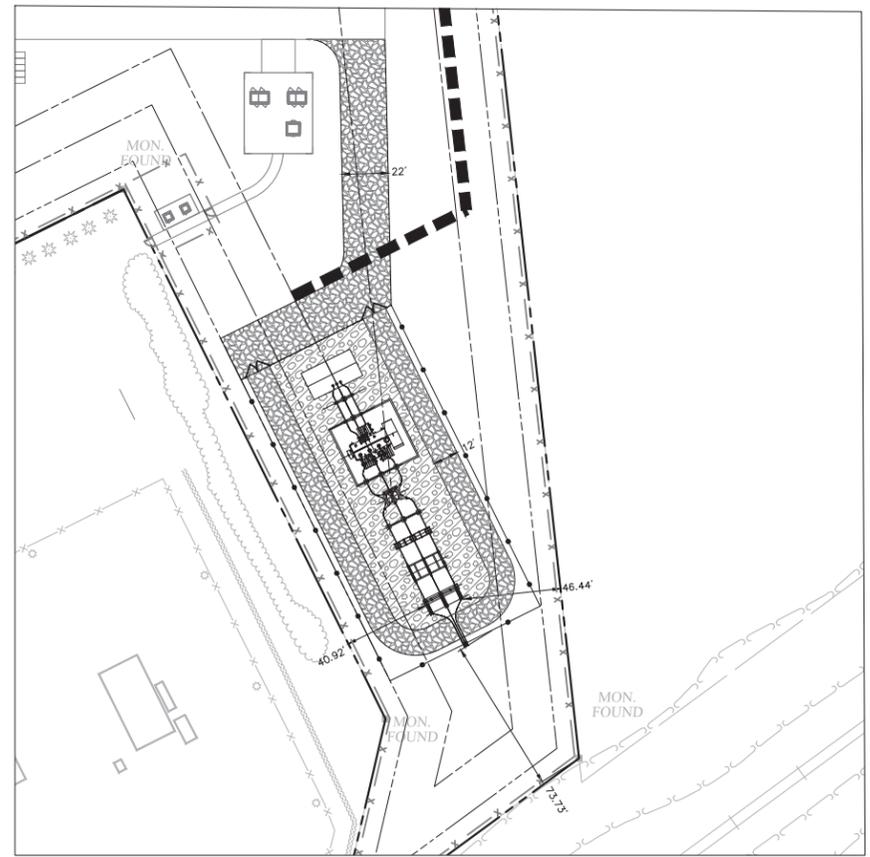




**Reference**  
 BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY:  
 P.M. LAND SURVEYING, PLLC  
 132 CLYDE STREET / SUITE 16  
 WEST SAYVILLE, NY 11796  
 DATED: 2/28/14

**Zoning Summary Chart - Parcel A**

Existing Zoning District:	Industrial A				
Overlay District:	Commercial Solar Energy Production Systems				
Existing Use:	Solar Facility				
Proposed Use:	Solar Facility				
Industrial A Dimensional Criteria					
Section	Zoning Regulation	Requirement	Previously Approved	Proposed	Conforms
#108 ATTACHMENT 3	MINIMUM LOT AREA	80,000 SF	1,964,687 SF (45.1 AC)	1,964,687 SF (45.1 AC)	YES
#108 ATTACHMENT 3	MINIMUM LOT WIDTH AT FRONT STREET	200 Feet	1,711 Feet	1,711 Feet	YES
#108 ATTACHMENT 3	BUILDING LOT COVERAGE	40 %	28.00%	28.01%	YES
#108 ATTACHMENT 3	MAXIMUM IMPERVIOUS SURFACE	70	28.00%	28.01%	YES
#108 ATTACHMENT 3	MAXIMUM HEIGHT OF BUILDINGS	30 Feet	N/A	30 Feet +	YES
#108 ATTACHMENT 3	MAXIMUM F.A.R.	0.40	0.00	0.00	YES
#108 ATTACHMENT 3	MINIMUM FRONT YARD DEPTH	100 Feet	100.1 FEET	100.1 Feet	YES
#108 ATTACHMENT 3	MINIMUM SIDE YARD DEPTH (EACH/COMBINED)	50/100 Feet	50.2/100.5 Feet	40.9/91.1 Feet	NO
#108 ATTACHMENT 3	MINIMUM REAR YARD DEPTH	75 Feet	89.0 Feet	46.4 Feet	NO
#108 ATTACHMENT 3	PROPERTY LINE BUFFER	10 Feet	10 Feet	10 Feet	YES
#108 ATTACHMENT 3	STREET BUFFER	20 Feet	20 Feet	20 Feet	YES
#108 ATTACHMENT 3	PARKING BUFFER	30 Feet	30 Feet	30 Feet	YES
+ PROPOSED COLLECTION FACILITY HEIGHT					
Commercial Solar Energy Production Systems					
Section	Zoning Regulation	Requirement	Previously Approved	Proposed	Conforms
#108 ARTICLE XL	MINIMUM LOT AREA	5 Acres	1,964,687 Sq. Ft.	1,964,687 Sq. Ft.	YES
#108 ARTICLE XL	MAXIMUM LOT COVERAGE	80 %	0%	28.01%	YES
#108 ARTICLE XL	MAXIMUM GROUND MOUNTED PANEL HEIGHT	8 Feet	N/A	10 Feet +	NO



**Proposed Collection Facility**

SCALE : 1" = 40'



Engineering, Surveying & Landscape Architecture, PC  
 100 Motor Parkway  
 Suite 135  
 Hauppauge, NY 11788  
 631.787.3400

PLANNING BOARD CERTIFICATION  
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 Signature by Planning Board Chairperson \_\_\_\_\_  
 Date of signature \_\_\_\_\_

**sPower Calverton**  
 Middle Country Road & Peconic Avenue  
 Town of Riverhead, Calverton, NY

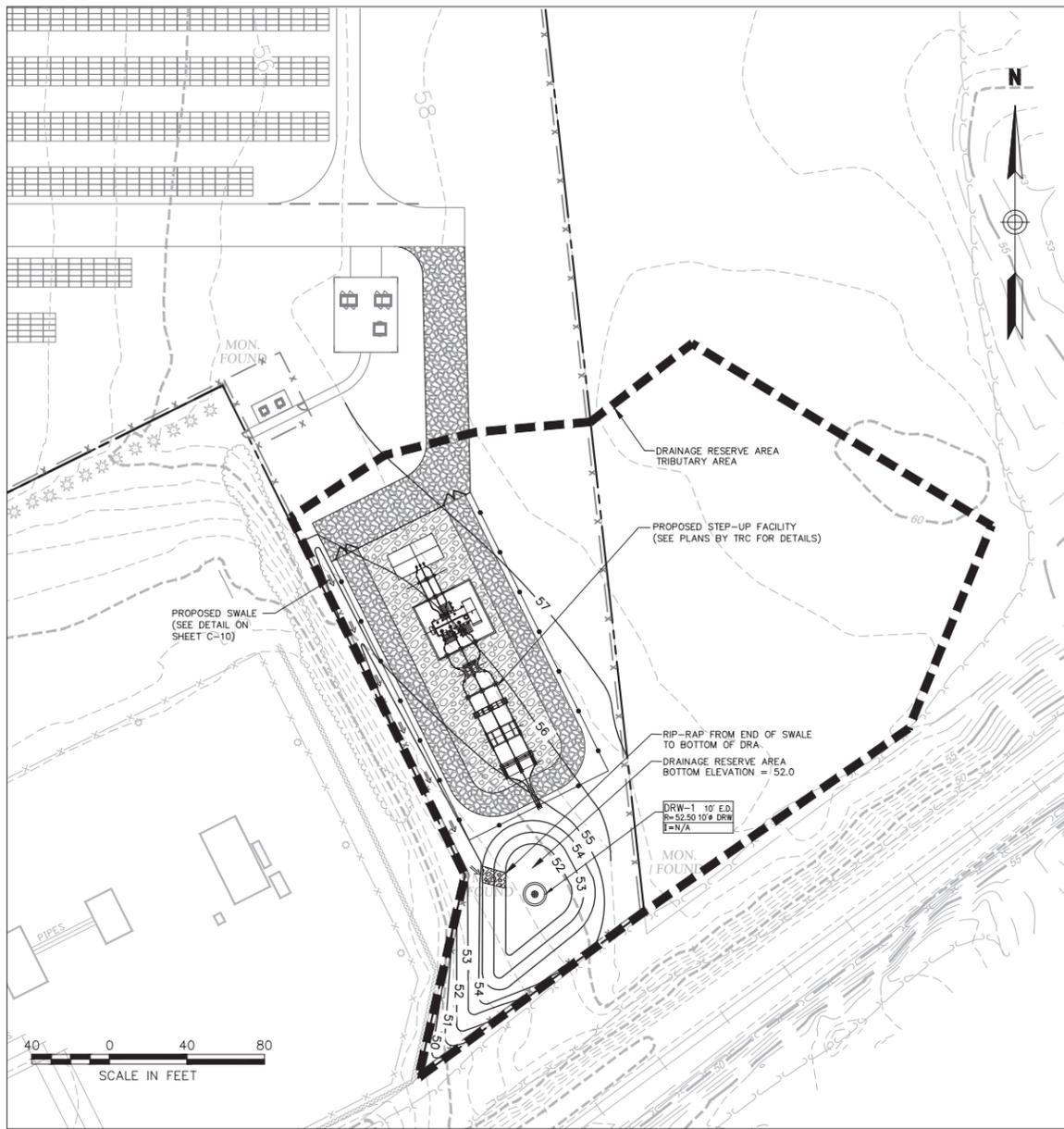
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Designed by DP Checked by CR  
 Date August 15, 2016  
 Sited for Site Plan Review

Not Approved for Construction  
**Collection Facility**  
**Layout & Materials Plan**

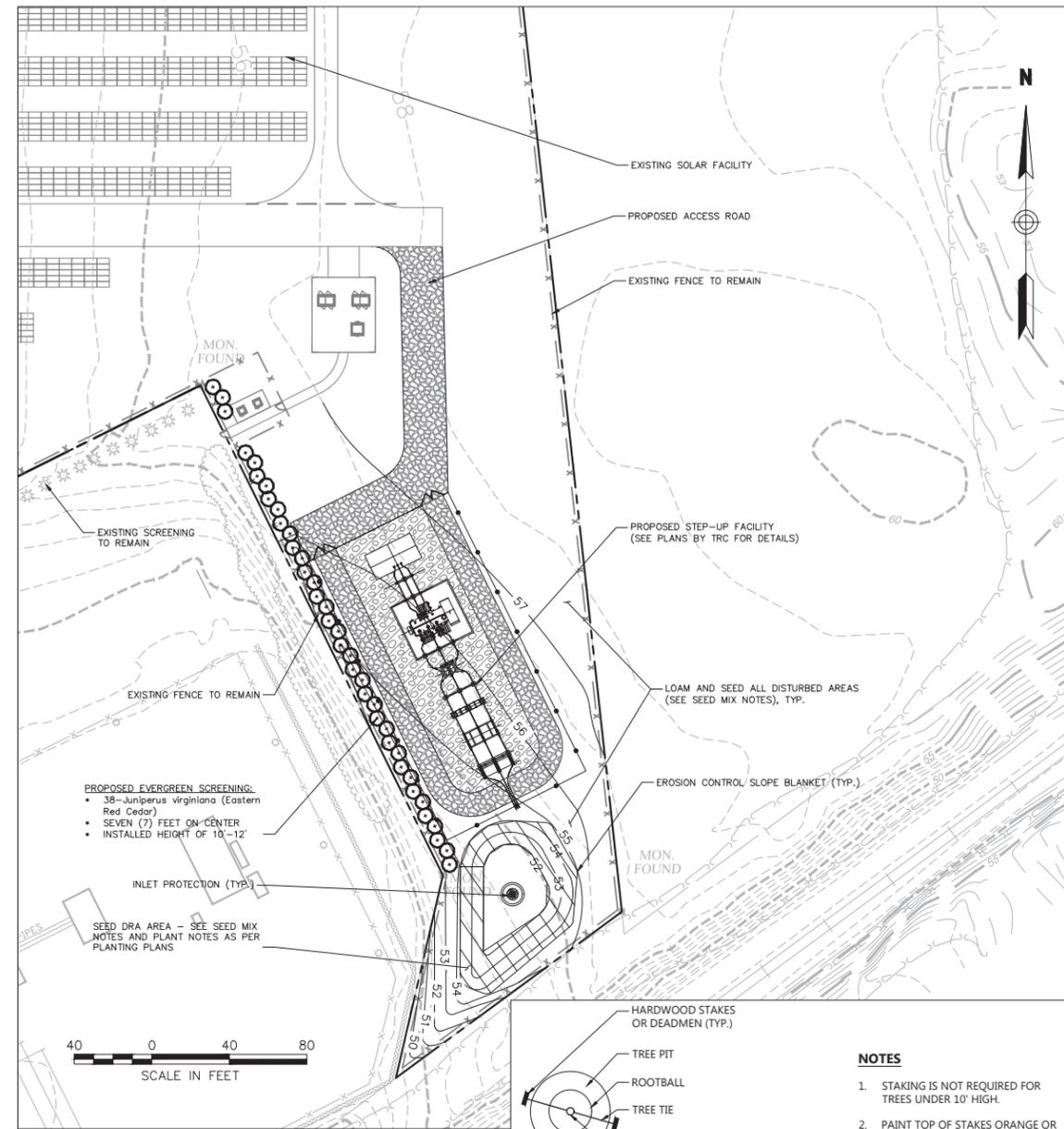
Drawing Number  
**C-3**  
 Sheet 3 of 13

*Signature*



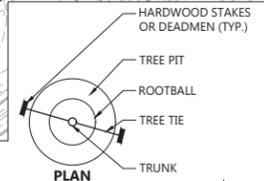
**Grading & Drainage Plan**

SCALE : 1" = 40'



**Landscape / Erosion Control Plan**

SCALE : 1" = 40'



**NOTES**

1. STAKING IS NOT REQUIRED FOR TREES UNDER 10' HIGH.
2. PAINT TOP OF STAKES ORANGE OR REFLECTIVE RED TAPE.

**Drainage Calculation Summary**

1. STORAGE VOLUME BASED ON A 2-INCH RAINFALL
2. RUNOFF COEFFICIENTS FOR:  
DRAINAGE RESERVE AREAS = 1.00  
LANDSCAPED, GRASSED, NATURAL, OTHER PERVIOUS AREAS = 0.30  
GRAVEL ROADS/ EQUIPMENT AREAS = 0.50

Drainage Reserve Area	Contributing Area (SF)	Runoff C	Rainfall (FT)	Volume (CF)
REQUIRED STORAGE VOLUME CALCULATION				
DRAINAGE RESERVE AREA	3,708	X 1.0	X 2/12	= 618
LANDSCAPED / GRASSED AREAS	53,245	X 0.30	X 2/12	= 2,662
GRAVEL ROADS / EQUIPMENT AREAS	13,420	X 0.50	X 2/12	= 1,118
			REQUIRED STORAGE VOLUME	= 4,399
PROVIDED STORAGE VOLUME DESIGN:				
STORAGE VOLUME PROVIDED IN DRAINAGE RESERVE AREA:	4,825	CF		

**Erosion Control Notes**

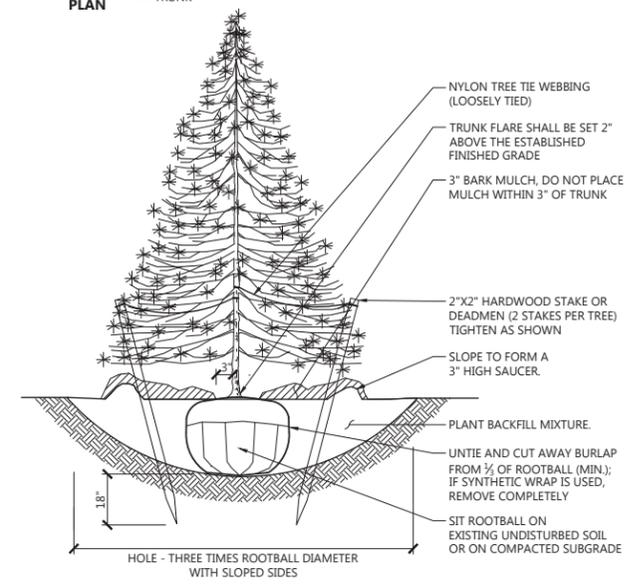
1. PRIOR TO STARTING ANY OTHER WORK ON THE SITE, THE CONTRACTOR SHALL NOTIFY APPROPRIATE AGENCIES AND SHALL INSTALL EROSION CONTROL MEASURES AS SHOWN ON THE PLANS AND AS IDENTIFIED IN FEDERAL, STATE, AND LOCAL APPROVAL DOCUMENTS PERTAINING TO THIS PROJECT.
2. INSTALL EROSION CONTROL MEASURES AS SHOWN ON PLANS AND DETAILS PRIOR TO CONSTRUCTION. EXCAVATED MATERIAL THAT IS CONTAINED ON SITE SHALL BE SURROUNDED BY HAY BALES AND/OR SILT FENCE AS REQUIRED. SILT FENCES AND HAY BALES SHOULD BE INSPECTED AFTER EVERY STORM AND AT THE END OF THE WORKING DAY.
3. SEDIMENT SHALL BE CONTAINED WITHIN THE CONSTRUCTION SITE AND AWAY FROM ALL DRAINAGE STRUCTURES. INSTALL TEMPORARY EROSION CONTROLS AT DESIGNATED CATCH BASIN GRATES TO PREVENT SEDIMENT FROM ENTERING NEWLY CONSTRUCTED OR EXISTING DRAINAGE SYSTEMS.
4. CONTRACTOR SHALL INSPECT AND MAINTAIN EROSION CONTROL MEASURES, AND REMOVE SEDIMENT THEREFROM ON A WEEKLY BASIS AND WITHIN TWELVE HOURS AFTER EACH STORM EVENT AND DISPOSE OF SEDIMENTS IN AN UPLAND AREA SUCH THAT THEY DO NOT ENCUMBER OTHER DRAINAGE STRUCTURES AND PROTECTED AREAS AS OUTLINED IN SWPPP.
5. ALL SLOPES GREATER THAN 3:1 (HORIZONTAL TO VERTICAL) WILL BE STABILIZED WITH SEED AND SECURED BY GEO-TEXTILE FABRIC, OR ROCK RIP-RAP AS REQUIRED TO PREVENT EROSION DURING CONSTRUCTION.
6. EROSION CONTROL BLANKETS ARE TO BE INSTALLED ON 1:6 DRAINAGE RESERVE AREA SLOPES ADJACENT TO SHEET FLOW UNTIL VEGETATION IS ESTABLISHED.
7. CONTRACTOR SHALL PERFORM CONSTRUCTION SEQUENCING SUCH THAT EARTH MATERIALS ARE EXPOSED FOR A MINIMUM OF TIME BEFORE THEY ARE COVERED, SEEDED, OR OTHERWISE STABILIZED TO PREVENT EROSION.
8. CONTRACTOR SHALL BE FULLY RESPONSIBLE TO CONTROL CONSTRUCTION SUCH THAT SEDIMENTATION SHALL NOT AFFECT REGULATORY PROTECTED AREAS, WHETHER SUCH SEDIMENTATION IS CAUSED BY WATER, WIND, OR DIRECT DEPOSIT.
9. ALL ADJACENT PUBLIC ROADS SHALL BE KEPT CLEAN AND FREE OF SEDIMENT AND DEBRIS AT ALL TIMES.
10. UPON COMPLETION OF CONSTRUCTION AND ESTABLISHMENT OF PERMANENT GROUND COVER, CONTRACTOR SHALL REMOVE AND DISPOSE OF EROSION CONTROL MEASURES AND CLEAN SEDIMENT AND DEBRIS FROM ENTIRE DRAINAGE AND SEWER SYSTEMS.

**SOLAR FARM SEED MIX**

% SEED	BOTANICAL NAME	COMMON NAME
30%	Festuca rubra	Creeping Red Fescue
30%	Festuca ovina 'Whisper'	Sheep Fescue 'Whisper'
15%	Festuca ovina var. duriuscula (F. longifolia) 'Heron'	Hard Fescue 'Heron'
15%	Festuca brevipila Chariot	Hard Fescue 'Chariot'
10%	Lolium multiflorum (L. perenne var. italicum)	Annual Ryegrass
Total 100%		

**SEED MIX NOTES:**

1. DISTURBED AREAS TO BE SEEDED ONLY. SEEDING RATE TO BE 6 LB PER 1,000 SF. SEED MIX TO BE ERNMX-186 'SOLAR FARM SEED MIX' AS MANUFACTURED BY ERNST CONSERVATION SEEDS, 8884 MERCER PIKE, MEADVILLE PA, 16335 (800) 873-3321.
2. CONTRACTOR SHALL INSTALL & MAINTAIN (DURING MAINTENANCE PERIOD & PRIOR TO ACCEPTANCE) SEED APPLICATION AS PER MANUFACTURER'S ESTABLISHMENT AND RECOMMENDATIONS.
3. CONTRACTOR SHALL SUBMIT SOURCE, SAMPLE, CERTIFIED SEED ANALYSIS, AND DETAILED METHOD OF INSTALLATION & ESTABLISHMENT FOR LANDSCAPE ARCHITECT APPROVAL PRIOR TO ORDERING.



**Evergreen Tree Planting**

N.T.S. Source: VHB 1/16 LD\_604

**sPower Calverton**  
Middle Country Road & Peconic Avenue  
Town of Riverhead, Calverton, NY

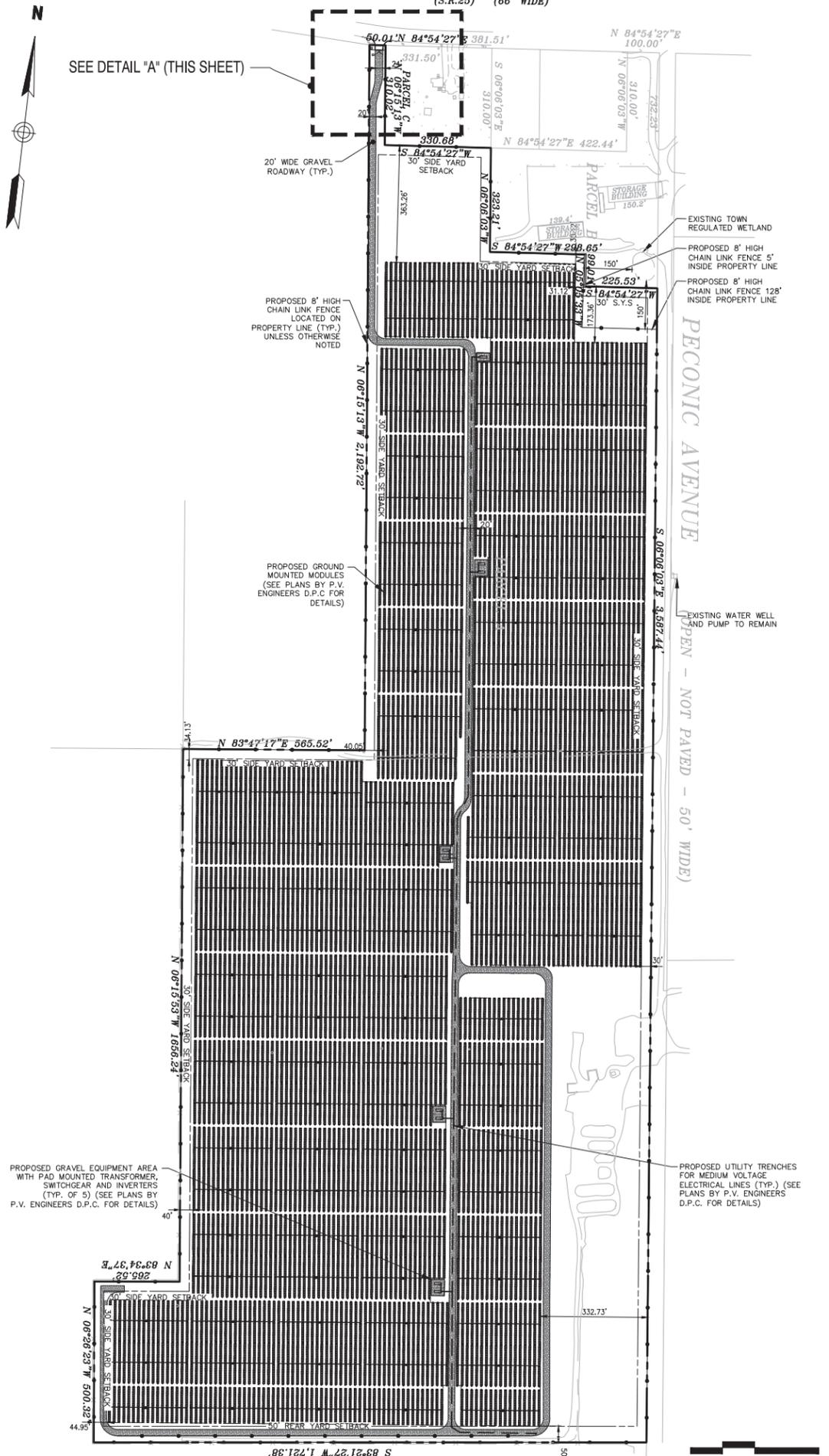
No.	Revision	Date	Appr.
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1	PER TOWN COMMENTS	11/14/2016	CR
Designed by	DP	Checked by	CR
Issued for	Date		
	Site Plan Review		August 15, 2016

**Not Approved for Construction**

Collection Facility  
Grading Plan /  
Landscape Plan

# MIDDLE COUNTRY ROAD

(S.R.25) (66' WIDE)

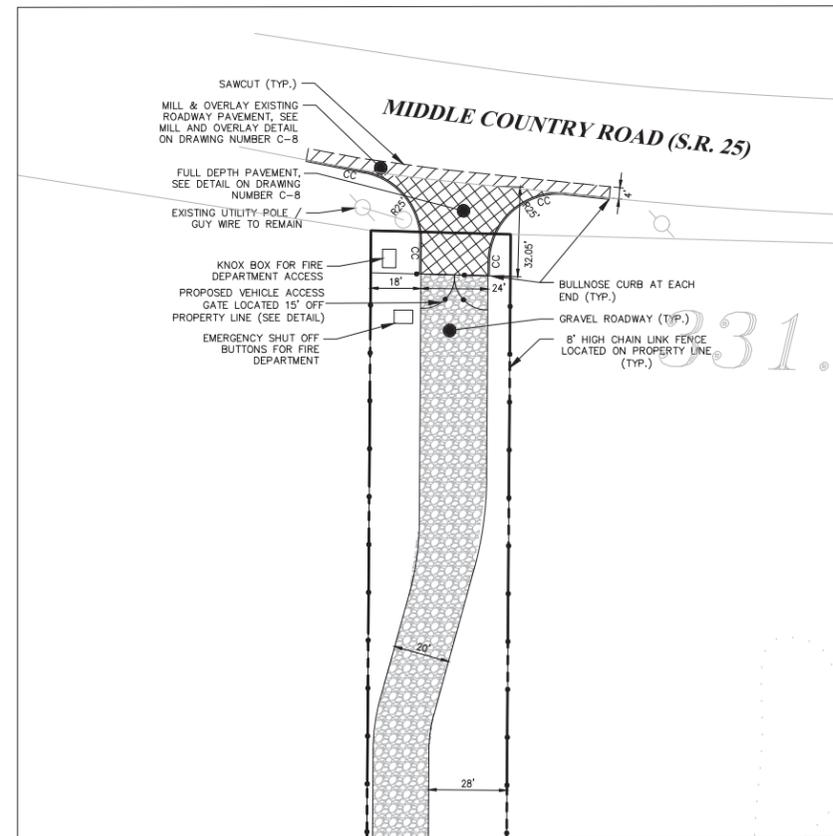


## Zoning Summary Chart- Parcel B

Existing Zoning District:	Industrial C				
Overlay District:	Commercial Solar Energy Production Systems				
Existing Use:	Sod Operations				
Proposed Use:	Solar Facility				
Industrial C Dimensional Criteria					
Section	Zoning Regulation	Requirement	Existing	Proposed	Conforms
§108 ATTACHMENT 3	MINIMUM LOT AREA	80,000 SF	N/A	4,784,110 SF (109.9 Acres)	YES
§108 ATTACHMENT 3	MINIMUM LOT WIDTH AT FRONT STREET	300 Feet	N/A	50 Feet	NO
§108 ATTACHMENT 3	BUILDING LOT COVERAGE	40 %	0%	35%	YES
§108 ATTACHMENT 3	MAXIMUM IMPERVIOUS SURFACE	60 %	0%	35%	YES
§108 ATTACHMENT 3	MAXIMUM HEIGHT OF BUILDINGS	30 Feet	N/A	N/A	YES
§108 ATTACHMENT 3	MAXIMUM F.A.R.	0.40	0.00	N/A	YES
§108 ATTACHMENT 3	MINIMUM FRONT YARD DEPTH	30 Feet	> 30 Feet	N/A	YES
§108 ATTACHMENT 3	MINIMUM SIDE YARD DEPTH (EACH/COMBINED)	30 Feet / 60 Feet	> 30 Feet / > 60 Feet	30.12 Feet / 61.24 Feet	YES
§108 ATTACHMENT 3	MINIMUM REAR YARD DEPTH	50 Feet	> 50 Feet	50.88 Feet	YES
Commercial Solar Energy Production Systems					
Section	Zoning Regulation	Requirement	Existing	Proposed	Conforms
§108 ARTICLE XL	MINIMUM LOT AREA	5 Acres	N/A	4,784,110 SF (109.9 Acres)	YES
§108 ARTICLE XL	MAXIMUM LOT COVERAGE	80 %	0%	35%	YES
§108 ARTICLE XL	MAXIMUM PANEL HEIGHT	8 Feet	N/A	8 Feet	YES

## Notes

- CONTRACTOR TO VERIFY AND MARK OUT ANY UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION. ANY WELLS FOUND SHALL BE ABANDONED IN ACCORDANCE WITH SUFFOLK COUNTY REGULATIONS.



Detail "A"

SCALE: 1" = 30'



vhb.com  
Engineering, Surveying & Landscape Architecture, PC  
100 Motor Parkway  
Suite 135  
Hauppauge, NY 11788  
631.787.3400

PLANNING BOARD CERTIFICATION

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Signature by Planning Board Chairperson \_\_\_\_\_  
Date of signature \_\_\_\_\_

sPower Calverton  
Middle Country Road & Peconic Avenue  
Town of Riverhead, Calverton, NY

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1	PER TOWN COMMENTS	11/14/2016	CR

Designed by DP Checked by CR

Issued for: Site Plan Review Date: August 15, 2016

Not Approved for Construction

Solar Facility  
Layout, Materials and  
Utility Plan

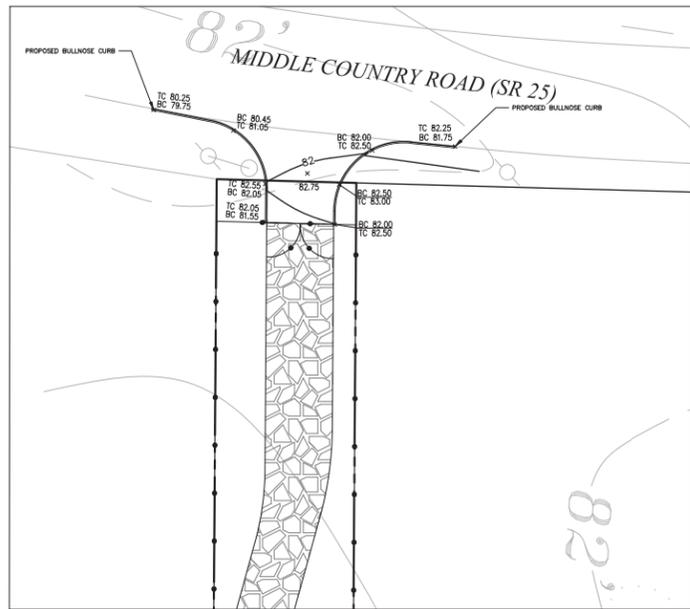
Drawing Number

C-5

*Signature*

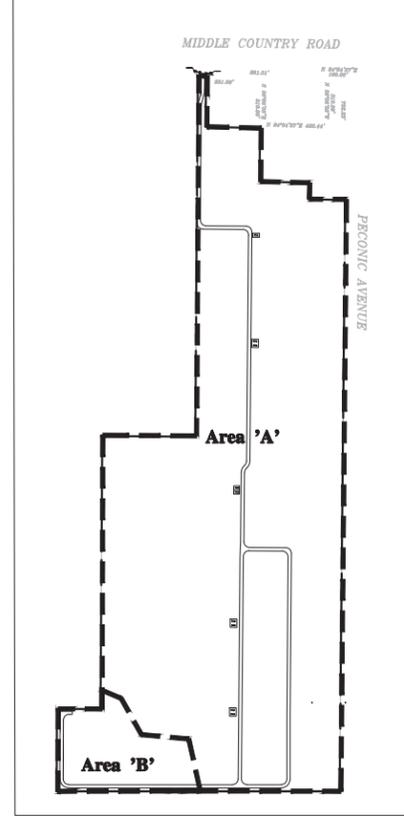
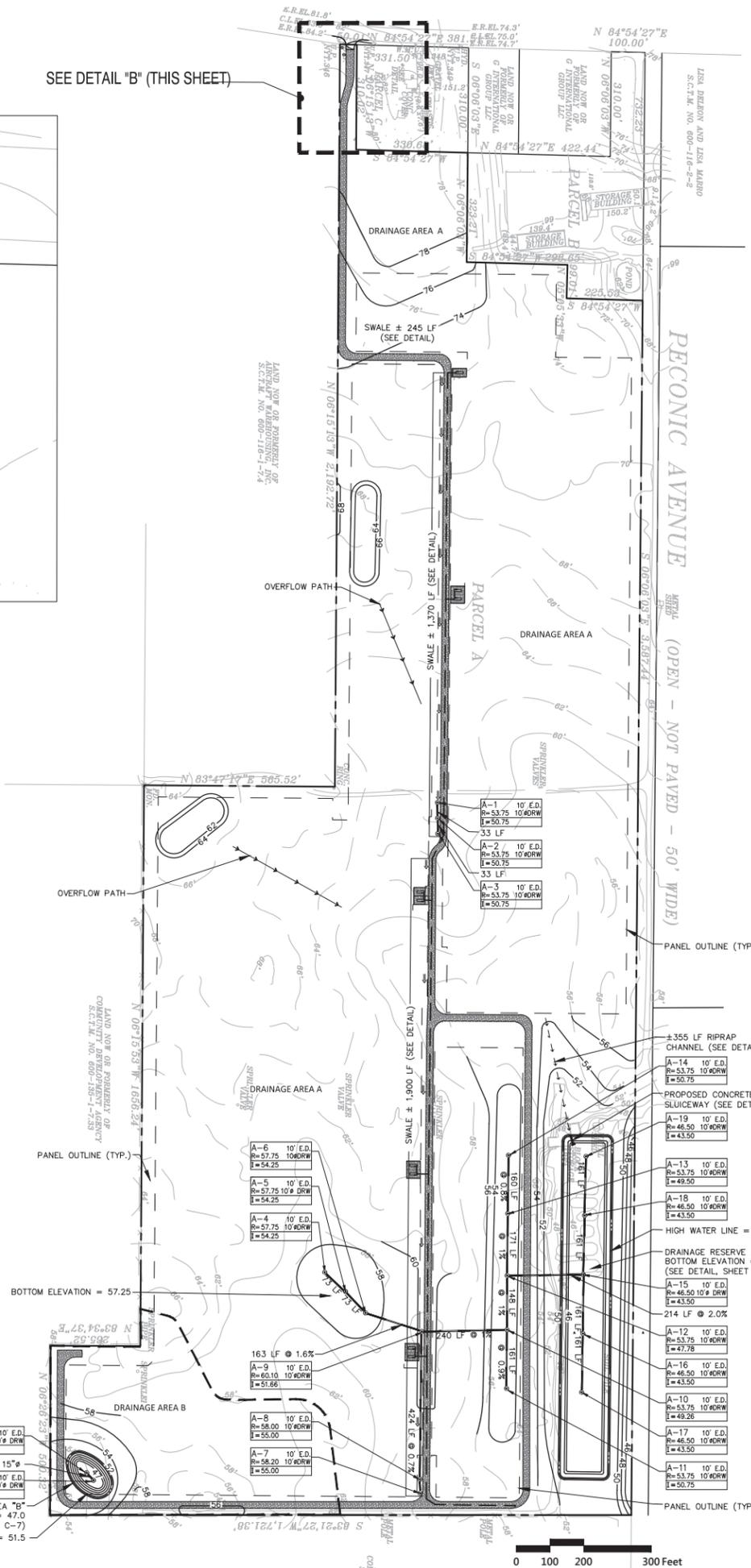
Sheet 5 of 13

Project Number  
29194.03



**Detail "B"**  
SCALE: 1" = 30'

SEE DETAIL "B" (THIS SHEET)



**Tributary Area Map**

**Legend**

- OVERFLOW PATH
- ⇨ SWALE
- ⇨ RIPRAP CHANNEL

**Notes**

1. EXCESS MATERIAL FROM EXCAVATION OF GEN-TIE ROUTE WILL BE PLACED ON THE PROPOSED SITE (LOT A).

**Drainage Calculation Summary**

**Local Drainage Design Criteria**

1. STORAGE VOLUME BASED ON A 2-INCH RAINFALL
2. RUNOFF COEFFICIENTS FOR:
  - CONCRETE PADS = 1.00
  - PANELS = 1.00
  - DRAINAGE RESERVE AREAS = 1.00
  - LANDSCAPED, GRASSED, NATURAL, OTHER PERVIOUS AREAS = 0.30
  - GRAVEL ROADS / EQUIPMENT AREAS = 0.50
3. PER THE GEOTECHNICAL REPORT PREPARED BY GZA GEOTECHNICAL OF NEW YORK DATED SEPTEMBER 1, 2015 GROUNDWATER WAS NOT OBSERVED IN ANY OF THE TEST BORINGS OR TEST PITS HOWEVER A WET SAMPLE WAS ENCOUNTERED AT A DEPTH OF 30 FEET AND 40 FEET AT TEST BORINGS B-4 AND B-1, RESPECTIVELY.
4. INTERCONNECTING PIPE BETWEEN DRYWELLS SHALL BE 15-INCH DIAMETER HDPE SMOOTH INTERIOR WALL CORRUGATED PLASTIC PIPE (CPP), UNLESS OTHERWISE NOTED ON THE PLANS.
5. FOR GRADING AND DRAINAGE DESIGN IT IS ASSUMED THAT ALL SOD IS TO REMAIN IN PLACE.

Drainage Area - A	Contributing Area (SF)	Runoff C	Rainfall (FT)	Volume (CF)
<b>REQUIRED STORAGE VOLUME CALCULATION</b>				
CONCRETE PADS	1,211	X	1.0	X 2/12 = 202
PANELS	1,406,157	X	1.0	X 2/12 = 234,360
DRAINAGE RESERVE AREAS	154,717	X	1.0	X 2/12 = 25,786
LANDSCAPED / GRASSED AREAS	2,716,460	X	0.30	X 2/12 = 135,823
GRAVEL ROADS / EQUIPMENT AREAS	139,032	X	0.50	X 2/12 = 11,586
				<b>REQUIRED STORAGE VOLUME = 407,757</b>
<b>PROVIDED STORAGE VOLUME DESIGN:</b>				
STORAGE VOLUME PROVIDED IN DRAINAGE RESERVE AREA A:	434,681 CF			

Drainage Area - B	Contributing Area (SF)	Runoff C	Rainfall (FT)	Volume (CF)
<b>REQUIRED STORAGE VOLUME CALCULATION</b>				
CONCRETE PADS	0	X	1.0	X 2/12 = 0
PANELS	111,844	X	1.0	X 2/12 = 18,640.67
DRAINAGE RESERVE AREAS	10,240	X	1.00	X 2/12 = 1707
LANDSCAPED / GRASSED AREAS	217,326	X	0.30	X 2/12 = 10866
GRAVEL ROADS / EQUIPMENT AREAS	27,123	X	0.50	X 2/12 = 2260
				<b>REQUIRED STORAGE VOLUME = 33,473.88</b>
<b>PROVIDED STORAGE VOLUME DESIGN:</b>				
STORAGE VOLUME PROVIDED IN DRAINAGE RESERVE AREA B:	34,384 CF			



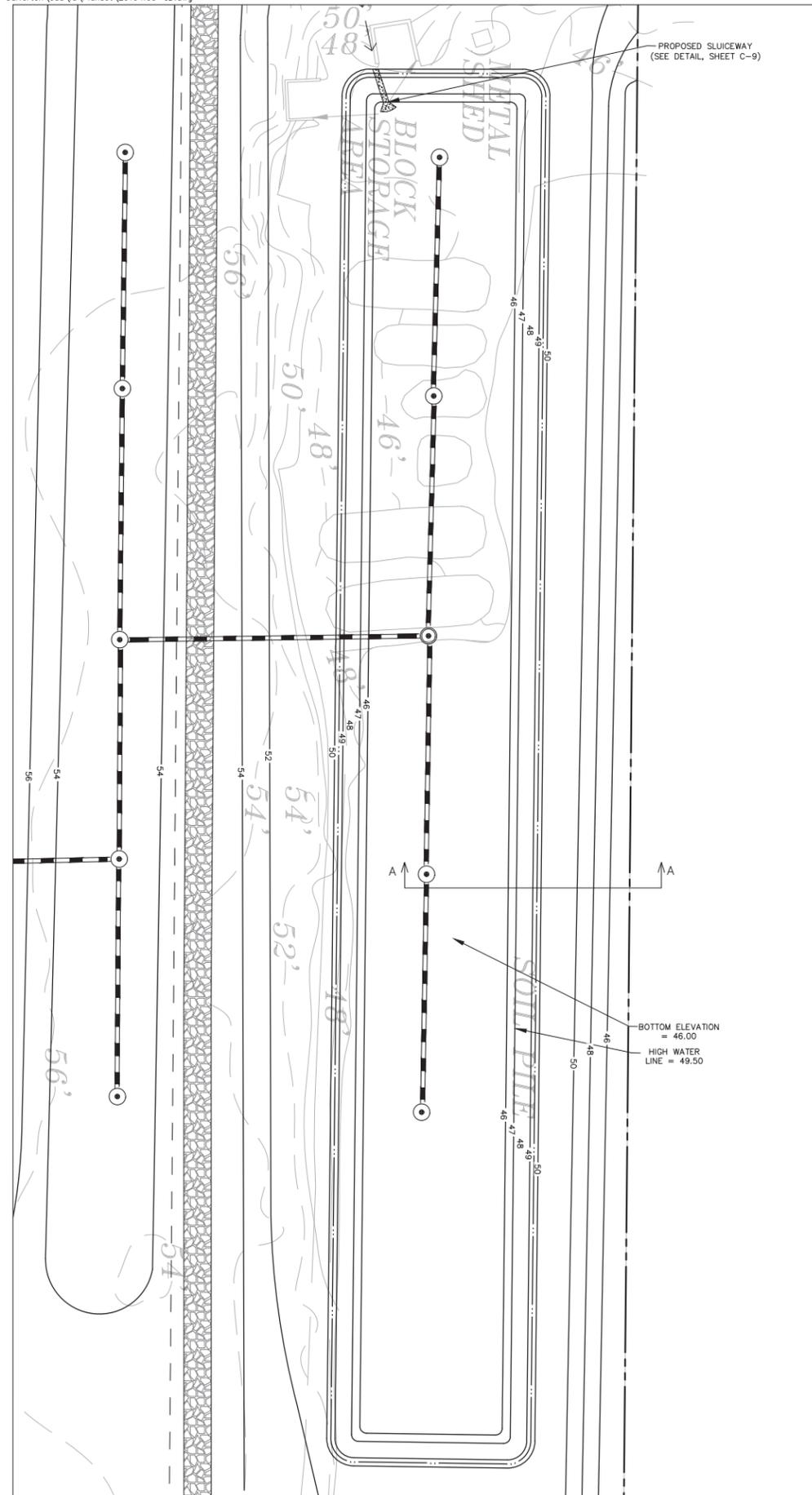
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Signature by Planning Board Chairperson \_\_\_\_\_  
Date of signature \_\_\_\_\_

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Middle Country Road & Peconic Avenue  
Town of Riverhead, Calverton, NY

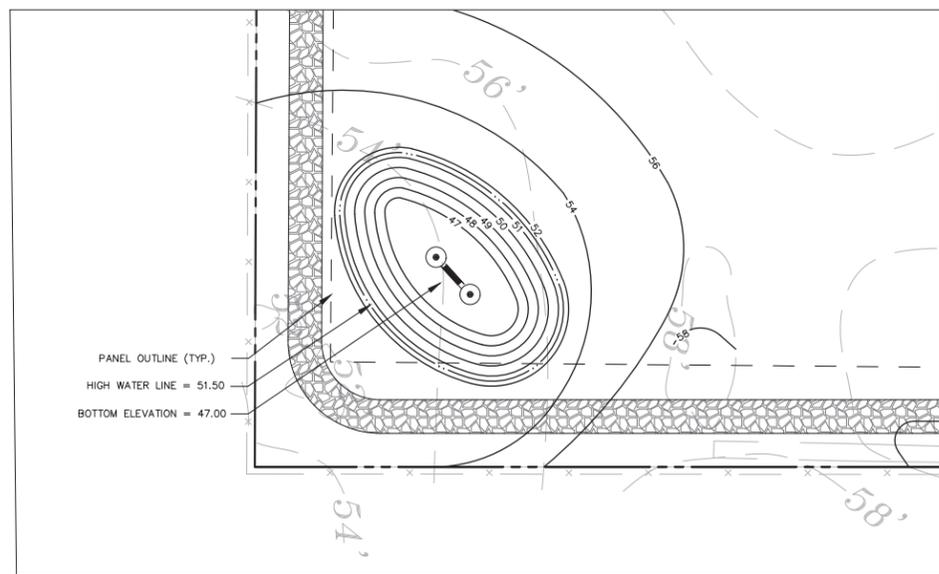
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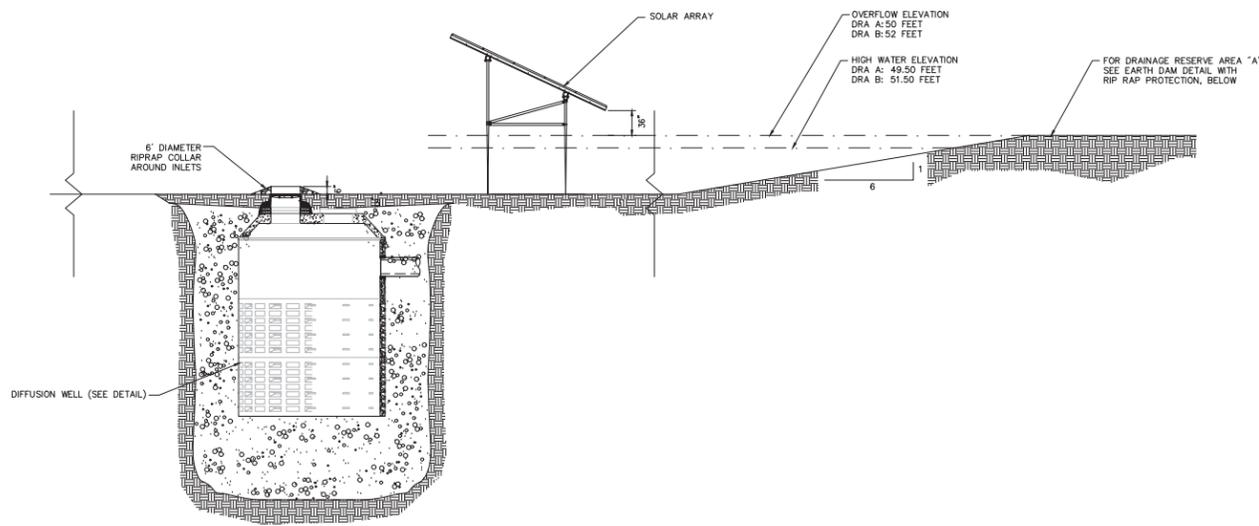
**Not Approved for Construction**  
Drawing Title: **Solar Facility Grading and Drainage Plan**  
Drawing Number: \_\_\_\_\_



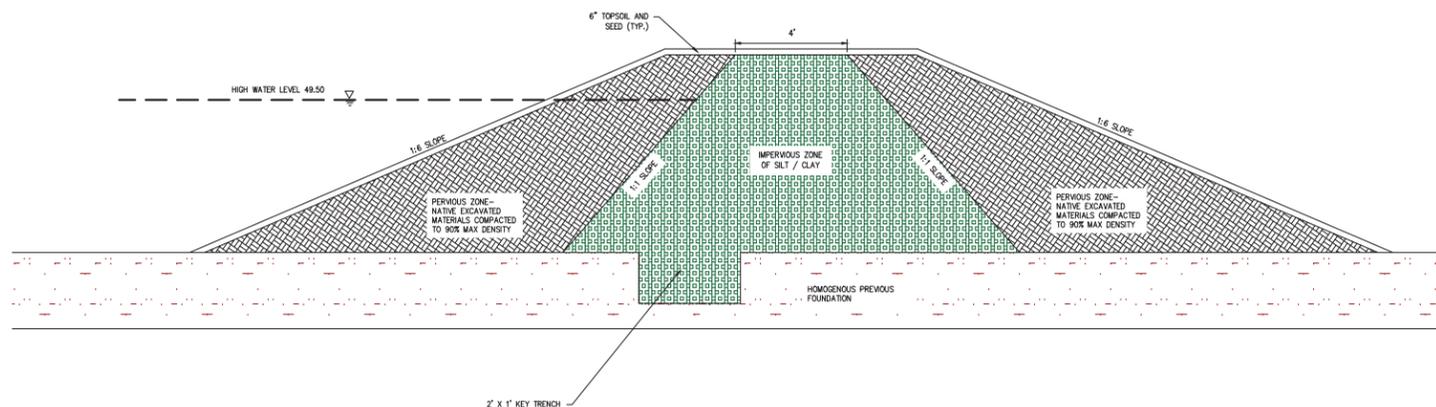
**Drainage Reserve Area "A"**  
1"=50'



**Drainage Reserve Area "B"**  
1"=50'



**Drainage Reserve Area Section (A-A)**  
N.T.S.



**Earth Dam Detail (Drainage Reserve Area "A")**  
N.T.S.



Engineering, Surveying &  
Landscape Architecture, PC  
100 Motor Parkway  
Suite 135  
Hauppauge, NY 11788  
631.787.3400

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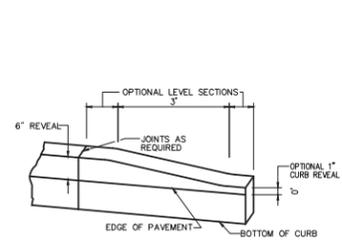
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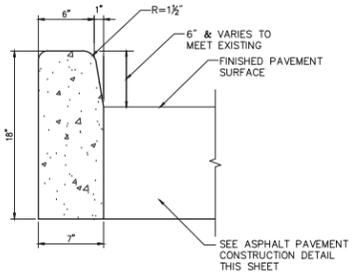
Designed by: DP  
Checked by: CR  
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Not Approved for Construction  
**Solar Facility**  
**Drainage Reserve**  
**Area Detail**

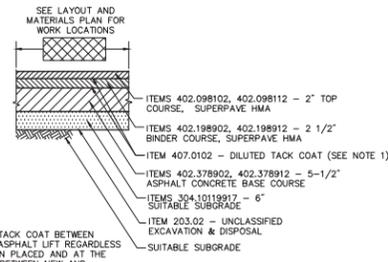




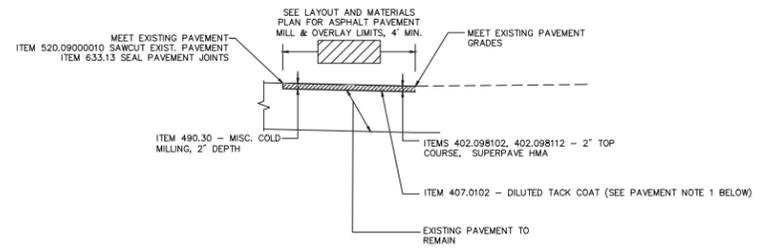
**Concrete Curb Transitions( Bullnose Curb)**  
N.T.S. Source: VHB REV 4/07 LD\_



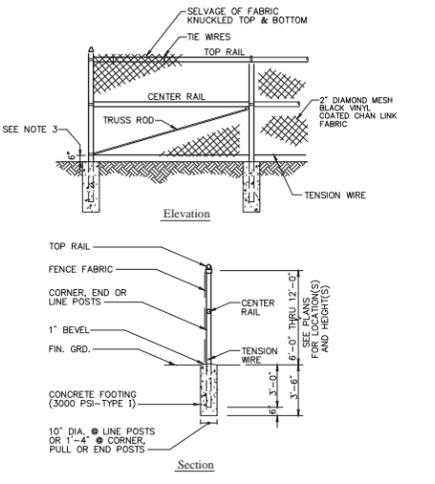
**Concrete Curb - Type A - Item 97A (On Middle Country Rd.)**  
N.T.S. Source: SCDPW REV LD\_400\_A\_SCDPW



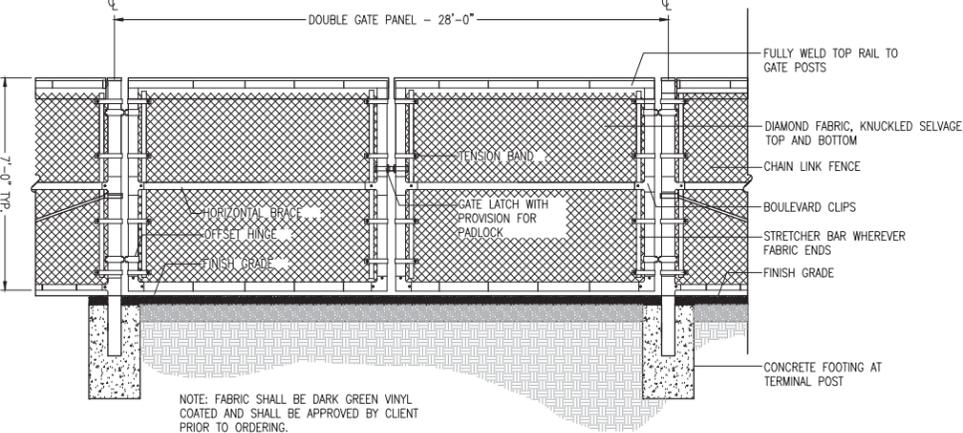
**Asphalt Pavement Construction Detail**  
N.T.S. Source: SCDPW REV LD\_400\_A\_SCDPW



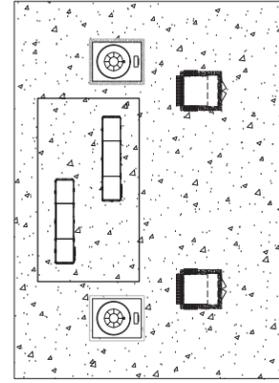
**Asphalt Pavement Mill & Overlay Detail- Middle Country Road (NYS 25)**  
N.T.S. Source: SCDPW REV LD\_400\_A\_SCDPW



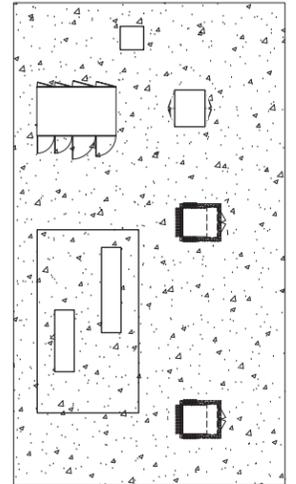
**6' to 12' Chain Link Fence**  
N.T.S. Source: VHB REV 6/08 LD\_480



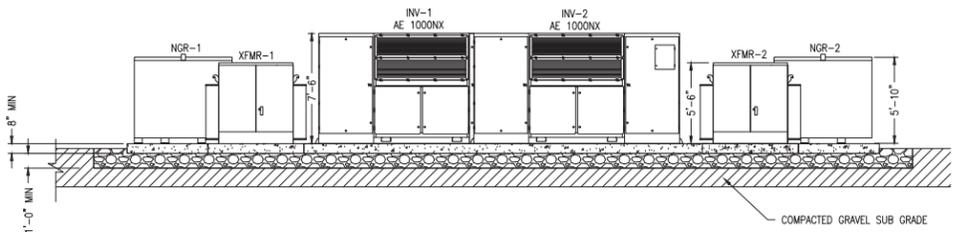
**Vehicle Gate**  
N.T.S. Source: P.V. ENGINEERS REV LD\_480



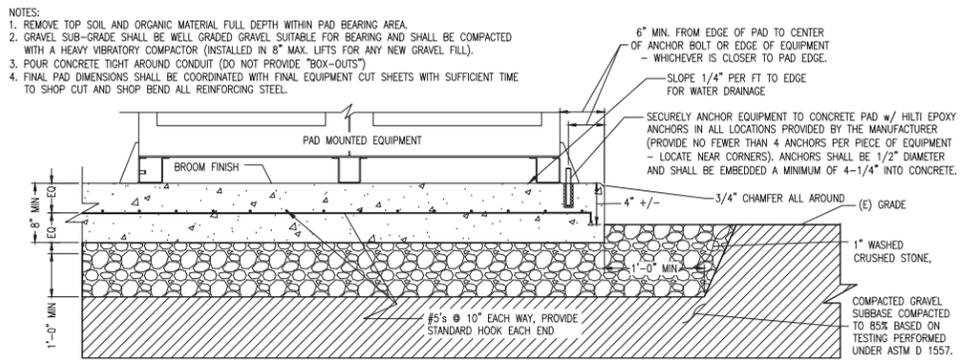
**Typical Equipment Pad - Plan View**  
N.T.S. Source: P.V. ENGINEERS REV LD\_480



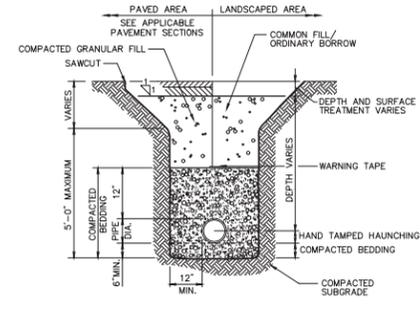
**Typical Equipment Pad - Plan View**  
N.T.S. Source: P.V. ENGINEERS REV LD\_480



**Typical Equipment Pad- Elevation**  
N.T.S. Source: Borrego Solar REV LD\_480



**Typical Equipment Pad**  
N.T.S. Source: P.V. ENGINEERS REV LD\_480



**Utility Trench**  
N.T.S. Source: VHB REV LD\_300

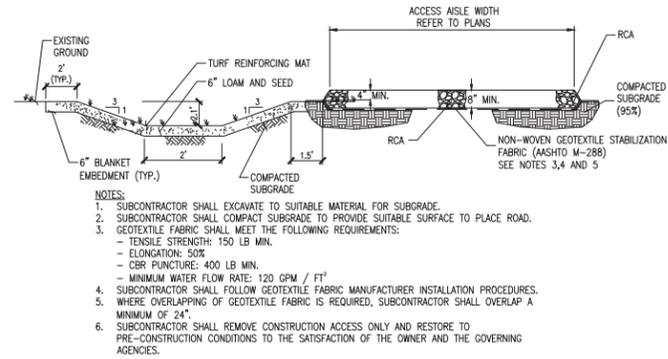
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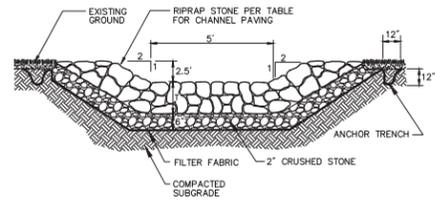
Designed by DP Checked by CR  
Date August 15, 2016

Site Plan Review  
**Not Approved for Construction**  
Site Details 1



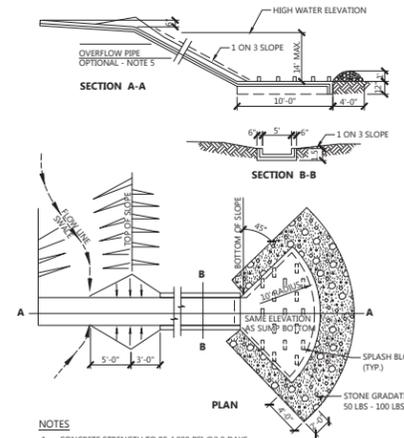
**Gravel Access Cross Section / Grassed Swale**

N.T.S. Source: Barrego Solar / VHB



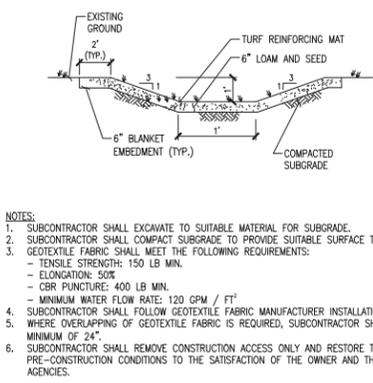
**Riprap Channel**

N.T.S. Source: VHB



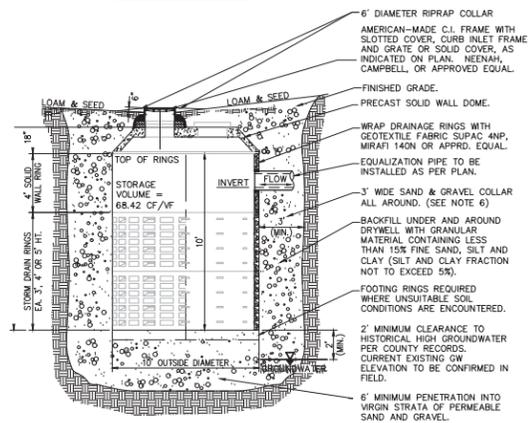
**Sluiceway**

N.T.S. Source: VHB



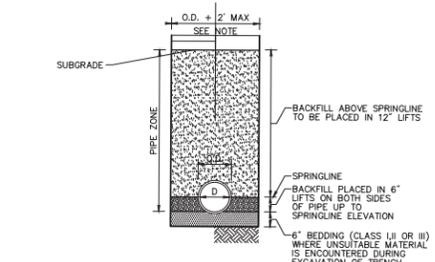
**Grassed Swale (Edwards Avenue Site)**

N.T.S. Source: VHB



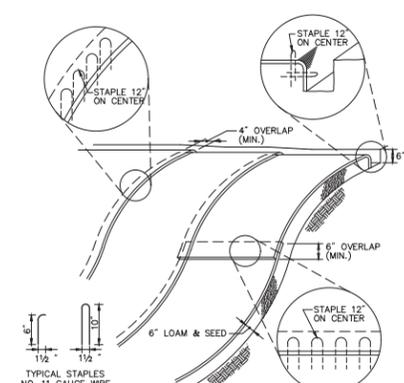
**Precast Storm Water Drainage Drywell - 10-foot Dia. (DRW)**

N.T.S. Source: VHB



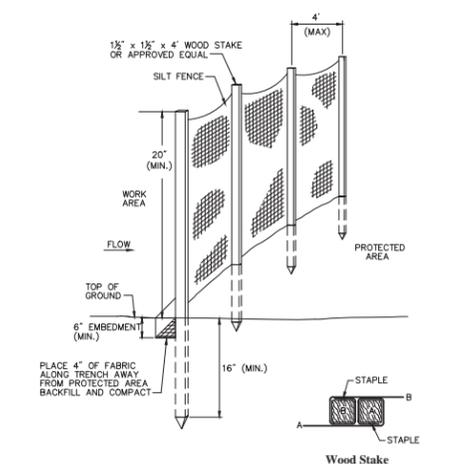
**Pipe Trench**

N.T.S. Source: VHB



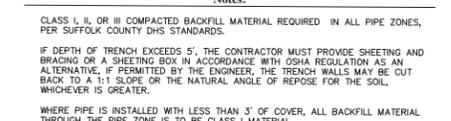
**Erosion Control Blanket Slope Installation**

N.T.S. Source: VHB



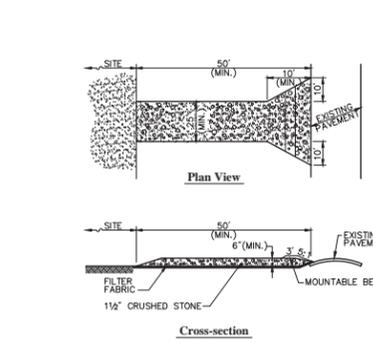
**Silt Fence Barrier**

N.T.S. Source: VHB



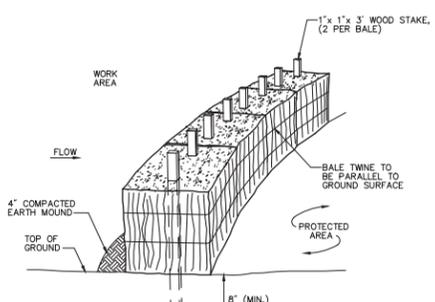
**Excavated Drop Inlet Protection**

N.T.S. Source: NYSDOT



**Stabilized Construction Exit**

N.T.S. Source: VHB



**Straw Bale Barrier**

N.T.S. Source: VHB

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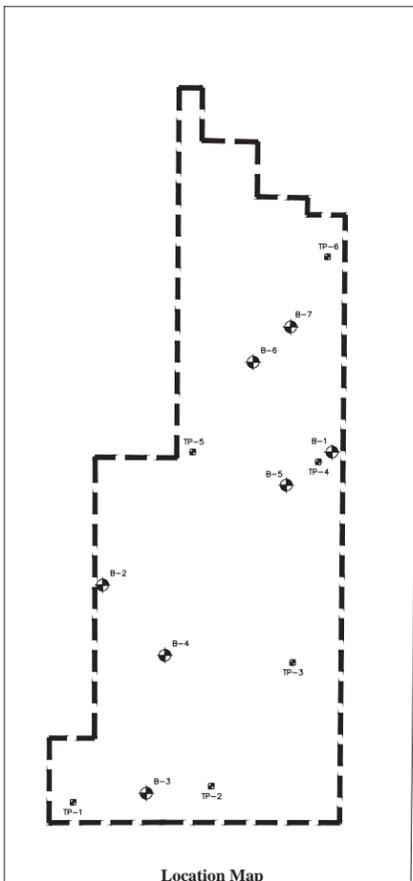
Designed by DP Checked by CR  
Site Plan Review August 15, 2016

Not Approved for Construction

**Site Details 2**



Engineering, Surveying &  
Landscape Architecture, PC  
100 Motor Parkway  
Suite 135  
Hauppauge, NY 11788  
631.787.3400



Location Map

TEST BORING LOG		EXPLANATION NO. B-01	
GSA Geotechnical Engineering, Inc. Columbia, NY 11903		PROJECT NO. 14-000000 REVISIONS BY: M. KILPATRICK	
Legend: J. Johnson Drilling Co. LAUREN Foreman: L. GURRAGE		Project Name: Power Plant Facility Location: Calverton, NY 11933 Date: 11/14/2016	
Boring Location: Section 7 Station: 100+00 Date: 11/14/2016		Driller: J. Johnson Date: 11/14/2016	
Hammer Type: Automatic Hammer Hammer Weight (lb): 140 Anvil or Coupling (in): 3.5000		Sample Type: S2 Sample Size (in): 2.0 Sample Length (in): 24 Rock Core Size:	
Remarks: 1 - Soil sample at 24.00 ft 2 - Backfill with gravel upon completion.		Expiration No.: B-01	

TEST BORING LOG		EXPLANATION NO. B-02	
GSA Geotechnical Engineering, Inc. Columbia, NY 11903		PROJECT NO. 14-000000 REVISIONS BY: M. KILPATRICK	
Legend: J. Johnson Drilling Co. LAUREN Foreman: L. GURRAGE		Project Name: Power Plant Facility Location: Calverton, NY 11933 Date: 11/14/2016	
Boring Location: Section 7 Station: 100+00 Date: 11/14/2016		Driller: J. Johnson Date: 11/14/2016	
Hammer Type: Automatic Hammer Hammer Weight (lb): 140 Anvil or Coupling (in): 3.5000		Sample Type: S2 Sample Size (in): 2.0 Sample Length (in): 24 Rock Core Size:	
Remarks: 1 - Soil sample at 24.00 ft 2 - Backfill with gravel upon completion.		Expiration No.: B-02	

TEST BORING LOG		EXPLANATION NO. B-03	
GSA Geotechnical Engineering, Inc. Columbia, NY 11903		PROJECT NO. 14-000000 REVISIONS BY: M. KILPATRICK	
Legend: J. Johnson Drilling Co. LAUREN Foreman: L. GURRAGE		Project Name: Power Plant Facility Location: Calverton, NY 11933 Date: 11/14/2016	
Boring Location: Section 7 Station: 100+00 Date: 11/14/2016		Driller: J. Johnson Date: 11/14/2016	
Hammer Type: Automatic Hammer Hammer Weight (lb): 140 Anvil or Coupling (in): 3.5000		Sample Type: S2 Sample Size (in): 2.0 Sample Length (in): 24 Rock Core Size:	
Remarks: 1 - Soil sample at 24.00 ft 2 - Backfill with gravel upon completion.		Expiration No.: B-03	

TEST BORING LOG		EXPLANATION NO. B-04	
GSA Geotechnical Engineering, Inc. Columbia, NY 11903		PROJECT NO. 14-000000 REVISIONS BY: M. KILPATRICK	
Legend: J. Johnson Drilling Co. LAUREN Foreman: L. GURRAGE		Project Name: Power Plant Facility Location: Calverton, NY 11933 Date: 11/14/2016	
Boring Location: Section 7 Station: 100+00 Date: 11/14/2016		Driller: J. Johnson Date: 11/14/2016	
Hammer Type: Automatic Hammer Hammer Weight (lb): 140 Anvil or Coupling (in): 3.5000		Sample Type: S2 Sample Size (in): 2.0 Sample Length (in): 24 Rock Core Size:	
Remarks: 1 - Soil sample at 24.00 ft 2 - Backfill with gravel upon completion.		Expiration No.: B-04	

TEST BORING LOG		EXPLANATION NO. B-05	
GSA Geotechnical Engineering, Inc. Columbia, NY 11903		PROJECT NO. 14-000000 REVISIONS BY: M. KILPATRICK	
Legend: J. Johnson Drilling Co. LAUREN Foreman: L. GURRAGE		Project Name: Power Plant Facility Location: Calverton, NY 11933 Date: 11/14/2016	
Boring Location: Section 7 Station: 100+00 Date: 11/14/2016		Driller: J. Johnson Date: 11/14/2016	
Hammer Type: Automatic Hammer Hammer Weight (lb): 140 Anvil or Coupling (in): 3.5000		Sample Type: S2 Sample Size (in): 2.0 Sample Length (in): 24 Rock Core Size:	
Remarks: 1 - Soil sample at 24.00 ft 2 - Backfill with gravel upon completion.		Expiration No.: B-05	

TEST BORING LOG		EXPLANATION NO. B-06	
GSA Geotechnical Engineering, Inc. Columbia, NY 11903		PROJECT NO. 14-000000 REVISIONS BY: M. KILPATRICK	
Legend: J. Johnson Drilling Co. LAUREN Foreman: L. GURRAGE		Project Name: Power Plant Facility Location: Calverton, NY 11933 Date: 11/14/2016	
Boring Location: Section 7 Station: 100+00 Date: 11/14/2016		Driller: J. Johnson Date: 11/14/2016	
Hammer Type: Automatic Hammer Hammer Weight (lb): 140 Anvil or Coupling (in): 3.5000		Sample Type: S2 Sample Size (in): 2.0 Sample Length (in): 24 Rock Core Size:	
Remarks: 1 - Soil sample at 24.00 ft 2 - Backfill with gravel upon completion.		Expiration No.: B-06	

TEST BORING LOG		EXPLANATION NO. B-07	
GSA Geotechnical Engineering, Inc. Columbia, NY 11903		PROJECT NO. 14-000000 REVISIONS BY: M. KILPATRICK	
Legend: J. Johnson Drilling Co. LAUREN Foreman: L. GURRAGE		Project Name: Power Plant Facility Location: Calverton, NY 11933 Date: 11/14/2016	
Boring Location: Section 7 Station: 100+00 Date: 11/14/2016		Driller: J. Johnson Date: 11/14/2016	
Hammer Type: Automatic Hammer Hammer Weight (lb): 140 Anvil or Coupling (in): 3.5000		Sample Type: S2 Sample Size (in): 2.0 Sample Length (in): 24 Rock Core Size:	
Remarks: 1 - Soil sample at 24.00 ft 2 - Backfill with gravel upon completion.		Expiration No.: B-07	

TEST BORING LOG		EXPLANATION NO. B-08	
GSA Geotechnical Engineering, Inc. Columbia, NY 11903		PROJECT NO. 14-000000 REVISIONS BY: M. KILPATRICK	
Legend: J. Johnson Drilling Co. LAUREN Foreman: L. GURRAGE		Project Name: Power Plant Facility Location: Calverton, NY 11933 Date: 11/14/2016	
Boring Location: Section 7 Station: 100+00 Date: 11/14/2016		Driller: J. Johnson Date: 11/14/2016	
Hammer Type: Automatic Hammer Hammer Weight (lb): 140 Anvil or Coupling (in): 3.5000		Sample Type: S2 Sample Size (in): 2.0 Sample Length (in): 24 Rock Core Size:	
Remarks: 1 - Soil sample at 24.00 ft 2 - Backfill with gravel upon completion.		Expiration No.: B-08	

TEST BORING LOG		EXPLANATION NO. B-09	
GSA Geotechnical Engineering, Inc. Columbia, NY 11903		PROJECT NO. 14-000000 REVISIONS BY: M. KILPATRICK	
Legend: J. Johnson Drilling Co. LAUREN Foreman: L. GURRAGE		Project Name: Power Plant Facility Location: Calverton, NY 11933 Date: 11/14/2016	
Boring Location: Section 7 Station: 100+00 Date: 11/14/2016		Driller: J. Johnson Date: 11/14/2016	
Hammer Type: Automatic Hammer Hammer Weight (lb): 140 Anvil or Coupling (in): 3.5000		Sample Type: S2 Sample Size (in): 2.0 Sample Length (in): 24 Rock Core Size:	
Remarks: 1 - Soil sample at 24.00 ft 2 - Backfill with gravel upon completion.		Expiration No.: B-09	

PLANNING BOARD CERTIFICATION

This is to certify that this site plan has been approved by the Planning Board of the Town of Riverhead by Planning Board Resolution number \_\_\_\_\_ dated \_\_\_\_\_

Signature by Planning Board Chairperson: \_\_\_\_\_

Date of signature: \_\_\_\_\_

sPower Calverton  
Middle Country Road & Peconic Avenue  
Town of Riverhead, Calverton, NY

No.	Revision	Date	Appr.
1	PER TOWN COMMENTS	11/14/2016	GR

Site Plan Review August 15, 2016

Not Approved for Construction

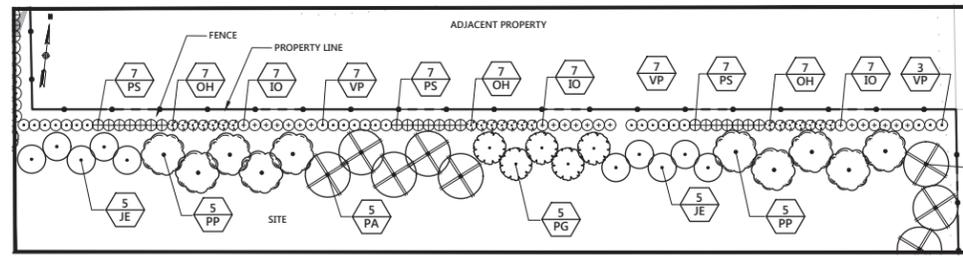
Soil Borings

C-11



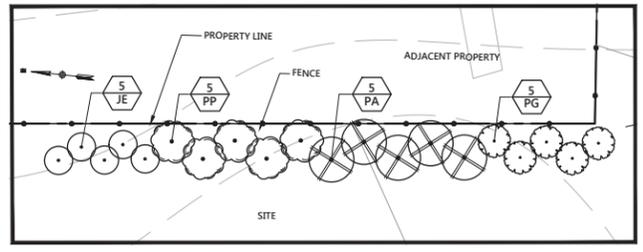


Engineering, Surveying & Landscape Architecture, PC  
100 Motor Parkway  
Suite 135  
Hauppauge, NY 11788  
631.787.3400



**Residential-Use Screening**

SCALE: 1"=30'



**Industrial C-1 Screening Typical Scheme**

SCALE: 1"=30'

**LANDSCAPE NOTES**

- ALL PROPOSED PLANTING LOCATIONS SHALL BE STAKED AS SHOWN ON THE PLANS FOR FIELD REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- CONTRACTOR SHALL VERIFY LOCATIONS OF ALL BELOW GRADE AND ABOVE GROUND UTILITIES AND NOTIFY OWNERS REPRESENTATIVE OF CONFLICTS.
- NO PLANT MATERIALS SHALL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA. CONTRACTOR SHALL NOTIFY OWNER'S REPRESENTATIVE OF ANY CONFLICT.
- A 3-INCH DEEP MULCH PER SPECIFICATION SHALL BE INSTALLED UNDER ALL TREES AND SHRUBS, AND IN ALL PLANTING BEDS, UNLESS OTHERWISE INDICATED ON THE PLANS, OR AS DIRECTED BY OWNER'S REPRESENTATIVE.
- ALL TREES SHALL BE BALLED AND BURLAPPED, UNLESS OTHERWISE NOTED IN THE DRAWINGS OR SPECIFICATION, OR APPROVED BY THE OWNER'S REPRESENTATIVE.
- FINAL QUANTITY FOR EACH PLANT TYPE SHALL BE AS GRAPHICALLY SHOWN ON THE PLAN. THIS NUMBER SHALL TAKE PRECEDENCE IN CASE OF ANY DISCREPANCY BETWEEN QUANTITIES SHOWN ON THE PLANT LIST AND ON THE PLAN. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES BETWEEN THE NUMBER OF PLANTS SHOWN ON THE PLANT LIST AND PLANT LABELS PRIOR TO BIDDING.
- ANY PROPOSED PLANT SUBSTITUTIONS MUST BE REVIEWED BY LANDSCAPE ARCHITECT AND APPROVED IN WRITING BY THE OWNER'S REPRESENTATIVE.
- ALL PLANT MATERIALS INSTALLED SHALL MEET THE SPECIFICATIONS OF THE 'AMERICAN STANDARDS FOR NURSERY STOCK' BY THE AMERICAN ASSOCIATION OF NURSEYMEN AND CONTRACT DOCUMENTS.
- ALL PLANT MATERIALS SHALL BE GUARANTEED FOR ONE YEAR FOLLOWING DATE OF FINAL ACCEPTANCE.
- ANY AREAS DISTURBED AS A RESULT OF CONSTRUCTION PRACTICES AND THAT ARE NOT BEING PLANTED OR RE-VEGETATED WITH PROPOSED PLANT MATERIAL, SHALL RECEIVE MINIMUM 6" OF LOAM AND SPECIFIED SEED MIX. LAWNS OVER 2:1 SLOPE SHALL BE PROTECTED WITH EROSION CONTROL FABRIC. NO LOAM SHALL BE PLACED IN DRAINAGE RESERVE AREAS.

- ALL DISTURBED AREAS NOT OTHERWISE NOTED ON CONTRACT DOCUMENTS SHALL BE LOAM AND SEEDED OR MULCHED AS DIRECTED BY OWNER'S REPRESENTATIVE.
- THIS PLAN IS INTENDED FOR PLANTING PURPOSES. REFER TO SITE / CIVIL DRAWINGS FOR ALL OTHER SITE CONSTRUCTION INFORMATION.

**Irrigation Notes**

- CONTRACTOR SHALL PROVIDE COMPLETE IRRIGATION SYSTEM DESIGN AND INSTALLATION FOR SCREEN PLANTINGS. DESIGN SHALL BE CERTIFIED BY A PROFESSIONAL LANDSCAPE ARCHITECT, ENGINEER, OR CERTIFIED IRRIGATION DESIGNER. DESIGN PLANS SHALL BE SUBMITTED TO OWNER'S REPRESENTATIVE FOR APPROVAL.
- CONTRACTOR SHALL PROVIDE ALL MATERIALS, LABOR, AND EQUIPMENT FOR THE COMPLETE INSTALLATION OF THE IRRIGATION SYSTEM.
- CONTRACTOR SHALL PROVIDE DRAWINGS, MATERIAL SPECIFICATIONS, SCHEMATICS, AND OTHER LITERATURE AS MAY BE REQUIRED, FOR ALL CONDUIT, CONTROLS, TIMERS, VALVES, SPRINKLER HEADS, DRIP HOSES, CONNECTORS, WIRING, RAIN GAUGE, ETC. TO THE OWNER'S CONSTRUCTION MANAGER FOR APPROVAL PRIOR TO INSTALLATION.
- IRRIGATION WATER SHALL BE SOURCED FROM ON-SITE EXISTING IRRIGATION WELLS. CONTRACTOR SHALL VERIFY REQUIREMENTS FOR BACKFLOW PREVENTION DEVICE.
- CONTRACTOR SHALL COORDINATE HIS/HER WORK WITH THE GENERAL CONTRACTOR AND SUB CONTRACTORS.
- IRRIGATION CONTROL PANEL SHALL BE LOCATED IN A LOCKABLE WEATHERPROOF CABINET DESIGNED TO HOUSE THE CONTROL PANEL.
- SITE CONTRACTOR SHALL PROVIDE 4" SCHEDULE 40 PVC SLEEVES UNDER PAVEMENT OR ACCESS ROADS TO PROVIDE ACCESS FOR IRRIGATION LINES TO ALL IRRIGATED AREAS.

**PLANT SCHEDULE**

TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
JE	101	Juniperus virginiana	Eastern Red Cedar	7-8' HT.	10' o.c.
PA	86	Picea abies	Norway Spruce	7-8' HT.	15' o.c.
PG	92	Picea glauca	White Spruce	7-8' HT.	12' o.c.
PP	88	Picea pungens	Colorado Spruce	7-8' HT.	15' o.c.

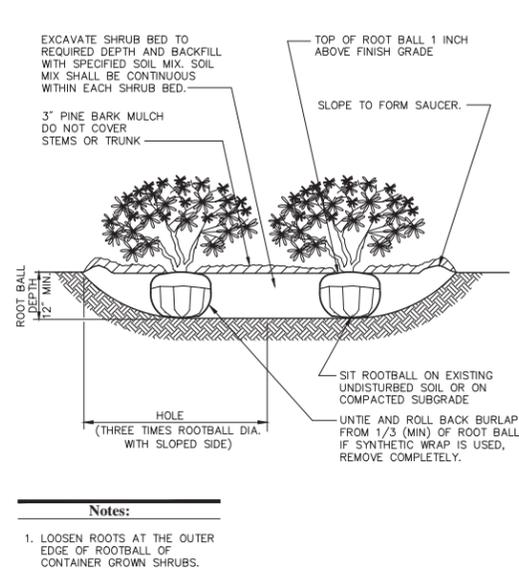
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
IO	35	Ilex opaca	American Holly	2-3' HT.	48" o.c.
OH	47	Osmanthus heterophyllus	Holly Olive	2-3' HT.	48" o.c.
PS	42	Prunus laurocerasus 'Schipkaensis'	Schip Laurel	2-3' HT.	48" o.c.
PS6	827	Prunus laurocerasus 'Schipkaensis'	Schip Laurel	6-7' HT.	60" o.c.
VP	45	Viburnum x 'Pragense'	Prague Viburnum	2-3' HT.	48" o.c.

**SOLAR FARM SEED MIX**

% SEED	BOTANICAL NAME	COMMON NAME
30%	Festuca rubra	Creeping Red Fescue
30%	Festuca ovina 'Whisper'	Sheep Fescue 'Whisper'
15%	Festuca ovina var. duriuscula (F. longifolia) 'Heron'	Hard Fescue 'Heron'
15%	Festuca brevipila 'Chariot'	Hard Fescue 'Chariot'
10%	Lolium multiflorum (L. perenne var. italicum)	Annual Ryegrass
Total 100%		

**SEED MIX NOTES:**

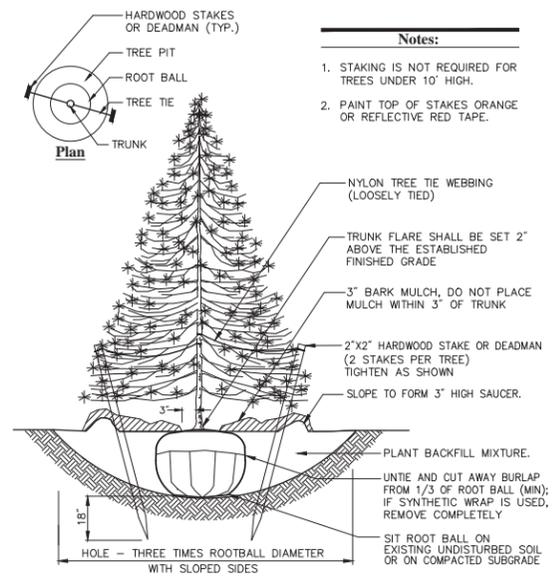
- DISTURBED AREAS TO BE SEEDED ONLY. SEEDING RATE TO BE 6 LB PER 1,000 SF. SEED MIX TO BE ERNMX-186 "SOLAR FARM SEED MIX" AS MANUFACTURED BY ERNST CONSERVATION SEEDS, 8884 MERCER PIKE, MEADVILLE PA, 16339 (800) 873-3321.
- CONTRACTOR SHALL INSTALL & MAINTAIN (DURING MAINTENANCE PERIOD & PRIOR TO ACCEPTANCE) SEED APPLICATION AS PER MANUFACTURER'S ESTABLISHMENT AND RECOMMENDATIONS.
- CONTRACTOR SHALL SUBMIT SOURCE, SAMPLE, CERTIFIED SEED ANALYSIS, AND DETAILED METHOD OF INSTALLATION & ESTABLISHMENT FOR LANDSCAPE ARCHITECT APPROVAL PRIOR TO ORDERING.



- Notes:**
- LOOSEN ROOTS AT THE OUTER EDGE OF ROOTBALL OF CONTAINER GROWN SHRUBS.

**Shrub Bed Planting**

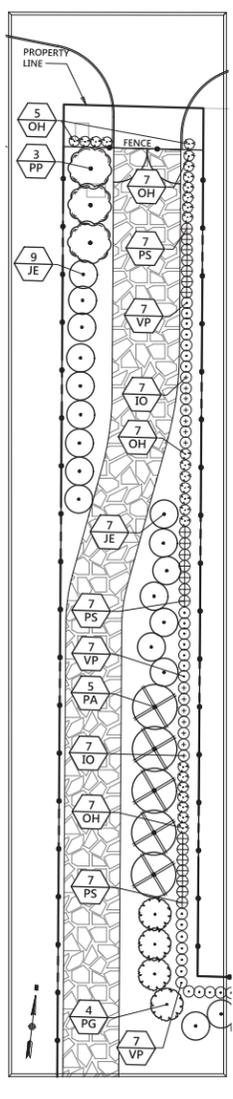
N.T.S. Source: VHB LD\_601 6/08



- Notes:**
- STAKING IS NOT REQUIRED FOR TREES UNDER 10' HIGH.
  - PAINT TOP OF STAKES ORANGE OR REFLECTIVE RED TAPE.

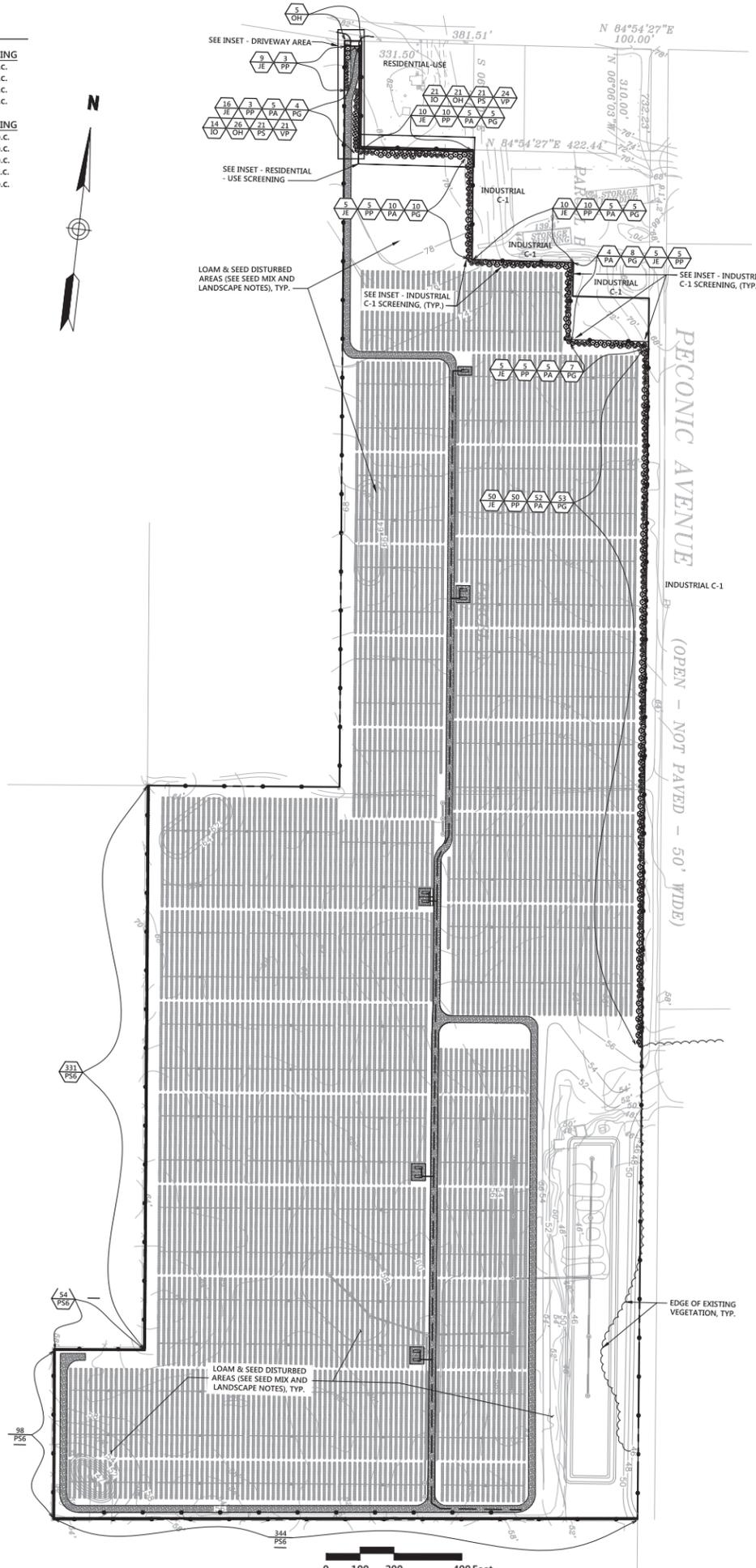
**Evergreen Tree Planting**

N.T.S. Source: VHB LD\_004 6/15



**Inset - Driveway Area**

SCALE: 1"=30'



PLANNING BOARD CERTIFICATION  
This is to certify that this site plan has been approved by the Planning Board of the Town of Riverhead by Planning Board Resolution number \_\_\_\_\_ dated \_\_\_\_\_  
Signature by Planning Board Chairperson \_\_\_\_\_  
Date of signature \_\_\_\_\_

**sPower Calverton**  
Middle Country Road & Peconic Avenue  
Town of Riverhead, Calverton, NY

No.	Revision	Date	Appr.
1	PER TOWN COMMENTS	11/14/2016	GR

Designed by \_\_\_\_\_ Checked by CV  
Issued for \_\_\_\_\_ Date \_\_\_\_\_  
**Site Plan Review** August 15, 2016

**Not Approved for Construction**  
Drawing Title  
**Planting Plan**  
Drawing Number



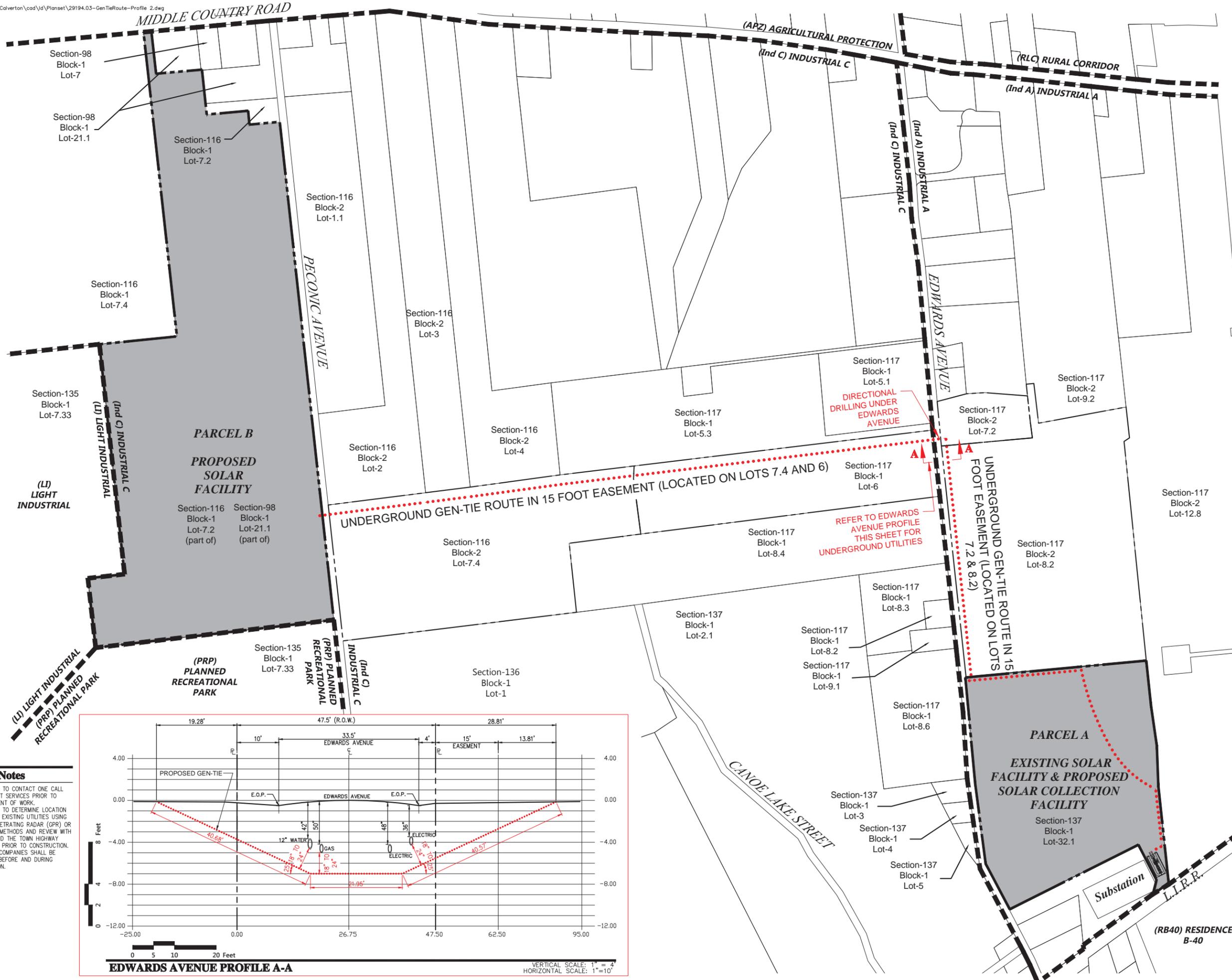
**L-1**

Sheet 13 of 13

Project Number: 29194.03

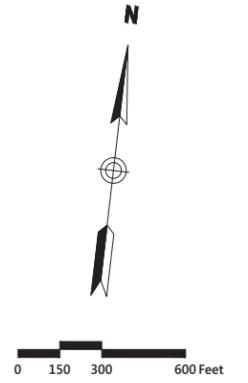


Engineering, Surveying & Landscape Architecture, PC  
 100 Motor Parkway  
 Suite 135  
 Hauppauge, NY 11788  
 631.787.3400



**LEGEND**

- PROPERTY BOUNDARY
- LOT LINES
- ..... GEN-TIE ROUTE
- ZONE LINE
- SOLAR PROPERTIES



**sPower Calverton**  
 Middle Country Road & Peconic Avenue  
 Town of Riverhead, Calverton, NY

No.	Revision	Date	App'd.

Designed by CS      Checked by CR  
 Issued for:      Date: January 26, 2017

Not Approved for Construction  
**Edwards Avenue Gen-Tie Route Utility Profile**

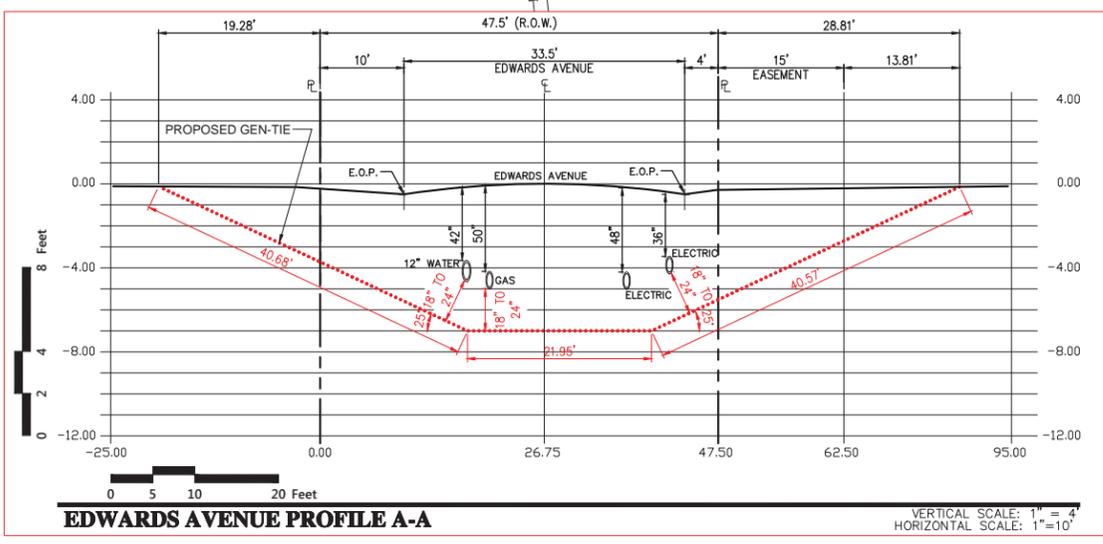
**PR-1**

Sheet 1 of 1  
 Project Number 29194.03

Sawed Thursday, January 26, 2017 5:06:02 PM DPONTIERI Plotted Thursday, January 26, 2017 5:17:46 PM Pontieri, Danielle

**Notes**

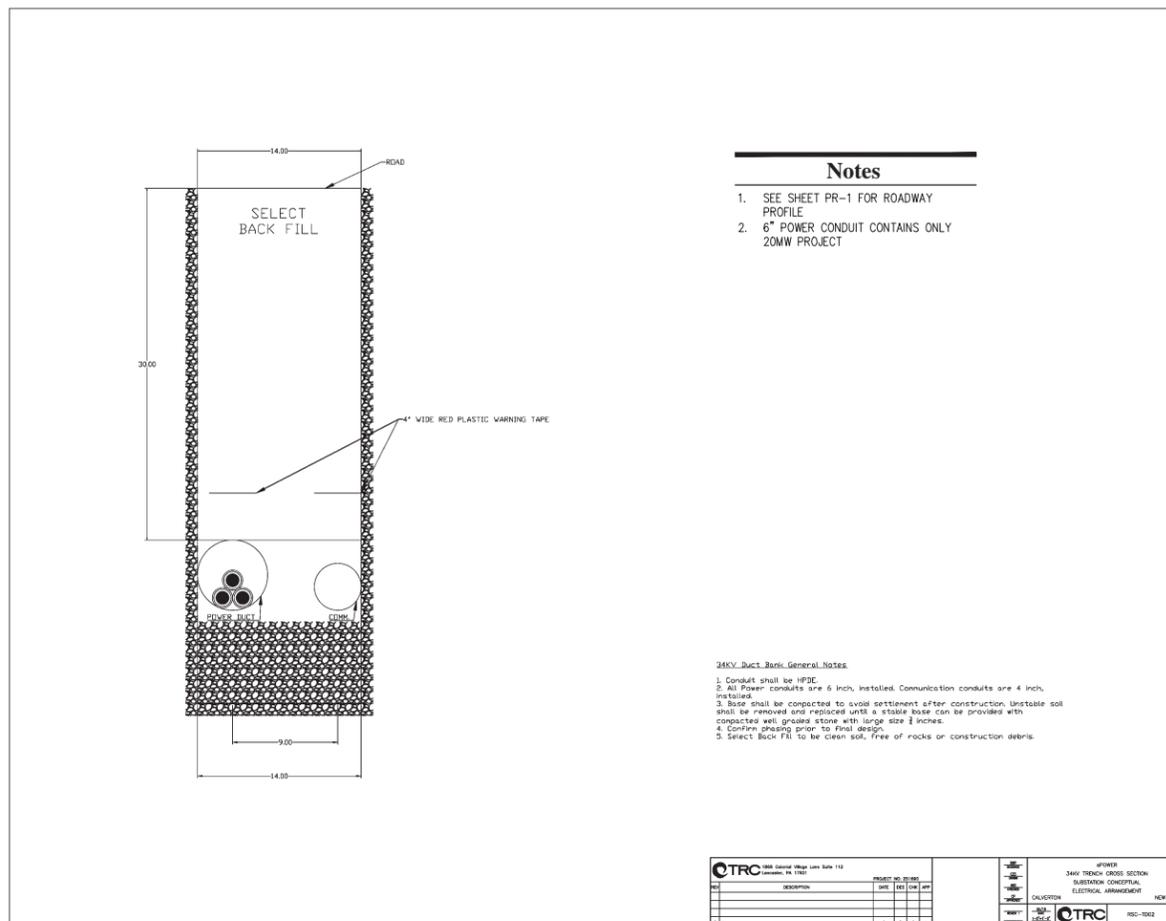
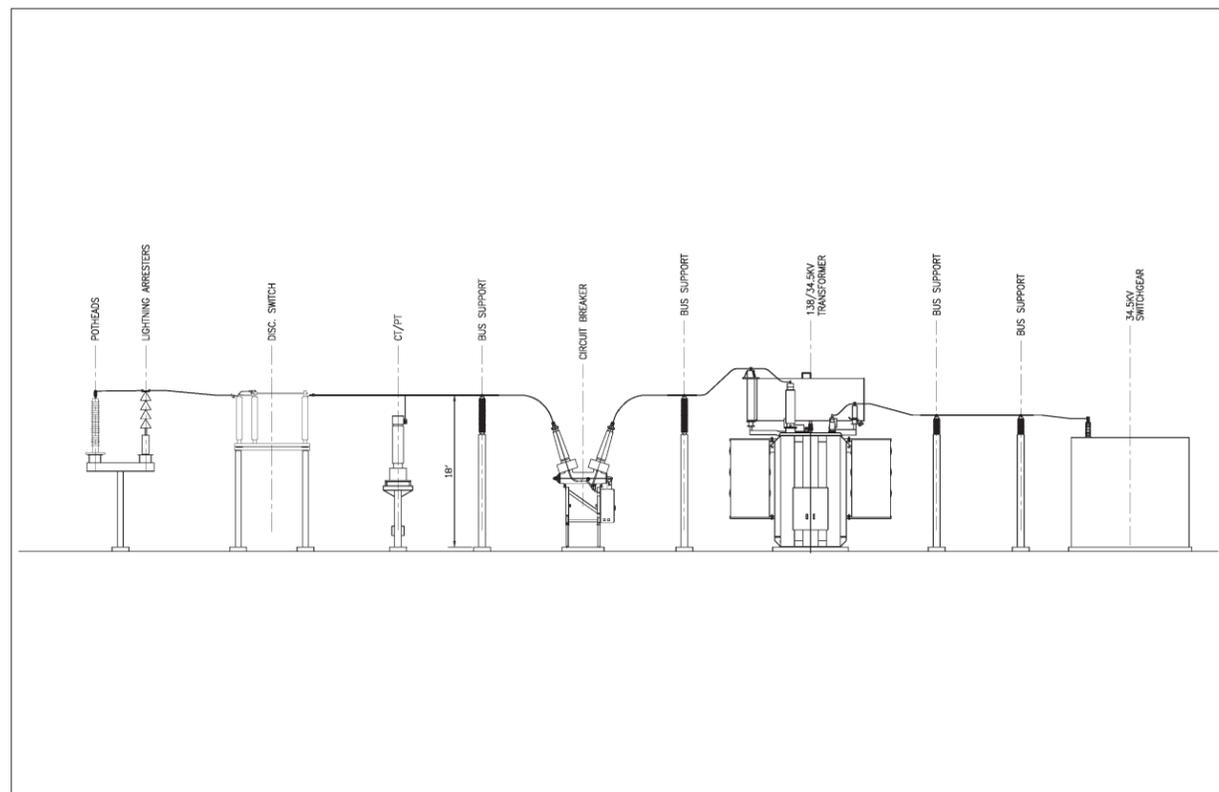
- CONTRACTOR TO CONTACT ONE CALL TO MARK OUT SERVICES PRIOR TO COMMENCEMENT OF WORK.
- CONTRACTOR TO DETERMINE LOCATION & DEPTH OF EXISTING UTILITIES USING GROUND PENETRATING RADAR (GPR) OR EQUIVALENT METHODS AND REVIEW WITH ENGINEER AND THE TOWN HIGHWAY DEPARTMENT PRIOR TO CONSTRUCTION. ALL UTILITY COMPANIES SHALL BE CONTACTED BEFORE AND DURING CONSTRUCTION.
- 



**EDWARDS AVENUE PROFILE A-A**  
 VERTICAL SCALE: 1" = 4'  
 HORIZONTAL SCALE: 1" = 10'



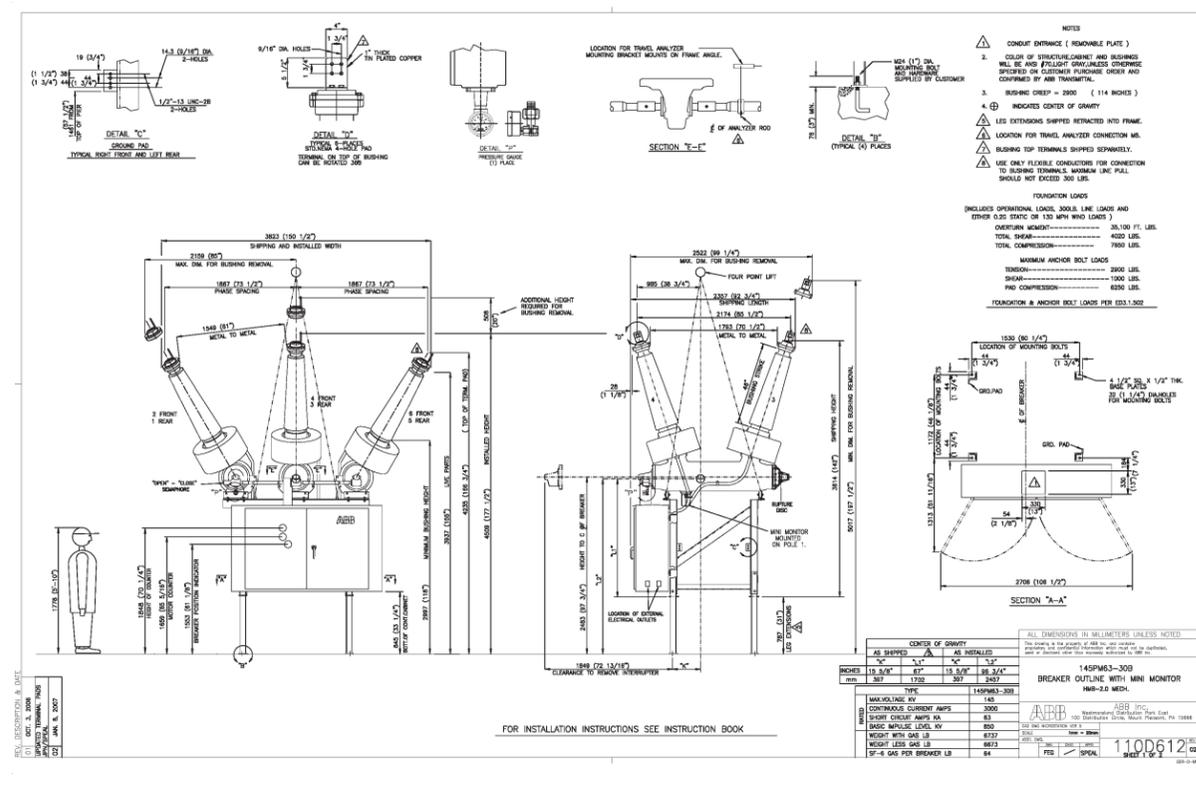
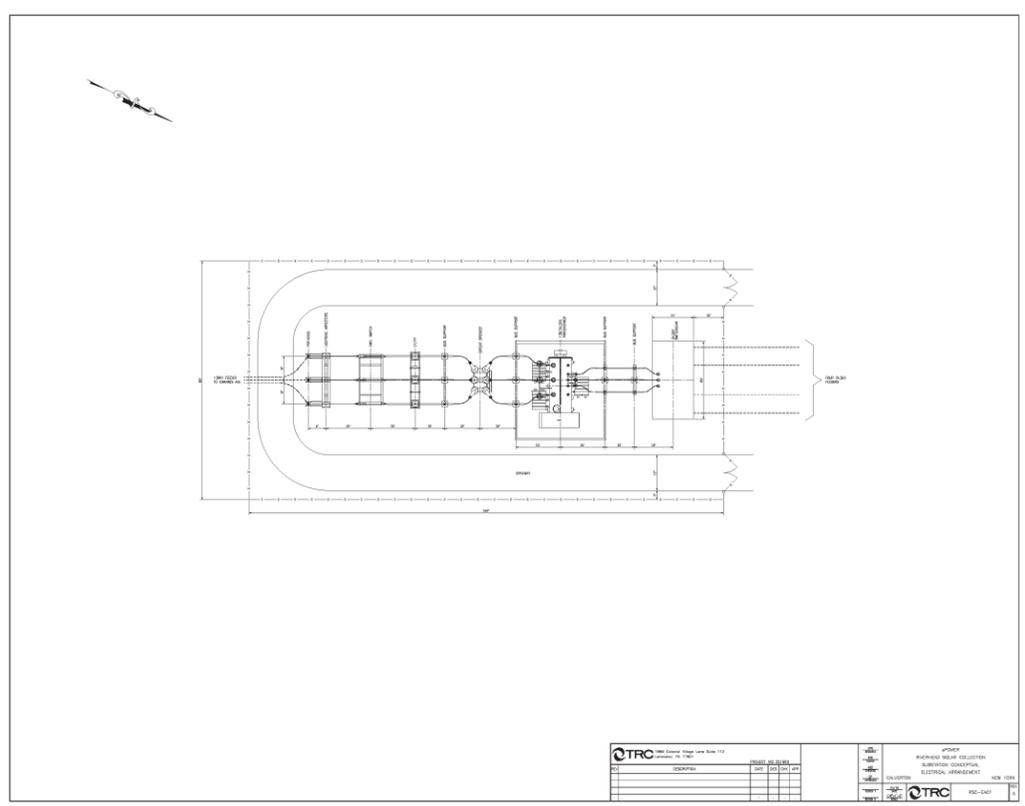
Engineering, Surveying & Landscape Architecture, PC  
100 Motor Parkway  
Suite 135  
Hauppauge, NY 11788  
631.787.3400



- Notes**
- SEE SHEET PR-1 FOR ROADWAY PROFILE
  - 6" POWER CONDUIT CONTAINS ONLY 20MW PROJECT

- 34kV Duct Bank General Notes**
- Conduit shall be HPDE.
  - All Power conduits are 6 inch, installed. Communication conduits are 4 inch, installed.
  - Base shall be compacted to avoid settlement after construction. Unstable soil shall be removed and replaced until a stable base can be provided with compacted well graded stone with large size 3 inches.
  - Confirm phasing prior to final design.
  - Select Back Fill to be clean soil, free of rocks or construction debris.

<b>CTRC</b> 288 Central Express Lane Suite 112 Croydon, PA 17037		<b>PROJECT NO. 29194</b>	<b>DATE</b> 11/14/2016
NO.	DESCRIPTION	DATE	BY



<b>CENTER OF GRAVITY</b>		<b>AS SHIPPED</b>		<b>AS INSTALLED</b>	
X"	Y"	X"	Y"	X"	Y"
15.81"	87"	15.81"	86.34"	15.81"	86.34"
WTS	150	150	150	150	150
TYPE	140PM63-300	140PM63-300	140PM63-300	140PM63-300	140PM63-300
MAXIMUM CURRENT (AMPS)	3000	3000	3000	3000	3000
SHORT CIRCUIT (MVA)	83	83	83	83	83
BASIC INSULATION (KV)	800	800	800	800	800
WEIGHT WITH GAS (LB)	6737	6737	6737	6737	6737
HEIGHT (SEE GAS LB)	6613	6613	6613	6613	6613
CF-4 GAS PER BREAKER (LB)	84	84	84	84	84

**sPower Calverton**  
Middle Country Road & Peconic Avenue  
Town of Riverhead, Calverton, NY

No.	Revision	Date	Appr.
1	PER PLANNING BOARD COMMENTS	1/26/2017	OR
1	PER TOWN COMMENTS	11/14/2016	OR
1	PER TOWN COMMENTS	11/14/2016	OR

Designed by **DP** Checked by \_\_\_\_\_  
Date August 15, 2016

Site Plan Review

Not Approved for Construction  
Collection Facility  
Details

**CF-1**



**LAND DIVISION OF  
GREEN MEADOWS LLC PROPERTY  
LOT 5 AND PART OF  
LOTS 3 AND 4  
MAP OF EDWIN H. BROWN  
SITUATED AT  
CALVERTON,  
TOWN OF RIVERHEAD  
SUFFOLK COUNTY, NEW YORK**

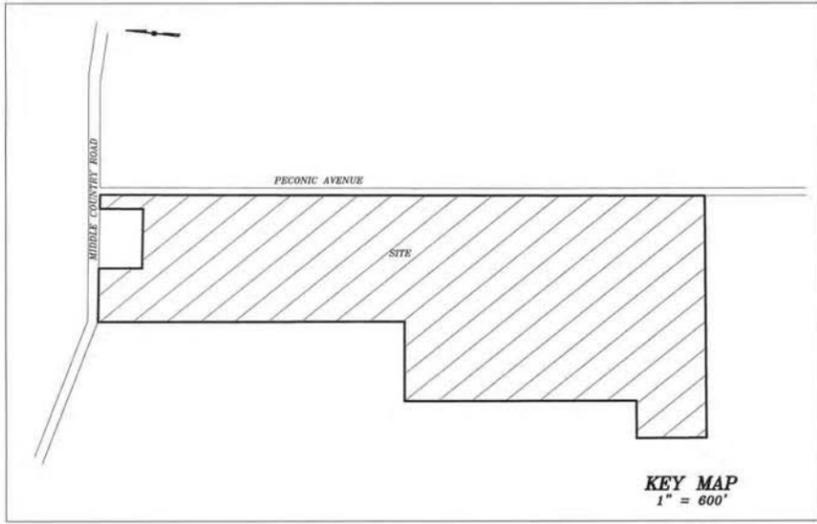
S.C.T.M. NO. 600-116-1-7.2 AND 600-98-1-21.1  
ELEVATIONS N.G.V.D. 1988 DATUM  
BEARING SYSTEM IS BASED ON N.Y.S. PLANE  
COORDINATE SYSTEM

ADDRESS:  
GREEN MEADOWS LLC  
444 ELWOOD ROAD  
EAST NORTHPORT, NY 11731

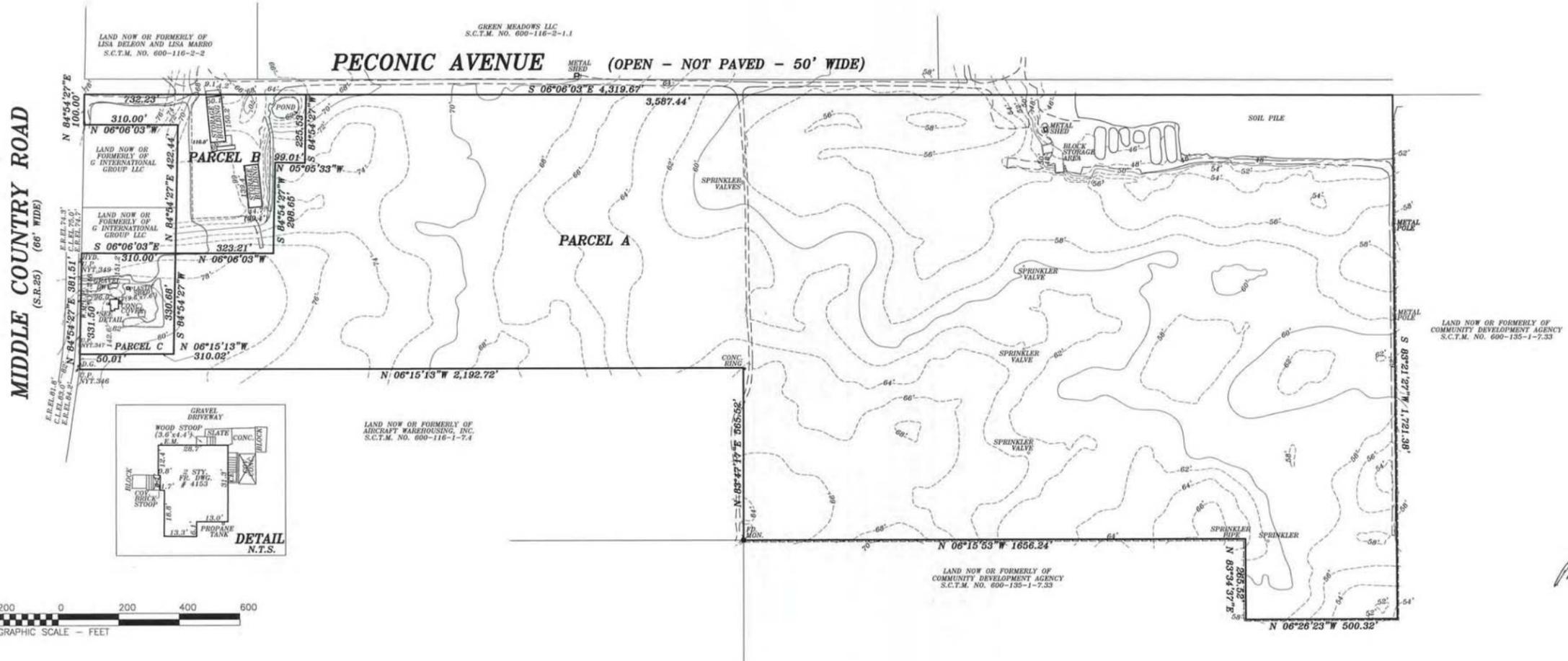
AREA SUMMARY:  
PARCEL A = 4,784,110 SQ. FT./109.9 ACRES  
PARCEL B = 222,066.5 SQ. FT./5.1 ACRES  
PARCEL C = 102,621 SQ. FT./2.3 ACRES  
TOTAL AREA = 5,108,797 SQ. FT./117.3 ACRES

LEGEND OF SYMBOLS AND ABBREVIATIONS:

○	TREE
—	WATER LINE
○	DRAIN (DI.)
⊕	UTILITY POLE (U.P.)
—	PROPERTY LINE
—	FENCE (FE.)
■	MONUMENT
A, B, C	SEPTIC REFERENCE POINTS
EL.42.4'	ELEVATIONS
H.B.	HOT BOX
T.C.EL.	TOP CURB ELEVATION
B.C.EL.	BOTTOM CURB ELEVATION
E.R.EL.	EDGE ROAD ELEVATION
S.T.	SEPTIC TANK
C.I.C.	CAST IRON COVER
D.G.	DOWN GUY
U.P. N.Y.T.	UTILITY POLE NEW YORK TELEPHONE
C.L.EL.	CENTERLINE ELEVATION
W.M.	WATER METER



SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES  
HAUPOAUGE N.Y.  
DATE: \_\_\_\_\_  
THIS IS TO CERTIFY THAT THE PROPOSED REALTY DIVISION OR DEVELOPMENT FOR GREEN MEADOWS LLC, IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, WITH A TOTAL OF 5 LOTS WERE APPROVED ON THE ABOVE DATE. WATER SUPPLIES AND SEWAGE DISPOSAL FACILITIES MUST CONFORM TO CONSTRUCTION STANDARDS IN EFFECT AT THE TIME OF CONSTRUCTION AND ARE SUBJECT TO SEWERAGE PERMITS PURSUANT TO THOSE STANDARDS. THE APPROVAL SHALL BE VALID ONLY IF THE REALTY DEVELOPMENT MAP IS FILED WITH THE COUNTY CLERK'S OFFICE. THE COUNTY CLERK'S OFFICE IS HEREBY CHIEF FOR THE FILING OF THE MAP ON WHICH THIS ENCLOSURE APPEARS IN THE OFFICE OF THE COUNTY CLERK IN ACCORDANCE WITH PROVISIONS OF THE PUBLIC HEALTH LAW AND THE SUFFOLK COUNTY SANITARY CODE.  
WALTER J. HERBERT, P.E.  
DIRECTOR, DIVISION OF ENVIRONMENTAL QUALITY  
SUBJECT TO COVENANTS & RESTRICTIONS LIBER \_\_\_\_\_ PAGE \_\_\_\_\_



GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE. UNDERGROUND UTILITIES EASEMENTS NOT SHOWN AND UTILITY POLE LOCATIONS ARE NOT GUARANTEED. THE OFFSET DIMENSION SHOWN HEREON FROM THE STRUCTURES TO THE PROPERTY LINES ARE FOR SPECIFIC PURPOSE AND USE, THEREFORE ARE NOT INTENDED TO GUIDE THE ERECTION OF FENCES, RETAINING WALLS, POOLS, PATIOS, PLANTING AREAS, ADDITION TO BUILDINGS AND OTHER CONSTRUCTION. THE EXISTENCE OF RIGHT OF WAYS, WETLANDS AND/OR EASEMENTS OF RECORD, IF ANY, NOT SHOWN ARE NOT GUARANTEED. UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYORS SIGNATURE AND RED INK OR EMBOSSED SEAL SHALL NOT BE CONSIDERED A TRUE VALID COPY. ALL LOCATIONS OF AND DISTANCES TO WELLS AND CESSPOOLS ARE BY LOCATIONS FROM HOMEOWNERS, FIELD OBSERVATIONS AND/OR INFORMATION OBTAINED FROM OTHERS. SINCE MOST ARE NOT VISIBLE THESE LOCATIONS AND DIMENSIONS CANNOT BE CERTIFIED.



Engineering, Surveying & Landscape Architecture, PC  
100 Motor Parkway  
Suite 135  
Hauppauge, NY 11788  
631.787.3400  
PAT T. SECCAFICO  
PROFESSIONAL LAND SURVEYOR  
N.Y.S. LIC. NO. 049287



---

# Appendix F



30 Corporate Drive • Holtsville, NY 11742  
Phone: (631) 218-0010 • Fax: (631) 758-0070 • [www.eldor.com](http://www.eldor.com)

August 7, 2017

Mr. John Moran  
Project Manager  
sPower  
Sustainable Power Group  
135 East 57<sup>th</sup> Street  
New York, NY 10022

Dear Mr. Moran,

Per your request, we reviewed past mega-watt class projects that we completed on Long Island in the interest of estimating the number of construction jobs a potential 20MW-ac project might yield. Based on over 50MW's of projects completed, and over 45MW's in progress or under contract in the same region, we can offer the following:

- **Approximate Project Construction Duration:** 6 to 12 months
- **General range in the number of construction personnel on site at any one time:** 20 to 150
- **Peak head-count:** 200

This estimate accounts for all on-site personnel only. In addition to these construction jobs, in our experience, local technical consultants and other services benefit from this type of project including:

Civil & Electrical Engineering

- Environmental Engineering and Permitting
- Survey
- Waste Disposal
- Temporary Sanitary Facilities
- Local Food Catering Companies
- Equipment Rental Companies
- Material Vendors

I hope this information is helpful to you. If you have any additional questions please do not hesitate to contact our team

Best regards,

A handwritten signature in blue ink that reads "Keith Feldmann". The signature is fluid and cursive, with a large loop at the end.

Keith Feldmann  
Vice President





---

# Appendix G



May 10, 2017

John Moran  
Sustainable Power Group  
401 Park Avenue South  
New York, NY 10016

John:

This letter is in response to the questions regarding our operation in reference to the preparation of the Environmental Impact Study for the Town.

- 1) The farm employees work for DeLea Sod Farms and are routinely moved to our various locations as needed by the seasons. Our not farming this location does not create a loss in jobs, it merely redirects full time employees to our other locations.
- 2) DeLea Sod Farms is a privately owned company and as such our annual sales revenues are confidential and not available for public inspection. Furthermore, companies competing in our market have not been required to offer similar information while under site plan and environmental reviews.

Please let me know if you require any additional information.

Yours truly,

A handwritten signature in cursive script that reads "Richard DeLea".

Richard DeLea  
President-DeLea Sod Farms

---

444 ELWOOD ROAD, EAST NORTHPORT, NEW YORK 11731

(631) 368-3264 (PHONE)

(631) 368-3265 (FAX)



---

# Appendix H

STATE OF NEW YORK  
 COUNTY - Suffolk  
 TOWN - Riverhead  
 SWIS - 473000

2 0 1 6 T O W N T A X R O L L  
 T A X A B L E SECTION OF THE ROLL - 1  
 TAX MAP NUMBER SEQUENCE  
 UNIFORM PERCENT OF VALUE IS 014.66

PAGE 6080  
 VALUATION DATE-JUL 01, 2015  
 TAXABLE STATUS DATE-MAR 01, 2016

TAX MAP PARCEL NUMBER	PROPERTY LOCATION & CLASS	ASSESSMENT	EXEMPTION CODE-----	COUNTY-----	TOWN-----	SCHOOL
CURRENT OWNERS NAME	SCHOOL DISTRICT	LAND	TAX DESCRIPTION	TAXABLE VALUE		
CURRENT OWNERS ADDRESS	PARCEL SIZE/GRID COORD	TOTAL	SPECIAL DISTRICTS			TAX AMOUNT
***** 116.-1-7.2 *****						
116.-1-7.2	Peconic Ave			ACCT 23		BILL 13010
Green Meadows LLC	105 Vac farmland		AGRICULT. 41720	437,300	437,300	437,300
444 Elwood Rd	Riverhead Csd # 473002	447,800	County General Fund	10,500		14.82
E Northport, NY 11731	N X Montauk Aero E X Pec	447,800	NYS Real Prop Tx Law	10,500		5.52
	Ave S & W X Usa & Ano		NY State MTA Tax	10,500		0.50
	Subject To Penalty Tax		Out of CountyTuition	10,500		1.83
MAY BE SUBJECT TO PAYMENT	ACRES 109.10		Riverhead Town Tax	10,500		453.15
UNDER AGDIST LAW TIL 2020	EAST-2341084 NRTH-0255802		Highway 1,2,3 & 4	10,500		89.07
	DEED BOOK 11935 PG-989		Riverhead CSD #2	10,500		1,119.37
	FULL MARKET VALUE	3054,570	Riverhead Free Libry	10,500		40.54
			Baitng Hllw Free Lib	10,500		0.15
			AM001 Rvrhd ambulance dist	447,800	TO	870.97
			FD302 Rvrhd fire zone 1	447,800	TO	3,330.74
			LT301 Light district	447,800	TO	584.38
			TOTAL TAX ---			6,511.04**
			DATE #1	01/10/17	DATE #2	05/31/17
			AMT DUE	3,255.52	AMT DUE	3,255.52
***** 116.-1-7.4 *****						
116.-1-7.4	4195 Middle Country Rd					BILL 13011
Aircraft Warehousing Inc	449 Other Storang		County General Fund	1100,000		1,552.10
1637 Broad Hollow Rd	Riverhead Csd # 473002	162,400	NYS Real Prop Tx Law	1100,000		578.60
Farmingdale, NY 11735	Nx Route 25 Ex	1100,000	NY State MTA Tax	1100,000		52.80
	Mntk Areo W X Korus		Out of CountyTuition	1100,000		191.40
	FRNT 393.21 DPTH		Riverhead Town Tax	1100,000		47,472.70
	ACRES 28.62		Highway 1,2,3 & 4	1100,000		9,331.30
	EAST-2340445 NRTH-0256836		Riverhead CSD #2	1100,000		117,267.70
	FULL MARKET VALUE	7503,411	Riverhead Free Libry	1100,000		4,247.10
			Baitng Hllw Free Lib	1100,000		15.40
			AM001 Rvrhd ambulance dist	1100,000	TO	2,139.50
			FD302 Rvrhd fire zone 1	1100,000	TO	8,181.80
			LT301 Light district	1100,000	TO	1,435.50
			WD343 Water ext 37r	180,400	TO C	174.09
			TOTAL TAX ---			192,639.99**
			DATE #1	01/10/17	DATE #2	05/31/17
			AMT DUE	96,320.00	AMT DUE	96,319.99
***** 116.-2-1.1 *****						
116.-2-1.1	Peconic Ave			ACCT 23		BILL 13012
Green Meadows LLC	105 Vac farmland		AGRICULT. 41720	96,200	96,200	96,200
444 Elwood Rd	Riverhead Csd # 473002	99,200	County General Fund	3,000		4.23
E Northport, NY 11731	Nx Montauk Aero & Sx Cal	99,200	NYS Real Prop Tx Law	3,000		1.58
	Assoc W X Pec Ave		NY State MTA Tax	3,000		0.14
	Subject To Penalty Tax		Out of CountyTuition	3,000		0.52
MAY BE SUBJECT TO PAYMENT	ACRES 24.80		Riverhead Town Tax	3,000		129.47
UNDER AGDIST LAW TIL 2020	EAST-2341923 NRTH-0256357		Highway 1,2,3 & 4	3,000		25.45
	DEED BOOK 11935 PG-989		Riverhead CSD #2	3,000		319.82
	FULL MARKET VALUE	676,671	Riverhead Free Libry	3,000		11.58
			Baitng Hllw Free Lib	3,000		0.04
			AM001 Rvrhd ambulance dist	99,200	TO	192.94
			FD302 Rvrhd fire zone 1	99,200	TO	737.85
			LT301 Light district	99,200	TO	129.46
			TOTAL TAX ---			1,553.08**
			DATE #1	01/10/17	DATE #2	05/31/17
			AMT DUE	776.54	AMT DUE	776.54

\*\*\*\*\*

STATE OF NEW YORK  
 COUNTY - Suffolk  
 TOWN - Riverhead  
 SWIS - 473000

2 0 1 6 T O W N T A X R O L L  
 T A X A B L E SECTION OF THE ROLL - 1  
 TAX MAP NUMBER SEQUENCE  
 UNIFORM PERCENT OF VALUE IS 014.66

PAGE 5075  
 VALUATION DATE-JUL 01, 2015  
 TAXABLE STATUS DATE-MAR 01, 2016

TAX MAP PARCEL NUMBER	PROPERTY LOCATION & CLASS	ASSESSMENT	EXEMPTION CODE	COUNTY	TOWN	SCHOOL
CURRENT OWNERS NAME	SCHOOL DISTRICT	LAND	TAX DESCRIPTION	TAXABLE VALUE		
CURRENT OWNERS ADDRESS	PARCEL SIZE/GRID COORD	TOTAL	SPECIAL DISTRICTS			TAX AMOUNT
***** 98.-1-20 *****						
98.-1-20	4035 Middle Country Rd			ACCT 35		BILL 10917
Green Meadows LLC	105 Vac farmland		AGRICULT. 41720	41,400	41,400	41,400
444 Elwood Rd	Riverhead Csd # 473002	41,800	County General Fund	400		0.56
E Northport, NY 11731	Nx Mid Cnty Rd &Or Ex Cal	41,800	NYS Real Prop Tx Law	400		0.21
	Assc Sx Mntk Aero Wx Pec		NY State MTA Tax	400		0.02
	Subject To Penalty Tax		Out of CountyTuition	400		0.07
MAY BE SUBJECT TO PAYMENT	ACRES 4.40		Riverhead Town Tax	400		17.26
UNDER AGDIST LAW TIL 2020	EAST-2341806 NRTH-0257851		Highway 1,2,3 & 4	400		3.39
	DEED BOOK 11935 PG-989		Riverhead CSD #2	400		42.64
	FULL MARKET VALUE	285,130	Riverhead Free Libry	400		1.54
			Baitng Hllw Free Lib	400		0.01
			AM001 Rvrhd ambulance dist	41,800	TO	81.30
			FD302 Rvrhd fire zone 1	41,800	TO	310.91
			LT301 Light district	41,800	TO	54.55
			WD343 Water ext 37r	41,800	TO C	40.34
			TOTAL TAX ---			552.80**
			DATE #1	01/10/17	DATE #2	05/31/17
			AMT DUE	276.40	AMT DUE	276.40
***** 98.-1-21.1 *****						
98.-1-21.1	4153 Middle Country Rd			ACCT 35		BILL 10918
Green Meadows LLC	120 Field crops		FARM BLDG 41700	15,000	15,000	15,000
444 Elwood Rd	Riverhead Csd # 473002	59,000	AGRICULT. 41720	43,200	43,200	43,200
E Northport, NY 11731	Nx Mid Cty Rd &Ano Ex Pec	133,900	County General Fund	75,700		106.81
	Ave S X Montauk Aero W X		NYS Real Prop Tx Law	75,700		39.82
	Subject To Penalty Tax		NY State MTA Tax	75,700		3.63
MAY BE SUBJECT TO PAYMENT	FRNT 391.00 DPTH		Out of CountyTuition	75,700		13.17
UNDER AGDIST LAW TIL 2020	ACRES 8.20		Riverhead Town Tax	75,700		3,266.98
	EAST-2340932 NRTH-0257748		Highway 1,2,3 & 4	75,700		642.16
	DEED BOOK 11935 PG-989		Riverhead CSD #2	75,700		8,070.15
	FULL MARKET VALUE	913,370	Riverhead Free Libry	75,700		292.28
			Baitng Hllw Free Lib	75,700		1.06
			AM001 Rvrhd ambulance dist	133,900	TO	260.44
			FD302 Rvrhd fire zone 1	133,900	TO	995.95
			LT301 Light district	133,900	TO	174.74
			WD343 Water ext 37r	133,900	TO C	129.21
			TOTAL TAX ---			13,996.40**
			DATE #1	01/10/17	DATE #2	05/31/17
			AMT DUE	6,998.20	AMT DUE	6,998.20



# Appendix I

**Solar Facilities Operating under Power Purchase Agreements with the  
Long Island Power Authority (August 2017)**

	<b>Project</b>		<b>Size (MWAC)</b>	<b>COD/Operation Date</b>
1	Long Island Solar Farm	Solar	31.5	11/1/2011
2	Eastern Long Island Solar Project	Solar	11.271	Oct 2011-Oct 2012
3	Leavenworth Greenworks LLC	Solar	9.5	5/31/2016
4	Sutter Greenworks LLC	Solar	5	11/2/2015
5	GES Megafour, LLC	Solar	3	10/30/2015
6	Cedar Creek B	Solar	1.852	6/30/2017
7	Sterlington Greenworks LLC	Solar	1.3	11/2/2015
8	Tanger Factory Outlet Centers Inc	Solar	1.235	2/17/2017
9	Earth Right Energy, Inc- East Street	Solar	0.96	2/3/2017
10	Cedar Creek A	Solar	0.822	4/27/2017
11	Quality King	Solar	0.75	9/24/2012
12	Harold Levinson Associated, Inc.	Solar	0.5	2/20/2014
13	Harold Levinson Associated, Inc.	Solar	0.5	2/15/2014
14	Costco Wholesale Corp.	Solar	0.497	12/20/2013
15	Costco Wholesale Corp.	Solar	0.497	12/27/2013
16	110 Mini Storage	Solar	0.494	7/29/2014
17	Smithtown Industrial LLC	Solar	0.487	7/29/2014
18	Lake Ave Partners	Solar	0.456	6/6/2014
19	DiCarlo Distributors, Inc.	Solar	0.423	12/11/2013
20	NRG Pond Road Solar	Solar	0.4	1/25/2016
21	VOXX International Corporation	Solar	0.385	1/29/2015
22	Nautilus Energy Long Island, LLC	Solar	0.364	12/15/2015
23	Nautilus Energy Long Island, LLC	Solar	0.36	7/18/2016
24	Medford Mini Storage Inc.	Solar	0.29	6/6/2014
25	P.C. Deer Park LLC	Solar	0.274	4/10/2015
26	FRIT Solar, Inc.	Solar	0.26	8/29/2014
27	Smithtown Mini Storage	Solar	0.25	7/29/2014
28	Setton's International Foods, Inc	Solar	0.239	8/27/2015
29	DiCarlo Distributors, Inc.	Solar	0.214	12/11/2013
30	Finish Line Technologies	Solar	0.21	6/30/2015
31	PC Richard & Son	Solar	0.17	5/8/2015
32	Extra Space Storage	Solar	0.15	1/7/2014
33	Extra Space Storage	Solar	0.15	3/14/2014
34	Extra Space Storage	Solar	0.15	1/30/2014
35	Extra Space Storage	Solar	0.15	4/17/2014
36	FRIT Solar, Inc	Solar	0.15	12/20/2013
37	Forboc Realty	Solar	0.15	8/27/2014
38	W Energies Group LLC. #1	Solar	0.15	10/29/2014
39	W Energies Group LLC. #2	Solar	0.15	10/30/2014
40	US Luggage-Mercury Solar	Solar	0.144	12/29/2014
41	Jardan Management LLC	Solar	0.133	11/18/2013
42	Amberjack Solar Energy LLC 250A	Solar	0.128	11/16/2015
43	Amberjack Solar Energy LLC 250B	Solar	0.128	11/17/2015
44	Amberjack Solar Energy LLC -Rose PI	Solar	0.12	11/22/2016
45	Extra Space Storage	Solar	0.1	2/13/2014
46	1520 Ocean Avenue Realty	Solar	0.084	12/23/2014

**TOTAL: 76.497**



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# Appendix J



## TOWN OF RIVERHEAD PLANNING DEPARTMENT

201 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2596  
(631) 727-3200, FAX (631) 727-9101

**Jefferson V. Murphree, AICP**  
*Town Building and  
Planning Administrator*  
Ext. 239

**Jeffrey Seeman**  
*Environmental Planner*  
Ext. 207

**Karin Gluth**  
*Planner*  
Ext. 206

**Greg Bergman**  
*Planning Aide*  
Ext. 264

**Emily Toth**  
*Planning Board Secretary  
Zoning Board Secretary*  
Ext. 240

August 8, 2017

David Wortman  
c/o VHB  
100 Motor Parkway, Suite 135  
Hauppauge, New York 11788

Re: sPower Site Plan Application  
4153 Middle Country Road, Calverton  
SCTM Nos. 600-98-1-21.1 & 600-116-1-7.2

Dear Mr. Wortman:

This letter is intended to provide written confirmation from this department that as the date of issuance of this letter, there are no other applications for commercial solar energy production facilities within the Town of Riverhead, apart from the aforementioned sPower Calverton site plan application

If you require any furtherance with regards to this letter, please do not hesitate to contact me.

Sincerely,

Greg Bergman  
Planning Aide

cc: Chris Kent, Esq., Attorney for the applicant  
Jeffrey Seeman, CEP, Town of Riverhead



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# Appendix K

**New York State Department of Environmental Conservation**  
**Division of Environmental Permits, Region 1**  
SUNY @ Stony Brook  
50 Circle Road, Stony Brook, NY 11790-3409  
Phone: (631) 444-0365 • Fax: (631) 444-0360  
Website: [www.dec.ny.gov](http://www.dec.ny.gov)



**LETTER OF NO JURISDICTION**  
**FRESHWATER WETLANDS ACT**

September 4, 2014

Sustainable Power Group, LLC  
c/o Matthew McCaffery  
sPower  
2 Embarcadero Center, Suite 410  
San Francisco, CA 94111

**Re: Application #1-4730-01720/00001**  
**sPower Energy Facility at Calverton, 194 Edwards Ave. Calverton**  
**SCTM# 600-137-1-32.1**

Dear Mr. McCaffery:

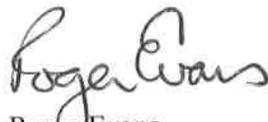
Based on the information you submitted, the Department of Environmental Conservation (DEC) has determined that:

Your proposal to construct a 6.3 MW solar energy facility consisting of 30,460 ground-mounted modules with associated infrastructure on 38.1 acres of the 45.1-acre site as shown on sheet C-2 of the site plans prepared by VHB Engineering, Surveying & Landscaping Architecture, P.C. dated 7/29/14, is more than 100 feet from regulated freshwater wetlands. Therefore, no permit is required pursuant to the Freshwater Wetlands Act (Article 24) and its implementing regulations (6NYCRR Part 663).

Be advised, all construction, clearing, and/or ground disturbance must remain more than 100 feet from the freshwater wetland boundary. In addition, any changes, modifications or additional work to the project as described, may require DEC authorization. Please contact this office if such activities are contemplated.

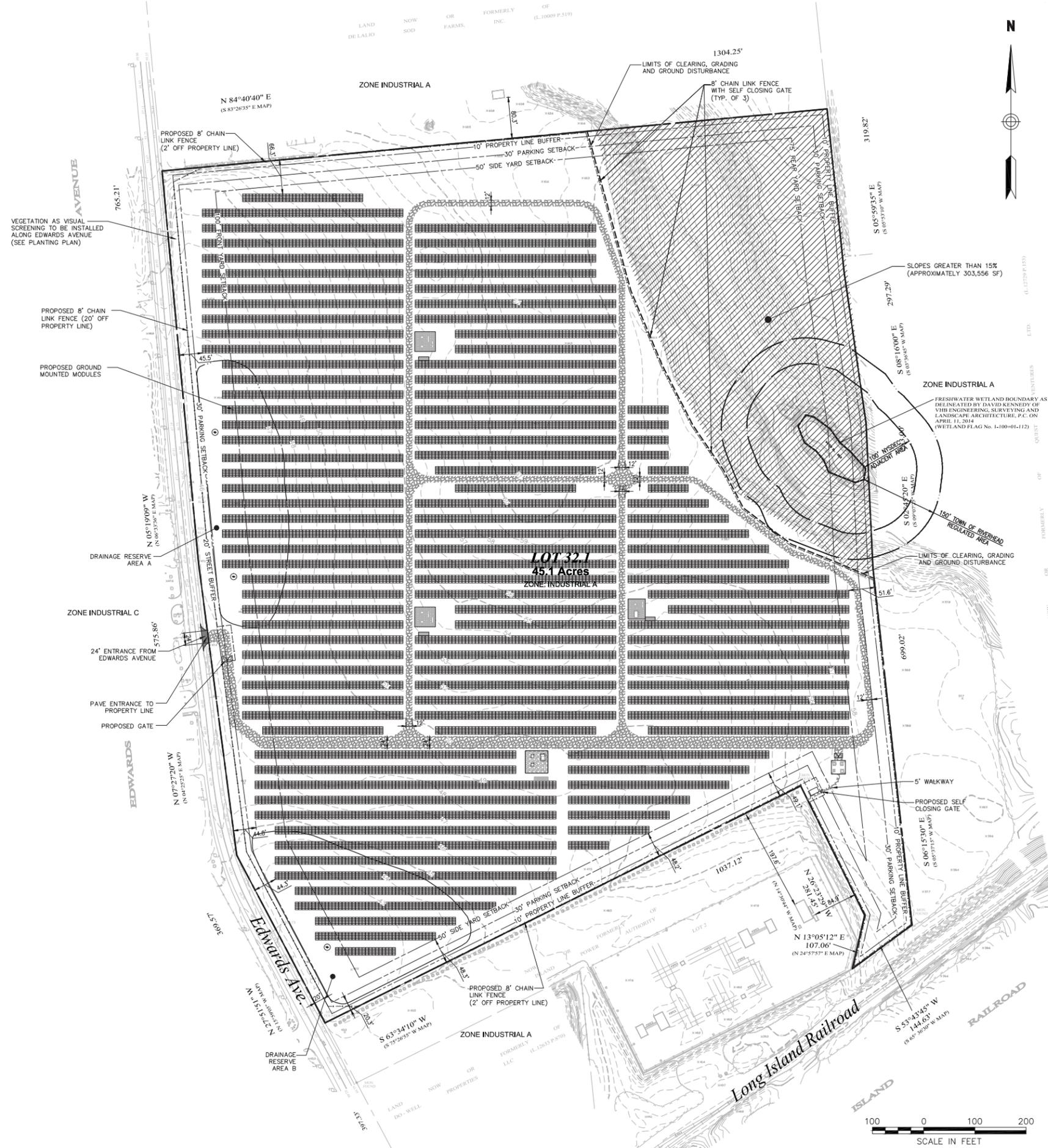
Please note that this letter does not relieve you of the responsibility of obtaining any necessary permits or approvals from other agencies or local municipalities.

Sincerely,



Roger Evans  
Regional Permit Administrator

cc: BOH  
D. Kennedy, VHB  
File



**Reference**

BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY:  
 P.M. LAND SURVEYING, PLLC  
 132 CLYDE STREET / SUITE 16  
 WEST SAVILLE, NY 11796  
 DATED: 2/28/14

**Zoning Summary Chart**

Zoning District(S): Industrial A  
 Proposed Use: Solar Panels  
 Overlay District(S): N/A

Zoning Regulation Requirements	Required	Provided
MINIMUM LOT AREA	80,000 Sq. Ft.	1,964,687 Sq. Ft.
LOT WIDTH AT FRONT STREET	200 Feet	1,711 Feet
FRONT YARD SETBACK	100 Feet	44.3 Feet*
SIDE YARD SETBACK/COMBINED SIDE YARD	50/100 Feet	48.2/114.5 Feet*
REAR YARD SETBACK	75 Feet	51.6 Feet*
PARKING SETBACK	30 Feet	N/A
PUBLIC STREET BUFFER	20 Feet	44.3 Feet
PROPERTY LINE BUFFER	10 Feet	48.2 Feet
MAXIMUM BUILDING LOT COVERAGE (SOLAR PANELS AND CONCRETE PADS)	40.00%	28.72%
MAXIMUM IMPERVIOUS SURFACE (CONCRETE PADS AND STEEL TUBING)	70.00%	0.01%
MAXIMUM HEIGHT OF BUILDINGS	30 Feet	10 Feet
LANDSCAPED CONTIGUOUS OPEN SPACE	15.00%	36.79%

\* VARIANCE REQUIRED  
 SOLAR PANEL AREAS (29,982 PANELS) = 561,426.1 SF (28.72%)  
 IMPERVIOUS AREAS = 1,037.66 SF (CONCRETE PADS) + 198.3 SF (STEEL TUBING) = 1,235.96 SF



**Engineering, Surveying & Landscape Architecture, P.C.**  
 Transportation  
 Land Development  
 Environmental Services  
 2150 Joshua's Path, Suite 300  
 Hauppauge, New York 11788  
 631.234.3444 • FAX 631.234.3477

No.	Revision	Date	Appr.

Designed by DP Drawn by DP Checked by CR  
 CAD checked by CR Approved by KPW  
 Scale 1"=100' Date July 29, 2014  
 Project Title

**Power Riverhead Sutter**

194 Edwards Avenue  
 Calverton, New York  
 Issued for  
**Site Plan Approval**

Not Approved for Construction  
 Drawing Title

**Layout & Materials Plan**

Drawing Number  
**C-2**  
 Sheet 2 of 2  
 Project Number  
 29194.00



**Agriculture  
and Markets**

**ANDREW M. CUOMO**  
Governor

**RICHARD A. BALL**  
Commissioner

October 5, 2018

Via E-Mail

Hon. Kathleen H. Burgess, Secretary  
New York State Board on Electric Generation Siting and the Environment  
Three Empire Plaza  
Albany, NY 12223-1350

Nancy Hsu  
Permitting Manager  
2180 South 1300 East, Suite 600  
Salt Lake City, UT 84106

---

Re: Case 17-F-0655 - Application of Riverhead Solar 2, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 For Construction of a Solar Electric Generating Facility Located in the Town of Riverhead, Suffolk County.

Dear Secretary Burgess and Ms. Hsu:

The New York State Department of Agriculture and Markets (DAM) has reviewed the Preliminary Scoping Statement (PSS) submitted by Riverhead Solar 2, LLC on or about September 14, 2018. DAM submits the attached comments in accordance with 16 NYCRR §1000.5(g).

If you should have any questions or concerns, do not hesitate to contact the undersigned.

Sincerely,

Tara B. Wells  
Senior Attorney

Cc: Parties (via e-mail)

**New York State Department of Agriculture & Markets (NYSDAM)**  
**Staff Comments on the September 2018 Preliminary Scoping Statement (PSS) for**  
**Riverhead Solar 2 LLC**

Staff's comments are intended to assist the Applicant in the development of a more robust Application clearly identifying how impacts to agricultural resources will be reduced or eliminated. The proposed 36-megawatt Project (Facility Area) encompasses approximately 290 acres; much of which is comprised of agricultural land in the Town of Riverhead.

**Section 1.4 Potential Impacts**

The PSS states an estimated 159 acres of agricultural land will be required to develop the facility, taking .3% of the 8% of the total farmland in Suffolk County. The facility is sited in a rural agricultural region to minimize the need for land clearing and construction processes, i.e., surface grading and soil compaction. Additionally, the PSS states that the construction of this facility will not permanently remove these lands from future use of agriculture. The Department considers the conversion of agricultural land to a nonagricultural use for up to 20 years a permanent conversion. The Department is primarily concerned with the percent of agricultural land in the project area that is being converted to nonagricultural use and the impact on the agricultural viability in the Facility Area. The Applicant should assess the cumulative impact of the Facility Area and other conversions in the area over the useful life of the project. The Applicant should also discuss the impact of the project on agricultural viability in the area over the next 20 years.

**Section 1.5 Impact Avoidance Measures**

This Section identifies what measures will be implemented to avoid or minimize adverse environmental impacts including, utilizing the New York State Department of Agriculture & Markets guidelines to minimize impacts on agricultural land and farming practices. The Department recommends that the applicant follow the Department Guidelines for Solar Energy Projects <sup>1</sup> (hereinafter referred to as Department Guidelines).

Additionally, Section 1.5 states that the applicant will employ an environmental monitor/inspector to ensure compliance with the certificate and permit conditions. The Department strongly recommends that the Applicant develop and incorporate an Agricultural Monitoring Plan which provides for an independent Agricultural Monitor to ensure agricultural mitigation activities are properly implemented during project construction and site restoration activities. The Agricultural Monitor must possess a working knowledge of soils, soil science, agronomy and agricultural restoration requirements as set forth by the Department and be familiar with construction activities

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<sup>1</sup> New York State Department of Agriculture and Markets Guidelines for Agricultural Mitigation for Solar Energy Projects. Rev 4/2018.

in agricultural settings. In addition to the Department Guidelines, the Agricultural Monitor must ensure adherence to any special conditions, construction design plans and specifications; have stop work authority and have the ability to direct contractors to make on the spot corrections when non-compliance is observed.

### **Section 2.4 Land Use**

This Section identifies the specific land use to agriculture and based on the 2012 Census of Agriculture, Suffolk County was ranked third out of 62 counties in New York regarding the value of agricultural production. They note the importance of the Suffolk County Agricultural and Farmland Protection Plan and the "commitment and support of the farming community to protect, encourage and sustain agriculture as an industry for future generations in Suffolk County". Based on the USDA Web Soil Survey, this land is comprised predominately of Prime Farmland Soil. These soils have the best combination of physical and chemical characteristics that enable them to be among the most productive and valuable agriculture soils in the State. This land is best suited for food and fiber production. The Department recommends other alternatives be explored, including the protection of the active sod farms and focus the development on other less valuable support lands.

### **Section 2.9 Alternatives**

Notably absent are any indications that other suitable sites including forested non-residential or commercial properties were evaluated. As noted above, a majority of the land included in this project is comprised of Prime Farmland Soils and constitutes the most productive agricultural land. The Department strongly urges the Applicant to explore alternative sites which are not flat, productive, well drained farmland comprised of Prime Farmland soil or Farmland of Statewide Importance.

### **Section 2.22 (g) Agricultural Impacts**

Section 2.22(g) states that agricultural land use with in the Facility Site is well understood. The PSS states that mitigation is anticipated to generally follow the guidelines established by the New York State Department of Agriculture and Markets. As recommended above, The Department recommends our Department Guidelines.

### **Section 2.34 Electric Interconnection**

While this Section states that the Applicant does not propose overhead transmission lines, in the event there are any overhead transmission pole structures in agriculture fields, the Department will require that they be self-supporting with no guy wires in agricultural land.

In conclusion, the Department is concerned about the long-term viability of agriculture in the Facility Area due to the agricultural land and farmland soils being converted to a nonagricultural use. The Applicant should assess the cumulative impact of the Facility Area and other conversions in the area over the useful life of the project. The Applicant then needs to determine whether any reasonable and practicable alternative or alternatives exist which would minimize or avoid the adverse impact on agriculture to sustain a viable farm enterprise or enterprises within the Facility Area.

---



**Department of  
Public Service**

**Public Service Commission**

**John B. Rhodes**  
Chair and  
Chief Executive Officer

**Gregg C. Sayre**  
**Diane X. Burman**  
**James S. Alesi**  
Commissioners

**Thomas Congdon**  
Deputy Chair and  
Executive Deputy

**John J. Sipos**  
Acting General Counsel

**Kathleen H. Burgess**  
Secretary

Three Empire State Plaza, Albany, NY 12223-1350  
www.dps.ny.gov

Nancy Hsu,  
Permitting Manager,  
2180 South 1300 East, Suite 600,  
Salt Lake City, UT 84106;  
email: info@riverheadsolar2.com

Dear Ms. Hsu,

Riverhead Solar 2, LLC (Riverhead Solar 2 or the Applicant), a subsidiary of FTP Power, LLC (sPower), submitted a Preliminary Scoping Statement (PSS) on September 14, 2018, in which it proposes to construct a 36 megawatt (MW) wind-powered electric generating project (Project) under initial consideration in Case 17-F-0655, pursuant to Article 10 of the Public Service Law (PSL) and Pre-Application Procedural regulations at 16 NYCRR §1000.5(c). Staff of the NYS Department of Public Service (Staff or DPS Staff) submit the following comments pursuant to 16 NYCRR §1000.5(g) and the Notice of Filing a Preliminary Scoping Statement and Deadline for Submitting Comments issued by the Secretary on May 24, 2018.

/s/

---

Andrea Cerbin  
Assistant Counsel

**CASE 17-F-0655 – Riverhead Solar Project  
Preliminary Scoping Statement  
Comments of the Staff of the  
New York State Department of Public Service**

**GENERAL COMMENTS**

1. In addition to the specific comments on many topics below, DPS Staff advises that the Application must also contain all of the informational requirements included in 16 NYCRR §1001.
2. The assessment of impacts should address cumulative impacts that will accrue with the development of Riverhead Solar 2 in consideration of development of the adjacent Riverhead Solar 1 project located immediately west of the Riverhead Solar 1. While the PSS indicates cumulative agricultural land impacts will be reported (PSS Section 2.22(q), pg. 104) consideration of other impacts including natural and cultural features, community character, and other topics, must also be addressed.
3. To advance consideration of Project Scoping, the applicant should explain, in response to these comments on the PSS, whether there will be any shared facilities among Riverhead 1 and Riverhead 2, such as access roads, perimeter security fencing, electrical collection lines or right-of-way, or other facilities.

**EXHIBIT-SPECIFIC COMMENTS**

**Section 2.4 - Exhibit 4 – Land Use**

1. Exhibit 4(g) Map of Specially Designated Areas and 4(h) Map of Recreational Areas and Other Sensitive Land Uses: DPS advises that the Peconic River in the Study Area south of the Facilities Site is designated as Scenic and Recreational pursuant to the DEC Wild, Scenic and Recreational Rivers program.
  - a. Peconic River Scenic Designation:
    - i. Approximately ten and one-half miles from the western boundary of the Red Maple swamp to the Long Island railroad bridge between Connecticut and Edwards Avenue; and
    - ii. Approximately three miles from Middle Country Road (State Route 25) to the confluence with the previously described segment of the Peconic including tributaries T112-5, T112-6 and T112-7.

- b. Peconic River Recreational Designation:
  - i. Approximately five and one-half miles from the Long Island railroad bridge between Connecticut and Edwards Avenue to Grangabel Park dam in Riverhead.
2. Section 2.42.4 (h) (p. 24): The summary of potential impacts to recreational resources depicted on Figure 7 should include: written description of all potentially affected resources within the study area; how the resources will be impacted; and how the impacts will be avoided, minimized and/ or mitigated.
3. Section 2.4(i) indicates that acreages of permanent and temporary impacts to land use classes. DPS advises that qualitative analysis should be provided, also. Include information specific to short and long-term effects of facility generated noise, odor, traffic and/or aesthetic impacts on the use and/ or enjoyment of existing, potential, and proposed land uses within study area. Section 2.4(i) should include information specific to the compatibility of the above-ground interconnections and related facilities with existing, potential and proposed land uses within the study area. Specify the length and height of the overhead 138 kV line from Edwards Station to Point of Intersection at substation's 138 kV bus; and assess whether this will impact any identified land uses resources within the study area.
4. Exhibit 4 (l) conformance with Coastal Zone Management Act: DPS advises that the Peconic River and surrounding area are within designated Coastal Area, with Significant Coastal Fish and Wildlife Habitats designated. The southern boundary of the Facilities Site along the Long Island Railroad Greenport Line is the designated boundary of the Coastal Area along the Peconic River. The Application should reflect the Coastal Area Designations, and report on any effect on Coastal Resources including but not limited to stormwater runoff patterns or timing, erosion or water quality effluents from facility construction, or facility maintenance (herbicide treatments, PV panel cleansers, etc.); visual impact on recreational uses of the river; etc., should be evaluated. See Peconic River SCF&WH criteria at [https://www.dos.ny.gov/opd/programs/consistency/Habitats/LongIsland/Peconic\\_River.pdf](https://www.dos.ny.gov/opd/programs/consistency/Habitats/LongIsland/Peconic_River.pdf)

### **Section 2.5 - Exhibit 5 – Electric System Effects**

1. Section 2.5(f)(3) Procedures and Controls for Inspection, Testing, and Commissioning (page 30) states: "When completed, all documentation will be provided to the Siting Board and stored at the Facility Site for easy review/access in the future." Per 16 NYCRR(f)(3), the Article 10 Application must include procedures and controls for facility inspection, testing and commissioning.

2. Section 2.5 (f)(4) Maintenance and Management Plans, Procedures, and Criteria (page 32) states: “The applicant will prepare a Preliminary Operations and Maintenance Plan (O&M Plan), which will be included in the Application.” DPS suggests that the applicant provide the *final* Operations and Maintenance Plan (O&M Plan) with the Application
3. Section 2.5 (h)(1) Description of Substation Facilities to be Transferred and Timetable for Transfer (page 32) states in the last sentence of this paragraph: “The exact future transaction and timetable to transfer the generation delivered to the POI substation to NYSEG will not be known until the Facilities Study is complete.” DPS Staff suggest that the applicant change “NYSEG” to “PSEG LI” in this sentence.
4. Section 2.5 (h)(3) Transmission Owner’s Requirements and (i) Facility Maintenance and Management Plans (page 33) states that the Applicant will assume operational and maintenance responsibilities of the POI substation from PSEG. However, in the next paragraph, (i), the applicant takes responsibility for the operation, inspection, and maintenance requirements of all Facility components, *except for the POI substation*. These two sentences are contradictory. DPS Staff requests the Applicant provide clarification regarding the POI substation and its operational, inspection, and maintenance requirements. The applicant should specify what party is responsible for the upkeep of the POI substation.

### **Section 2.8 - Exhibit 8 – Electric System Production Modelling**

1. Section 2.8(a)(8) Effect of the Facility on the Energy Dispatch of Existing Must-run Resources:
  - a. In the first sentence of the second paragraph, the PSS states, “To conduct the analysis, the NYISO 2018 system will be modeled to the extent that information is available, with and without the proposed Facility, and compared the generation dispatch of must run resources with the NYISO service territory between the two scenarios.” The highlighted sentence is confusing and needs clarification. DPS Staff suggests using the following language:  
“To conduct the analysis, the NYISO 2018 system will be modeled to the extent that information is available, with and without the proposed Facility, and the annual energy from

existing must-run resources within the NYCA will be compared between the two scenarios.”

- b. In the last sentence of the second paragraph the Applicant states, “The analysis will simulate the effect of energy schedules from energy resources on must run resources redispatching to reliably serve the grid and avoid curtailment.” DPS advises that this highlighted sentence is also confusing and needs clarification. Staff suggests the following language:

“The analysis will show the effect the project has on the energy output of existing must run resources located in the NYCA.”

### **Exhibit 9 – Alternatives**

1. DPS advises that Section 2.9(c) Description of Reasonable Alternatives to the Proposed Facility at the Proposed Location, warrants additional consideration of alternative facilities arrangements.
  - a. Consider alternative arrangement and design options that would enable some continued agricultural use(s) at the site, including grazing or crop production;
  - b. Consider alternative arrangement of Access Roads intersecting Edwards Road, such as having intersection locations from the eastern and western arrays directly opposite each other rather than offset as indicated in Preliminary Facility Layout at PSS Figure 3;
  - c. Consider alternative arrangement of inverters away from site property lines south of Route 25 to reduce noise levels at adjoining parcel;
  - d. Consider alternative arrangement of electric collection lines to follow Edwards Ave. ROW south from the east and west turbine arrays to the collector substation area, thus avoiding disturbance of forestland and wetlands habitat in area directly north of the collector substation as depicted at PSS Figure 4 and PSS Appendix K figure 4 - Wetland Area A).
2. The statement at section 2.9(d) should be revised – the requirement should be addressed, and could be referenced to the showings regarding public health and safety at Exhibit 15.

### **Section 2.10 – Exhibit 10 Consistency with Energy Planning Objectives**

1. In both section (a) and (g) the applicant references the most recent State Energy Plan, dated 2015. DPS advises that a new State Energy Plan will be released in

2019. Depending on the timing of the Article 10 application submission, these sections may require updating.

2. Section 2.10 (h) Comparison of Advantages and Disadvantages of Proposed and Alternative Locations: states “Given the unique nature and constraints associated with the siting of solar-powered electric generation facilities . . . a full comparison between the proposed Facility location and alternative locations will not be contained in the application.” This is contrary to 16 NYCRR 1001.10 (h). To the extent that the applicant has property under its control that could constitute a reasonable alternative to the identified site, consideration of the alternate site should be provided.

### **Exhibit 11 – Preliminary Design Drawings**

1. The Application should address additional details in sections 11(f) and (g), including design and architectural drawings of perimeter fencing options, access road gates and identification signs, including references to any local design requirements or standards that may be applicable.

### **Section 2.14 - Exhibit 14 – Cost of Facilities**

1. PSS Section 2.14 (a) Total Capital Costs does not state that the Article 10 application will include a separate estimate for each interconnection. DPS advises that this is required per 16 NYCRR 1001.14 (a).

### **Section 2.15 - Exhibit 15 – Public Health and Safety**

1. Discussion of waste materials generated (Exhibit 15(a)) should include consideration of waste wood generated during site clearing, including stumps and slash, and responsible disposal of these materials.

### **Section 2.18 - Exhibit 18 – Safety and Security**

1. Discussion of Ex. 15(b)(3) should address “security lighting design and operational considerations” rather than the vague “lighting activities” (pg. 61).
2. Discussion of Ex. 15(b)(5) should address consideration of local zoning and land use regulations for fence-line setbacks and security fencing design requirements.

### **Section 2.19 - Exhibit 19 – Noise and Vibration**

1. Regarding PSS section 2.19(b) Ambient Baseline Noise Surveys, DPS requests that a map of the specific Ambient Noise design points be provided immediately for DPS consideration of adequacy of baseline survey locations.

### **Section 2.20 - Exhibit 20 – Cultural Resources**

1. Discussion at PSS pages 69 and 70 regarding Exhibit 20(a) Archeological Resources cites to a project that is not undergoing Article 10 review (the Minisink Solar Project) and the developer should report results of direct consultation with SHPO regarding work plans rather than referring to another project in an entirely different region of NY State.
2. The discussion of cable plow installation of electric collection lines warrants additional consideration of installation of multiple cables in parallel, and the potential wider footprint of ground disturbance that may result from such parallel circuit construction. The PSS states elsewhere that the cables will be trenched in, rather than plowed, to a depth of 3.5 to 4 feet. The width and depth of cable installation methods should be thoroughly discussed with SHPO staff archeologists in defining areas warranting Phase 1B investigation. DPS requests notification of any meetings scheduled with SHPO staff on this topic in the future.

### **Section 2.21 - Exhibit 21 – Geology, Seismology and Soils**

1. Section 2.21: The Application should include mapping and discussion demonstrating that the soils types evaluated in the Geotechnical Engineering Report for the Riverhead Solar 1 site are the same or otherwise representative of the soils within the project area for the proposed Riverhead Solar 2 facility. Soils types within the area proposed for the Riverhead Solar 2 project that are not addressed in the Geotechnical Engineering Report, should be identified and described in the Application.
2. Section 2.21(c): Cut and fill calculations should be based on the analysis and recommendations included in the Geotechnical Engineering Report and include separate estimates of materials that may need to be imported to the project area for access road construction, structural base for foundations, and compacted fill for placement of buried electric lines.
3. Section 2.21(f): The application should include a description of the proposed lateral bore methods for installation of buried electric cables. If horizontal directional drilling (HDD) is anticipated for stream/wetland crossings, road crossings, or other locations, the Application should include:
  - a. a description of HDD operations;
  - b. maps of the project area identifying proposed HDD locations;
  - c. typical HDD equipment layout diagram; and
  - d. frac-out risk evaluation and contingency plan.
4. Section 2.21(h): The evaluation of the suitability of existing soils for construction purposes should also include an evaluation of the risk of damage or

displacement to foundations from soil shrink/swell (if applicable based on the soils types within the project area). The discussion on corrosion potential of existing soils should provide separate evaluations for the potential for corrosion of uncoated steel and the potential for corrosion and degradation of concrete.

5. Section 2.21(h): If existing soils are proposed for re-use as structural fill, the Application should describe measures for screening materials to remove cobbles and boulders, and fine-grained sediment that does not meet the recommended structural fill composition characteristics described in the Geotechnical Engineering Report.
6. Section 2.21(r): The application should include a description of methods for minimizing potential pile driving vibrational impacts on nearby buildings, water wells, or other infrastructure. The application should include a description and justification of any proposed pile-driving setback distances.

### **Section 2.22 - Exhibit 22 – Terrestrial Ecology and Wetlands**

1. Discussion of Wildlife Habitat at section 22(d) on page 94 contains false statements regarding the Facility Site in relation to designated Coastal Areas and Significant Coastal Fish and Wildlife Habitats (SCFWH). Rather than being “located approximately 3 miles from the nearest coastal areas” (PSS pg. 94) the Facility Site is within a short distance of the designated Coastal Area and SCFWH associated with the Peconic River. The PSS must be revised to address this important nearby Coastal habitat area. (See also comments in Section 23 re: water resources impact evaluations on the Peconic River SCFWH).
2. Section 2.22(f): Provide an overview of vegetation management plans for operation and construction of the facility. Include a discussion of forest clearing and ground cover maintenance.
3. Section 2.22(i): Confirm that wetland delineations were performed within 500 feet of areas to be disturbed in accordance with the document *Advice to Applicants on Wetlands Delineation, Requirements of the Article 10 Regulations, May 31, 2018*.
4. Consideration of avoidance of wetland area A (per Figure 4 in PSS Appendix K – Wetland Delineation Report) should be addressed with design alternatives that avoid fragmenting the forest and wetland habitat in the vicinity of Area 4. (See DPS comment re: Exhibit 9 – Design Alternatives.)
5. Section 22(o):
  - a. The application should include a full evaluation of the potential presence of eastern tiger salamanders and their use of freshwater ponds within and adjacent the project boundary. Discussion of tiger salamanders should

specify that surveys of fall and early spring adult migration should occur; and surveys of breeding ponds for eggs and larvae should occur in spring and summer. Provide the regional guidance documents for DPS review. The surveys should be included as an appendix to the application.

- b. The application should include an evaluation of potential impacts to eastern tiger salamanders resulting from disturbance to uplands surrounding ponds within and adjacent the project boundary.
  - c. If it is determined by the NYSDEC that construction or operation of the facility is likely to result in a take of state-listed species, including the adverse modification of habitat on which a listed species depends, the Applicant will submit an avoidance, minimization, and mitigation plan that demonstrates a net conservation benefit to the affected species pursuant to 6 NYCRR Section 182.11 (Part 182), along with the informational requirements of an Incidental Take Permit (ITP), as provided for in Part 182. The applicant should consult with NYSDEC to determine if an Incidental Take Permit is anticipated prior to filing application. NYSDPS Staff should be included in any such consultations.
6. Section 2.22(p): Invasive Species Identification:
- a. A list of all invasive plant species observed during field investigations and known to occur within the Facility. The list of invasive plant species in areas of proposed disturbance shall be based on observations recorded concurrent with field surveys conducted in support of Exhibits 22 and 23.
  - b. For areas of high invasive species density and as useful for management of individual invasive species, identify an area and concentration threshold that requires mapping and an individual management plan.
  - c. Provide maps at a scale of 1:500 of any identified concentrations of non-native invasive plant species in areas of proposed disturbance.
  - d. A list of invasive species other than plants included in 6 CRR-NY V C575.3 (Prohibited Invasive species) and CRR-NY V C575.4 (Regulated invasive species), if any, limited to those incidentally observed during field work in support of Exhibits 22 and 23.  
[https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=le8d3e7b0339611e4baa20000845b8d3e&originContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=le8d3e7b0339611e4baa20000845b8d3e&originContext=documenttoc&transitionType=Default&contextData=(sc.Default))
7. Section 2.22(q): In addition to locations designated as “prime” and “farmland of statewide importance”, the Application should also identify locations of agricultural areas having local designations from the regional NRCS office or the Suffolk County Soil and Water District, including “unique farmland” and “farmland of local importance”.

### **Section 2.23 - Exhibit 23 – Water Resources and Aquatic Ecology**

1. Section 2.23(a)(2):
  - a. The PSS states that the Applicant will submit FOIL requests to NYSDEC, NYSDOH, and Suffolk County to obtain information on the location and usage of existing water wells within the Facility Site. Staff recommends that the FOIL request letter solicit information for water wells located within a 1,000-foot radius of the proposed Facility and within 2,000 feet of anticipated pile driving locations.
  - b. The PSS also indicates that a private wells survey will be distributed to all residences/businesses within a 1,000-foot radius of the proposed Facility. Staff recommends that recipients of the well survey also include all landowners within 2,000 feet of anticipated pile-driving locations.
  - c. The locations of public and private water wells should be verified through field observations where property access rights are obtained by the Co-Applicants. Water well locations should be indicated on maps showing groundwater aquifer and recharge areas and shallow aquifer groundwater flow direction, distinguishing whether each well location is approximate or confirmed.
2. Section 2.23(c): The Application should include evaluation of potential impacts of stormwater runoff on agricultural uses and drainage patterns within and surrounding the project area. The Application should describe how stormwater controls, and drainage features during site restoration, will be designed to avoid post-construction negative impacts to surrounding agricultural land uses.

### **Section 2.24 - Exhibit 24 – Visual Impacts**

1. The PSS and Section 24 discussion of the proposed facility indicates PV array heights of 8 feet and 10 feet. DPS advises that the visual analysis and appearance of the facilities should represent the range of facilities heights, including PV arrays, alternative PV heights that could accommodate agricultural uses, and the heights of other facilities components, including underground-overhead collection line risers, lightning masts and lighting poles at substation, etc.
2. PSS section 2.24(a)(4) lighting should describe existing lighting, and any proposed lighting, at the Edwards substation.
3. Discussion of glare at PSS Section 2.24(a)(8) Operational Effects of the Facility relies on citation to a 1990 reference, which may be dated given nearly 30 years of advances in PV development since that publication. DPS requests more recent documentation; and suggests that additional analysis of glare may be warranted.

4. Regarding Section 2.24(a)(10) Description of Visual Resources to be Affected:
  - a. This section includes a list of many resources and categories that are not located in the area of the proposed Facilities Site, and will not be within areas of facilities visibility, including: the State Forest Preserve Adirondack or Catskill Parks; National Natural Landmarks; National Parks, Recreation Areas, Seashores or Forests; Scenic Areas of Statewide Significance; Adirondack Park Scenic Vistas; State Nature and Historic Preserve Areas; the Palisades Interstate Park.
  - b. The PSS indicates elsewhere that there are no designated Coastal Areas within three miles of the Facilities Site. DPS advises that the Peconic River and surrounding areas located a short distance south of the Facilities Site are within designated Coastal Area, and that this area should be considered in assessing visual resources.
  - c. Furthermore, as noted above in comments on Section 4, DPS advises that the Peconic River south of the Facilities Site includes portions that are designated as either Scenic or Recreational Rivers pursuant to the DEC Wild, Scenic and Recreational Rivers program.
5. Discussion at Section 24(b)(4) Viewpoint Selection should reflect consideration of locations representative of community character.
6. Discussion of glare from PV panels at PSS section 2.24(b)(8) Visible Effects Created by the Facility cites to a 2009 paper by SunPower. Please provide a copy of that document for DPS consideration in resolution of PSS consideration of glare. (See comment above re: 2.24(a)(8)).

### **Section 2.27 Socioeconomic Effects – Exhibit 27**

1. All references to the JEDI model should be removed (page 131).
2. Part (a) should include an estimate of the peak construction employment level (page 133).
3. The analysis of secondary employment and economic activity should also reflect the economic impacts associated with and changes in the retail price of electricity as well as the economic impacts associated with the cancellation or closure of any new or existing power plants made unnecessary by the added solar capacity of the Facility. The Applicant should consult NYSERDA's 2012 New York Solar Study as a guide for estimating these economic impacts. If making such secondary employment estimates is not reasonably practicable, the Applicant should nevertheless acknowledge that such secondary employment and economic activity impacts will result from the Project, even though no quantitative estimate has been made. In such a situation, and given that the net impact on

secondary employment would not be known to be positive or negative, the applicant should only include direct job estimates.

4. The Applicant's direct job, expenditure, and economic activity estimates should be based on actual budgeted estimates for the Project, including contractor quotes and consultations.

### **Section 2.35 - Exhibit 35 – Electric and Magnetic Fields**

1. Section 2.35 (b) For Each Right-of-way segment, provide Base Case and Proposed Cross Sections Showing any underground gas transmission facilities in the EMF study area, per 16 NYCRR 1001.35(b)(3).

### **Appendix H – Phase 1A Cultural Resources Survey**

1. Section 1.5 – Facility's Proposed Construction Methods provides discussion at page 11 for the Electrical Collection System. The document indicates that "the Applicant will seek to minimize the width of trenches and is considering the practicalities of installation via cable plough." The Phase 1A report does not address the potential for multiple electric collection cables being installed in parallel configuration, which may result in much wider areas of disturbance than for a single cable run.
2. Section 6.0 Summary of Cultural Resources Survey, at page 49 indicates that Phase 1B survey is necessary only for those areas of significant ground disturbance [including] "any buried collection lines installed via an open trench greater than 1 foot (0.3 meter) wide." The report does not address whether cable plough installation warrants Phase 1B surveys, or whether cable plough installation of multiple circuits in parallel in particular warrants 1B surveys. Likewise, there is no discussion of tree clearing or stump removal as a ground disturbance activity that warrants 1B surveys. This should be clarified in defining the extent of Phase 1B survey activity needed.
3. DPS recommends that the applicant consider alternative arrangement of electric collection lines to follow Edwards Ave. ROW south from the east and west turbine arrays to the collector substation access road area, thus avoiding disturbance of forestland and wetlands habitat in area directly north of the collector substation (as depicted at PSS Figure 4 and PSS Appendix K figure 4 - Wetland Area A; and Appendix H – Phase 1A Cultural Resources Survey Figure 11 – Phase 1B Survey Area at lower eastern Area of Significant Proposed Disturbance).
4. Appendix A to the Phase 1A Cultural Resources Survey includes a series of photographs of features in the vicinity of the Riverhead Solar 2 proposed Facilities Area. An accompanying map indicating the locations of the photograph locations should be provided.

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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October 5, 2018

## **VIA EMAIL**

Hon. Kathleen H. Burgess, Secretary of the Siting Board  
New York State Board on Electric Generation Siting and the Environment  
[secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

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Re: Case No: 17-F-0655– Application of Riverhead Solar 2, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of a Solar Electric Generating Facility Located in the Town of Riverhead, Suffolk County; Preliminary Scoping Statement Comments

Dear Secretary Burgess, Mr. Muscato, and Ms. Bomyea:

Pursuant to 16 NYCRR § 1000.5(g), the New York State Department of Environmental Conservation (“NYSDEC”) submits the following comments on the Preliminary Scoping Statement (“PSS”) filed by Riverhead Solar 2, LLC (“Applicant”) on September 14, 2018. As stated in the PSS, the Co-Applicants propose a photovoltaic solar electric generating project with a nameplate capacity of up to 36 megawatts located within the Town of Riverhead, Suffolk County, New York (“Facility” or “Project”). NYSDEC is providing detailed comments to ensure that the Article 10 application (“Application”) will comply with state law and regulations and provide sufficient information for NYSDEC and other parties to thoroughly review the Project.

Thank you for the opportunity to comment on the PSS. If you have any questions please contact me at (518) 402-9191 or [kara.paulsen@dec.ny.gov](mailto:kara.paulsen@dec.ny.gov) or Michael Higgins, the NYSDEC Project Manager, at (518) 402-9179 or [michael.higgins@dec.ny.gov](mailto:michael.higgins@dec.ny.gov).

Sincerely,



Kara E. Paulsen, Esq.

ecc: Active Parties  
NYSDEC Review Team



**Case No: 17-F-0655**  
**Comments of the Staff of the New York State Department of Environmental Conservation  
on the Preliminary Scoping Statement**

**Acronyms and Definitions**

BBA - Breeding Bird Atlas  
BBS - USGS Breeding Bird Surveys  
BMP – Best Management Practices  
CBC - Christmas Bird Counts  
Corps – United States Army Corps of Engineers  
ECL – Environmental Conservation Law  
EIS – environmental impact statement  
GIS - Geographical Information System  
HDD – horizontal directional drilling  
HMANA - Hawk Migration Association of North America  
ITP – incidental take permit  
MW – megawatt  
NHP – New York National Heritage Program  
NLCD - National Land Cover Data  
NWI - National Wetland Inventory  
NYCRR – New York Code of Rules and Regulations  
NYS – New York State  
NYSDEC – New York State Department of Environmental Conservation  
NYSDOS – New York State Department of State  
NYS DPS – New York State Department of Public Service  
PSS - Preliminary Scoping Statement  
PSL – Public Service Law  
SEQR - State Environmental Quality Review  
SGCN – New York State Species of Greatest Conservation Need  
SSC – New York State Species of Special Concern  
T&E species – threatened and endangered species  
ULI - Unusual Local Importance  
US – United States  
USFWS – United States Fish and Wildlife Service  
USGS – United States Geological Service

“proposed project” or “proposed panels” is defined as any project, or panels that are associated with a project, for which a PSS has been submitted to NYSDPS and a case number assigned under Article 10 of the PSL, or are part of a project that has completed or is currently undergoing the SEQR process, for which there is a publicly available EIS document, as of the date of submission of the Application.

“nearby” is defined as all operating or proposed solar energy projects that are located within 100 miles of the Facility, including those in other counties, states or provinces, and all operating or proposed solar energy projects in Suffolk and Nassau Counties.

**General Comments**

NYSDEC requests shapefiles suitable for use in GIS software via ESRI’s ArcGIS suite of software (e.g., ArcMap) containing all applicable project and survey components as described in NYSDEC’s *Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects* (June 2016) be

submitted to NYSDEC as soon as possible. Shapefiles should depict the location of all Facility components including (separately): extent of current Facility site; panel array locations; new access and maintenance roads; existing roads that will be widened/altered; electric collection and transmission lines (specified above ground or underground); security fence lines; laydown and storage area(s); substation(s); temporary and permanent meteorological tower(s), if applicable; any other temporary or permanent infrastructure constructed in support of the Facility; and all areas to be cleared around panels, access roads, electric lines, and all other Facility components.

Additionally, shapefiles should show all wildlife and habitat survey locations, as applicable and labeled by year, including (separately): breeding bird survey transects/points; winter raptor survey locations and driving routes; viewsheds for winter raptor observation points, indicating the area visible from each point; bat acoustic monitoring and/or mist net locations; amphibian survey locations; all delineated wetland boundaries and adjacent areas; stream crossings, and; any other survey information pertinent to the Facility.

The Applicant should update shapefiles depicting preliminary project component/layout and resubmit to NYSDEC as needed and in a timely manner during project development and review. Draft reports of all wildlife, habitat, and wetland surveys should be submitted to NYSDEC as soon as possible after they are prepared. These reports should include maps and shapefiles provided confidentially to NYSDEC depicting the location(s), observation date(s), species, and behavior(s) of all T&E and SSC individuals observed during pre-construction surveys and incidentally within and adjacent to the Facility.

### **Comments on Sections 2.22 and 2.23**

- The Application should contain maps, information on, and a description of the plant communities within the Facility, electric interconnection lines, and adjacent properties. Maps, shapefiles and descriptions should show approximate locations and extent of identified plant communities, including areas of invasive species concentrations, overlaid with areas of proposed disturbance, and be based on results of observations and field verification during on-site surveys, roadside surveys from adjacent parcels, and review of recent aerial imagery and NLCD information. A list of all plant species observed during on-site field investigations and incidentally while in the Facility should also be provided, including the date(s) each species was observed.
- The Application should contain results of pre-construction surveys, including the location(s) of areas of invasive species within the Facility, and maps and shapefiles of any concentration areas that may contain project components. This information will assist in appropriate siting of project components in areas that will not facilitate the spread of invasive species.
- An Invasive Species Management Plan should be developed and address measures to prevent the introduction of and control the spread of all the species listed in 6 NYCRR Part 575. Additional species not included on this list (i.e., reed canary grass and wild parsnip) may also warrant specific management and control measures, depending on current populations of such species within and nearby the Facility. Specifically, the Invasive Species Management Plan should apply to all prohibited and regulated invasive species and include the following:
  - A summary of the survey methods to be used to identify and mark existing non-native invasive species within the Facility site (i.e., baseline survey), including the transmission line corridor (if applicable). A field verification of the location(s) of invasive species should be conducted during the growing season immediately prior (within at least six months) of the start of vegetation or ground disturbance activities;

- An action plan for pre-construction management of non-native invasive species, including threshold for action. Specific methods to be used to ensure that packing material, imported fill and fill leaving the Facility site will be free of non-native invasive species material, seeds, and parts to the extent practicable;
  - Specification on how fill materials to be placed within the Facility site will be free of non-native invasive species material, seeds, and parts, by source inspection or other method, or only used within areas already containing those specific non-native invasive plant and invertebrate species infestation;
  - Detailed description of specific measures that will be used to prevent the introduction, spread, and proliferation of all non-native invasive species due to the implementation of the Facility's grading, erosion and sediment control plan;
  - Details of procedures for preventing the spread of invasive invertebrates and diseases, and a discussion of how the Applicant will comply with the state quarantine and protective zones, where applicable;
  - Detailed plans describing how appropriate measures will be implemented to ensure that equipment and personnel arrive at and depart from the Facility site clean and free of all non-native invasive species material, seeds, and parts;
  - The protocol for inspection of equipment arriving at the Facility Site;
  - A detailed description of cleaning procedures for removing non-native invasive species material, seeds, and parts from equipment and personnel, and properly disposing of materials known to be or suspected of being infested;
  - Detailed description of the BMP or procedures that will be implemented, and the education measures that will be used to educate workers;
  - Detailed description of a minimum of 5-year post-construction monitoring and corrective action plan, to achieve the goal of no new invasive species in the Facility area and no new locations of exiting invasive species in the Facility area, and survey measures and procedures for revising the Invasive Species Control Plan in the event that the goals of the initial plan are not met within a specified timeframe;
  - Anticipated methods and procedures used to treat non-native invasive species that have been introduced or spread as a result of the construction, operation or maintenance of the Facility (based on comparisons against the baseline survey); and
  - Landscape re-vegetation plans, including specification of native seed mix to be used, as appropriate.
- The Application should contain a detailed description of the proposed measures that will be implemented to avoid, minimize, and mitigate for any temporary and permanent impacts to existing, non-invasive plant communities, particularly grasslands, interior forests, wetlands, shrublands, and young successional forests, as a result of the construction, operation and maintenance of the Facility. This should include measures to avoid and minimize impacts to vegetation such as co-locating linear project components, and constructing all panels, buildings, storage areas, and other structures in areas already developed or disturbed, to the maximum extent practicable. Post-construction vegetative restoration should include reseeding disturbed areas with appropriate native seed mix or planting native woody species, as necessary, to recreate or enhance wildlife habitat. An alternatives analysis should also be presented in Exhibit 9 (Alternatives), which should include a discussion of vegetative clearing, and the associated impacts under each of the alternatives analyzed.
  - The Application should include information on and a characterization of aquatic and terrestrial vegetation, wildlife and wildlife habitats that occur throughout the Facility, encompassing all areas that may be disturbed for construction of panels, roads and electric interconnection and transmission. The Application should also include an identification and description of plant

communities, plant species and wildlife habitat. Such descriptions should include field identification and verification of aquatic habitats, plant communities, and other wildlife habitat that could potentially support federally or state-listed T&E species, SSC, and SGCN as documented during on-site field investigations (e.g., ecological cover type assessments, habitat assessments, wildlife surveys, and wetland/stream delineations). USFWS, NYSDEC staff, and NHP database information should be used to determine if any bat hibernacula or maternity roosts are located within the study area. If hibernacula or roosts are identified within the project area, or five miles from any Project component or boundary, the location and distance to each identified hibernaculum and roost should be provided separately and confidentially to NYSDEC.

- A discussion of the extent, methodology and results of all avian, bat, amphibian, and other wildlife surveys conducted by the Applicant or its agents within or in the vicinity of the Facility should be provided in the Application. All draft reports should be provided to NYSDEC, USFWS and NYSDPS as soon as possible after they are prepared.
- Information on amphibians and reptiles based on the New York State Amphibian & Reptile Atlas Project (Herp Atlas), database records obtained from NHP, NYSDEC and USFWS, assessments of suitable habitat within the Facility, and any field observations made on-site and in the vicinity of the Facility should also be included. To the extent that vernal pools and their functions (including the surrounding upland habitat) may be impacted by construction, operation or maintenance of the Facility, those features should be identified under appropriate seasonal conditions, and these impacts should be identified and assessed in the Application. The Applicant should also submit to NYSDEC detailed location maps and ecological characterization data for all vernal pools located within 500 feet of all proposed areas of disturbance.
- The Application should also include a discussion and analysis of information collected as part of pre-construction monitoring surveys at the Facility, surveys at existing photovoltaic solar energy projects in the northeast (if available), and information provided by state and federal agencies. If impacts are unavoidable, the Application should demonstrate that they are unavoidable and provide a clear and reasoned explanation as to why complete avoidance of impacts to each affected species is not practicable, how the proposed minimization actions will minimize impacts to the maximum extent practicable, and proposed mitigation actions where impacts cannot be avoided or secondly minimized. If such impacts cannot be demonstrably avoided to the maximum extent practicable, the minimization actions and mitigation measures to be implemented should: be developed in consultation with NYSDEC and USFWS (if federally-listed species may be impacted); result in a net conservation benefit to the target species; and require thorough post-construction monitoring that adequately measures the Facility's impact on the target species and evaluates effectiveness of measures implemented as minimization actions
- The Application should contain an inventory of and information on plant species and wildlife species (bird, mammal, herpetofauna) known or likely to occur in or near the Facility at some time during the year based on existing data available from the following sources: NHP; NYSDEC; USFWS; local bird/wildlife experts; Herp Atlas; BBA; BBS; CBC; HMANA; eBird; The Nature Conservancy surveys/reports; The Kingbird publication; county-based hunting and trapping records maintained by NYSDEC, and; any other publicly available source that may provide relevant information regarding wildlife occurrences within or in the vicinity of the Facility and electric interconnection line. On-site field surveys (e.g., avian and bat surveys, amphibian surveys, ecological cover type assessments, habitat assessments, wetland delineations, etc.) and the availability of suitable habitat should also be used to identify species that could potentially occur within or in the vicinity of the Facility at some time during the year. The inventory should specify whether species were observed, known to occur in Facility site, or are predicted to occur

based on habitat characteristics and historical records. Information on terrestrial invertebrates should be limited to a general discussion regarding the range of species likely to occur in the vicinity of the Facility.

- The Application should contain a narrative analysis and associated mapping to explain and illustrate potential and expected construction and operational impacts to vegetative cover types, wildlife habitats (including a discussion of impacts from habitat fragmentation), wildlife concentration areas, travel corridors, if identified, and terrestrial and aquatic organisms.
- The Application should discuss all direct and indirect construction-related impacts that may occur to wildlife and wildlife habitat, including but not limited to incidental injury and mortality due to construction activity and vehicular movement, habitat disturbance and loss associated with vegetation clearing and earth-moving activities, and the displacement of wildlife from preferred habitat.
- The Application should discuss all direct and indirect operational and maintenance impacts including but not limited to functional loss and degradation of habitat, forest and grassland fragmentation, and wildlife displacement. To the extent any documented wildlife travel corridors or concentration areas are identified within or in the vicinity of the Facility Site, direct and indirect impacts to such corridors and concentration areas, and the species utilizing corridors or concentration areas, should be addressed.
- The Application should include a discussion and assessment of potential short- and long-term impacts to plants, animals, and habitats that may result from the application of biocides, if any, during site preparation, construction, operations, or maintenance of the Facility. This should include consideration of impacts to trees, ground covers, and other vegetation planted as part of restoration, mitigation and habitat enhancement activities.
- The Application should include a summary impact table that clearly quantifies anticipated temporary and permanent impacts associated with all Facility components in relation to wildlife habitats, identified concentration areas or travel corridors, and vegetation cover types, particularly grasslands, interior forests and young successional forests, if affected.
- The Application should discuss the Facility's location in the Long Island Grassland Focus Area and any other identified concentration areas or migration corridors, as appropriate, and include a discussion of the potential cumulative impacts of the Facility on wildlife species and the habitats that support them with respect to the other photovoltaic solar energy projects or panels that are currently operating and proposed to be constructed at other sites nearby the Facility and in NYS, and at operating projects throughout the northeast.
- The Application should include wildlife and habitat impact analysis descriptions including an identification, evaluation, and assessment of direct and indirect Facility-related impacts to avian, bat and other wildlife species, particularly: federally and state-listed T&E species and their habitats; SSC and SGCN; wildlife concentration areas; migration corridors; and forest and grassland habitats. The NYSDEC Region 1 Wildlife Office can be contacted to obtain the most recent breeding, wintering, and habitat data for state-listed species. The USFWS Field Office in Cortland, New York can be contacted to obtain the most recent breeding, wintering, and habitat data for federally listed and protected species.

- If it is determined by the Applicant, NYSDEC, or USFWS that the construction or operation of the Facility is likely to result in a take of a listed species, including the modification of habitat on which a listed species depends, the Applicant should submit with the Application an avoidance, minimization and mitigation plan that demonstrates a net conservation benefit to the affected species as defined pursuant to 6 NYCRR Part 182, along with the informational requirements of an ITP pursuant to 6 NYCRR Part 182, including proposed actions to first avoid all impacts to listed species.
- Surveys for the state-listed Eastern Tiger Salamander should be conducted during the breeding season and include the upland areas around the historic breeding pond (“G”) and for Pond “B” to determine if these areas are being used by the Eastern Tiger Salamander.
- The avian and bat occupancy and usage of the Facility site should be compared with other proposed and existing solar energy projects located nearby the Facility and in the state, and with operating projects throughout the northeast. Analyses should be based on a discussion and comparative analysis of the extent, methodology, and results of the pre-construction wildlife studies conducted for the Facility, and studies from other solar energy projects for which data are publicly available, as well as any additional information provided by NYSDEC and USFWS.
- A cumulative impact analysis should be done to evaluate the actual and expected impacts from the construction, operation and maintenance of the Facility as they relate to other proposed and operating solar energy projects nearby the Facility and in NYS. This analysis should minimally include a discussion and calculations describing and showing:
  - Examination of data on currently installed utility-scale solar energy capacity in NYS, as well as projected increase in installed solar energy capacity for the life of the Facility;
  - Estimated take of federally listed or protected and state-listed T&E species at the Facility, based on post-construction studies done in NYS and the northeast, data provided by state and federal agencies, and any other available relevant information;
  - Acres of each habitat type lost directly through installation of panels and other Project components, clearing, and cover type conversion;
  - Acres of each habitat type lost indirectly due to functional loss/degradation of habitat (for purposes of forest fragmentation analyses, it is assumed that indirect effects will extend up to 300 feet beyond the limits of disturbance); and
  - Cumulative impacts of forest and grassland habitat fragmentation, particularly potential impacts on listed bird species, as a result of solar energy projects nearby the Facility.
- A literature review and impact analysis evaluating how the construction, operation and maintenance of the Facility will affect wintering and breeding grassland bird species, including an assessment of the potential population-level effects of habitat loss is likely to have on grassland bird species at a regional scale, should also be included in the Application. All such analyses should take into account the estimated impacts associated with the overhead transmission line and related facilities to be constructed, if applicable.
- Information associated with a proposed post-construction monitoring plan to be implemented to assess direct and indirect impacts of the Facility on wildlife species and their habitats should be included in the Application. The details of a full post-construction monitoring plan should be developed on a site-specific basis through discussions between NYSDEC, the Applicant, and USFWS (if federally-listed species may be impacted), and at a minimum specify the following: the expected and allowed level of take of each T&E species that may be impacted; survey monitoring

methods, effort, duration, data reporting and compliance documentation; construction parameters; proposed adaptive management responses, if applicable, and; mitigation measures sufficient to ensure the Applicant complies with the substantive requirements of 6 NYCRR Part 182. A post-construction monitoring plan should be approved by NYSDEC and NYSDPS and finalized prior to the start of project operation.

- The Application should contain a detailed description of the impact avoidance and minimization efforts used in siting and developing the Facility, as they pertain to vegetation, wildlife, and wildlife habitat. The Facility design, construction controls, and operational measures that can be reasonably implemented to first avoid to the maximum extent practicable, then minimize, and mitigate for impacts to wildlife and wildlife habitat as a result of construction, operation and maintenance of the Facility should be described. If such impacts cannot be demonstrably avoided to the maximum extent practicable, the Applicant should minimizing impacts associated with habitat loss, fragmentation, displacement and mortality, through careful site design, adhering to designated construction limits and seasonal restrictions, and adhering to other construction best management practices. A commitment to mitigate, in an appropriate and timely manner, for any demonstrably unavoidable impacts to listed T&E species should also be discussed.
- The Application should include an analysis of the potential hydrologic connectivity of all wetlands within the Facility to offsite wetlands, including a summary of those wetlands anticipated to fall under NYSDEC jurisdiction (under Article 24 of the ECL) and Corps jurisdiction (under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act). Assessments of potential state wetlands jurisdiction should include both “mapped” and “unmapped wetlands” that meet NYSDEC’s 12.4-acre size threshold (including any wetlands of any size separated by less than 50 meters which function as a unit in providing wetland benefits, pursuant to 6 NYCRR Part 664, or otherwise meet state criteria for jurisdiction (e.g., wetlands or vernal pools determined to be of ULI pursuant to 6 NYCRR 664.7(c)). A summary of off-site wetlands adjacent to the Facility and any disturbed areas that may be hydrologically or ecologically influenced or impacted by development of the Facility, including Significant Coastal Fish and Wildlife Habitat Areas designated by NYSDOS, and publicly owned lands, to determine their general characteristics and relationship, if any, to the delineated wetlands within the Facility should be included in the Application. All information, including maps and shapefiles of delineated wetlands, should be provided to NYSDEC as soon as delineations are completed and preferably prior to the submission of the Application, to provide sufficient time for the NYSDEC to determine the full extent of state wetland jurisdiction.
- The Application should include an identification and quantification of temporary and permanent impacts to, and any permanent conversions of wetlands and state-regulated 100-foot adjacent areas based on the proposed footprint of all Facility components and associated impact assumptions. This assessment should also include a description of applicable permanent forest conversion, if any, which will occur as a result of the construction or maintenance of the Facility. Such impacts should be summarized and presented in a table that identifies and calculates the following:
  - Applicant-assigned wetland identification code, NYSDEC wetland identification number, and NYSDEC stream classification;
  - Delineation type (i.e., field survey, review of aerial imagery, roadside observation, etc.);
  - The acreage and type of impact, including but not limited to permanent or temporary fill and forest conversion, to each wetland and adjacent area, including vegetative cover type affected by each impact;

- The associated crossing methodology for each wetland, clearly discerning between federal and state wetlands, and adjacent area impacts; and
  - The page or sheet number on preliminary design drawings depicting the resource.
- Impacts to wetlands should also be presented on a separate set of site plan drawings at 1":50' scale, showing wetland and stream boundaries, permanent and temporary structures, stream crossings, roads, power interconnects, grade changes, and the limits of disturbance.
- Pursuant to 6 NYCRR 663.5(g), a conceptual mitigation plan for impacts to state-regulated wetlands and adjacent areas should be provided to NYSDEC as soon as possible, preferably before the submission of an Application, and meet the following provisions:
  - The mitigation occurs on or in the immediate vicinity of the Facility (preferably elsewhere in the same wetland);
  - The area affected by the proposed mitigation is regulated by the Article 24 of the ECL and 6 NYCRR Part 663 after mitigation measures are completed;
  - The mitigation provides substantially the same or more benefits than will be lost through the proposed activity; and
  - Evaluation of mitigation options should during initial planning of the Facility. Off-site mitigation should only be considered if an analysis is provided showing that all options within the immediate vicinity were thoroughly evaluated and determined to not be feasible. Please note that in-lieu-fee does not meet the state requirements for mitigation. Alternative analyses should be based on the final verified delineation boundaries.
- For all temporary and permanent impacts on wetlands and regulated adjacent areas, the following should also be provided:
  - For each resource explain if the resource could reasonably be avoided;
  - Proposed site-specific actions to minimize impacts to resources that are not avoided;
  - Proposed site-specific actions to mitigate impacts that are not avoided; and
  - Proposed appropriate compliance monitoring schedule to ensure mitigation is successful, including adaptive management actions to be implemented should the planned mitigation fail.
- The Application should include a discussion of all avoidance and minimization measures considered during site planning and design, and an indication of methods to be implemented to avoid wetland and stream impacts, including crossing methodology and a description of Facility construction and operation in relation to the standards established by ECL Articles 15 and 24. Direct impacts to wetlands and streams should be minimized by utilizing existing or narrow crossing locations wherever possible. Additional impact avoidance and minimization measures may include consideration of alternative siting or routing options, trenchless crossings (such as HDD or other special crossing techniques), equipment restrictions, herbicide use restrictions, and erosion and sedimentation control measures.
- Where impacts to wetlands and regulated adjacent areas and streams are demonstrably unavoidable, and have been minimized to the maximum extent practicable, the anticipated mitigation measures to be implemented to offset impacts to wetlands and state-regulated 100-foot adjacent areas should be discussed, including the use of reasonable alternative stream and wetland crossing methods.
- The Application should contain information regarding the presence of federally and state-listed T&E species, SSC, and SGCN, and a discussion of the Facility's potential to impact such species or their habitats as a summary impact table. This table should contain, at a minimum: species

name; federal status; NYS status; if species was observed on site or potentially occurring in the Facility; source of information indicating potential or documented presence of species; discussion of the type of impact (direct and/or indirect) that may occur to each listed species; estimated take of each listed species, and; evaluation of all impact avoidance measures considered and, if full avoidance is not feasible, a discussion of why such actions are not practicable. Analysis of documented T&E species, SSC, and SGCN should be based on database records obtained from the NHP, other known records documented by NYSDEC, USFWS, and observation during on-site wildlife and habitat, ecological, and wetland surveys.

- The Application should also describe the anticipated Environmental Compliance and Monitoring Program to be implemented during Facility construction, which should include an Environmental Monitor(s) during construction and restoration activities on the Facility site, and the duties of the Environmental Monitor, the locations of all staging areas, temporary spoil or woody debris stockpiles, “extra work” areas, and other places material or equipment may be placed on site. The limits of disturbance around all such areas should be clearly defined in plan maps. Plans to restore all temporary disturbances in regulated areas, including replanting trees in disturbed forested areas, should also be provided in the Application.



October 5, 2018

Honorable Kathleen H. Burgess  
Secretary of the Commission  
New York State Public Service Commission  
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Albany, New York 12223-1350  
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**RE: Preliminary Scoping Statement “Riverhead Solar 2 Project”  
Case 17-F-0655  
Calverton, Town of Riverhead, Suffolk County, NY  
Partially in the Compatible Growth Area of the Central Pine Barrens**

Dear Hon. Secretary Burgess, Mr. Denn, Mr. Galeria, and Ms. Hsu:

On September 21 and 24, 2018, the Central Pine Barrens Joint Planning and Policy Commission (“Central Pine Barrens Commission”) was notified via email to [info@pb.state.ny.us](mailto:info@pb.state.ny.us) of filings related to the above-referenced project. A link was provided to the project filing case number posted on the New York State Department of Public Service website where materials describing the project could be downloaded.

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<https://pb.state.ny.us/>

A portion of the project site, at least approximately 51 acres of the 290 acre project site, is in the Compatible Growth Area (CGA) of the Central Pine Barrens. Since a portion of the site is in the area of the Central Pine Barrens Commission’s jurisdiction, comments on the proposal are offered for your review and consideration.

The main document reviewed in the filing that contains the majority of the project details is the Preliminary Scoping Statement (the Statement) dated September 2018 and its appendices. Materials available for review of the project include:

- Preliminary Scoping Statement dated September 2018 and Appendices A through M including photographs, meeting logs, lists of stakeholders, Phase IA Cultural Resources Survey, Geotechnical Report, Natural Heritage Program letters, Wetland Delineation Report, SEQR Findings Statement for Riverhead Solar 1, Glare Analysis, Visual Outreach materials
- Figures 1 through 9 including maps of the project site and surrounding area
- Public Involvement Plan dated October 2017
- Public Involvement Plan dated December 2017
- Letters to and from Young/Sommer LLC Counselors at Law, the New York State Public Service Commission, and State and local officials from October 2017 to September 24, 2018
- Notice of Filing of a Preliminary Scoping Statement and Deadline for Submitting Comments dated September 24, 2018
- Notice of Availability of Pre-Application Intervenor Funds and Deadline for Submitting Funding Requests dated September 24, 2018

### **Project Description**

The 290-acre project site, spanning multiple parcels, is located on the south side of Middle Country Road (State Route 25) and on the east and west sides of Edwards Avenue, in the hamlet of Calverton in the Town of Riverhead. The project site area is comprised of both naturally vegetated and agricultural lands. The site appears to be in the Industrial C Zoning District.

The project is the development of a 36 megawatt (MW) photovoltaic solar energy generating facility. It is a commercial scale project including 130,000 utility scale solar panels, transmission lines, connections to an existing collection substation, access roads, and other infrastructure. According to the Scoping Statement, it is expected to generate 72,345 MWh of energy for one year of operation. This will be enough electricity to meet the average annual consumption of over 6,500 households, based on average annual electric consumption of 10.77 MWh for New York State.

### **Central Pine Barrens**

The proposal may potentially constitute development pursuant to New York State Environmental Conservation Law (ECL) §57-0107(13)(b) and (c). Therefore, if the proposal is deemed to be development, it would need to conform to the provisions for land use in Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan (the “Plan”). If the project is determined to be development and does not conform with the Chapter 5 provisions, the application may be revised to conform or the applicant would need to apply for a CGA Hardship Waiver from the Central Pine Barrens Commission, subject to its review and action. It is not clear from the information available at this time whether or not the project, if it were determined to be development, would conform to the Plan.

If the project is determined to constitute development, the Commission reserves its right to assert jurisdiction over the project pursuant to ECL section 57-0123(2)(a).

## **The Project, the Project Site, and the “Application”**

Basic project details should be clarified including defining the project and project site area and identifying the review process, jurisdiction and required approvals.

- Please define and identify the project site and all of the tax map parcels in the project site.
- On October 19, 2017, the Town of Riverhead adopted a Findings Statement for a Draft Environmental Impact Statement (DEIS) on a project called “sPower Calverton.” The project site was similar, and included some of the parcels in the current proposal, but was on a smaller, 165 acre, project site, as opposed to the current area of 290 acres. In addition, this DEIS analyzed a 20 MW project, and now the project is 36 MW. Please clarify if and how the project has changed.
- If the project site and conditions have changed since the adoption of the Town’s Findings Statement, please refer to the SEQRA regulations to determine if a Supplemental DEIS is required to address and analyze potential adverse environmental impacts as a result of the project. The SEQRA record should reflect the current project, project site and all of the potential impacts associated with the project.
- The project site is identified as 290 acres of leased private land. Please identify all of the parcels in the project site and their existing condition including land use and vegetative coverage, zoning, size, and any other relevant data. The Statement does not appear to list all of the parcels involved in the project. This information should be provided during review of the project for the opportunity to comment on conditions and potential environmental impacts of the development of the project site.
- Please provide a schedule for the release of the “Application” for public and agency review.

## **Comments on the Preliminary Scoping Statement dated September 2018**

The following comments were compiled on the project information that is presently available. They pertain to the review process, SEQRA, project details identified in the Scoping Statement, and other items to address the standards outlined in Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan (the Plan). When the applicant prepares additional materials that demonstrate the project’s conformance to the Plan, additional comments may be submitted that focus more directly on the goals and objectives of the Act and the standards of the Plan.

- Please clarify the Central Pine Barrens Commission involvement as a regulatory agency in the review of the project. The project documents conflict on this matter. For instance, Table 5, page 143, in the Scoping Statement does not include the Central Pine Barrens Commission in the list of all “State approvals for the construction and operation of the facility that are procedural in Nature and Supplanted by Article 10.” Appendix E identifies Central Pine Barrens Commission in the list of “Affected State and Federal Agencies.” The Public Involvement Plan (PIP) dated December 2017 identifies affected state and federal agencies including the Central Pine Barrens Commission. Appendix A of the PIP contains a master list of stakeholders that includes the Commission. It says that notifications to the Commission will occur, but does not refer to ECL Article 57 and conformance with the Comprehensive Land Use Plan as requirements for the project.

Also, the prior PIP dated October 2017 does not appear to contain reference to the Commission as an involved or interested state agency or a stakeholder in the project review process.

Impacts to habitat and wildlife – Comments relate to Plan Standard 5.3.3.6.1 Vegetation Clearance limit, Standard 5.3.3.6.2 Unfragmented Open Space, and Standard 5.3.3.7.1 Special species and ecological communities

- Please identify the potential adverse impacts to ecological communities/terrestrial habitat including the net loss of habitat, direct and indirect impacts from habitat disturbance locally and regionally, and mitigation.
- The documents appear to contain discrepancies on existing cleared area and coverage. The Statement identifies 37% of site as undisturbed. It also notes that 22% contains forested habitat, and 20% is successional old field habitat. Please clarify the area of disturbance including all areas of clearing, the total amount of clearing for the project and the area to remain natural.
- Please identify potential adverse impacts to vegetation and wildlife including, but not limited to, Northern Long Eared Bat, which is Federally-listed as threatened, and the Eastern Tiger Salamander, which is New York State-listed as endangered. The Natural Heritage Program letters dated December 21, 2017 and February 22, 2018 in Appendix J identify the Eastern Tiger Salamander as documented as being on the project site. The Natural Heritage Program letters also identifies the Short-eared Owl, a New York State-listed endangered species, as being within 0.4 mile southwest of the project site. The Statement addresses these species but it does not specifically identify the potential impacts to these species and their habitats and if involved regulatory agencies have been consulted to determine if impacts are expected, permits are required, and potential mitigation measures identified.
- Please identify potential adverse impacts to avian species as a result of loss of habitat. Sod farms are stopover habitat for upland sandpipers in the region and other resident and migratory birds. Please identify potential impacts to species known to utilize the project site habitat.
- Appendix K of the Statement identifies freshwater wetlands on and adjacent to the project site. Please identify potential adverse impacts to freshwater wetland habitat. The project should maintain regulated buffers to protect wetland habitat to ensure that no disturbance to wetlands, buffers areas, or direct loss of wetland habitat occurs as a result of the project.
- Please identify potential incidental take permit(s) for endangered and threatened wildlife species that may be sought to accomplish the project. Please identify if the applications have been submitted and identify alternatives if the Take Permit(s) are not granted.

Landscaping – Comments relate to Plan Standard 5.3.3.6.3 Fertilizer-dependent vegetation limit and Standard 5.3.3.6.4 Native Plantings

- The Statement reviews different potential landscape types to visually screen the project including berms, evergreen hedges, native shrubs, or pollinator-friendly grasses and

wildflower-meadow habitat, but it does not appear to settle on the type of plantings that would be consistent with regional character. A draft landscape plan should be prepared for review and comment. The landscape plan should include a list of species, specifically native species indigenous to the region (local genotypes), quantity, source, spacing and other planting specifications.

- The landscape plan should identify the mowing frequency of the area in between the solar panel structures on the project site.
- The landscape plan should identify the number and type of fertilizer applications including the active ingredients that will be used to minimize growth of vegetation that may impede efficiency of the project, particularly weeds around the base of the structures.

#### Pine Barrens Credit Program Receiving Areas

The project is in Town of Riverhead Receiving Areas identified in the map of Pine Barrens Overlay Receiving Areas dated July 24, 2012. The assessment should identify potential impacts on Receiving Areas as a result of the project.

#### **Other Comments**

#### Project Alternatives

- Please explain if alternatives for the project will be evaluated, such as alternative sites. According to the Statement, the electric power generated by the proposed facility is going into the New York State electrical grid. Please identify other sites that may have been considered. Were other sites considered feasible for siting this facility based economic characteristics, site conditions, availability of land, and other relevant factors?
- The Statement discusses conformance with the Suffolk County Planning Commission requirements. It is noted that the County issued recommendations on solar installations and a model solar code in 2015. The recommendations indicated that solar arrays should be prioritized on commercial/industrial rooftops and previously developed commercial/industrial properties as an accessory use. The model code identified “areas of potential sensitivity” that included “Farm Protection Areas.” Please discuss if and how the project is consistent with the County’s recommendations.

#### Decommissioning

- The Statement identifies the life of the facility as approximately 20 to 40 years. The applicant has a purchase power agreement (PPA) for 20 years. Is the life of the facility 20 or 40 years? If the lifespan of the facility is more than 20 years, and the facility “outlives” the current PPA, will a new PPA be sought for this project site?
- The Statement refers to storing topsoil for restoration when decommissioning occurs in 20 years. Please explain where and how the material will be stored to ensure its viability when it is time to restore the site either for agricultural use and/or other habitats and land uses.

- Please discuss the decommissioning process and funding to remove all structures and facilities and return the site to its present condition.
- Is the applicant considering or are they required to post a performance bond for decommissioning to ensure facilities and structures are removed when the life of the project has expired and to restore the area to a minimal standard such as native grass mix? The Statement discusses the cost of the project, but it does not appear to cover the decommissioning costs that will be incurred to remove and dispose of equipment and restore the site.

#### Consistency with other Plans

- The Statement identifies local laws and ordinances on solar energy production facilities. Please discuss the regulatory oversight and review process for the project, involved and interested agencies, and approval requirements and authority at State and local levels. For instance, the Town of Riverhead reviewed a DEIS for “sPower Calverton”, which appears to be a prior version of the currently proposed project. It is not clear if the Town of Riverhead is involved in the review of the current proposal or if the review threshold for a power generating facility of this size has changed to exclude local review and approval.
- Please clarify if it is necessary for the SEQRA record to be amended to reflect the current proposal.

#### Lighting

The Statement is unclear on lighting requirements for the project. In some passages the Statement conflicts saying that there will be no lighting requirements whereas in other sections it is inconclusive. It is recommended that lighting be avoided to reduce glare, protect dark skies in the region, and minimize nighttime lighting on the project site.

#### Fencing

Please identify the type of fencing that will be installed for the project. It should be consistent with the character of the region. Although the Statement refers to the need for fencing, it is inconclusive on the fence design that may be chosen that is consistent with the character of the region. However, fencing options could be explored that satisfy the needs of the project and maintain the area’s rural character.

Thank you for the opportunity to comment. If you have any questions or need further information, please feel free to contact me at [jhargrave@pb.state.ny.us](mailto:jhargrave@pb.state.ny.us) or via phone at (631) 218-1192.

Sincerely,  
 \Sjhargrave

Julie Hargrave  
 Principal Environmental Planner

cc: Central Pine Barrens Commission Members and Designated Representatives  
 John W. Pavacic, Executive Director, Central Pine Barrens Commission  
 Judy Jakobsen, Deputy Director, Central Pine Barrens Commission

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November 2, 2018

**Via Electronic Filing**

Hon. Kathleen H. Burgess, Secretary  
New York State Public Service Commission  
Empire State Plaza, Agency Building 3  
Albany, NY 12223-1350

***RE: Case 17-F-0655, Response to PSS Comments for Riverhead Solar 2 Project,  
Town of Riverhead, Suffolk County, New York***

Dear Secretary Burgess:

Enclosed please find the Applicant's response to comments on the Preliminary Scoping Statement ("PSS") for the Riverhead Solar 2 Facility, a 36-megawatt major solar electric generating facility proposed in the Town of Riverhead, Suffolk County, New York.

The Applicant will file Affidavits of Service under separate cover, as soon as they are available, confirming that this submission was served in the manner required by the regulations at 16 NYCRR § 1000.5, regarding service of the PSS comment response. Please feel free to reach out to our office with any questions.

Sincerely,

*/s/ Laura K. Bomyea*

James A. Muscato, II  
Laura K. Bomyea  
Young/Sommer LLC  
Attorneys for Riverhead Solar 2, LLC

Enclosure

CC: Party List for Case 17-F-0655 as of September 14, 2018

**Riverhead Solar 2 PSS Comment and Response Matrix**  
**Case 17-F-0655**

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Comment	Response
1.	Public comments - submitted to sPower via email	9/24/2018	Jose Moreno, FAA	FAA	2.25	We are concerned about the location of this facility near airports and its potential effects on the traffic controllers, the pilots and airport users. For this reason we appreciate if you can provide us with the exact location of this solar array. You can send a map or send us the coordinates of the proposed location. Please notice that if the facility is near an airport we recommend filing airspace case(s) to evaluate this proposal.	A map of the Project location was forwarded to the FAA on October 1, 2018 via email along with a statement that sPower conducted a glare study for the Riverhead Solar 1 Project (RIV-1). The assessment of potential impacts on airports and related resources will be addressed in Exhibit 25 (Effect on Communications), as noted in PSS Section 2.25; for that reason, the issue of visibility as it relates to air traffic is addressed in that exhibit and not in the Visual Analysis in Exhibit 24 (Section 2.24 of the PSS). Further, the Applicant will be required to assess the potential impacts of the Facility on existing and proposed land uses, which will include discussion of the proposals for the EPCAL site, at Exhibit 4 (Land Use). As stated in the RIV1 DEIS, FAA does not require a preparation of glare studies for all solar facilities, and does not generally regulate solar facilities regardless of size. Indeed, the Glare Study performed for Riverhead Solar 1 indicates it was undertaken voluntarily in order to demonstrate that there would be no significant glare impacts on the airport; not that it was mandated due to actual or anticipated impacts--and the study concluded that no such impacts were anticipated for Riverhead Solar 1, a facility proposed in closer proximity to the airports than Riverhead Solar 2. Nevertheless, the Applicant has provided a discussion of potential glare impacts (or lack thereof) from the Facility on nearby airports and heliports in the DEIS for RIV1.
2.	NYS Ag & Markets	10/5/2018	Tara Wells, Attorney	NYSDAM	1.4	The PSS states an estimated 159 acres of agricultural land will be required to develop the facility, taking .3% of the 8% of the total farmland in Suffolk County. The facility is sited in a rural agricultural region to minimize the need for land clearing and construction processes, i.e., surface grading and soil compaction. Additionally, the PSS states that the construction of this facility will not permanently remove these lands from future use of agriculture. The Department considers the conversion of agricultural land to a nonagricultural use for up to 20 years a permanent conversion. The Department is primarily concerned with the percent of agricultural land in the project area that is being converted to nonagricultural use and the impact on the agricultural viability in the Facility Area. The Applicant should assess the cumulative impact of the Facility Area and other conversions in the area over the useful life of the project. The Applicant should also discuss the impact of the project on agricultural viability in the area over the next 20 years.	NYSDAM's comment that it considers the Project to be a permanent conversion of agricultural land is noted. The Applicant respectfully disagrees. Operation of the Facility, because it can be decommissioned, does not represent an irretrievable commitment of resources. In other words, if the Facility is decommissioned, the land within the Facility can be used for other purposes (including agriculture) at a future date. These issues will be addressed further in the Application.  With respect to cumulative impacts and the future viability of the agricultural industry, the Application will include a discussion of current use and agricultural productivity of farmland within the Facility Site. The Applicant will also include a discussion of recent trends (over the last 20 years) in land use changes, with specific focus on factors contributing to the conversion of farmland within a two-mile radius of the Facility. The Applicant will discuss the Facility's potential effect on agricultural viability of lands within a two-mile-radius, including the availability of farmland for existing farm operations, the potential increase in rental rates of farmland, and the potential increase in the price of farmland.
3.	NYS Ag & Markets	10/5/2018	Tara Wells, Attorney	NYSDAM	1.5	This Section identifies what measures will be implemented to avoid or minimize adverse environmental impacts including, utilizing the New York State Department of Agriculture & Markets guidelines to minimize impacts on agricultural land and farming practices. The Department recommends that the applicant follow the Department Guidelines for Solar Energy Projects 1 (hereinafter referred to as Department Guidelines). Additionally, Section 1.5 states that the applicant will employ an environmental monitor/inspector to ensure compliance with the certificate and permit conditions. The Department strongly recommends that the Applicant develop and incorporate an Agricultural Monitoring Plan which provides for an independent Agricultural Monitor to ensure agricultural mitigation activities are properly implemented during project construction and site restoration activities. The Agricultural Monitor must possess a working knowledge of soils, soil science, agronomy and agricultural restoration requirements as set forth by the Department and be familiar with construction activities in agricultural settings. In addition to the Department Guidelines, the Agricultural Monitor must ensure adherence to any special conditions, construction design plans and specifications; have stop work authority and have the ability to direct contractors to make on the spot corrections when non-compliance is observed.	The Applicant intends to have a qualified monitor(s) to ensure adherence to all necessary certificate conditions, and will work with the NYSDAM on the qualifications of the specific individual(s) to ultimately serve as the compliance monitor during Facility construction.
4.	NYS Ag & Markets	10/5/2018	Tara Wells, Attorney	NYSDAM	2.04	This Section identifies the specific land use to agriculture and based on the 2012 Census of Agriculture, Suffolk County was ranked third out of 62 counties in New York regarding the value of agricultural production. They note the importance of the Suffolk County Agricultural and Farmland Protection Plan and the "commitment and support of the farming community to protect, encourage and sustain agriculture as an industry for future generations in Suffolk County". Based on the USDA Web Soil Survey, this land is comprised predominately of Prime Farmland Soil. These soils have the best combination of physical and chemical characteristics that enable them to be among the most productive and valuable agriculture soils in the State. This land is best suited for food and fiber production. The Department recommends other	Comment noted. The Applicant notes that the area in question is zoned by the Town of Riverhead as an Industrial zone. In fact, the portion of the Facility Site located in Industrial C Zoning District, a zoning district that does not permit agricultural uses. For those reasons, while the Applicant acknowledges the NYSDAM's position, it would appear that current land use planning by the Town is inconsistent with the agency's position.  Furthermore, the Article 10 statute explicitly constrain the required alternatives analysis to "reasonable and available alternate locations to the proposed facility," and specify that "the information required pursuant to this paragraph shall be no more extensive than required under article eight of the environmental conservation law." NY PSL 164(1)(i). Further, 16 NYCRR 1001.9(a) expressly states that the alternatives analyzed may be limited to "sites owned by, or under option to, such private facility applicant or its affiliates." It would be unreasonable to require that the Applicant obtain lease

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						alternatives be explored, including the protection of the active sod farms and focus the development on other less valuable support lands.	agreements or sign contracts for lands in other municipalities for the sole purpose of performing an alternatives analysis. Courts have consistently affirmed that a private entity is obligated only to consider those reasonably available alternatives; the alternatives analysis suggested by the commenter exceeds that required, as well as the scope of the alternatives analysis that was required by the Town of Riverhead for other solar projects. If the Applicant controls property which could be used as a reasonable alternative to the Facility, an analysis of an alternative involving that property will be performed.
5.	NYS Ag & Markets	10/5/2018	Tara Wells, Attorney	NYSDAM	2.09	Notably absent are any indications that other suitable sites including forested non residential or commercial properties were evaluated. As noted above, a majority of the land included in this project is comprised of Prime Farmland Soils and constitutes the most productive agricultural land. The Department strongly urges the Applicant to explore alternative sites which are not flat, productive, well drained farmland comprised of Prime Farmland soil or Farmland of Statewide Importance.	The Article 10 statute explicitly constrain the required alternatives analysis to "reasonable and available alternate locations to the proposed facility," and specify that "the information required pursuant to this paragraph shall be no more extensive than required under article eight of the environmental conservation law." NY PSL 164(1)(i). Further, 16 NYCRR 1001.9(a) expressly states that the alternatives analyzed may be limited to "sites owned by, or under option to, such private facility applicant or its affiliates." It would be unreasonable to require that the Applicant obtain lease agreements or sign contracts for lands in other municipalities for the sole purpose of performing an alternatives analysis. Courts have consistently affirmed that a private entity is obligated only to consider those reasonably available alternatives; the alternatives analysis suggested by the commenter exceeds that required, as well as the scope of the alternatives analysis that was required by the Town of Riverhead for other solar projects. If the Applicant controls property which could be used as a reasonable alternative to the Facility, an analysis of an alternative involving that property will be performed.
6.	NYS Ag & Markets	10/5/2018	Tara Wells, Attorney	NYSDAM	2.22	Section 2.22(q) states that agricultural land use with in the Facility Site is well understood. The PSS states that mitigation is anticipated to generally follow the guidelines established by the New York State Department of Agriculture and Markets. As recommended above, The Department recommends our Department Guidelines.	This comment is consistent with the commitment made in the PSS.
7.	NYS Ag & Markets	10/6/2018	Tara Wells, Attorney	NYSDAM	2.34	While this Section states that the Applicant does not propose overhead transmission lines, in the event there are any overhead transmission pole structures in agriculture fields, the Department will require that they be self-supporting with no guy wires in agricultural land.	At this time no overhead electrical collection lines are anticipated. However, if such design is contemplated the Applicant will consult with the NYSDAM regarding the design considerations.
8.	NYS Ag & Markets	10/5/2018	Tara Wells, Attorney	NYSDAM	2.04	In conclusion, the Department is concerned about the long-term viability of agriculture in the Facility Area due to the agricultural land and farmland soils being converted to a nonagricultural use. The Applicant should assess the cumulative impact of the Facility Area and other conversions in the area over the useful life of the project. The Applicant then needs to determine whether any reasonable and practicable alternative or alternatives exist which would minimize or avoid the adverse impact on agriculture to sustain a viable farm enterprise or enterprises within the Facility Area.	<p>It is important to take into consideration the fact that New York State has adopted strongly proactive policies to combat climate change and modernize the electric system to improve the efficiency, affordability, resiliency, and sustainability of the system, most notably reflected in the 2015 State Energy Plan ("SEP"), issued June 25, 2015, by the New York State Energy Planning Board. The SEP describes the State's energy future through a series of goals such as a 40% reduction in GHG emissions from 1990 levels and procurement of 50% of electricity generation from renewable energy sources by 2030. On August 1, 2016, in accordance with the statutory obligation that agency actions must be reasonably consistent with the most recent SEP, the Public Service Commission adopted the SEP's goals that 50% of New York's electricity is to be generated by renewable sources by 2030 as part of a strategy to reduce statewide greenhouse gas emissions by 40% by 2030 and approved the Clean Energy Standard ("CES").</p> <p>In order to achieve these goals, large-scale renewable generation is needed and sufficient land best suited for such facilities must be identified. Undeveloped land and access to the existing transmission system are two of the most important considerations in selecting a facility site. Proper siting considerations for solar projects also include avoidance of areas with significant aesthetic/scenic resources, significant environmental resources, and selection of sites that are not used by the public for recreation. The Applicant has sited the Facility in a rural agricultural region adjacent to existing solar facilities in effort to minimize the need for land clearing and typical construction processes such as surface grading, and soil compaction.</p> <p>Further, it appears that the Town of Riverhead's existing zoning and land use planning reflects a desire on the part of the Town to have the Facility Area developed for industrial uses. The Applicant notes that the area in question is zoned by the Town of Riverhead as an Industrial zone, and nearly all other permitted development on these parcels is non-agricultural uses. In fact, the portion of the Facility Site located in Industrial C Zoning District, where the Town of Riverhead does not permit agricultural uses. For those reasons, while the Applicant acknowledges the NYSDAM's position, it would appear that current land use planning by the Town is inconsistent with the agency's position.</p> <p>Notwithstanding this, however, alternatives will be addressed in Exhibit 9 of the Application.</p>

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9.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.04	Please define and identify the project site and all of the tax map parcels in the project site.	The proposed Facility is clearly described in Section 1.1 of the PSS (Facility Description), which includes references to supporting figures.  As stated in Section 2.4(c) of the PSS, a map of all tax parcels containing any component of the Facility, and all adjoining tax parcels, will be provided in the Article 10 Application.
10.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	1.1	On October 19, 2017, the Town of Riverhead adopted a Findings Statement for a Draft Environmental Impact Statement (DEIS) on a project called "sPower Calverton." The project site was similar, and included some of the parcels in the current proposal, but was on a smaller, 165 acre, project site, as opposed to the current area of 290 acres. In addition, this DEIS analyzed a 20 MW project, and now the project is 36 MW. Please clarify if and how the project has changed.	The proposed Facility (Riverhead Solar 2) is separate and distinct from the Riverhead Solar 1 (or Calverton Solar Energy Facility). The Riverhead Solar 1 project was subject to review under the State Environmental Quality Review Act (SEQRA), whereas the Riverhead Solar 2 Facility is subject to a separate review under Article 10 of the Public Service Law. Please see PSS Figure 4 for a depiction of adjacent solar facilities.
11.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	1.1	If the project site and conditions have changed since the adoption of the Town's Findings Statement, please refer to the SEQRA regulations to determine if a Supplemental DEIS is required to address and analyze potential adverse environmental impacts as a result of the project. The SEQRA record should reflect the current project, project site and all of the potential impacts associated with the project.	The proposed Facility (Riverhead Solar 2) is separate and distinct from the Riverhead Solar 1 (or Calverton Solar Energy Facility). The Riverhead Solar 1 project was subject to review under the State Environmental Quality Review Act (SEQRA), whereas the Riverhead Solar 2 Facility is subject to a separate review under Article 10 of the Public Service Law. Please see PSS Figure 4 for a depiction of adjacent solar facilities, and the letter sent to the Town of Riverhead dated October 30, 2018 outlining the differences between the Facilities. The letter is provided as Attachment A to this PSS Comment response.
12.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.04	The project site is identified as 290 acres of leased private land. Please identify all of the parcels in the project site and their existing condition including land use and vegetative coverage, zoning, size, and any other relevant data. The Statement does not appear to list all of the parcels involved in the project. This information should be provided during review of the project for the opportunity to comment on conditions and potential environmental impacts of the development of the project site.	Section 2.4(a) of the PSS specifically addresses Land Use, Section 2.4(c) of the PSS specifically addresses tax parcels, Section 2.4(d) of the PSS specifically addresses zoning, and Section 2.22(a) specifically addresses plant communities. All information identified by the commenter will be included in the Application, which will then be subject to public review and comment.
13.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission		Please provide a schedule for the release of the "Application" for public and agency review.	The Applicant is taking into account stakeholder input during the Article 10 process and using information obtained from on-site surveys to prepare a preliminary design of the proposed facility. Because preliminary design is not yet complete the timing of Application filing is not yet determined. However, the Applicant anticipates filing the Application in Q1 or Q2 of 2019.
14.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.32	Please clarify the Central Pine Barrens Commission involvement as a regulatory agency in the review of the project. The project documents conflict on this matter. For instance, Table 5, page 143, in the Scoping Statement does not include the Central Pine Barrens Commission in the list of all "State approvals for the construction and operation of the facility that are procedural in Nature and Supplanted by Article 10." Appendix E identifies Central Pine Barrens Commission in the list of "Affected State and Federal Agencies." The Public Involvement Plan (PIP) dated December 2017 identifies affected state and federal agencies including the Central Pine Barrens Commission. Appendix A of the PIP contains a master list of stakeholders that includes the Commission. It says that notifications to the Commission will occur, but does not refer to ECL Article 57 and conformance with the Comprehensive Land Use Plan as requirements for the project. Also, the prior PIP dated October 2017 does not appear to contain reference to the Commission as an involved or interested state agency or a stakeholder in the project review process.	NY Public Service Law Section 172(1) imposes a broad preemption of state and local entities' authority to require permits, approvals, certificates or other conditions related to the construction and operation of Article 10 Facilities. This means that the procedural requirements of ECL Article 57 and any other approvals or requirements normally imposed by the Central Pine Barrens Commission are preempted by Article 10 for the Riverhead Solar 2 Project. However, the substantive provisions of those state laws may nevertheless be applied to the Facility by the Siting Board, unless the Applicant can make the required showing under PSL Section 168 (3)(e). Given Article 10's preemption, and because it did not appear that the Facility was proposed within the Central Pine Barrens Area itself, it appears that the Pine Barrens Commission does not have the direct authority over permits or approvals for the Facility, hence the inclusion of the Commission in Table 5, page 143 of the PSS. However, given the proximity of the areas involved in the Commission's Comprehensive Land Use Plan, the Applicant will consider the Land Use Plan and potential compatibility therewith in Exhibit 4 of the Application. Further, as indicated in the PSS, the Article 10 regulations require that it be identified as a State agency which may, absent Article 10, have authority over the Facility, as well as the regulations and approvals which would otherwise be required from such entities, which is why the Commission is included as a potentially "affected state agency". Finally, we note that the PIP dated October 2017 was a Draft PIP which was submitted to the Department of Public Service Staff for review and comment, in accordance with the Article 10 Regulations. One of DPS's comments was that the Central Pine Barrens Commission should be added as a stakeholder and potentially affected state agency; hence, the December 2017 PIP Plan added the Commission as a stakeholder as requested by DPS. The PIP Plan is designed to identify potential stakeholders, but does not at that early stage require identification of potential permitting or land use planning requirements -- those identifications begin in the PSS, as occurred here, and carry through the Application phase.
15.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.22	Please identify the potential adverse impacts to ecological communities/terrestrial habitat including the net loss of habitat, direct and indirect impacts from habitat disturbance locally and regionally, and mitigation.	This information will be included in the Application, as described in Section 2.22 of the PSS.

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Comment	Response
16.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.22	The documents appear to contain discrepancies on existing cleared area and coverage. The Statement identifies 37% of site as undisturbed. It also notes that 22% contains forested habitat, and 20% is successional old field habitat. Please clarify the area of disturbance including all areas of clearing, the total amount of clearing for the project and the area to remain natural.	PSS Section 2.22(a) provides information regarding existing conditions within the Facility Site. This section of the PSS specifically states, "The Facility Site encompasses approximately 290 acres, which primarily consist of mowed lawn (37%, associated with a turf/sod farm), forests (22%, including conifer plantations, pitch-pine-oak-heath woodlands, pitch-pine-oak forest, red maple-blackgum swamps, and successional forests), and successional old field (20%). The Facility Site also includes 10% or less of row crops, abandoned plant nursery, disturbed/developed land, and successional shrubland; and 1% or less of paved road, delineated wetland, and farm pond. As indicated above, plant/ecological communities, as summarized below in Table 2, were identified through on-site field investigation." Table 2 of the PSS provides additional information regarding on-site ecological communities.
17.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.22	Please identify potential adverse impacts to vegetation and wildlife including, but not limited to, Northern Long Eared Bat, which is Federally-listed as threatened, and the Eastern Tiger Salamander, which is New York State-listed as endangered. The Natural Heritage Program letters dated December 21, 2017 and February 22, 2018 in Appendix J identify the Eastern Tiger Salamander as documented as being on the project site. The Natural Heritage Program letters also identifies the Short-eared Owl, a New York State listed endangered species, as being within 0.4 mile southwest of the project site. The Statement addresses these species but it does not specifically identify the potential impacts to these species and their habitats and if involved regulatory agencies have been consulted to determine if impacts are expected, permits are required, and potential mitigation measures identified.	PSS Section 2.22(o) specifically addresses all state- and federally-listed species, including all species identified by the commenter. Additional detail will be provided in the Application, including potential impacts to such species, consultation with regulatory agencies, and proposed mitigation measures.
18.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.22	Please identify potential adverse impacts to avian species as a result of loss of habitat. Sod farms are stopover habitat for upland sandpipers in the region and other resident and migratory birds. Please identify potential impacts to species known to utilize the project site habitat.	PSS Section 2.22(d) specifically addresses wildlife, including birds. Additional detail will be provided in the Application, including potential impacts to bird species known to use the Facility Site.
19.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.22	Appendix K of the Statement identifies freshwater wetlands on and adjacent to the project site. Please identify potential adverse impacts to freshwater wetland habitat. The project should maintain regulated buffers to protect wetland habitat to ensure that no disturbance to wetlands, buffers areas, or direct loss of wetland habitat occurs as a result of the project.	As indicated in Section 2.22(m) of the PSS, "The Article 10 Application will quantify both temporary and permanent impacts to wetlands (and state-regulated adjacent areas pending the results of the formal JD request), based on the limits of temporary and permanent disturbance as determined through development of the Preliminary Design Drawings."
20.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.22	Please identify potential incidental take permit(s) for endangered and threatened wildlife species that may be sought to accomplish the project. Please identify if the applications have been submitted and identify alternatives if the Take Permit(s) are not granted.	As previously indicated, potential impacts to state- and federally-listed species will be addressed in the Application. If it is determined that a take permit is necessary, such information will be included in the Application.
21.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.24	The Statement reviews different potential landscape types to visually screen the project including berms, evergreen hedges, native shrubs, or pollinator-friendly grasses and wildflower-meadow habitat, but it does not appear to settle on the type of plantings that would be consistent with regional character. A draft landscape plan should be prepared for review and comment. The landscape plan should include a list of species, specifically native species indigenous to the region (local genotypes), quantity, source, spacing and other planting specifications.	The details of any proposed visual mitigation/screening measures will be included in the Application.
22.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.24	The landscape plan should identify the mowing frequency of the area in between the solar panel structures on the project site.	The Preliminary Scoping Statement ("PSS") is designed to identify the studies and information that the Applicant is required to gather and provide in its formal Article 10 Application. Meanwhile, the Article 10 Application itself will contain the detailed information discussed in the PSS, as well as the studies outlined, including the local law compliance information sought by the Commenter, which must be included in Exhibit 31 of the Application. sPower anticipates filing the Article 10 Application in 2019.
23.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.24	The landscape plan should identify the number and type of fertilizer applications including the active ingredients that will be used to minimize growth of vegetation that may impede efficiency of the project, particularly weeds around the base of the structures.	The Preliminary Scoping Statement ("PSS") is designed to identify the studies and information that the Applicant is required to gather and provide in its formal Article 10 Application. Meanwhile, the Article 10 Application itself will contain the detailed information discussed in the PSS, as well as the studies outlined, including the local law compliance information sought by the Commenter, which must be included in Exhibit 31 of the Application. sPower anticipates filing the Article 10 Application in 2019.
24.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.04	The project is in Town of Riverhead Receiving Areas identified in the map of Pine Barrens Overlay Receiving Areas dated July 24, 2012. The assessment should identify potential impacts on Receiving Areas as a result of the project.	Potential impacts to Pine Barrens Overlay Receiving Areas will be included in the Application.

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Comment	Response
25.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.09	Please explain if alternatives for the project will be evaluated, such as alternative sites. According to the Statement, the electric power generated by the proposed facility is going into the New York State electrical grid. Please identify other sites that may have been considered. Were other sites considered feasible for siting this facility based economic characteristics, site conditions, availability of land, and other relevant factors?	As stated in the PSS Section 2.9, an alternatives analysis will be performed consistent with the Article 10 regulations. The Article 10 statute explicitly constrain the required alternatives analysis to "reasonable and available alternate locations to the proposed facility," and specify that "the information required pursuant to this paragraph shall be no more extensive than required under article eight of the environmental conservation law." NY PSL 164(1)(i). Further, 16 NYCRR 1001.9(a) expressly states that the alternatives analyzed may be limited to "sites owned by, or under option to, such private facility applicant or its affiliates." It would be unreasonable to require that the Applicant obtain lease agreements or sign contracts for lands in other municipalities for the sole purpose of performing an alternatives analysis. Courts have consistently affirmed that a private entity is obligated only to consider those reasonably available alternatives; the alternatives analysis suggested by the commenter exceeds that required, as well as the scope of the alternatives analysis that was required by the Town of Riverhead for other solar projects. If the Applicant controls property which could be used as a reasonable alternative to the Facility, an analysis of an alternative involving that property will be performed.
26.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.04	The Statement discusses conformance with the Suffolk County Planning Commission requirements. It is noted that the County issued recommendations on solar installations and a model solar code in 2015. The recommendations indicated that solar arrays should be prioritized on commercial/industrial rooftops and previously developed commercial/industrial properties as an accessory use. The model code identified "areas of potential sensitivity" that included "Farm Protection Areas." Please discuss if and how the project is consistent with the County's recommendations.	The Applicant will review the County's recommendations on solar installations and a model solar code issued in 2015 to determine its applicability to the proposed Facility.
27.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.09	The Statement identifies the life of the facility as approximately 20 to 40 years. The applicant has a purchase power agreement (PPA) for 20 years. Is the life of the facility 20 or 40 years? If the lifespan of the facility is more than 20 years, and the facility "outlives" the current PPA, will a new PPA be sought for this project site?	The life of the facility is expected to be 20 to 40 years. At the end of the 20-year PPA term, the applicant may seek to enter into another or new PPA.
28.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.29	The Statement refers to storing topsoil for restoration when decommissioning occurs in 20 years. Please explain where and how the material will be stored to ensure its viability when it is time to restore the site either for agricultural use and/or other habitats and land uses.	The commenter is incorrect. The only reference to soil in Section 2.29 of the PSS is in the following sentence: "Ground disturbance during decommissioning will be minimized to the extent practicable and the site will be restored to its original condition to the extent practicable, including restoration of soil areas with native species and/or suitable plant species or, in the case of agricultural lands, with appropriate crops selected in consultation with the landowner."
29.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.29	Please discuss the decommissioning process and funding to remove all structures and facilities and return the site to its present condition.	As indicated in Section 2.29(b) of the PSS, a Decommissioning Plan will be included in the Application. This section of the PSS also identifies provisions to be included in the Decommissioning Plan.
30.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.29	Is the applicant considering or are they required to post a performance bond for decommissioning to ensure facilities and structures are removed when the life of the project has expired and to restore the area to a minimal standard such as native grass mix? The Statement discusses the cost of the project, but it does not appear to cover the decommissioning costs that will be incurred to remove and dispose of equipment and restore the site.	The commenter is encouraged to read Section 2.29 of the PSS, which clearly describes the information to be included in the Application.
31.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.31	The Statement identifies local laws and ordinances on solar energy production facilities. Please discuss the regulatory oversight and review process for the project, involved and interested agencies, and approval requirements and authority at State and local levels. For instance, the Town of Riverhead reviewed a DEIS for "sPower Calvenon", which appears to be a prior version of the currently proposed project. It is not clear if the Town of Riverhead is involved in the review of the current proposal or if the review threshold for a power generating facility of this size has changed to exclude local review and approval.	As noted above, the Riverhead Solar 2 Project must be permitted under Article 10 of the Public Service Law, which preempts local and state permitting authority, such as permitting by the Town of Riverhead and the Central Pine Barrens Commission, and vests such approvals in the state Board on Electric Generation Siting and the Environment ("Siting Board"). The DEIS referred to by commenter was likely for a different, adjacent Facility, smaller than 25 megawatts in size, which was permitted locally -- either the Riverhead Solar 1 Facility, or the existing Calverton Solar Facility. The Riverhead Solar 2 is a separate, distinct, new project subject to a different permitting process and exempt from SEQRA.
32.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission		Please clarify if it is necessary for the SEQRA record to be amended to reflect the current proposal.	Article 10 requires a specialized environmental compatibility and public need review by the state Siting Board for Facilities over 25 megawatts in size, such as the Riverhead Solar 2 Facility. Article 10 preempts SEQRA; the environmental review will be performed via the Article 10 process for this proposed Facility. This environmental review process will include an analysis of potential cumulative impacts from nearby solar facilities, including the Riverhead Solar 1 Facility. For that reason, amendment of the SEQRA record is not required; subsequent environmental review and consideration of cumulative impacts will be addressed through Article 10.

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Comment	Response
33.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.18	The Statement is unclear on lighting requirements for the project. In some passages the Statement conflicts saying that there will be no lighting requirements whereas in other sections it is inconclusive. It is recommended that lighting be avoided to reduce glare, protect dark skies in the region, and minimize nighttime lighting on the project site.	As stated in the PSS, the application will provide details of lighting associated with the PV panels and collector substation. Additionally, security lighting activities will include lighting of the substation. Lighting will be directed downward where possible to minimize the effect of light pollution and to the extent practical.
34.	Central Pines Barrens Joint Planning & Policy Commission	10/5/2018	Julie Hargrave, Principal Environmental Planner	Central Pines Barrens Joint Planning & Policy Commission	2.11	Please identify the type of fencing that will be installed for the project. It should be consistent with the character of the region. Although the Statement refers to the need for fencing, it is inconclusive on the fence design that may be chosen that is consistent with the character of the region. However, fencing options could be explored that satisfy the needs of the project and maintain the area's rural character.	This information will be provided in the Application.
35.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.03	NYSDEC requests shapefiles suitable for use in GIS software via ESRI's ArcGIS suite of software (e.g., ArcMap) containing all applicable project and survey components as described in NYSDEC's Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects (June 2016) be submitted to NYSDEC as soon as possible. Shapefiles should depict the location of all Facility components including (separately): extent of current Facility site; panel array locations; new access and maintenance roads; existing roads that will be widened/alterd; electric collection and transmission lines (specified above ground or underground); security fence lines; laydown and storage area(s); substation(s); temporary and permanent meteorological tower(s), if applicable; any other temporary or permanent infrastructure constructed in support of the Facility; and all areas to be cleared around panels, access roads, electric lines, and all other Facility components.	The Applicant will work with the NYSDEC to provide GIS (e.g, using ArcGIS suite of software) shapefiles as available and appropriate, as outlined in the PSS. In addition, Facility-specific and survey-specific shapefiles will be provided concurrently with the filing of the Application, so long as permitted by applicable protective orders, and the Applicant will work with NYSDPS and NYSDEC to determine the final list of shapefiles to be provided.
36.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.03; 2.22	Additionally, shapefiles should show all wildlife and habitat survey locations, as applicable and labeled by year, including (separately): breeding bird survey transects/points; winter raptor survey locations and driving routes; viewsheds for winter raptor observation points, indicating the area visible from each point; bat acoustic monitoring and/or mist net locations; amphibian survey locations; all delineated wetland boundaries and adjacent areas; stream crossings, and; any other survey information pertinent to the Facility.	As noted above, the Applicant will work with the NYSDEC to provide GIS (e.g, using ArcGIS suite of software) shapefiles, including those for wildlife surveys as available and appropriate, as outlined in the PSS. In addition, Facility-specific and survey-specific shapefiles will be provided concurrently with the filing of the Application, so long as permitted by applicable protective orders, and the Applicant will work with NYSDPS and NYSDEC to determine the final list of shapefiles to be provided.
37.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.03	The Applicant should update shapefiles depicting preliminary project component/layout and resubmit to NYSDEC as needed and in a timely manner during project development and review. Draft reports of all wildlife, habitat, and wetland surveys should be submitted to NYSDEC as soon as possible after they are prepared. These reports should include maps and shapefiles provided confidentially to NYSDEC depicting the location(s), observation date(s), species, and behavior(s) of all T&E and SSC individuals observed during pre-construction surveys and incidentally within and adjacent to the Facility.	<p>With respect to shapefiles, please see responses immediately above. With respect to draft studies, the Applicant anticipates providing most studies concurrently with the filing of the Application. However, the Applicant did provide a complete Wetland Delineation Report with the PSS (Appendix K), and has separately provided this report to DEC Region 1 representatives as described in detail in PSS Section 2.22(i).</p> <p>Generally, the NYSDEC's comments are quite perplexing. Prior to the filing of the PSS, the Applicant and its representatives engaged NYSDEC representatives on multiple occasions. As indicated in the Meeting Log (PSS Appendix C), the Applicant's consultation with the NYSDEC included the following: February 2018, met with NYSDEC and other state agencies to introduce the project; April 2018, phone call with NYSDEC Region 1 representatives to discuss the project and environmental resources to be considered; April 2018, meeting in Albany with NYSDEC (Region 1 representatives on the phone) to specifically discuss scopes of studies to be conducted and ultimately described in the PSS; April 2018, provide NYSDEC a preliminary project layout map (as requested by NYSDEC during previous meeting to allow project-specific review and analysis); June 2018, coordinating with NYSDEC regarding threatened and endangered species surveys; July 2018, provided NYSDEC with results of wetland delineations and information regarding potential tiger salamander habitat; July 2018, additional correspondence with NYSDEC regarding threatened and endangered species; July 2018, NYSDEC identifies wetlands associated with tiger salamander habitat and indicates there are not short-eared owl concerns for this project; July 2018, formally request NYSDEC wetland jurisdictional determination; August 2018, correspondence with NYSDEC to discuss tiger salamander avoidance areas; August 2018, site visit with NYSDEC to review wetland delineations in support of a jurisdictional determination.</p> <p>As specifically discussed during the April 2018 meeting in Albany, the purpose of the ongoing consultation with NYSDEC representatives prior to release of the PSS was to allow the NYSDEC to provide project-specific and resource-specific PSS comments. However, the Applicant is concerned that NYSDEC comments are targeted at generic comments the agency has made on other PSS submissions, and did not consider much of the resource-specific information provided in this PSS. The Applicant will follow up with NYSDEC to ensure that the parties are in agreement that the resource-specific, project-specific studies discussed with NYSDEC to date are sufficient to address the agency's concerns and information needs for this proceeding.</p>

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38.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22 and 2.23	The Application should contain maps, information on, and a description of the plant communities within the Facility, electric interconnection lines, and adjacent properties. Maps, shapefiles and descriptions should show approximate locations and extent of identified plant communities, including areas of invasive species concentrations, overlaid with areas of proposed disturbance, and be based on results of observations and field verification during on-site surveys, roadside surveys from adjacent parcels, and review of recent aerial imagery and NLCD information. A list of all plant species observed during on-site field investigations and incidentally while in the Facility should also be provided, including the date(s) each species was observed.	As stated in PSS Section 2.22 "Wetlands and terrestrial ecology within the Facility Site were identified and characterized during on-site field surveys during the summer of 2018." The scope and methodology of such surveys was specifically discussed with the NYSDEC during the consultation described above. PSS Section 2.22(a) provides a table of all ecological communities identified on-site, and subsequently states, "Plant communities were mapped for all land area within the Facility Site based on field studies and investigations. These plant/ecological communities are shown on Figure 9." The NYSDEC's comment does not acknowledge the site-specific information provided in the PSS. The PSS also addresses invasive species and a list of all species observed as information to be included in the Application.
39.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should contain results of pre-construction surveys, including the location(s) of areas of invasive species within the Facility, and maps and shapefiles of any concentration areas that may contain project components. This information will assist in appropriate siting of project components in areas that will not facilitate the spread of invasive species.	As indicated in PSS Section 2.22(b), "The Article 10 Application will include an Invasive Species Control Plan (ISCP), which will be based on the baseline invasive plant survey."
40.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	An Invasive Species Management Plan should be developed and address measures to prevent the introduction of and control the spread of all the species listed in 6 NYCRR Part 575. Additional species not included on this list (i.e., reed canary grass and wild parsnip) may also warrant specific management and control measures, depending on current populations of such species within and nearby the Facility. Specifically, the Invasive Species Management Plan should apply to all prohibited and regulated invasive species and include the following:	As indicated in PSS Section 2.22(b), "The Article 10 Application will include an Invasive Species Control Plan (ISCP), which will be based on the baseline invasive plant survey." The information specified by the commenter will be considered when developing the ISCP to be included in the Application.
41.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	A summary of the survey methods to be used to identify and mark existing non-native invasive species within the Facility site (i.e., baseline survey), including the transmission line corridor (if applicable). A field verification of the location(s) of invasive species should be conducted during the growing season immediately prior (within at least six months) of the start of vegetation or ground disturbance activities.	This information will be addressed in the Application; however, as clearly indicated in the PSS the proposed Facility does not include a transmission line corridor.
42.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	An action plan for pre-construction management of non-native invasive species, including threshold for action. Specific methods to be used to ensure that packing material, imported fill and fill leaving the Facility site will be free of non-native invasive species material, seeds, and parts to the extent practicable.	This information will be addressed in the Application.
43.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	Specification on how fill materials to be placed within the Facility site will be free of non-native invasive species material, seeds, and parts, by source inspection or other method, or only used within areas already containing those specific non-native invasive plant and invertebrate species infestation.	This information will be addressed in the Application.
44.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	Detailed description of specific measures that will be used to prevent the introduction, spread, and proliferation of all non-native invasive species due to the implementation of the Facility's grading, erosion and sediment control plan.	This information will be addressed in the Application.
45.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	Details of procedures for preventing the spread of invasive invertebrates and diseases, and a discussion of how the Applicant will comply with the state quarantine and protective zones, where applicable.	This information will be addressed in the Application.
46.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	Detailed plans describing how appropriate measures will be implemented to ensure that equipment and personnel arrive at and depart from the Facility site clean and free of all non-native invasive species material, seeds, and parts.	This information will be addressed in the Application.
47.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The protocol for inspection of equipment arriving at the Facility Site.	This information will be addressed in the Application.
48.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	A detailed description of cleaning procedures for removing non-native invasive species material, seeds, and parts from equipment and personnel, and properly disposing of materials known to be or suspected of being infested.	This information will be addressed in the Application.
49.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	Detailed description of the BMP or procedures that will be implemented, and the education measures that will be used to educate workers.	This information will be addressed in the Application.
50.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	Detailed description of a minimum of 5-year post-construction monitoring and corrective action plan, to achieve the goal of no new invasive species in the Facility area and no new locations of existing invasive species in the Facility area, and survey measures and procedures for revising the Invasive Species Control Plan in the event that the goals of the initial plan are not met within a specified timeframe	Based on the results of the baseline invasive species information obtained specific to the Facility Site, the Applicant will propose an appropriate post-construction monitoring plan.
51.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	Anticipated methods and procedures used to treat non-native invasive species that have been introduced or spread as a result of the construction, operation or maintenance of the Facility (based on comparisons against the baseline survey)	This information will be addressed in the Application.

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52.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	Landscape re-vegetation plans, including specification of native seed mix to be used, as appropriate.	This information will be addressed in the Application.
53.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should contain a detailed description of the proposed measures that will be implemented to avoid, minimize, and mitigate for any temporary and permanent impacts to existing, non-invasive plant communities, particularly grasslands, interior forests, wetlands, shrublands, and young successional forests, as a result of the construction, operation and maintenance of the Facility. This should include measures to avoid and minimize impacts to vegetation such as co-locating linear project components, and constructing all panels, buildings, storage areas, and other structures in areas already developed or disturbed, to the maximum extent practicable. Post-construction vegetative restoration should include reseeding disturbed areas with appropriate native seed mix or planting native woody species, as necessary, to recreate or enhance wildlife habitat. An alternatives analysis should also be presented in Exhibit 9 (Alternatives), which should include a discussion of vegetative clearing, and the associated impacts under each of the alternatives analyzed.	As indicated in multiple locations throughout Section 2.22, the Application will address impacts to various ecological communities found within the Facility Site. However, the Applicant will not address impacts to communities that are not found within the Facility Site. For instance, based on site-specific investigations conducted to date, the Applicant does not believe the Facility Site contains "interior forest". Further, the PSS provides a significant amount of information regarding the on-site ecological communities, and as such the NYSDEC should identify those ecological communities that are relevant to the proposed Facility.
54.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22 and 2.23	The Application should include information on and a characterization of aquatic and terrestrial vegetation, wildlife and wildlife habitats that occur throughout the Facility, encompassing all areas that may be disturbed for construction of panels, roads and electric interconnection and transmission. The Application should also include an identification and description of plant communities, plant species and wildlife habitat. Such descriptions should include field identification and verification of aquatic habitats, plant communities, and other wildlife habitat that could potentially support federally or state-listed T&E species, SSC, and SGCN as documented during on-site field investigations (e.g., ecological cover type assessments, habitat assessments, wildlife surveys, and wetland/stream delineations). USFWS, NYSDEC staff, and NHP database information should be used to determine if any bat hibernacula or maternity roosts are located within the study area. If hibernacula or roosts are identified within the project area, or five miles from any Project component or boundary, the location and distance to each identified hibernaculum and roost should be provided separately and confidentially to NYSDEC.	Information on characterization of habitat will be included in the Application, and in fact is largely addressed in the PSS based on the site-specific information provided in the PSS regarding ecological communities as identified through on-site surveys. Future steps in the Article 10 process would likely be more efficient if the NYSDEC provided comments specific to the information and data presented in the PSS.  Specific to the comment regarding state- and federally-listed species, such species are specifically identified and discussed in the PSS, based on consultation with the NYSDEC (NHP) and USFWS (IPaC) databases. The NYSDEC is encouraged to review the information and data presented in the PSS and provide specific comments.
55.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	A discussion of the extent, methodology and results of all avian, bat, amphibian, and other wildlife surveys conducted by the Applicant or its agents within or in the vicinity of the Facility should be provided in the Application. All draft reports should be provided to NYSDEC, USFWS and NYSDPS as soon as possible after they are prepared.	This information, as relevant to the specific resources associated with the proposed Facility, will be included in the Application.
56.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	Information on amphibians and reptiles based on the New York State Amphibian & Reptile Atlas Project (Herp Atlas), database records obtained from NHP, NYSDEC and USFWS, assessments of suitable habitat within the Facility, and any field observations made on-site and in the vicinity of the Facility should also be included. To the extent that vernal pools and their functions (including the surrounding upland habitat) may be impacted by construction, operation or maintenance of the Facility, those features should be identified under appropriate seasonal conditions, and these impacts should be identified and assessed in the Application. The Applicant should also submit to NYSDEC detailed location maps and ecological characterization data for all vernal pools located within 500 feet of all proposed areas of disturbance.	The Applicant's representatives have consulted with the NYSDEC regarding on-site wetland/stream delineations, which were conducted for the entirety of the Facility Site, and consulted with the NYSDEC regarding potential habitat for tiger salamander, and all on-site studies have been conducted in accordance with such consultations.
57.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should also include a discussion and analysis of information collected as part of pre-construction monitoring surveys at the Facility, surveys at existing photovoltaic solar energy projects in the northeast (if available), and information provided by state and federal agencies. If impacts are unavoidable, the Application should demonstrate that they are unavoidable and provide a clear and reasoned explanation as to why complete avoidance of impacts to each affected species is not practicable, how the proposed minimization actions will minimize impacts to the maximum extent practicable, and proposed mitigation actions where impacts cannot be avoided or secondly minimized. If such impacts cannot be demonstrably avoided to the maximum extent practicable, the minimization actions and mitigation measures to be implemented should: be developed in consultation with NYSDEC and USFWS (if federally-listed species may be impacted); result in a net conservation benefit to the target species; and require thorough post- construction monitoring that adequately measures the Facility's impact on the target species and evaluates effectiveness of measures implemented as minimization actions	The information regarding impacts will be included in the Application. Regarding the following portion of the comment: "...surveys at existing photovoltaic solar energy projects in the northeast (if available), and information provided by state and federal agencies." the Applicant requests clarification, and if the NYSDEC (as a state agency) has information that should be considered in the context of this specific proposal, the Applicant hereby requests that such information is provided to the Applicant as soon as possible.

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58.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should contain an inventory of and information on plant species and wildlife species (bird, mammal, herpetofauna) known or likely to occur in or near the Facility at some time during the year based on existing data available from the following sources: NHP; NYSDEC; USFWS; local bird/wildlife experts; Herp Atlas; BBA; BBS; CBC; HMANA; eBird; The Nature Conservancy surveys/reports; The Kingbird publication; county-based hunting and trapping records maintained by NYSDEC, and; any other publicly available source that may provide relevant information regarding wildlife occurrences within or in the vicinity of the Facility and electric interconnection line. On-site field surveys (e.g., avian and bat surveys, amphibian surveys, ecological cover type assessments, habitat assessments, wetland delineations, etc.) and the availability of suitable habitat should also be used to identify species that could potentially occur within or in the vicinity of the Facility at some time during the year. The inventory should specify whether species were observed, known to occur in Facility site, or are predicted to occur based on habitat characteristics and historical records. Information on terrestrial invertebrates should be limited to a general discussion regarding the range of species likely to occur in the vicinity of the Facility.	The Applicant believes that all existing conditions information regarding plant communities and wildlife, as relevant to the proposed Facility, are included in the PSS. PSS Section 2.22(a) identifies all ecological communities on-site, and as such a plant community survey has been completed. PSS Section 2.22(d) specifically discusses wildlife expected to occur on-site, and the Applicant believes that additional information regarding existing conditions should be included in the Application only if specifically identified by the NYSDEC. In addition, the information already obtained through on-site surveys will be compiled into a species list. Specifically, PSS Section 2.22(e) states, "A Plant Species Inventory and a Wildlife Species Inventory will be included in the Article 10 Application, both of which will be based on existing data, on-site surveys or observations, and/or the availability of suitable habitat, and will identify species that may occur in the Facility Site at some time during the year."
59.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should contain a narrative analysis and associated mapping to explain and illustrate potential and expected construction and operational impacts to vegetative cover types, wildlife habitats (including a discussion of impacts from habitat fragmentation), wildlife concentration areas, travel corridors, if identified, and terrestrial and aquatic organisms.	The Article 10 Application will include the requested information.
60.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should discuss all direct and indirect construction-related impacts that may occur to wildlife and wildlife habitat, including but not limited to incidental injury and mortality due to construction activity and vehicular movement, habitat disturbance and loss associated with vegetation clearing and earth-moving activities, and the displacement of wildlife from preferred habitat.	The Article 10 Application will include the requested information.
61.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should discuss all direct and indirect operational and maintenance impacts including but not limited to functional loss and degradation of habitat, forest and grassland fragmentation, and wildlife displacement. To the extent any documented wildlife travel corridors or concentration areas are identified within or in the vicinity of the Facility Site, direct and indirect impacts to such corridors and concentration areas, and the species utilizing corridors or concentration areas, should be addressed.	The Article 10 Application will include the requested information. However, the Applicant requests that the NYSDEC clarify what is meant by "functional loss and degradation".
62.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should include a discussion and assessment of potential short- and long-term impacts to plants, animals, and habitats that may result from the application of biocides, if any, during site preparation, construction, operations, or maintenance of the Facility. This should include consideration of impacts to trees, ground covers, and other vegetation planted as part of restoration, mitigation and habitat enhancement activities.	The Article 10 Application will include the requested information.
63.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should include a summary impact table that clearly quantifies anticipated temporary and permanent impacts associated with all Facility components in relation to wildlife habitats, identified concentration areas or travel corridors, and vegetation cover types, particularly grasslands, interior forests and young successional forests, if affected.	The Article 10 Application will include the requested information. However, based on the site-specific ecological community information provided in the PSS the Applicant requests that the NYSDEC specifically identify any "interior forest" within the Facility Site.
64.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should discuss the Facility's location in the Long Island Grassland Focus Area and any other identified concentration areas or migration corridors, as appropriate, and include a discussion of the potential cumulative impacts of the Facility on wildlife species and the habitats that support them with respect to the other photovoltaic solar energy projects or panels that are currently operating and proposed to be constructed at other sites nearby the Facility and in NYS, and at operating projects throughout the northeast.	The Article 10 Application will include an analysis of potential Facility and cumulative impacts to the Long Island Grassland Focus Area. To the extent the NYSDEC is aware of "any other identified concentration areas or migration corridors" then such information should be provided to the Applicant as soon as possible. Absent such information provided to the Applicant, this analysis will be limited to the Long Island Grassland Focus Area.  Additionally, the Applicant wishes to clarify that potential impacts to the Long Island Grassland Focus Area will be specific to this resource and as such will not include an analysis of "operating projects throughout the northeast".
65.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should include wildlife and habitat impact analysis descriptions including an identification, evaluation, and assessment of direct and indirect Facility-related impacts to avian, bat and other wildlife species, particularly: federally and state-listed T&E species and their habitats; SSC and SGCN; wildlife concentration areas; migration corridors; and forest and grassland habitats. The NYSDEC Region 1 Wildlife Office can be contacted to obtain the most recent breeding, wintering, and habitat data for state-listed species. The USFWS Field Office in Cortland, New York can be contacted to obtain the most recent breeding, wintering, and habitat data for federally listed and protected species.	With respect to state- and federally-listed species, this information as specific to the proposed Facility is addressed in PSS Section 2.22(o), and based on the generic nature of this comment it does not appear as if the NYSDEC reviewed this Section of the PSS. The Applicant intends on including relevant information in the Application, as described in PSS Section 2.22(o).

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66.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	If it is determined by the Applicant, NYSDEC, or USFWS that the construction or operation of the Facility is likely to result in a take of a listed species, including the modification of habitat on which a listed species depends, the Applicant should submit with the Application an avoidance, minimization and mitigation plan that demonstrates a net conservation benefit to the affected species as defined pursuant to 6 NYCRR Part 182, along with the informational requirements of an ITP pursuant to 6 NYCRR Part 182, including proposed actions to first avoid all impacts to listed species.	Based on the proposed Facility layout and associated impacts, the Applicant intends on working with the NYSDEC to determine the need (or lack thereof) for information related to a take permit.
67.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	Surveys for the state-listed Eastern Tiger Salamander should be conducted during the breeding season and include the upland areas around the historic breeding pond ("G") and for Pond "B" to determine if these areas are being used by the Eastern Tiger Salamander.	The Applicant's representatives have specifically consulted with NYSDEC personnel on tiger salamander surveys, habitat, and design methods that would not be considered "take" of critical habitat. The Applicant will continue to consult with the NYSDEC on this topic.
68.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The avian and bat occupancy and usage of the Facility site should be compared with other proposed and existing solar energy projects located nearby the Facility and in the state, and with operating projects throughout the northeast. Analyses should be based on a discussion and comparative analysis of the extent, methodology, and results of the pre-construction wildlife studies conducted for the Facility, and studies from other solar energy projects for which data are publicly available, as well as any additional information provided by NYSDEC and USFWS.	As previously indicated, the Applicant has conducted significant outreach and consultation with the NYSDEC, and an "avian and bat occupancy and usage study" was not requested and does not appear to be warranted for this specific Facility.
69.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	A cumulative impact analysis should be done to evaluate the actual and expected impacts from the construction, operation and maintenance of the Facility as they relate to other proposed and operating solar energy projects nearby the Facility and in NYS. This analysis should minimally include a discussion and calculations describing and showing: <ul style="list-style-type: none"> <li>• Examination of data on currently installed utility-scale solar energy capacity in NYS, as well as projected increase in installed solar energy capacity for the life of the Facility</li> <li>• Estimated take of federally listed or protected and state-listed T&amp;E species at the Facility, based on post-construction studies done in NYS and the northeast, data provided by state and federal agencies, and any other available relevant information</li> <li>• Acres of each habitat type lost directly through installation of panels and other Project components, clearing, and cover type conversion</li> <li>• Acres of each habitat type lost indirectly due to functional loss/degradation of habitat (for purposes of forest fragmentation analyses, it is assumed that indirect effects will extend up to 300 feet beyond the limits of disturbance).</li> <li>• Cumulative impacts of forest and grassland habitat fragmentation, particularly potential impacts on listed bird species, as a result of solar energy projects nearby the Facility.</li> </ul>	Comment noted. The Applicant is not aware of any post-construction monitoring studies conducted at operating solar facilities in NYS or the northeast, or of any data sets maintained by agencies which would provide the information commenter seeks. It is not clear what is intended by the comment regarding estimated take and post-construction studies as it relates to solar facilities; this comment appears to be more relevant to wind energy. As previously stated, the Applicant does not believe any "interior forest" exists within the Facility Site and therefore questions the meaningfulness of conducting a forest fragmentation analysis. The Applicant also questions how it is possible to conduct a cumulative impact analysis on these specific habitats without specific habitat data for other operating solar facilities. Does the NYSDEC possess data that would support such an analysis?
70.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	A literature review and impact analysis evaluating how the construction, operation and maintenance of the Facility will affect wintering and breeding grassland bird species, including an assessment of the potential population-level effects of habitat loss is likely to have on grassland bird species at a regional scale, should also be included in the Application. All such analyses should take into account the estimated impacts associated with the overhead transmission line and related facilities to be constructed, if applicable.	As previously indicated, the Applicant has conducted significant outreach and consultation with the NYSDEC, and conducting "population-level effects of habitat loss on grassland birds" was not requested, and does not appear to be warranted for this specific Facility. As also previously stated, the proposed Facility does not include an overhead transmission line and related facilities.
71.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	Information associated with a proposed post-construction monitoring plan to be implemented to assess direct and indirect impacts of the Facility on wildlife species and their habitats should be included in the Application. The details of a full post-construction monitoring plan should be developed on a site-specific basis through discussions between NYSDEC, the Applicant, and USFWS (if federally-listed species may be impacted), and at a minimum specify the following: the expected and allowed level of take of each T&E species that may be impacted; survey monitoring methods, effort, duration, data reporting and compliance documentation; construction parameters; proposed adaptive management responses, if applicable, and; mitigation measures sufficient to ensure the Applicant complies with the substantive requirements of 6 NYCRR Part 182. A post-construction monitoring plan should be approved by NYSDEC and NYSDPS and finalized prior to the start of project operation.	Based on the potential impacts of the proposed Facility, a post-construction monitoring plan may not be warranted. The Application will address whether a post-construction monitoring plan is warranted.

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Comment	Response
72.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should contain a detailed description of the impact avoidance and minimization efforts used in siting and developing the Facility, as they pertain to vegetation, wildlife, and wildlife habitat. The Facility design, construction controls, and operational measures that can be reasonably implemented to first avoid to the maximum extent practicable, then minimize, and mitigate for impacts to wildlife and wildlife habitat as a result of construction, operation and maintenance of the Facility should be described. If such impacts cannot be demonstrably avoided to the maximum extent practicable, the Applicant should minimizing impacts associated with habitat loss, fragmentation, displacement and mortality, through careful site design, adhering to designated construction limits and seasonal restrictions, and adhering to other construction best management practices. A commitment to mitigate, in an appropriate and timely manner, for any demonstrably unavoidable impacts to listed T&E species should also be discussed.	Impact avoidance and minimization measures will be addressed in the Application, as will mitigation for impacts to listed T&E species, as applicable.
73.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should include an analysis of the potential hydrologic connectivity of all wetlands within the Facility to offsite wetlands, including a summary of those wetlands anticipated to fall under NYSDEC jurisdiction (under Article 24 of the ECL) and Corps jurisdiction (under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act). Assessments of potential state wetlands jurisdiction should include both "mapped" and "unmapped wetlands" that meet NYSDEC's 12.4-acre size threshold (including any wetlands of any size separated by less than 50 meters which function as a unit in providing wetland benefits, pursuant to 6 NYCRR Part 664, or otherwise meet state criteria for jurisdiction (e.g., wetlands or vernal pools determined to be of ULI pursuant to 6 NYCRR 664.7(c)). A summary of off-site wetlands adjacent to the Facility and any disturbed areas that may be hydrologically or ecologically influenced or impacted by development of the Facility, including Significant Coastal Fish and Wildlife Habitat Areas designated by NYSDOS, and publicly owned lands, to determine their general characteristics and relationship, if any, to the delineated wetlands within the Facility should be included in the Application. All information, including maps and shapefiles of delineated wetlands, should be provided to NYSDEC as soon as delineations are completed and preferably prior to the submission of the Application, to provide sufficient time for the NYSDEC to determine the full extent of state wetland jurisdiction.	<p>A site-specific wetland delineation has already been conducted, and the results have been provided to the NYSDEC. PSS Section 2.22(i) states, "Please see Appendix K of this PSS for a complete copy of the Wetland Delineation Report prepared by GEI. A copy of this report, along with a request for jurisdictional determination (JD) was sent to the NYSDEC on July 31, 2018 and the USACE on August 3, 2018. A JD site visit with the NYSDEC took place on August 28, 2018. The Applicant has requested formal notification of the jurisdictional status of NYSDEC wetlands in order to consider state wetland jurisdiction during development of the Facility layout, and expects to receive the formal JD shortly."</p> <p>With respect to off-site connections, PSS Section 2.22(l) states, "The wetland delineations will be used to inform an analysis of hydrological connections to offsite wetlands, including those that are state mapped wetlands protected by NYSDEC."</p>
74.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should include an identification and quantification of temporary and permanent impacts to, and any permanent conversions of wetlands and state-regulated 100-foot adjacent areas based on the proposed footprint of all Facility components and associated impact assumptions. This assessment should also include a description of applicable permanent forest conversion, if any, which will occur as a result of the construction or maintenance of the Facility. Such impacts should be summarized and presented in a table that identifies and calculates the following: <ul style="list-style-type: none"> <li>• Applicant-assigned wetland identification code, NYSDEC wetland identification number, and NYSDEC stream classification</li> <li>• Delineation type (i.e., field survey, review of aerial imagery, roadside observation, etc.);</li> <li>• The acreage and type of impact, including but not limited to permanent or temporary fill and forest conversion, to each wetland and adjacent area, including vegetative cover type affected by each impact;</li> <li>• The associated crossing methodology for each wetland, clearly discerning between federal and state wetlands, and adjacent area impacts; and</li> <li>• The page or sheet number on preliminary design drawings depicting the resource.</li> </ul>	Comment noted. This information will be included in the Application.
75.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	Impacts to wetlands should also be presented on a separate set of site plan drawings at 1":50' scale, showing wetland and stream boundaries, permanent and temporary structures, stream crossings, roads, power interconnects, grade changes, and the limits of disturbance.	As clearly indicated in PSS Section 2.23(b), no streams were identified during on-site delineations, and as such there are no stream boundaries to depict. Based on the specific proposed Facility layout, and any associated impacts to wetlands and regulated adjacent areas, appropriately scaled maps will be included with the Application.

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Comment	Response
76.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	Pursuant to 6 NYCRR 663.5(g), a conceptual mitigation plan for impacts to state-regulated wetlands and adjacent areas should be provided to NYSDEC as soon as possible, preferably before the submission of an Application, and meet the following provisions: <ul style="list-style-type: none"> <li>• The mitigation occurs on or in the immediate vicinity of the Facility (preferably elsewhere in the same wetland);</li> <li>• The area affected by the proposed mitigation is regulated by the Article 24 of the ECL and 6 NYCRR Part 663 after mitigation measures are completed;</li> <li>• The mitigation provides substantially the same or more benefits than will be lost through the proposed activity; and</li> <li>• Evaluation of mitigation options should during initial planning of the Facility. Off-site mitigation should only be considered if an analysis is provided showing that all options within the immediate vicinity were thoroughly evaluated and determined to not be feasible. Please note that in-lieu-fee does not meet the state requirements for mitigation. Alternative analyses should be based on the final verified delineation boundaries.</li> </ul>	To the extent needed, a conceptual mitigation plan prepared in accordance with all relevant requirements will be included in the Application.
77.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	For all temporary and permanent impacts on wetlands and regulated adjacent areas, the following should also be provided: <ul style="list-style-type: none"> <li>• For each resource explain if the resource could reasonably be avoided;</li> <li>• Proposed site-specific actions to minimize impacts to resources that are not avoided;</li> <li>• Proposed site-specific actions to mitigate impacts that are not avoided; and</li> <li>• Proposed appropriate compliance monitoring schedule to ensure mitigation is successful, including adaptive management actions to be implemented should the planned mitigation fail.</li> </ul>	Comment noted. This information will be included in the Application.
78.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should include a discussion of all avoidance and minimization measures considered during site planning and design, and an indication of methods to be implemented to avoid wetland and stream impacts, including crossing methodology and a description of Facility construction and operation in relation to the standards established by ECL Articles 15 and 24. Direct impacts to wetlands and streams should be minimized by utilizing existing or narrow crossing locations wherever possible. Additional impact avoidance and minimization measures may include consideration of alternative siting or routing options, trenchless crossings (such as HDD or other special crossing techniques), equipment restrictions, herbicide use restrictions, and erosion and sedimentation control measures.	As clearly indicated in PSS Section 2.23(b), no streams were identified during on-site delineations, and as such there will be no stream impacts. However, information relevant to wetlands will be included in the Application.
79.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	Where impacts to wetlands and regulated adjacent areas and streams are demonstrably unavoidable, and have been minimized to the maximum extent practicable, the anticipated mitigation measures to be implemented to offset impacts to wetlands and state-regulated 100-foot adjacent areas should be discussed, including the use of reasonable alternative stream and wetland crossing methods.	As clearly indicated in PSS Section 2.23(b), no streams were identified during on-site delineations, and as such there will be no stream impacts. However, information relevant to wetlands will be included in the Application.
80.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should contain information regarding the presence of federally and state-listed T&E species, SSC, and SGCN, and a discussion of the Facility's potential to impact such species or their habitats as a summary impact table. This table should contain, at a minimum: species name; federal status; NYS status; if species was observed on site or potentially occurring in the Facility; source of information indicating potential or documented presence of species; discussion of the type of impact (direct and/or indirect) that may occur to each listed species; estimated take of each listed species, and; evaluation of all impact avoidance measures considered and, if full avoidance is not feasible, a discussion of why such actions are not practicable. Analysis of documented T&E species, SSC, and SGCN should be based on database records obtained from the NHP, other known records documented by NYSDEC, USFWS, and observation during on- site wildlife and habitat, ecological, and wetland surveys.	With respect to state- and federally-listed species, this information as specific to the proposed Facility is addressed in PSS Section 2.22(o), and based on the generic nature of this comment it does not appear as if the NYSDEC reviewed this Section of the PSS. The Applicant intends on including relevant information in the Application, as described in PSS Section 2.22(o).
81.	NYSDEC	10/5/2018	Kara E. Paulsen, Esq.	NYSDEC	2.22	The Application should also describe the anticipated Environmental Compliance and Monitoring Program to be implemented during Facility construction, which should include an Environmental Monitor(s) during construction and restoration activities on the Facility site, and the duties of the Environmental Monitor, the locations of all staging areas, temporary spoil or woody debris stockpiles, "extra work" areas, and other places material or equipment may be placed on site. The limits of disturbance around all such areas should be clearly defined in plan maps. Plans to restore all temporary disturbances in regulated areas, including replanting trees in disturbed forested areas, should also be provided in the Application.	Comment noted. This information will be included in the Application.
82.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	General Comments	In addition to the specific comments on many topics below, DPS Staff advises that the Application must also contain all of the informational requirements included in 16 NYCRR §1001.	Comment noted.

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Comment	Response
83.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	General Comments	The assessment of impacts should address cumulative impacts that will accrue with the development of Riverhead Solar 2 in consideration of development of the adjacent Riverhead Solar 1 project located immediately west of the Riverhead Solar 1. While the PSS indicates cumulative agricultural land impacts will be reported (PSS Section 2.22(q), pg. 104) consideration of other impacts including natural and cultural features, community character, and other topics, must also be addressed.	To the extent such information is available for adjacent facilities, as it is available for the adjacent Riverhead Solar 1 Facility, such cumulative impacts will be addressed.
84.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	General Comments	To advance consideration of Project Scoping, the applicant should explain, in response to these comments on the PSS, whether there will be any shared facilities among Riverhead 1 and Riverhead 2, such as access roads, perimeter security fencing, electrical collection lines or right-of-way, or other facilities.	Additional information on the distinctions between these facilities is provided in Figure 4, which depicts adjacent solar facilities, and the letter sent to the Town of Riverhead dated October 30, 2018 further outlining the differences between the Facilities. The letter is provided as Attachment A to this PSS Comment response. The Application will further discuss these issues.
85.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.4	Exhibit 4(g) Map of Specially Designated Areas and 4(h) Map of Recreational Areas and Other Sensitive Land Uses: DPS advises that the Peconic River in the Study Area south of the Facilities Site is designated as Scenic and Recreational pursuant to the DEC Wild, Scenic and Recreational Rivers program.	Comment noted. The Applicant will update the mapping to include the Peconic River as designated Scenic and Recreational pursuant to the DEC Wild, Scenic and Recreational Rivers program.
86.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS		Peconic River Scenic Designation: i. Approximately ten and one-half miles from the western boundary of the Red Maple swamp to the Long Island railroad bridge between Connecticut and Edwards Avenue; and ii. Approximately three miles from Middle Country Road (State Route 25) to the confluence with the previously described segment of the Peconic including tributaries T112-5, T112-6 and T112-7.	Comment noted. The Applicant will update the mapping to include the Peconic River as designated Scenic and Recreational pursuant to the DEC Wild, Scenic and Recreational Rivers program.
87.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS		Peconic River Recreational Designation: i. Approximately five and one-half miles from the Long Island railroad bridge between Connecticut and Edwards Avenue to Grangabel Park dam in Riverhead.	Comment noted. The Applicant will update the mapping to include the Peconic River as designated Scenic and Recreational pursuant to the DEC Wild, Scenic and Recreational Rivers program.
88.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.4(h)	The summary of potential impacts to recreational resources depicted on Figure 7 should include: written description of all potentially affected resources within the study area; how the resources will be impacted; and how the impacts will be avoided, minimized and/ or mitigated.	Comment noted. This information will be included in the Application.
89.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.4 (i)	Indicates that acreages of permanent and temporary impacts to land use classes. DPS advises that qualitative analysis should be provided, also. Include information specific to short and long-term effects of facility generated noise, odor, traffic and/or aesthetic impacts on the use and/ or enjoyment of existing, potential, and proposed land uses within study area. Section 2.4(i) should include information specific to the compatibility of the above-ground interconnections and related facilities with existing, potential and proposed land uses within the study area. Specify the length and height of the overhead 138 kV line from Edwards Station to Point of Intersection at substation's 138 kV bus; and assess whether this will impact any identified land uses resources within the study area.	A qualitative analysis as requested will be provided in the Application.
90.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS		Conformance with Coastal Zone Management Act: DPS advises that the Peconic River and surrounding area are within designated Coastal Area, with Significant Coastal Fish and Wildlife Habitats designated. The southern boundary of the Facilities Site along the Long Island Railroad Greenport Line is the designated boundary of the Coastal Area along the Peconic River. The Application should reflect the Coastal Area Designations, and report on any effect on Coastal Resources including but not limited to stormwater runoff patterns or timing, erosion or water quality effluents from facility construction, or facility maintenance (herbicide treatments, PV panel cleansers, etc.); visual impact on recreational uses of the river; etc., should be evaluated. See Peconic River SCF&WH criteria at <a href="https://www.dos.ny.gov/opd/programs/consistency/Habitats/LongIsland/Peconic_River.pdf">https://www.dos.ny.gov/opd/programs/consistency/Habitats/LongIsland/Peconic_River.pdf</a>	Comment noted. This information will be included in the Application.
91.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.5(f)(3)	Procedures and Controls for Inspection, Testing, and Commissioning (page 30) states: "When completed, all documentation will be provided to the Siting Board and stored at the Facility Site for easy review/access in the future." Per 16 NYCRR(f)(3), the Article 10 Application must include procedures and controls for facility inspection, testing and commissioning.	Comment noted. This information will be included in the Application.
92.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.5(f)(4)	Maintenance and Management Plans, Procedures, and Criteria (page 32) states: "The applicant will prepare a Preliminary Operations and Maintenance Plan (O&M Plan), which will be included in the Application." DPS suggests that the applicant provide the final Operations and Maintenance Plan (O&M Plan) with the Application	This information will be provided in the Application.

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93.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.5(h)(1)	<u>Description of Substation Facilities to be Transferred and Timetable for Transfer</u> (page 32) states in the last sentence of this paragraph: "The exact future transaction and timetable to transfer the generation delivered to the POI substation to NYSEG will not be known until the Facilities Study is complete." DPS Staff suggest that the applicant change "NYSEG" to "PSEG LI" in this sentence.	Comment noted and the sentence will be corrected in the Application to say "The estimated future transaction and timetable to transfer the generation delivered to the POI substation to PSEG-LI will not be known until the Facilities Study is complete."
94.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.5(h)(3)	<u>Transmission Owner's Requirements and (i) Facility Maintenance and Management Plans</u> (page 33) states that the Applicant will assume operational and maintenance responsibilities of the POI substation from PSEG. However, in the next paragraph, (i), the applicant takes responsibility for the operation, inspection, and maintenance requirements of all Facility components, <i>except for the POI substation</i> . These two sentences are contradictory. DPS Staff requests the Applicant provide clarification regarding the POI substation and its operational, inspection, and maintenance requirements. The applicant should specify what party is responsible for the upkeep of the POI substation.	The Applicant would be responsible for the operation, inspection, and maintenance requirements of all Facility components, except for the POI substation. The operation, inspection, and maintenance responsibility for the POI is the responsibility of PSEG.
95.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.8(a)(8)	Section 2.8(a)(8) <u>Effect of the Facility on the Energy Dispatch of Existing Must-run Resources</u> : a. In the first sentence of the second paragraph, the PSS states, "To conduct the analysis, the NYISO 2018 system will be modeled to the extent that information is available, with and without the proposed Facility, and compared the generation dispatch of must run resources with the NYISO service territory between the two scenarios." The highlighted sentence is confusing and needs clarification. DPS Staff suggests using the following language: "To conduct the analysis, the NYISO 2018 system will be modeled to the extent that information is available, with and without the proposed Facility, and the annual energy from existing must-run resources within the NYCA will be compared between the two scenarios."	Comment noted and the referenced language will be corrected in the Application.
96.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS		In the last sentence of the second paragraph the Applicant states, "The analysis will simulate the effect of energy schedules from energy resources on must run resources redispatching to reliably serve the grid and avoid curtailment." DPS advises that this highlighted sentence is also confusing and needs clarification. Staff suggests the following language: "The analysis will show the effect the project has on the energy output of existing must run resources located in the NYCA."	Comment noted and the referenced language will be corrected in the Application.
97.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.09	DPS advises that Section 2.9(c) <u>Description of Reasonable Alternatives to the Proposed Facility at the Proposed Location</u> , warrants additional consideration of alternative facilities arrangements: <ul style="list-style-type: none"> <li>Consider alternative arrangement and design options that would enable some continued agricultural use(s) at the site, including grazing or crop production;</li> <li>Consider alternative arrangement of Access Roads intersecting Edwards Road, such as having intersection locations from the eastern and western arrays directly opposite each other rather than offset as indicated in Preliminary Facility Layout at PSS Figure 3;</li> <li>Consider alternative arrangement of inverters away from site property lines south of Route 25 to reduce noise levels at adjoining parcel;</li> <li>Consider alternative arrangement of electric collection lines to follow Edwards Ave. ROW south from the east and west turbine arrays to the collector substation area, thus avoiding disturbance of forestland and wetlands habitat in area directly north of the collector substation as depicted at PSS Figure 4 and PSS Appendix K figure 4 - Wetland Area A).</li> </ul>	While the Applicant can consider whether the options identified might be viable alternatives or not, the Applicant stresses that its ability to perform such an analysis will be constrained by the lands for which it has some form of agreement with the landowner, and that such a constraint is contemplated by Article 10. The only existing "agricultural" activity ongoing at this location is sod farming and other agricultural use, which is not compatible with solar energy generation, so the continuation of that agricultural use is not feasible. Further, the Facility Site is fairly small and constrained, and may not have sufficient space to support the identified agricultural activities without requiring significant additional tree clearing or disturbance of wetlands. Finally, portions of the Facility Site are within the Industrial C Zoning District, where agriculture is not a permitted use.  With regard to the request for an alternatives analysis for Access Roads intersecting Edwards Road, and the alternative inverter arrangements, the Applicant can consider the alternatives proposed. The proposed collection line alternatives analysis will be significantly constrained by the amount of physical space available for the RIV-2 gen tie route and easement, and by the presence of wetlands in the vicinity, which the Applicant intends to avoid. The Applicant can consider how close the ROW would be to the forestland, but notes that it will not be able to deviate substantially from the proposed route because of the existing constraints.
98.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS		The statement at section 2.9(d) should be revised – the requirement should be addressed, and could be referenced to the showings regarding public health and safety at Exhibit 15.	Comment noted and the referenced language will be corrected in the Application.
99.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.10	In both section (a) and (g) the applicant references the most recent State Energy Plan, dated 2015. DPS advises that a new State Energy Plan will be released in 2019. Depending on the timing of the Article 10 application submission, these sections may require updating.	Comment noted.

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Comment	Response
100.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.10(h)	Comparison of <u>Advantages and Disadvantages of Proposed and Alternative Locations</u> ; states "Given the unique nature and constraints associated with the siting of solar-powered electric generation facilities . . . a full comparison between the proposed Facility location and alternative locations will not be contained in the application." This is contrary to 16 NYCRR 1001.10 (h). To the extent that the applicant has property under its control that could constitute a reasonable alternative to the identified site, consideration of the alternate site should be provided.	Comment noted. If the Applicant controls property which could be used as a reasonable alternative to the Facility, an analysis of an alternative involving that property will be performed.
101.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS		The Application should address additional details in sections 11(f) and (g), including design and architectural drawings of perimeter fencing options, access road gates and identification signs, including references to any local design requirements or standards that may be applicable.	This information or equivalent will be provided in the Application.
102.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.14	PSS Section 2.14 (a) <u>Total Capital Costs</u> does not state that the Article 10 application will include a separate estimate for each interconnection. DPS advises that this is required per 16 NYCRR 1001.14 (a).	This information or equivalent will be provided in the Application.
103.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.15	Discussion of waste materials generated (Exhibit 15(a)) should include consideration of waste wood generated during site clearing, including stumps and slash, and responsible disposal of these materials.	This information will be included in the Application.
104.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.18	Discussion of Ex. 15(b)(3) should address "security lighting design and operational considerations" rather than the vague "lighting activities" (pg. 61).	This information will be provided in the Application.
105.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.18	Discussion of Ex. 15(b)(5) should address consideration of local zoning and land use regulations for fence-line setbacks and security fencing design requirements.	Applicant assumes commenter is referring to Exhibit 18(b)(5) and not Exhibit 15(b)(5). The discussion required under 16 NYCRR 1001.18(b)(5) will include reference to setback and fencing requirements under local law.
106.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.19	Regarding PSS section 2.19(b) Ambient Baseline Noise Surveys, DPS requests that a map of the specific Ambient Noise design points be provided immediately for DPS consideration of adequacy of baseline survey locations.	As requested, a map of the sound measurement and design points is provided in Attachment B.
107.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.20	Discussion at PSS pages 69 and 70 regarding Exhibit 20(a) Archeological Resources cites to a project that is not undergoing Article 10 review (the Minisink Solar Project) and the developer should report results of direct consultation with SHPO regarding work plans rather than referring to another project in an entirely different region of NY State.	Comment noted. The Applicant will remove the reference to the Minisink Solar Project from Section 20(a).
108.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.20	The discussion of cable plow installation of electric collection lines warrants additional consideration of installation of multiple cables in parallel, and the potential wider footprint of ground disturbance that may result from such parallel circuit construction. The PSS states elsewhere that the cables will be trenched in, rather than plowed, to a depth of 3.5 to 4 feet. The width and depth of cable installation methods should be thoroughly discussed with SHPO staff archeologists in defining areas warranting Phase 1B investigation. DPS requests notification of any meetings scheduled with SHPO staff on this topic in the future.	The Applicant will remove the reference to cable plowing from the Section as trenching is the likely preferred alternative. Additionally, the following text will be added: "It is possible that in some locations, multiple electric collection cables will be installed in trenches adjacent and parallel to each other, which may result in much wider areas of disturbance than for a single cable." The Applicant will continue to consult with SHPO on this topic and will notify DPS of any future meetings with SHPO.
109.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.21	The Application should include mapping and discussion demonstrating that the soils types evaluated in the Geotechnical Engineering Report for the Riverhead Solar 1 site are the same or otherwise representative of the soils within the project area for the proposed Riverhead Solar 2 facility. Soils types within the area proposed for the Riverhead Solar 2 project that are not addressed in the Geotechnical Engineering Report, should be identified and described in the Application.	This information will be provided in the Application.
110.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.21	Cut and fill calculations should be based on the analysis and recommendations included in the Geotechnical Engineering Report and include separate estimates of materials that may need to be imported to the project area for access road construction, structural base for foundations, and compacted fill for placement of buried electric lines.	This information will be provided in the Application.
111.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.21(f)	The application should include a description of the proposed lateral bore methods for installation of buried electric cables. If horizontal directional drilling (HDD) is anticipated for stream/wetland crossings, road crossings, or other locations, the Application should include: a. a description of HDD operations; b. maps of the project area identifying proposed HDD locations; c. typical HDD equipment layout diagram; and d. frac-out risk evaluation and contingency plan.	This information will be provided in the Application.

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112.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.21(h)	The evaluation of the suitability of existing soils for construction purposes should also include an evaluation of the risk of damage or displacement to foundations from soil shrink/swell (if applicable based on the soils types within the project area). The discussion on corrosion potential of existing soils should provide separate evaluations for the potential for corrosion of uncoated steel and the potential for corrosion and degradation of concrete.	This information will be provided in the Application.
113.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.21(h)	If existing soils are proposed for re-use as structural fill, the Application should describe measures for screening materials to remove cobbles and boulders, and fine-grained sediment that does not meet the recommended structural fill composition characteristics described in the Geotechnical Engineering Report.	This information will be provided in the Application.
114.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.21(r)	The application should include a description of methods for minimizing potential pile driving vibrational impacts on nearby buildings, water wells, or other infrastructure. The application should include a description and justification of any proposed pile-driving setback distances.	This information will be provided in the Application.
115.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.22	Discussion of Wildlife Habitat at section 22(d) on page 94 contains false statements regarding the Facility Site in relation to designated Coastal Areas and Significant Coastal Fish and Wildlife Habitats (SCFWH). Rather than being "located approximately 3 miles from the nearest coastal areas" (PSS pg. 94) the Facility Site is within a short distance of the designated Coastal Area and SCFWH associated with the Peconic River. The PSS must be revised to address this important nearby Coastal habitat area. (See also comments in Section 23 re: water resources impact evaluations on the Peconic River SCFWH).	Comment noted. The Application will include this information and the PSS will be revised to address the nearby Coastal habitat area.
116.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.22(f)	Provide an overview of vegetation management plans for operation and construction of the facility. Include a discussion of forest clearing and ground cover maintenance.	Comment noted. The Application will include the requested information.
117.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.22(i)	Confirm that wetland delineations were performed within 500 feet of areas to be disturbed in accordance with the document <i>Advice to Applicants on Wetlands Delineation, Requirements of the Article 10 Regulations, May 31, 2018</i> .	As indicated in PSS Section 2.22(i), the entirety of the Facility Site was investigated and delineated.
118.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS		Consideration of avoidance of wetland area A (per Figure 4 in PSS Appendix K – Wetland Delineation Report) should be addressed with design alternatives that avoid fragmenting the forest and wetland habitat in the vicinity of Area 4. (See DPS comment re: Exhibit 9 – Design Alternatives.)	The Application will discuss these topics.
119.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.22(o)	The application should include a full evaluation of the potential presence of eastern tiger salamanders and their use of freshwater ponds within and adjacent the project boundary. Discussion of tiger salamanders should specify that surveys of fall and early spring adult migration should occur; and surveys of breeding ponds for eggs and larvae should occur in spring and summer. Provide the regional guidance documents for DPS review. The surveys should be included as an appendix to the application.	Based on the preliminary design of the proposed Facility, it is possible that all necessary design measures can be taken to avoid impacts to this species, in accordance with NYSDEC avoidance guidelines.
120.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.22(o)	The application should include an evaluation of potential impacts to eastern tiger salamanders resulting from disturbance to uplands surrounding ponds within and adjacent the project boundary.	Comment noted. This information will be included in the Application.
121.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.22(o)	If it is determined by the NYSDEC that construction or operation of the facility is likely to result in a take of state-listed species, including the adverse modification of habitat on which a listed species depends, the Applicant will submit an avoidance, minimization, and mitigation plan that demonstrates a net conservation benefit to the affected species pursuant to 6 NYCRR Section 182.11 (Part 182), along with the informational requirements of an Incidental Take Permit (ITP), as provided for in Part 182. The applicant should consult with NYSDEC to determine if an Incidental Take Permit is anticipated prior to filing application. NYSDPS Staff should be included in any such consultations.	Comment noted. To the extent that an Incidental Take Permit (ITP) is necessary for this Facility, the Applicant will comply with the substantive requirements of 6 NYCRR Part 182, and will include NYSDPS Staff in consultations related thereto.
122.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.22(p)	A list of all invasive plant species observed during field investigations and known to occur within the Facility. The list of invasive plant species in areas of proposed disturbance shall be based on observations recorded concurrent with field surveys conducted in support of Exhibits 22 and 23.	Comment noted. This information will be included in the Application.
123.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.22(p)	For areas of high invasive species density and as useful for management of individual invasive species, identify an area and concentration threshold that requires mapping and an individual management plan.	Comment noted. This information will be included in the Application.
124.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.22(p)	Provide maps at a scale of 1:500 of any identified concentrations of non- native invasive plant species in areas of proposed disturbance.	Comment noted. This information will be included in the Application.

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125.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS		A list of invasive species other than plants included in 6 CRR-NY V C575.3 (Prohibited Invasive species) and CRR-NY V C575.4 (Regulated invasive species), if any, limited to those incidentally observed during field work in support of Exhibits 22 and 23. <a href="https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=le8d3e7b0339611e4baa20000845b8d3e&amp;originContext=documenttoc&amp;transitionType=Default&amp;contextData=(sc.D default)">https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=le8d3e7b0339611e4baa20000845b8d3e&amp;originContext=documenttoc&amp;transitionType=Default&amp;contextData=(sc.D default)</a>	Comment noted. This information will be included in the Application.
126.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.22(q)	In addition to locations designated as "prime" and "farmland of statewide importance", the Application should also identify locations of agricultural areas having local designations from the regional NRCS office or the Suffolk County Soil and Water District, including "unique farmland" and "farmland of local importance".	As stated in the PSS, the Application will include a map identifying any locations in the Facility Area where the land is designated as prime farmland, prime farmland (if drained), and farmland of statewide importance as well as the locations of drainage tile in designated farmland.  Based on correspondence with the NRCS, no soils in New York State are categorized as 'unique farmland'. Further the term 'Farmland of Local Importance' is not defined by USDA, nor is the Applicant aware of New York State defining this term. It may be defined in some instances by local agencies (e.g., county agricultural board, local regulations). If such designations are defined locally and are relevant to the proposed Facility, they will be included in the Application.
127.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.23(a)(2)	The PSS states that the Applicant will submit FOIL requests to NYSDEC, NYSDOH, and Suffolk County to obtain information on the location and usage of existing water wells within the Facility Site. Staff recommends that the FOIL request letter solicit information for water wells located within a 1,000-foot radius of the proposed Facility and within 2,000 feet of anticipated pile driving locations.	This information will be provided in the Application. A private well survey will be conducted.
128.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.23(a)(2)	The PSS also indicates that a private wells survey will be distributed to all residences/businesses within a 1,000-foot radius of the proposed Facility. Staff recommends that recipients of the well survey also include all landowners within 2,000 feet of anticipated pile-driving locations.	This information will be provided in the Application. A private well survey will be conducted.
129.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.23(a)(2)	The locations of public and private water wells should be verified through field observations where property access rights are obtained by the Co- Applicants. Water well locations should be indicated on maps showing groundwater aquifer and recharge areas and shallow aquifer groundwater flow direction, distinguishing whether each well location is approximate or confirmed.	The locations of public/private wells that may be impacted by the Facility will be field verified if access to the respective properties is obtained.
130.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.23(c)	The Application should include evaluation of potential impacts of stormwater runoff on agricultural uses and drainage patterns within and surrounding the project area. The Application should describe how stormwater controls, and drainage features during site restoration, will be designed to avoid post-construction negative impacts to surrounding agricultural land uses.	All stormwater measures and controls will be implemented in accordance with a SWPPP prepared in accordance with the SPDES regulations, and as such it is unclear how any such measures/controls will impact surrounding land uses.
131.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.24	The PSS and Section 24 discussion of the proposed facility indicates PV array heights of 8 feet and 10 feet. DPS advises that the visual analysis and appearance of the facilities should represent the range of facilities heights, including PV arrays, alternative PV heights that could accommodate agricultural uses, and the heights of other facilities components, including underground- overhead collection line risers, lightning masts and lighting poles at substation, etc.	Comment noted. This information will be included in the Application, to the extent available based on the preliminary design.
132.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.24	PSS section 2.24(a)(4) lighting should describe existing lighting, and any proposed lighting, at the Edwards substation.	This information will be clarified in the Application. Edwards Substation is operated and maintained by PSEG and owned by LIPA and the applicant has no control over the lighting governed on this property.
133.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.24	Discussion of glare at PSS Section 2.24(a)(8) Operational Effects of the Facility relies on citation to a 1990 reference, which may be dated given nearly 30 years of advances in PV development since that publication. DPS requests more recent documentation; and suggests that additional analysis of glare may be warranted.	Research indicates that glare from utility-scale solar facilities is unlikely to be a concern in most locations. For example, in a 2011 paper published in International Scholarly Research Notices, researchers conducted an experiment that measured the potential glare that an aircraft pilot could experience as a result of ground-mount solar panels. Their findings concluded that "the potential for hazardous glare from flat-plate Ps systems is similar to that of smooth water and not expected to be a hazard to air navigation." See Evan Riley and Scott Olson, A Study of the Hazardous Glare Potential to Aviators from Utility-Scale Flat-Plate Photovoltaic Systems" ISRN Renewable Energy (September 2011)(available at: <a href="https://www.hindawi.com/journals/ism/2011/651857/">https://www.hindawi.com/journals/ism/2011/651857/</a> ).  As stated in the PSS, PV panels are designed to absorb as much of the solar spectrum as possible to maximize efficiency. The potential for reflectivity or glare from a given PV system is decisively lower than the glare and reflectance generated by common reflective surfaces in the environments surrounding the given PV system. There is an inverse correlation between light absorption and reflection. Consequently, virtually all PV panels installed in recent years have at least one anti-reflective coating to minimize reflection and maximize absorption. As shown in the spec sheet attached at Attachment C, anti-reflective coating is applied to the array front glass to reduce the potential for glare. The Federal Aviation Administration only requires solar panel glare analysis for airports when the panels are proposed on airport property. However, to address concerns identified on this point, the Applicant has proposed to provide an analysis

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							similar to what was conducted for the Riverhead 1 Project, (provided in the PSS in Appendix N) for the layout of this Facility and include that analysis in the Application to confirm that there will be no impacts to air navigation. No other impacts are anticipated from glare.
134.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.24	Regarding Section 2.24(a)(10) Description of Visual Resources to be Affected: a. This section includes a list of many resources and categories that are not located in the area of the proposed Facilities Site, and will not be within areas of facilities visibility, including: the State Forest Preserve Adirondack or Catskill Parks; National Natural Landmarks; National Parks, Recreation Areas, Seashores or Forests; Scenic Areas of Statewide Significance; Adirondack Park Scenic Vistas; State Nature and Historic Preserve Areas; the Palisades Interstate Park.	The potential resource categories will be refined and updated.
135.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.24	b. The PSS indicates elsewhere that there are no designated Coastal Areas within three miles of the Facilities Site. DPS advises that the Peconic River and surrounding areas located a short distance south of the Facilities Site are within designated Coastal Area, and that this area should be considered in assessing visual resources.	Comment noted. The Applicant will add to the list of areas to be assessed for visually sensitive resources.
136.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.24	c. Furthermore, as noted above in comments on Section 4, DPS advises that the Peconic River south of the Facilities Site includes portions that are designated as either Scenic or Recreational Rivers pursuant to the DEC Wild, Scenic and Recreational Rivers program.	Comment noted. The Applicant will add to the list of areas to be assessed for visually sensitive resources.
137.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.24	Discussion at Section 24(b)(4) Viewpoint Selection should reflect consideration of locations representative of community character.	Comment noted. The Applicant will consider community character during the viewpoint selection process.
138.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.24	Discussion of glare from PV panels at PSS section 2.24(b)(8) Visible Effects Created by the Facility cites to a 2009 paper by SunPower. Please provide a copy of that document for DPS consideration in resolution of PSS consideration of glare. (See comment above re: 2.24(a)(8)).	Comment noted. The Applicant will provide this paper.
139.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.27	All references to the JEDI model should be removed (page 131).	As indicated in the PSS in Section 2.27, the Applicant intends on using the JEDI model to analyze socioeconomic impacts and will customize all model inputs. The Applicant reserves the right to use the JEDI model to prepare the required socioeconomic analyses. To the extent DPS Staff has suggestions regarding a different model, the Applicant is willing to discuss other methods to assess the impacts required by this section during the stipulations discussions.
140.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.27	Part (a) should include an estimate of the peak construction employment level (page 133).	The estimated peak construction employment (measured in Full Time Equivalent or "FTE" positions) will be included in Part (a).

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141.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.27	The analysis of secondary employment and economic activity should also reflect the economic impacts associated with and changes in the retail price of electricity as well as the economic impacts associated with the cancellation or closure of any new or existing power plants made unnecessary by the added solar capacity of the Facility. The Applicant should consult NYSERDA's 2012 New York Solar Study as a guide for estimating these economic impacts. If making such secondary employment estimates is not reasonably practicable, the Applicant should nevertheless acknowledge that such secondary employment and economic activity impacts will result from the Project, even though no quantitative estimate has been made. In such a situation, and given that the net impact on secondary employment would not be known to be positive or negative, the applicant should only include direct job estimates.	<p>Applicant objects to the relevance and materiality of this information. A calculation of job losses due to power plant closures or cancellations is beyond the scope of 16 NYCRR § 1001.27. It is not relevant because, even assuming the Applicant could ascertain the information about power plant closures or cancellations—which it cannot—it would be speculative as the information associated with such decisions are beyond the control of the Applicant and its Facility and are not publicly ascertainable. Power plants may close for a variety of reasons other than the construction of individual new energy generating facilities, including changing economic conditions and fuel markets, aging equipment, shifts in federal and State energy and environmental laws and policy and other factors, and it is impossible to attribute secondary job impacts to any one factor. Governor Andrew Cuomo has taken a strong position on ensuring the closure of the state's remaining coal plants and the Indian Point Nuclear Plant, irrespective of other generation proposed in the State. Given the structure of the Clean Energy Standard, various renewable energy procurement strategies, and the State's Renewable Energy Credit system, older or more inefficient fossil generation may well be driven out of the market by the State's intentional shifts in emphasis and valuing of generation resources, but this would occur irrespective of which specific Facilities are awarded PPA contracts and RECs. In other words, plants may close as New York takes steps to procure 50% renewable energy by 2030—but those closures will result from the State's policy; no single project can be held responsible for the closure of plants that will be closed as a result of New York's policy decisions and renewable procurement programs.</p> <p>Moreover, a recent study identified that one of the most significant drivers of the closure of fossil fuel plants is the price of electricity, particularly the low price of natural gas, and regulation of the energy sector, not the development of renewable energy projects. See US Department of Energy Staff Report to the Secretary on Electricity Markets and Reliability (August 2017), available at <a href="https://energy.gov/sites/prod/files/2017/08/f36/Staff%20Report%20on%20Electricity%20Markets%20and%20Reliability_0.pdf">https://energy.gov/sites/prod/files/2017/08/f36/Staff%20Report%20on%20Electricity%20Markets%20and%20Reliability_0.pdf</a> (noting at page 13 that "[t]he biggest contributor to coal and nuclear plant retirements has been the advantaged economics of natural gas-fired generation," and further noting, from pages 13-60, that the largest number of recent fossil fuel plant retirements occurred in 2015, and corresponded with the deadline for coal and oil plants to implement pollution control equipment for mercury and air toxics, finalization of the Clean Power Plan, and "strong signals of future regulation," while the primary drivers of nuclear plant closures, aside from market conditions, were state policies/conflicts between states and nuclear generators, as well as looming significant plant maintenance issues).</p> <p>With respect to electric rates, the Applicant objects to the assumption in the statement that there may be a net negative impact of economy wide jobs primarily due to "ratepayer impact," which is associated with higher retail electric rates and a loss of discretionary funding as claimed in the 2012 New York Solar Study. Moreover, whether or not the project procures a Clean Energy Standard Renewable Energy Credit contract does not increase or decrease retail rates in the State.</p> <p>Finally, the information sought is not relevant or material, and would not assist the Siting Board in making the required findings, determinations or considerations in PSL § 168.</p>
142.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.27	The Applicant's direct job, expenditure, and economic activity estimates should be based on actual budgeted estimates for the Project, including contractor quotes and consultations.	In previous projects, the Applicant has relied upon its internal expertise and team's experience developing, constructing, and operating projects within the United States to identify the values necessary to estimate actual job numbers and compensation amounts. As is common with solar projects under development, costs vary with time due to the introduction of new technology, industry activity level, commodity prices, exchange rates, location and project general conditions. No single vendor estimate represents the basis for a reasonableness determination but rather it is the broader body of knowledge developed over many projects and estimates that creates the basis for assessment of the reasonableness of the default values. These issues will be discussed further in the Application.
143.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	2.35(b)	For Each Right-of-way segment, provide Base Case and Proposed Cross Sections Showing any underground gas transmission facilities in the EMF study area, per 16 NYCRR 1001.35(b)(3).	To the extent that underground gas transmission facilities exist in the EMF Study Area, they will be depicted in the Application as required by the regulation. However, the Applicant is not aware of any underground gas transmission facilities which exist within the right-of-way segments proposed.
144.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	Section 1.5	Facility's Proposed Construction Methods provides discussion at page 11 for the Electrical Collection System. The document indicates that "the Applicant will seek to minimize the width of trenches and is considering the practicalities of installation via cable plough." The Phase 1A report does not address the potential for multiple electric collection cables being installed in parallel configuration, which may result in much wider areas of disturbance than for a single cable run.	Comment noted. The Applicant will add the following text to the "Electrical Collection System" bullet point on page 11: "However, it is possible that in some locations, multiple electric collection cables will be installed adjacent and parallel to each other, which may result in much wider areas of disturbance than for a single cable."
145.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS	Section 6.0	Summary of Cultural Resources Survey, at page 49 indicates that Phase 1B survey is necessary only for those areas of significant ground disturbance [including] "any buried collection lines installed via an open trench greater than 1 foot (0.3 meter) wide." The report does not address whether cable plough installation warrants Phase 1B surveys, or whether cable plough installation of multiple circuits in parallel in particular warrants 1B surveys.	Comment noted. The Applicant will note on page 49 that the installation of multiple parallel circuits via cable plough would require Phase 1B survey. In addition, the Applicant will add the following language to page 49: "Additionally, in forested portions of the Facility Site, if tree and stump removal is proposed, this would be considered a significant impact that would require Phase 1B archaeological survey for the extent of the area of clearing/removal."

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						Likewise, there is no discussion of tree clearing or stump removal as a ground disturbance activity that warrants 1B surveys. This should be clarified in defining the extent of Phase 1B survey activity needed.	
146.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS		DPS recommends that the applicant consider alternative arrangement of electric collection lines to follow Edwards Ave. ROW south from the east and west turbine arrays to the collector substation access road area, thus avoiding disturbance of forestland and wetlands habitat in area directly north of the collector substation (as depicted at PSS Figure 4 and PSS Appendix K figure 4 - Wetland Area A; and Appendix H – Phase 1A Cultural Resources Survey Figure 11 – Phase 1B Survey Area at lower eastern Area of Significant Proposed Disturbance).	Wetland delineations were conducted for the existing Sutter Sterlington Project, Riverhead Solar 2 Project, and Riverhead Solar 1 Project. Such delineations were forwarded directly to the NYSDPS. The Article 10 statute explicitly constrain the required alternatives analysis to "reasonable and available alternate locations to the proposed facility," and specify that "the information required pursuant to this paragraph shall be no more extensive than required under article eight of the environmental conservation law." NY PSL 164(1)(i). Further, 16 NYCRR 1001.9(a) expressly states that the alternatives analyzed may be limited to "sites owned by, or under option to, such private facility applicant or its affiliates." It would be unreasonable to require that the Applicant obtain lease agreements or sign contracts for lands in other municipalities for the sole purpose of performing an alternatives analysis. Courts have consistently affirmed that a private entity is obligated only to consider those reasonably available alternatives; the alternatives analysis suggested by the commenter exceeds that required, as well as the scope of the alternatives analysis that was required by the Town of Riverhead for other solar projects. If the Applicant controls property which could be used as a reasonable alternative to the Facility, an analysis of an alternative involving that property will be performed.
147.	NYSDPS	10/5/2018	Andrea Cerbin, Assistant Counsel	NYSDPS		Appendix A+I155:1160 to the Phase 1A Cultural Resources Survey includes a series of photographs of features in the vicinity of the Riverhead Solar 2 proposed Facilities Area. An accompanying map indicating the locations of the photograph locations should be provided.	Comment noted. Photo location points will be added to Figures 7 and 11.
148.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		Town Code: Town of Riverhead Town Code regulates Solar Facilities pursuant to Article LII: Commercial Solar Energy Production Systems [Added 10-7-2014 by L.L. No. 14- 2014] Chapter 301 :Zoning and Land Development Part 3 Supplementary Regulations Article LII Commercial Solar Energy Production Systems [Amended 2-6-2018 by L.L. No. 2-2018]. The Town requests the applicant provide a more detailed analysis of the proposed project and identify how the project is in compliance or not in compliance with all sections of Town Code. Specific statements and not generalizations are required to adequately address Code compliance issues.	The Preliminary Scoping Statement ("PSS") is designed to identify the studies and information that the Applicant is required to gather and provide in its formal Article 10 Application. Meanwhile, the Article 10 Application itself will contain the detailed information discussed in the PSS, as well as the studies outlined, including the local law compliance information sought by the Commenter, which must be included in Exhibit 31 of the Application. sPower anticipates filing the Article 10 Application in 2019.
149.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		Special Permit: Commercial solar facilities, proposed for location with the Industrial C Zoning Use District are required to receive a Special Permit by the Town Board pursuant to the requirements of Article LVII: Special Permits [Added 10-1-2002 by L.L. No. 30- 2002] Chapter 301 :Zoning and Land Development Part 4 Subdivision and Land Development[Amended 8-5-2008 by L.L. No. 28-2008]. The Special Permit is a discretionary action by the Town Board. It requires the Town Board consider, "That the intensity of the proposed specially permitted use is justified in light of similar uses within the zoning district."	In adopting Article 10 of the Public Service Law, the State has preempted local permitting authority, including the local issuance of Special Permits, to major electric generating facilities over 25 megawatts in size, such as the Riverhead Solar 2 Facility. See PSL Section 172(1). While no special permit can be sought from the Town for this Project, the Applicant will include a discussion in Exhibits 4 and 31 of the compatibility of the Facility with surrounding land uses, comprehensive plans, and the substantive provisions of local laws.

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150.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		<p>S-Power 20-MW Solar Facility, Calverton, NY: The Applicant filed a Subdivision and Site Plan with the Riverhead Planning Board for construction of a 20MW Solar Facility (aka Solar-1) and Gen-Tie Line with connection to the substation located on the east side of Edwards Avenue, a Town of Riverhead roadway. At the time of filing with the Planning Board, there were already two (2) solar array fields located east of Edwards Avenue, in Calverton. One of approximately 32-acres and the second (located behind the PODs site) approximately 12-acres. The Solar-1 Facility's representatives stated the proposed solar facility would generate enough electricity to power 5,723 residential homes.</p> <p>The Planning Board classified the Solar-1 application a Type 1 Action under SEQRA, and was granted Lead Agency status. The Town Board acted as an Involved Agency, because of the required Special Permit. The Lead Agency issued a Positive Determination of Significance for the Solar-1 project, requiring preparation of an environmental impact statement. The application was subjected to a comprehensive SEQRA review, through preparation of the DEIS/FEIS and Findings Statement.</p> <p>The SEQRA reviews conducted by the Lead Agency identified a potential for the Solar-1 Facility and Gen-Tie Line to generate significant growth inducing impacts, and significant cumulative environmental impacts associated with an intensity of similar uses within the Industrial C Zoning District and Calverton area US Postal zip code. The Gen-Tie Line was the equivalent of a solar facility electrical extension cord with potential for inducing construction of additional facilities to "plug-in" to transfer electricity to the step-up facility located on the east side of Edwards Avenue.</p>	<p>The comments do not pertain to the Preliminary Scoping Statement filed for Riverhead Solar 2, or the scope and methodology of studies. However, generally we note that the Riverhead Solar 2 Facility is separate and distinct from the Riverhead Solar 1 Facility, and will have a separate gen-tie line which is proposed to run parallel to the Riv-1 gen-tie line. The Riv-1 Facility was reviewed and permitted at the Town level, and remains a separate Facility subject to separate permitting requirements and a separate contract for the energy produced. By law, the Riv-2 Facility must be certified by the Siting Board under Article 10 due to its size. Riv-2 will be reviewed on its own merits, and that review will include a discussion of potential cumulative impacts of solar development nearby the proposed Riv-2 Facility, including Riv-1.</p> <p>A letter, provided as Attachment A to this PSS Comment response, was sent to the Town of Riverhead on October 30, 2018 addressing the points raised by commenter.</p>

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Comment	Response
151.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		<p>The Site Plan Review and Special Permit: Decisions were based on the Lead Agency's (Town of Riverhead Planning Board) adopted SEQRA Positive Findings Statement (Resolution 2017-107, dated October 19, 2017). The SEQRA history and decisions are cited in the Planning Board adopted Resolution No. 2018-044-Granting Site Plan Approval for the S-Power Facility (Solar-1). The first "Resolve" of Planning Board Resolution No. 2018-044 it states: "That the easement containing proposed gen-tie line shall only be used to transmit the 20 megawatts of electricity generated at the proposed facility, and shall not be used to transmit any electricity at any potential future solar photovoltaic facilities, whether owned by sPower or other entities." A covenant was filed with respect to the Site Plan conditions.</p> <p>The Planning Board's conditional approval for the Solar-1 Site Plan enacted a mitigating measure for growth inducing impacts, cumulative impacts and for the Town Board's Special Permit requirement, that the intensity of the proposed specially permitted use would be justified in light of similar uses within the zoning district.</p> <p>The October 20, 2017 letter to Hon. Kathleen H. Burgess from Young/Summer, LLC, RE: "Riverhead Solar 2 Project, Town of Riverhead, Sullivan County (sic: Suffolk County), New York," is dated ONE DAY after the adoption of the SEQRA Findings Statement and strongly suggests Solar-2 was contemplated during the Lead Agency's SEQRA review of Solar-1.</p> <p>In compliance with the Lead Agency's responsibilities, SEQRA regulations and fulfilling its responsibilities as Lead Agency, the Planning Board must consider revisiting the SEQRA review conducted for Solar-1 due to the proposed use of the Solar-1 Gen-Tie Line and the proposed Edwards Avenue Easement described in the Solar-2 PSS.</p> <p>The Planning Board, pursuant to its responsibilities under Site Plan reviews (pursuant to Article LVI: Site Plan Review: Chapter 301 : Zoning and Land Development Part 4 Subdivision and Land Development) and Town Board, pursuant to its responsibilities as granted under Special Permit review (Article LVII: Special Permits [Added 10-1- 2002 by L.L. No. 30-2002] Chapter 301 :Zoning and Land Development Part 4 Subdivision and Land Development), consider the proposed development of Solar-2 to be a direct result of Solar-1. The Solar-1 Gen-Tie Line spurred the proposed development of an additional 290-acres for the 36-megawatt Solar-2 Facility.</p> <p>Planning Board Resolution 2108-44 permits only the 20-MW facility to use the Gen-Tie Line, as memorialized in a covenant filed with the Suffolk County Clerk, Liber D000012977, page 544, dated September 7, 2018.</p>	<p>The comments do not pertain to the Preliminary Scoping Statement filed for Riverhead Solar 2, or the scope and methodology of studies. However, generally we note that the RIV-2 gen-tie line would run parallel to a similar gen-tie line previously approved for the 20 megawatt Riverhead Solar 1 facility ("RIV-1"). The RIV-2 gen-tie line would connect the RIV-2 facility to a collector substation that will be built at the same time and as part of the RIV-1 solar farm. RIV-2—the Facility being reviewed by the Siting Board under Article 10—would have its own separate and individual equipment at the collector substation. A separate easement and a separate physical 34.5 kV gen-tie line would be constructed for RIV-2. Finally, an underground 138 kV line would connect the collector substation to the Edwards Avenue Substation owned by PSEG Long Island.</p> <p>Furthermore, the Applicant notes that cumulative impacts were analyzed under RIV-1 Project per SEQRA; that analysis contemplated solar energy development on the entire RIV-2 facility site, far beyond what would actually be developed for RIV-1. The Article 10 process will require that a cumulative impact analysis also be performed for RIV-2, as contemplated in the PSS.</p> <p>A letter, provided as Attachment A to this PSS Comment response, was sent to the Town of Riverhead on October 30, 2018 addressing the points raised by commenter.</p>
152.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		<p>The transfer of electricity by Solar-2 has not been adequately described by the Applicant and must be detailed as part of the Scope.</p>	<p>This information will be provided in the Application regarding the gen-tie line being for RIV1 and RIV2. Please see map included with Attachment A.</p>

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153.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		<p>Cumulative impacts generated by a total of five (5) solar generating facilities (sPower: Solar-1, SPower: Solar-2, Sutter Greenworks, GES Megafour, and Sterlington Greenworks) and within the Calverton zip code must be included in the Scope.</p> <p>The Scope must define the need and purpose for siting the facility in Riverhead, NY. From the sPower FEIS for the Solar-1 Facility (prepared by VHB) and filed with the Lead Agency it states: "A representative of PSEG Long Island was contacted (sic by the preparers of the sPower Solar-1 FEIS) which yielded a table of all operating solar projects that have a signed Power Purchase Agreement (PPA) with LIPA (see table in Appendix I). Several are smaller rooftop systems, which are scattered throughout the LIPA distribution and transmission area. The larger systems, i.e., those rated at 1.0 MW or above) generally include ground mounted projects such as that proposed. These larger systems are identified in Table 2, below:</p> <p><b>Table 2 Solar Projects with LIPA PPA (&gt;1.0 MW)</b>  <u>Project Size, Operation Date &amp; Municipality (ies)</u>  1. Long Island Solar Farm 31.5MW 11/1/2011 Brookhaven  2. Eastern Long Island Solar Project (Carports) 11.3 MW Various (Oct 2011-Oct 2012) Islip,</p>	<p>The comments do not pertain to the Preliminary Scoping Statement filed for Riverhead Solar 2, or the scope and methodology of studies. However, generally we note that the Article 10 Application, which will be filed in 2019, will include an analysis of the need for the proposed Facility, as well as the cumulative impacts of the Facility and nearby solar development on the community and the environment. In regards to the table, there are numerous other proposed projects on Long Island. Further, Applicant notes that communities across New York State are involved with the development of hundreds of utility-scale renewable energy projects, from the very small scale to large 800 MW wind projects off the Long Island coast, which will require significant transmission interconnections in several towns south of Riverhead. Further, the Town of Brookhaven currently hosts 41 MW of solar identified in commenter's submission, and is proposed to host another 24.9 MW project called Shoreham Solar. Assuming that Facility is constructed, the amount of solar development in Brookhaven would exceed all proposed and constructed utility-scale solar in Riverhead. It is worth noting that many other communities on Long Island, currently or previously hosted, for decades, numerous fossil fuel-fired power plants which are several orders of magnitude larger--and significantly more impactful on air quality and environmental degradation--than the solar facilities proposed in Suffolk County, including Brookhaven (Caithness Long Island, 350 MW and Port Jefferson, 385 MW), Huntington (Northport, 1,522), Islip (Holtsville, 135 MW) and Hempstead (EF Barrett, 384 MW). Finally, we note that all of the utility-scale solar proposed for the Town of Riverhead combined is</p>

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						<p>Smithtown, Southampton            3. Leavenworth Greenworks LLC 9.5 MW 5/31/2016 Brookhaven            4. Sutter Greenworks LLC 5.0 MW 11/2/2015 Riverhead            5. GES Megafour, LLC 3.0MW 10/30/2015 Riverhead            6. Cedar Creek B 1.9 MW 6/30/2017 Hempstead            7. Sterlington Greenworks LLC 1.3 11/2/2015 Riverhead            8. Tanger Factory Outlet Centers Inc. (Rooftop) 1.2 MW 2/17/2017 Babylon</p> <p>The table of all solar projects with an approved PPA is in Appendix 1, indicates that there are approximately 76.5 MW of solar facilities operating under PPAs with LIPA.”</p> <p>As stated in the EIS for the 20 MW facility, Table 2 indicates that the vast majority (i.e., 64.7 MW) of the total capacity is in the form of eight larger systems. A total of 55.4 MW, or approximately 85.6 percent of the capacity of these larger systems is generated outside of the Town of Riverhead. These systems are primarily located within other Suffolk County townships, with the exception of the 1.9-MW-facility at the Cedar Creek sewage treatment plant in Nassau County.</p> <p>The proposed Solar-2 36-megawatt facility and the 20-megawatt facility together with the 9.3 MW from the existing solar facilities in Riverhead will bring the total output generated by solar facilities in Riverhead to 65.3 MW. All of these facilities are currently or in the development stages for location in Calverton (zip code 11933).</p> <p>Of the 76.5-MW of solar facilities operating under current PPAs with LIPA, the potential output (existing and proposed) from solar generated in Riverhead represents 85.6 % of all solar facilities currently operating on Long Island, with all of Riverhead’s current and proposed facilities located within the Calverton zip code. If Solar-2 is constructed, the total 65.3 MW of solar energy generated by major facilities within the Calverton area would represent the largest source of solar generation on Long Island. The gross total of potential solar generated electricity under PPAs with LIPA on Long Island is estimated at 132.5 MW. Riverhead represents 49.29 % of this gross amount. The Town requires the Scope address this disproportionate approach to siting facilities in Riverhead, and identify all other solar facilities planned developments for Long Island’s other municipal corporations, including Counties, Townships and Villages.</p>	<p>still about half the capacity of one typical wind energy facility proposed in northern or western New York, in communities with significantly lower energy demands than exist on Long Island.</p>
154.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		<p>The Scope must include a detailed siting analysis that demonstrates “That the intensity of the proposed specially permitted use is justified in light of similar uses within the zoning district.”</p>	<p>As noted in Section 2.4(i) of the PSS, the Application will include an assessment of the Facility's compatibility with existing and proposed land uses, including other solar facilities nearby. Further, the Application will include a cumulative impact assessment of potential visual and environmental impacts from the Facility and other nearby solar facilities.</p>

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155.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		Riverhead considers the location of solar facilities to be of regional significance. The energy needs of eastern Suffolk County (commonly referred to as The Five East End Towns, comprised of Riverhead, Southampton, Southold, Shelter Island and East Hampton) have increased significantly and there are no ground mounted solar installations east of Riverhead on neither the North (Riverhead, Southold, Shelter Island, Village of Greenport) nor South Forks (Southampton and Easthampton). Riverhead considers the proposed siting of an additional 36-MW of solar facility, and its contribution to New York State's renewable energy goals, is clearly a disproportionate commitment of limited Town resources, compared to the resources available from all other municipalities located within Nassau and Suffolk Counties. The Scope shall address the justification of siting the facility in Riverhead, and analyze alternative site locations outside the Riverhead Town boundaries.	See response to comment 154 above. The Application will include a discussion of the Facility's contribution to the State Energy Plan, Clean Energy Standard, and other renewable energy initiatives and goals. These topics will be discussed in Exhibits 5, 8 and 10 of the Application, and likely referenced elsewhere in relation to other resource-specific impacts.
156.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		With the siting of ±65 MW of combined solar PV generating facilities within the Calverton zip code, the Town requires an analysis of the restrictive effects of siting such significant generation capacity in a concentrated area, i.e. what are the impacts to local businesses and residents to be able to install solar generation capabilities on private businesses or residences?	As noted in Sections 2.5 and 2.8 of the PSS, the Application will include an assessment of potential impacts of the Facility on the electric system in the Riverhead area and more broadly, which would necessarily include a discussion of potential impacts to grid capacity on Long Island. Further, the Applicant is in the process of undergoing a required System Reliability Impact Study (SRIS), which is performed by the New York Independent Systems Operator (NYISO) to assess the overall impacts of interconnecting the Facility on the electric grid, and the potential need for system upgrades resulting from Facility installation.
157.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		The Town strongly disagrees with the study area boundaries. The proposed (minimum 1- mile) study area does not adequately address visual impacts to EPCAL. For the Solar -1 facility, the active airport runways located at EPCAL necessitated preparation of a "Glare Study and Impact Assessment," in accordance with local (Riverhead Planning Board) and FAA requirements and standards. The assessment was prepared for the Solar-1 to evaluate potential glare from the proposed rotating panels on inbound and outbound airport use and is a significant concern for the proposed S-2 facility. The EPCAL facility is an important economic asset of the Town. The Town requires the study area be expanded westerly to Wading River-Manor Road, and southerly to Grumman Boulevard, and must be prepared pursuant to all FAA regulations regarding solar PV facilities in the vicinities of any FAA regulated areas.	The assessment of potential impacts on airports and related resources will be addressed in Exhibit 25 (Effect on Communications), as noted in PSS Section 2.25; for that reason, the issue of visibility as it relates to air traffic is addressed in that exhibit and not in the Visual Analysis in Exhibit 24 (Section 2.24 of the PSS). Further, the Applicant will be required to assess the potential impacts of the Facility on existing and proposed land uses, which will include discussion of the proposals for the EPCAL site, at Exhibit 4 (Land Use). It is important to emphasize that the FAA does not require a preparation of glare studies for all solar facilities, and does not generally regulate solar facilities regardless of size. Indeed, the Glare Study performed for Riverhead Solar 1 indicates it was undertaken voluntarily in order to demonstrate that there would be no significant glare impacts on the airport; not that it was mandated due to actual or anticipated impacts--and the study concluded that no such impacts were anticipated for Riverhead Solar 1, a facility proposed in closer proximity to the airports than Riverhead Solar 2. Nevertheless, the Applicant has committed to providing a discussion of potential glare impacts (or lack thereof) from the Facility on nearby airports and heliports, which will include EPCAL.
158.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		The Applicant's Scope must address compatibility and intensity of the Solar-2 Facility with the surrounding land uses that are within a 6-mile study area, not the proposed 1-mile area.	The regulations do not require that such a broad Study Area be used for a solar facility of this scope, nor does initial study and analysis suggest that significant impacts can reasonably be anticipated at that great a distance from the Facility itself. The regulations require that a study area of 1 mile be used for impact analyses, including Exhibit 4's analysis of surrounding land uses. See 16 NYCRR 1000.2(ar).
159.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		The Applicant has "pre-determined" that several options and alternatives for mitigation of visual impacts by earth works and vegetative cover are inappropriate without conducting a detailed assessment. The Town finds this approach as premature, speculative and capricious. The Town requires a fully detailed assessment of all alternatives for mitigating visual impacts using berms, and vegetative cover.	The Applicant will provide, in the Visual Impact Assessment, to be appended to the Application, visual mitigation plans as well as a narrative of the alternatives considered and an explanation for or against implementing a specific alternative.
160.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		The Town requires a detailed description of the earthen berm dimensions and vegetation types as may be necessary for comprehensive uninterrupted screening (not intermittent approaches to protection of vistas), irrigation supply and projected water use, irrigation methods, and maintenance methods for the grow-in and long term survival of all plant materials. Generic statements are not acceptable.	The Article 10 Application will have a detailed landscaping and screening plan similar to what the Town accepted for RIV1.
161.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.24	The existing agricultural land uses are critical community characteristics that support the Town's Agri-Tourism goals as identified in the Town's Comprehensive Plan. Alternatives for mitigating visual impacts must evaluate impacts and be consistent with on the Town's Agri-Tourism goals.	The Applicant has reviewed the Town's Comprehensive Plan and will include agri-tourism goals when considering various mitigation options.
162.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.25	The Town requires the PSS address the traffic impact associated with the signalized intersection of Edwards Avenue and Route 25. The Applicant indicates a substantial influx into the local roadways generated by 100s of construction related employees and construction materials. Materials will likely be sourced from areas from outside the immediate vicinity and employees, including those who may temporarily reside in Riverhead hotels, will further congest the Edwards Avenue/RT 25 intersection. There are potential for significant conflicts with the existing commercial traffic on Edwards Avenue, which includes the Riverhead Central School District bus depot and the Hampton Jitney Bus Depot and bus service facility, as well as the Riverhead Charter School (during peak operating hours, 8am-9am and 3pm-5pm). The Scope must address alternative transportation routes to the site(s), identify hours of construction	The Article 10 Application will include a traffic study and analysis of construction activities, including construction times, materials, deliveries, and other detail. Collectively, Exhibits 12 and 25 will address the issues raised by the commenter in the Application.

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						material deliveries, identify employee transportation methods and hours of work, and location of all construction staging areas.	
163.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.25	Turning movements for commercial vehicles and the trip distribution analysis and mitigation should be part of the Transportation Assessment.	The Article 10 Application will include a traffic study and analysis of construction activities, including construction times, materials, deliveries, and other detail. Collectively, Exhibits 12 and 25 will address the issues raised by the commenter in the Application.
164.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.25	The scope must specifically identify the location of construction entrances to the facilities, and identify what permits would be required for these entrances, i.e. New York State Department of Transportation, Town of Riverhead Highway Department, etc.	Under Article 10 the Siting Board's jurisdiction preempts state and local permits for construction and operation of the project, unless expressly authorized by the Siting Board. These matters will be addressed in Exhibit 31. As set forth in PSS 2.31(3)(1)(b), Exhibit 25 will address all substantive requirements of state and local highway work permits.
165.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.9	The Town finds the above statement and conditions to be unacceptable. The Town Planning Board, as SEQRA Lead Agency, required the Applicant for Solar-1 identify prospective alternative sites within the other Five East End Towns that held potential for commercial solar facilities, and to identify facilities within those townships that were developed or proposed for development. The applicant has the resources to form lease agreements with other Suffolk County landowners that are beyond the limits of the Calverton zip code. There are other significant large tracks of land in neighboring towns that are currently in agriculture use or are undeveloped, which are available to the Applicant, and could support the proposed facility.	The Article 10 statute explicitly constrain the required alternatives analysis to "reasonable and available alternate locations to the proposed facility," and specify that "the information required pursuant to this paragraph shall be no more extensive than required under article eight of the environmental conservation law." NY PSL 164(1)(i). Further, 16 NYCRR 1001.9(a) expressly states that the alternatives analyzed may be limited to "sites owned by, or under option to, such private facility applicant or its affiliates." It would be unreasonable to require that the Applicant obtain lease agreements or sign contracts for lands in other municipalities for the sole purpose of performing an alternatives analysis. Courts have consistently affirmed that a private entity is obligated only to consider those reasonably available alternatives; the alternatives analysis suggested by the commenter exceeds that required, as well as the scope of the alternatives analysis that was required by the Town of Riverhead for other solar projects.
166.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		The Applicant, as a private facility operator, and by its own initiative, selected the lands for Solar-2 and entered into "options or ownerships" as identified and described in the PSS. The Town does not have access to the validity of said options, leases and ownerships, and does not accept these limitations. The Applicant has no verifiable proof that S Power, who describes itself as operating 150 facilities, does not have alternative sites available for the proposed facility.	After entering into options or leases for real property, sPower records those property interests with the appropriate entity -- in this case, with the Suffolk County Clerk -- in publicly available real property records.
167.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		Supported by the Lead Agency's SEQRA review, the Applicant did not identify the current Solar-2 properties as owned by, or under option, to the Applicant or its affiliates. Therefore the "growth inducing impacts" and "cumulative impacts" sections of the Solar- 1 DEIS/FEIS and Findings Statements were inadequately assessed.	The Riverhead Solar 2 Facility is separate and distinct from the Riverhead Solar 1 Facility, and will have a separate gen-tie line which is proposed to run parallel to the Riv-1 gen-tie line. The Riv-1 Facility was reviewed and permitted at the Town level, and remains a separate Facility subject to separate permitting requirements and a separate contract for the energy produced. By law, the Riv-2 Facility must be certified by the Siting Board under Article 10 due to its size. Riv-2 will be reviewed on its own merits, and that review will include a discussion of potential cumulative impacts of solar development nearby the proposed Riv-2 Facility, including Riv-1.
168.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		What other alternative sites are owned by, or under option to, the applicant or its affiliates?	In addition to the land under option to sPower for Riverhead Solar 2, the only other lands owned by or under option to sPower in the Towns of Riverhead and Brookhaven are currently being used for solar or have been permitted for solar. sPower does not own or have options on other lands elsewhere in Suffolk County which could be used as an alternative site for the Riverhead Solar 2 Facility.
169.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.9(c); 2.9(h)	The Town objects to this statement. Clearly the Gen-Tie Line has local restrictions set forth in Planning Board Resolution 2018-044 and associated filed covenants. Based on the Town's internal reviews it may not be feasible to comply with the Planning Board's site plan conditions placed on Solar-1 approval and yet objectively assess Solar-2 as reasonably viable.	The Applicant disagrees with the claim that the Riverhead Solar 2 Facility cannot be objectively assessed as reasonably viable. The Article 10 review process is an iterative, comprehensive, and highly specialized review of all aspects of a proposed Facility which will in many areas go far beyond the level of review required under SEQRA, and which will require that cumulative impact analysis, as well as analysis of the Applicant's existing land rights, easements, and the ability to obtain necessary rights to construct the project. The Siting Board will require that the project be thoroughly reviewed, and will take into account the adjacent Riverhead Solar 1 Facility, and other relevant restrictions. With regard to the Gen-Tie line, the Applicant is proposing that a gen-tie line for Riverhead Solar 2 be collocated within a separate, nearby corridor to the gen-tie line for Riverhead Solar 1, in order to minimize potential impacts on the environment and the community. Applicant is aware that such a proposal must be negotiated with the Town, but submits that the nearby placement of these features would be in the best interests of all involved, as it aids in reducing land disturbance, clearing, etc.

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170.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.9(H)	The Town finds the above statements unsupported by any fact, finds the statement speculative and capricious and determined based solely on the Applicant's own need to meet the interconnection agreement and power purchase contracts (i.e., a 36 MW Facility), which it knowingly entered into with no guarantees of achieving the terms of the agreement because of approvals necessary for construction.	Article 10 expressly limits the alternatives analysis required for a proposed Facility to the level of analysis required under SEQRA, and requires that the Applicant assess alternatives on sites within its control, and considering "the objectives and capabilities of the Applicant." 16 NYCRR 1001.9(b)(11). As stated in the PSS, the Applicant's objective is to construct a 36 MW solar energy generation facility to provide renewable electricity to LIPA in fulfillment of its contract.
171.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.9(H)	The Applicant has already proposed a 20-MW facility in Calverton's zip code area. The Town recognizes no reasons to eliminate the Applicant's ability to develop a viable project that generates less than 36-MW, and requires alternatives to the proposed facility smaller than 36-MW including facilities that are smaller than 25-MW and below the Article 10 threshold.	As stated in the PSS, the Applicant's objective is to construct a 36 MW solar energy generation facility which can fulfill the terms of an agreement with the Long Island Power Authority (LIPA). A Facility that is smaller than 25 MW does not achieve that objective, and is not a viable alternative to the Riverhead Solar 2 Facility.
172.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.9(H)	Limiting evaluation of reasonable alternatives to only those alternatives tailored to the Applicant's desired outcome is a complete disregard for objective and fair reviews, be those reviews conducted under NEPA, SEQRA or Article 10. The proposed alternative section of the PSS is unacceptable to the Town of Riverhead.	The alternatives analysis proposed by the Applicant is consistent with that required under the Article 10 regulations and statute.
173.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.9(i)	The Town finds the statement is speculative at best. There are no conventional power plants proposed in the vicinity of Riverhead. With none proposed, the suggestion that the proposed facility has a positive impact on the public health within the host community or nearby communities is completely unsupported. The Scope shall address positive health benefits with factual and detailed evaluations, including a discussion of proposed "conventional power plants" planned in the vicinity of the Calverton zip code that may negatively impact public health and welfare; not simply offer broad statements regarding hypothetical power plants. The Applicant shall provide valid comparative impacts on public health and welfare in support of the proposed facility, and all alternatives assessed as requested by the Town of Riverhead.	The Application will address the positive benefits of the Facility on public health and welfare, as well as the anticipated impacts of the Facility on air emissions in the region (Exhibit 17), the impacts on other generation and the energy system (Exhibits 5 and 8), and various other benefits. Public health and safety will be discussed in Exhibit 15 of the Application. The purpose of the PSS is not to provide the analyses requested in the comment, but rather to identify what analyses will be provided in the Application. Thus, the details and analysis the commenter requests in support of the PSS's summaries will be provided in the Application, as stated throughout the PSS.
174.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.9(i)	Site Plan & Building Permits: The Scope must address compliance of the project with the Town's standard site plan review and approval process normally conducted by the Town Planning Board pursuant to Article LVI: Site Plan Review: Chapter 301 : Zoning and Land Development Part 4 Subdivision and Land Development Article LVI Site Plan Review.	Article 10 expressly preempts the Town's site plan review process. As such, the Applicant is precluded by state law from complying with the Town's site plan review and approval processes, and must instead undergo certification sought in the instant proceeding.
175.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		The Applicant must identify how the application conforms to the Town's standard site plan review, what fees would normally be generated by Town reviews and how the Planning Board shall have continued involvement in the review process. The Applicant must identify how the loss of typical Town site plan review and building permit fees are impacted and how the Town's cost associated with review of the application under Article 10 shall be mitigated. A calculation of all associated review costs shall be calculated and the Town strongly recommends the Siting Board utilize the fee structure described under 6NYCRR Part 617 or an equivalent standard be used as the metric for the application's review fee calculations.	Article 10 expressly preempts the Town's site plan review process, fees and other state laws regarding fee structures such as the NYSDEC regulations cited by the commenter. With regard to fees, Article 10 provides for an intervenor fund at the Pre-application and Application stages of the proceeding, and at least 50% of that funding is reserved for municipal parties. The Town is a statutory party to the Article 10 proceeding, and will continue to be provided updates and filings from the Applicant, as required by law or otherwise outlined in Riverhead Solar 2's PIP Plan.
176.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.11	The Applicant's proposed site plan scale of 1" = 100-feet is inadequate to evaluate potential impacts. The Town requires the scale to be changed to 1" = 30-feet, with 2-foot contours with identification of manmade and natural topographic features provided whereby impacts can be accurately assessed (such as freshwater wetlands, adjacent area to wetlands, width and lengths of ingress/egress locations-curb cuts, compliance with Town required setbacks for primary and accessory structures, evaluations of utility conflicts, assessment of easements and right-of-ways, location of Prime Agricultural Soils as described and protected by the Town of Riverhead and other typical site plan review requirements).	Please note that the primary purpose of the site plan/preliminary design drawings prepared in support of Exhibit 11 is to depict the proposed location of all components associated with the proposed Facility. To the extent that impacts to resources of concern result from the preliminary design of the Facility, the Applicant will determine if such impacts are adequately depicted on the site plan drawings or if separate impact drawings are necessary.
177.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.29	The Solar-1 Facility is to be decommissioned after 20-years. The proposed Solar-2 project is described as having a lifetime between 20-years to 40-years. The Town finds this variation of two-decades unacceptable. It is not possible to accurately or reasonably evaluate impacts, with a 20-year variation of time. The Scope must define the precise life span of the project and the date for decommissioning.	The Article 10 Application will include a detailed decommissioning plan, which will include conditions which trigger decommissioning. Generally, solar energy technology is changing, which makes it difficult to speculate on the exact timeframe for decommissioning. The Applicant has contracts for the purchase of energy with defined terms, and that will influence the potential triggers for decommissioning, as will be discussed in the Application.
178.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		Community Benefits: The Town disagrees with the Applicant's PSS stated benefits. A recently drafted "Community Benefits Agreement" between a renewable energy provider (Deep Water South Fork, LLC) and the Town of East Hampton, Suffolk County, New York offers approximately \$8.0 million in Community Benefits to the Town. The Deep Water South Fork, LLC also requires interconnection facilities to deliver its output to the substation.	The Deepwater South Fork Project is proposed to be 98 megawatts in size, and only the transmission/interconnection facilities would actually be located in the Town of East Hampton, while the turbines themselves will be located approximately 30 miles offshore, outside of the jurisdictional limits of the State of New York. The Applicant will discuss any potential community agreements with the Town outside of the Article 10 process.
179.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		The PSS must address potential harmful consequences to health and human safety from the upgraded LIPA substation and its impacts to nearby residents, businesses, and other ventures, i.e. the Riverhead Charter School. Will the upgraded substation create any detrimental impacts such as electromagnetic interference, etc.	Potential impacts such as electromagnetic fields will be addressed in the Application at Exhibit 35.

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Comment	Response
180.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		According to a published article by Bloomberg Business (September 20, 2018) and their referenced study of solar facility siting, Long Island is the nation's prime marketplace for locating solar facilities and is valued at \$45.00 per MW-hr. Based on the Applicant's PSS for Solar-2 it is empirically estimated: 72,345-MWh/year x \$45.00/MWh = \$3,255,525.00 per year x 40-years = \$130,221,000.00 projected gross income, only from the 36-MW facility.	Comment noted.
181.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.27	The Town requires the Applicant address comprehensive and specific community benefits to the Town of Riverhead and the residents within the impacted area described as US Postal Service zip code 11933. Statements regarding "payments in lieu of taxes" and "taxable benefits," or suggestions of increased local economic benefits during construction do not provide substantive and long term community benefits that equate to the duration of the project (20-years to 40-years), number of full time employment opportunities generated by the facility, and development of 290-acres of industrial land associated with alternative permitted uses. Combined with existing and proposed solar facilities, the Calverton area will host approximately 460-acres of solar array fields, producing perhaps a dozen full time jobs, or one job for every 38-acres. Measured by the Town's experience with agricultural, commercial and industrial employment, the estimated density of solar related job opportunities is extremely weak, compared to the projected annual revenues of all solar producing facilities located in Calverton. The Scope must qualitatively and quantitatively detail community benefits.	The details requested by this comment will be provided in the Application and are not available as a scoping matter at the PSS stage. Rather, the PSS outlines the scope and methodology of studies to be undertaken as it relates to these topics, and the information that will be provided on these topics in the Application. Socioeconomic benefits, including job creation and other community benefits, will be discussed in the Application as stated in PSS Section 2.27 and as required by 16 NYCRR 1001.27.
182.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.22	Freshwater Wetlands: The Town of Riverhead has jurisdictional authority within 150- feet of Freshwater Wetlands located within the Town. The Scope must address potential impacts to the Town's mapped and/or identified Freshwater Wetlands not simply the wetlands recorded by NYSDEC.	The Applicant is in the process of consulting with the Town of Riverhead to obtain formal wetland determinations for this project. These formal determinations will be included in the Application.
183.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.04; 2.32	The portions of the land for the proposed development of Solar-2 are within the Compatible Growth Area (CGA) of the Central Pine Barrens. The Central Pine Barrens Commission must provide comments to the PSS. The Town requests the Scope identify the project's compliance with the Central Pine Barrens regulations and verify that clearing limits within the CGA are achievable.	The Central Pine Barrens Commission has provided comments on the PSS. See responses 10-35 which address discussion of consistency with the Central Pine Barrens Commission's land use plans.
184.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.12	The PSS does not indicate if sPower, or its affiliates, intend on constructing any habitable structures as a part of this project, i.e. offices, maintenance facilities, etc. The PSS must address any possible structures and clearly identify their location, whether on the site of the solar PV facilities or elsewhere throughout the Town of Riverhead, and state their intended purpose.	This information will be provided in the Application.
185.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.23	Stormwater management has been of significant concern to the Town of Riverhead. The PSS must clearly identify how the impervious surfaces created by the solar panels will impact stormwater management, and how the project will contain all stormwater on-site without discharging onto neighboring properties or highways.	A SWPPP will be completed for the Project. This information will be provided in the Application.
186.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.04	A large portion of the proposed solar panels will be located on industrially zoned agricultural land. The PSS must address the impacts to the prime agricultural soils, which are of significant importance in meeting the Town of Riverhead's agro-tourism goals as identified in the Town's Comprehensive Master Plan.	The Applicant commits to analyzing in the Application the impacts of the Facility on the community' character in Section 2.4(p) of the PSS, of which agriculture plays a major role. Impacts to agriculture and prime agricultural soils will also be analyzed in Exhibit 22(q) of the Application.
187.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		The PSS must identify the potential economic detriment to the Town, including, but not limited to: i. What are the potential impacts to the Town's Community Preservation Fund (CPF) funds, in the form of the 2% land transfer tax, from these lands being leased as opposed to being purchased by the project sponsor?	This comment is outside the scope of Article 10.
188.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		ii. With the construction of the Riverhead Solar 1, Riverhead Solar 2, and the other existing facilities, what are the impacts to land values in the Calverton area with approximately ±500 acres of solar PV facilities being situated within a single Hamlet?	As indicated above, the cumulative impact analysis will be included in the Article 10 Application, which will discuss the solar development existing and proposed in Calverton.
189.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		iii. What are the impacts to the PILOT program, which runs for a duration of 15 years, when the proposed life of the Riverhead Solar 2 project is suggested to be 30-40 years?	This comment is outside the scope of Article 10; the Applicant would be happy to discuss the PILOT program with the Town separately.
190.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department		iv. What are the impacts to the Town related to recording fees other than the CPF funds noted above; i.e. Mortgage recording fees? Will the applicant seek relief of any kind from the recording fees, such as those given by an Industrial Development Agency (IDA).	See above.

No.	Source of Comment	Date of Comment	Commenter	Filing on behalf of:	PSS Section	Comment	Response
191.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.34	The PSS must look at the risks or impacts by running the gen-tie line underneath Edwards Avenue? What will the profile of the underground crossing look like? Are there alternative methods for delivering the power generated at the Riverhead Solar 2 facility to the LIPA substation?	The Article 10 Application will address potential impacts of the gen-tie line on Edwards Avenue, and will provide a profile or similar drawing of the proposed arrangement of underground components at the crossing. Reasonable, available alternatives within the capabilities and objectives of the Applicant will be addressed in Application Exhibit 9.
192.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.34	Will the underground gen-tie line require markers near the Edwards Avenue right-of- way identifying the location of the line? Will the project sponsors be required to participate in the New York 811 "Call Before You Dig" program?	The Applicant will comply with applicable laws for identification of underground collection lines, and with the New York 811 "Dig Safely Program."
193.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.34	What if the underground gen-tie line fails? Would repair of the line involve construction requiring the opening of Edwards Avenue?	The Article 10 Application will address potential impacts of the gen-tie line on Edwards Avenue, including maintenance and other issues generally. The Applicant will need to discuss with the Town the proposed easement to cross Edwards Avenue, which falls outside of the Article 10 process.
194.	Land Management Administrator	10/5/2018	Jefferson V. Murphree, AICP	Town of Riverhead Planning Department	2.09	As solar PV technology advances, the potential for the proposed solar facility to generate more than 36 MW utilizing the same footprint by switching out solar panels becomes more likely. The PSS must identify what the permitting process would look like as advanced technology becomes available and the ability to increase the MW production becomes a viable option for the project sponsor.	The Applicant is allowed to produce a maximum capacity of 36 MW under its interconnection agreement and power purchase agreement (PPA); additional generation would not be allowed by the referenced agreements.

## **Attachment A**

Clarifying Letter to the Town of Riverhead



**Christopher E. Kent**  
Partner

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Our File No.  
29754-101

October 29, 2018

Chairman Stanley Carey  
and Members of the Riverhead Planning Board  
Town of Riverhead  
201 Howell Avenue  
Riverhead, New York 11901

**Re: sPower 20MW Solar Power Generating Facility  
4153 Middle Country Road, Calverton, NY  
Planning Board Resolution 2018-077**

Dear Chairman Carey and Members of the Riverhead Planning Board:

On behalf of sPower, I am in receipt of Resolution No. 2018-077 adopted by the Planning Board on October 4, 2018 (the "Resolution"), directing the preparation of a Supplemental Environmental Impact Statement (SEIS) for the above-referenced solar project ("Riverhead 1"). We appreciate the Planning Board's diligence and careful consideration of this project and the development of solar generating facilities in the Town of Riverhead; however, we respectfully submit that the Resolution was based upon a crucial misunderstanding concerning sPower's recent proposal for a 36 Mega-watt solar power generating facility ("Riverhead 2") and should not have been adopted.

The Resolution should be rescinded for the following reasons:

- First, under the circumstances, the Planning Board lacked the authority to reopen the SEQRA process for Riverhead 1 and require the preparation of an SEIS.
- Second, the cumulative impacts identified in the Resolution as "newly discovered information" were previously identified and studied during the original SEQRA review for Riverhead 1, which concluded with the Board's adoption of its SEQRA Findings Statement on October 19, 2017. The advent of Riverhead 2 does not introduce any new cumulative impact(s) requiring further study. Moreover, the Board relied upon incorrect information that the two projects will share a common gen-tie line easement as the basis to link the two projects for purposes of environmental review. We believe there is no basis to reopen SEQRA for Riverhead 1 and no "newly discovered information" to justify the preparation of a SEIS.

- Third, the covenants and conditions included in the Town Board and Planning Board approvals for Riverhead 1 and recorded against the property are not at risk of being violated or subverted if Riverhead 2 is approved.
- Fourth, any environmental impacts directly associated with Riverhead 2 will be identified and vetted in conjunction with the pending Article 10 certification proceeding currently before the New York Board of Electric Generation Siting and the Environment ("Siting Board") a process in which the Town will be an intervening party.

At the outset, the Planning Board's adoption of the Resolution was procedurally improper. While SEQRA grants lead agencies discretion to order supplemental environmental review (i.e. an SEIS) under certain conditions, the SEQRA process does not remain open indefinitely. The Planning Board's charge as lead agency in this instance terminated, at the latest, on August 16, 2018, the date on which it issued final site plan approval for Riverhead 1. sPower has not made any application to the Planning Board or any other agency to amend or modify the approvals issued for Riverhead 1. Therefore, with the SEQRA review for Riverhead 1 complete; all required approvals issued, and there being no further applications pending before any board or agency, the Planning Board lacked jurisdiction to reopen SEQRA *sua sponte* and require the preparation of an SEIS.

The Planning Board's justification for the Resolution is misguided. The DEIS prepared for Riverhead 1 contained a thorough analysis of potential cumulative impacts across similarly zoned and situated lands in the greater Calverton area and in the Town of Riverhead as a whole. The DEIS inventoried all active agricultural lands in the Town, all industrially-zoned parcels in the Town, and the potential major environmental resources present in those areas. It then presented a comprehensive assessment of potential cumulative impacts of Riverhead 1 and of other potential future solar energy production facilities upon the environment – including impacts upon soils and topography, traffic, water supplies, groundwater resources, natural vegetation, land use and zoning, agricultural resources, community character, etc. An excerpt from the DEIS, setting forth the cumulative impact analysis, is enclosed for your review.

All of the land that comprises the proposed Riverhead 2 facility was considered within the cumulative impact analysis as either industrially-zoned land, land in agricultural use, or both. Ultimately, the cumulative impact analysis within the DEIS (as acknowledged in the FEIS and reflected in the Findings Statement) concluded that no significant adverse cumulative environmental impacts would result, and further, that any site-specific environmental impacts associated with the development of solar energy generation facilities on the other parcels studied would likely be minimal and/or easily mitigated as part of individual site design.

The Resolution (at Page 6) sets forth a list of the cumulative impacts that will purportedly be affected by the development of Riverhead 2 and warrant the preparation of an SEIS. However, this list is identical to the cumulative impacts identified and studied during the original SEQRA review for Riverhead 1, and the Resolution does not explain how the prior analysis is rendered inadequate or deficient as a result of the proposal for Riverhead 2, the land for which was

previously inventoried and studied as part of the original cumulative impacts analysis described above.

The Board's finding of "newly discovered information" appears to rely heavily upon the belief that Riverhead 1 and Riverhead 2 will utilize a common gen-tie line easement to transmit generated electricity to the Edwards Avenue collector substation. However, this is not the case. As made clear by the attached map, entitled "Riverhead and Riverhead 2 Solar site map" [sic], dated October 8, 2018, the projects will utilize separate gen-tie lines that will independently connect each facility to the collector substation. The prior cumulative impact analysis already performed coupled with the fact that the projects will generate and transmit electricity independently from one another compels the conclusion that there is no "newly discovered information" to support the requirement for an SEIS for Riverhead 1.

For these same reasons, we respectfully disagree that the approval of Riverhead 2 would result in violation of the covenants and conditions imposed on the Town's approvals for Riverhead 1. The specific covenants and conditions identified in the Resolution mandate that Riverhead 1's gen-tie line be used for the conveyance of electricity from that facility and for no other. As already stated, Riverhead 1 and Riverhead 2 will each have dedicated medium voltage gen-tie lines within separate easements across Edwards Avenue and will operate independent from one another, eliminating any possibility that the approval of Riverhead 2 will violate or negate the covenants and conditions placed upon Riverhead 1.

The foregoing comments aside, our client understands the Planning Board's concern and possible frustration of learning of Riverhead 2 only upon receipt of sPower's notice in connection with the Article 10 proceeding before the Siting Board. By way of explanation, Riverhead 1 and Riverhead 2 are both projects commissioned by PSEG pursuant to separate programs for project implementation plans. The timing between PSEG's issuance of the requests and sPower's engagement on those projects was such that environmentally relevant information on Riverhead 2 did not exist and could not be included when the DEIS and FEIS for Riverhead 1 were prepared.

To the extent the application for Riverhead 2 was submitted to the Siting Board prior to the Planning Board's final site plan approval on Riverhead 1, sPower recognizes that, despite the public notices and initial letter provided, additional efforts could have been made to apprise the Town officials that the filing with the Public Service Commission for a second solar project was forthcoming. sPower has and will continue to abide by all legal requirements with respect to notice and outreach in connection with these and any other proposed solar projects in the Town, and efforts will be made to ensure that the Town is kept informed of sPower's projects in the Town going forward. To the extent the Town of Riverhead and the Planning Board have environmental concerns specific to the Riverhead 2 project, sPower invites the Town to take advantage of its role in the Article 10 certification proceeding before the Siting Board.

Therefore, based on the foregoing, we respectfully request that the Planning Board rescind its Resolution of October 4, 2018, at the earliest possible opportunity.

Stanley Carey, Chairman  
October 29, 2018  
Page 4

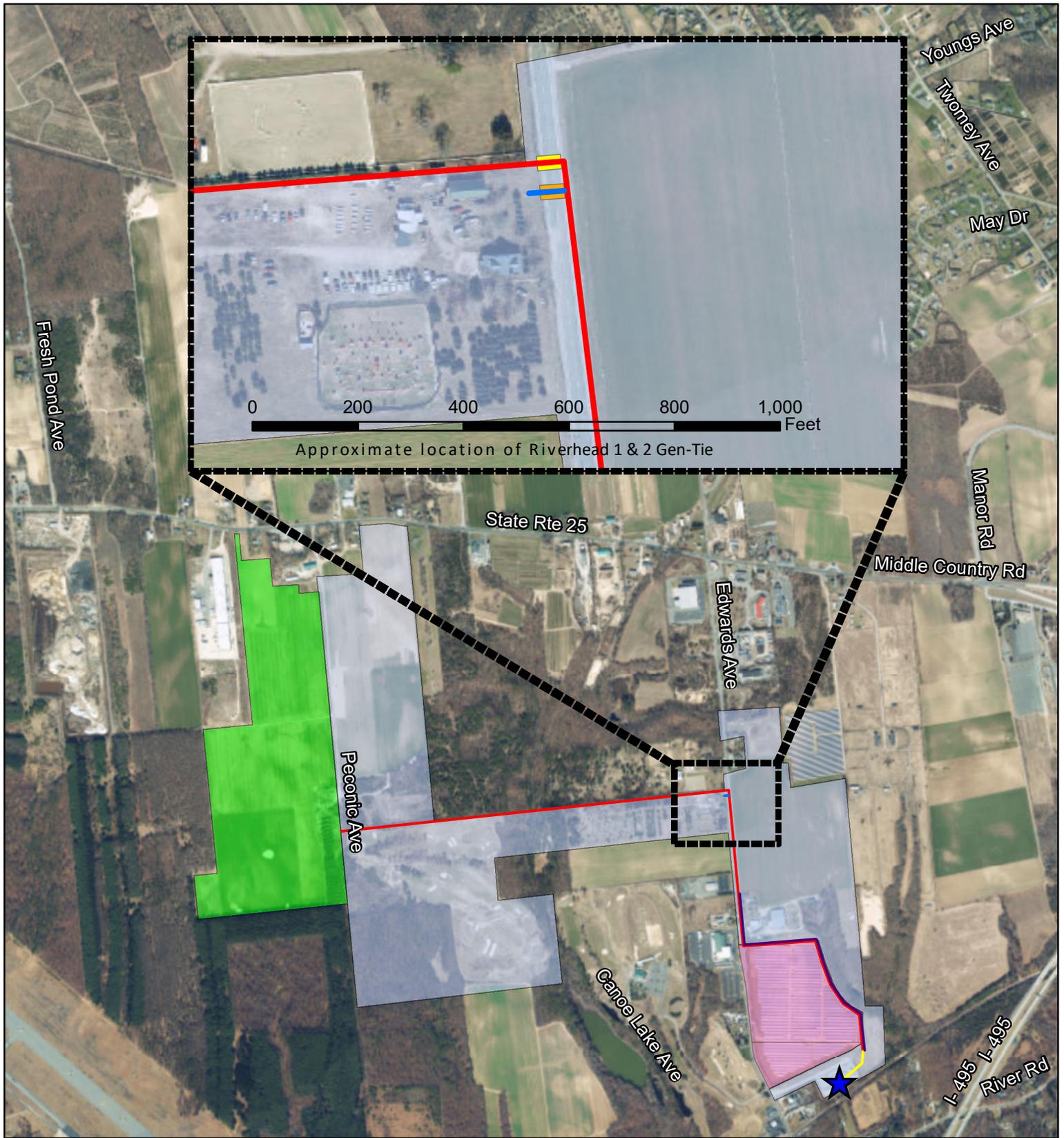
Thank you for your attention to this matter.

Very truly yours,



Christopher E. Kent

cc: Hon. Laura Jens-Smith, Supervisor  
Robert F. Kozakiewicz, Esq., Town Attorney  
Jefferson V. Murphree, Building Department Administrator  
Richard A. Ehlers, Esq., Counsel to the Town Planning Board  
James Muscato, Esq., Young Sommer LLC  
Nancy Hsu, sPower  
Ryan Galeria, sPower  
David Wortman, vhb



Suffolk County, NY	Map Details	Map Description
	<p><b>Map Details</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> Riverhead Easement</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> Riverhead 2 Easement</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black; margin-right: 5px;"></span> Operating sPower Facility</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black; margin-right: 5px;"></span> Riverhead</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> Riverhead 2</li> <li><span style="display: inline-block; width: 15px; height: 15px; border-bottom: 2px solid red; margin-right: 5px;"></span> Riverhead 1 Gen-Tie</li> <li><span style="display: inline-block; width: 15px; height: 15px; border-bottom: 2px solid purple; margin-right: 5px;"></span> Riverhead 2 Gen-Tie</li> <li><span style="display: inline-block; width: 15px; height: 15px; border-bottom: 2px solid yellow; margin-right: 5px;"></span> 138 kV Gen-Tie</li> <li><span style="display: inline-block; width: 15px; height: 15px; border-bottom: 2px solid blue; margin-right: 5px;"></span> Riverhead 2 Medium Volt Collection</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; border-radius: 50%; margin-right: 5px;"></span> Collector Substation</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; border-radius: 50%; background-color: blue; margin-right: 5px;"></span> Edwards Substation</li> </ul>	<p><b>Map Description</b></p> <p>Author: CIS</p> <p>Date: 10/23/2018</p> <p>Version: 1.0</p> <p>Type: Exhibit</p>
		<p><b>Riverhead Solar 1 &amp; 2</b></p>

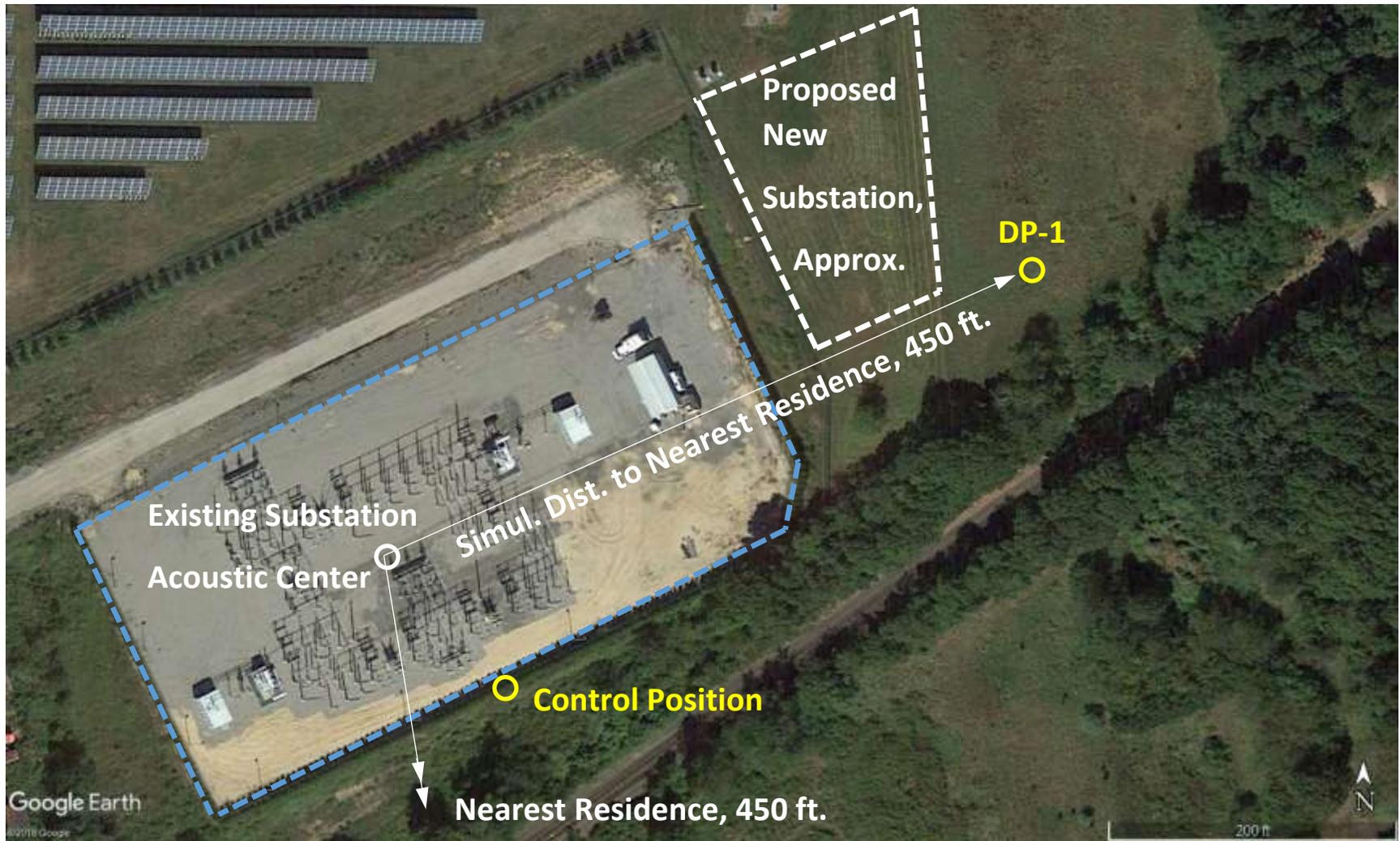
Note: Map not drawn to scale

## **Attachment B**

Sound Management and Design Points Map



**Figure A** Overall Site Area Showing Sound Measurement and Design Points



**Figure B** Detail of Substation Area

## **Attachment C**

Anti-Reflective Coating Spec Sheet

# Eagle HC 72-V 365-385 Watt

MONO CRYSTALLINE MODULE

Positive power tolerance of 0~+3%



PERC



## KEY FEATURES



### Innovative Solar Cells

Five busbar mono PERC half cell technology



### High Efficiency

Higher module conversion efficiency (up to 19.53%) due to lower resistance characteristics



### High Voltage

UL and IEC 1500V certified; lowers BOS costs and yields better LCOE



### PID-Free

World's 1st PID-Free module



### Low-Light Performance

Advanced glass technology improves light absorption and retention



### Strength and Durability

Certified for high snow (5400 Pa) and wind (2400 Pa) loads



- ISO9001:2008 Quality Standards
- ISO14001:2004 Environmental Standards
- OHSAS18001 Occupational Health & Safety Standards
- IEC61215, IEC61730 certified products

Nomenclature:

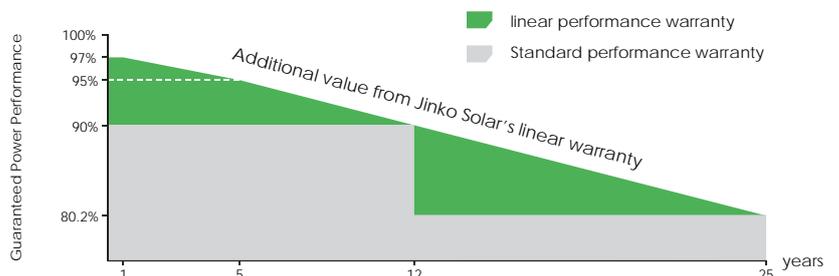
JKM385M-72H-V

Code	Cell
null	Full
H	Half

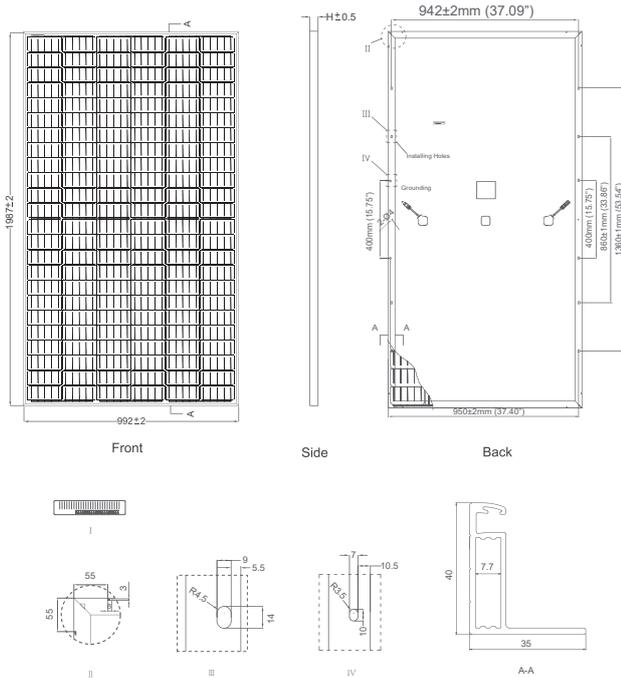


## LINEAR PERFORMANCE WARRANTY

10 Year Product Warranty • 25 Year Linear Power Warranty



## Engineering Drawings

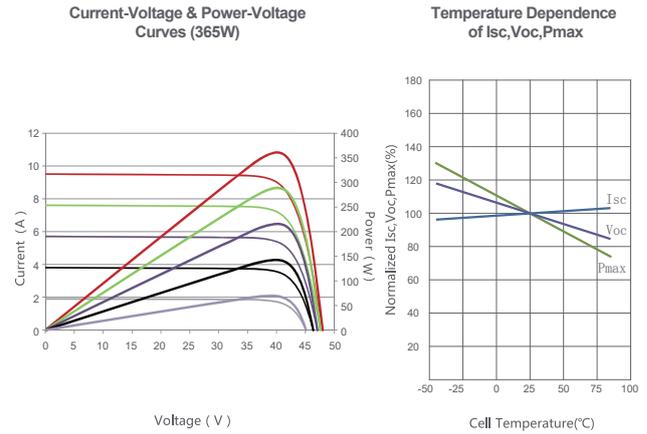


## Packaging Configuration

( Two pallets =One stack )

26pcs/pallet , 52pcs/stack, 572 pcs/40'HQ Container

## Electrical Performance & Temperature Dependence



## Mechanical Characteristics

Cell Type	Mono-crystalline PERC 156×156mm (6 inch)
No.of Half-cells	144 (12×12)
Dimensions	1987×992×40mm (78.23×39.05×1.57 inch)
Weight	26.5 kg (58.4 lbs)
Front Glass	4.0mm, Anti-Reflection Coating, High Transmission, Low Iron, Tempered Glass
Frame	Anodized Aluminium Alloy
Junction Box	IP67 Rated
Output Cables	anode 1400mm, cathode 1400mm or Customized Length

## SPECIFICATIONS

Module Type	JKM365M-72H-V		JKM370M-72H-V		JKM375M-72H-V		JKM380M-72H-V		JKM385M-72H-V	
	STC	NOCT	STC	NOCT	STC	NOCT	STC	NOCT	STC	NOCT
Maximum Power (Pmax)	365Wp	275Wp	370Wp	279Wp	375Wp	283Wp	380Wp	287Wp	385Wp	291Wp
Maximum Power Voltage (Vmp)	39.9V	38.1V	40.1V	38.3V	40.2V	38.5V	40.3V	38.7V	40.5V	38.9V
Maximum Power Current (Imp)	9.15A	7.21A	9.23A	7.28A	9.31A	7.34A	9.39A	7.41A	9.46A	7.47A
Open-circuit Voltage (Voc)	48.5V	47.1V	48.7V	47.4V	48.9V	47.7V	49.1V	48.0V	49.3V	48.3V
Short-circuit Current (Isc)	9.43A	7.37A	9.53A	7.43A	9.63A	7.49A	9.73A	7.55A	9.83A	7.61A
Module Efficiency STC (%)	18.52%		18.77%		19.02%		19.28%		19.53%	
Operating Temperature(°C)	-40°C~+85°C									
Maximum system voltage	1500VDC(UL)/1500VDC(IEC)									
Maximum series fuse rating	20A									
Power tolerance	0~+3%									
Temperature coefficients of Pmax	-0.37%/°C									
Temperature coefficients of Voc	-0.29%/°C									
Temperature coefficients of Isc	0.048%/°C									
Nominal operating cell temperature (NOCT)	45±2°C									

STC: Irradiance 1000W/m<sup>2</sup>

Cell Temperature 25°C

AM=1.5

NOCT: Irradiance 800W/m<sup>2</sup>

Ambient Temperature 20°C

AM=1.5

Wind Speed 1m/s

\* Power measurement tolerance: ± 3%

# sPower Calverton Solar Energy Facility

Middle Country Road/NYS Route 25 and  
Peconic Avenue

Hamlet of Calverton, Town of Riverhead  
Suffolk County, New York

PREPARED FOR



**sPower**

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## List of Exhibits

- Exhibit A – Town of Riverhead Planning Board Findings Statement dated October 19, 2017 (and Approving Resolution)
- Exhibit B – Correspondence from sPower dated November 27, 2018
- Exhibit C – Cumulative Impacts Analysis Excerpt from the June 2017 Draft Environmental Impact Statement for sPower Calverton Solar Energy Facility (Riverhead 1)
- Exhibit D – Figures 14, 15 and 16 from the June 2017 Draft Environmental Impact Statement, with Riverhead 2 Parcels Identified



# 1

## Introduction and Background

Resolution 2018-077 adopted by the Planning Board of the Town of Riverhead on October 4, 2018 has, among other things, requested that the State Environmental Quality Review Act (SEQRA) Findings Statement issued over a year ago for a 20-megawatt (MW) photovoltaic energy production facility located at Middle Country Road/NYS Route 25 and Peconic Avenue ("Riverhead 1" or "Project") be re-opened on the basis of "new information." The Planning Board served as "Lead Agency" for the Project's SEQRA review. The Project's SEQRA review consisted of the submission of Part 1 of a Full Environmental Assessment Form (FEAF/LEAF) dated April 18, 2016; preparation of a Draft Environmental Impact Statement (DEIS) dated June 2017 based on the Final Scope adopted by the Planning Board as Lead Agency on April 6, 2017; acceptance of the DEIS as complete and adequate for public review on July 6, 2017; filing of the Final Environmental Impact Statement (FEIS) dated August 2017 on or about September 21, 2017; and provided a basis for the issuance of a Findings Statement on October 19, 2017 (copy annexed as Exhibit A). Subsequently, the Planning Board issued subdivision and site plan approval for the Riverhead 1 project.

The Planning Board's October 4, 2018 Resolution determined that:

*...the Riverhead Planning Board is in receipt of additional and significant information contained in the 'Preliminary Scoping Statement,' dated September 2018 for the sPower Solar 2 36-MW solar generation facility, described as Case Number 17-F-0655 Riverhead Solar 2, LLC (AKA S-Power) filed with the New York Board of Electric Generation Siting and the Environment; and*

*...the new information has the potential for growth inducing impacts, cumulative environmental impacts, and intensity of land use by similar uses within the zoning use district and within the area of the Calverton US Postal zip code (11933) that are potentially generated*

*by the prior application by sPower. . . for the construction of a 20 megawatt solar photovoltaic energy production facility. . .; and*

*...in light of the new information, to be certain that relevant issues and information are adequately assessed in sufficient detail, the Planning Board is required to re-assess the relevant significant adverse environmental impacts generated by the new information identified."*

The October 4, 2018 Resolution noted that the sPower Solar 2 facility ("Riverhead 2") would be using the same underground electrical transmission line (gen-tie line) as the 20-MW Riverhead 1 project, which was the subject of the extensive SEQRA process described above. The Resolution concluded that a Supplemental Environmental Impact Statement (Supplemental EIS) is necessary because the Riverhead 2 facility "may have a significant impact on health welfare and the environment."

It is respectfully submitted that the information relied upon by the Planning Board<sup>1</sup> in determining that a Supplemental EIS is needed for the Riverhead 1 project was not accurate. In short, the primary basis for the Resolution is the mistaken belief that a second project proposed by sPower in Riverhead (referred to as "Riverhead 2") would utilize the same electric generation transmission line as the Riverhead 1 project. This is not true as set forth and explained in more detail below. Additionally, the Resolution mistakenly contends that the cumulative impact analysis for the Project did not anticipate the Riverhead 2 project. This is also not true, as the cumulative impact analysis included in the DEIS anticipated the development of solar facilities on parcels proposed for Riverhead 2. As such, this analysis clarifies that the relevant criteria for the Planning Board to require a Supplemental EIS has not been met. Hence, the following analysis has been prepared to:

- Set forth the criteria established under SEQRA for requiring the preparation of a Supplemental EIS in the appropriate context
- Clarify and set forth the facts which show that the claimed "new information" relied upon by the Planning Board was, in fact, available during the SEQRA review process and incorporated into the environmental analysis for the Project
- Pursuant to the requirements in 6 NYCRR §617.9 (a)(7), evaluate and determine the importance and relevance of the "new information" and the present state of the information in the EIS (including its adequacy and accuracy) as prepared and accepted as part of the SEQRA review for Riverhead 1.

Additionally, the following analysis confirms that the potential future and the proposed Riverhead 2 project does not contradict or invalidate any of the findings made by the Planning Board within its October 19, 2017 Findings Statement for Riverhead 1.

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<sup>1</sup> Legal counsel has advised sPower that the Planning Board of the Town of Riverhead may no longer have jurisdiction to serve as the lead agency in this matter, as it has already adopted a Findings Statement and issued its final approvals (i.e., Subdivision and Site Plan approvals) for the proposed action. In that case, the Planning Board would not have the authority to require a Supplemental EIS.



# 2

## Requirement to Prepare a Supplemental EIS

Per 6 NYCRR §617.9(a)(7), the implementing regulations of SEQRA set forth the criteria which a Lead Agency must consider when deciding whether a Supplemental EIS is required, to wit:

- (i) *The lead agency may require a supplemental EIS, limited to the specific significant adverse environmental impacts not addressed or inadequately addressed in the EIS that arise from:
  - (‘a’) changes proposed for the project; or
  - (‘b’) newly discovered information; or
  - (‘c’) a change in circumstances related to the project.*

The availability or existence of newly discovered information does not, alone, necessitate the preparation of a Supplemental EIS. Regarding the decision of a Lead Agency to require a Supplemental EIS in the case of “newly discovered information,” 6 NYCRR §617.9(a)(7) further indicates the following:

- (ii) *The decision to require preparation of a supplemental EIS, in the case of newly discovered information, must be based upon the following criteria:
  - (‘a’) the importance and relevance of the information; and
  - (‘b’) the present state of the information in the EIS.*

In addition, within its publication, *The SEQRA Handbook, 3rd Edition*,<sup>2</sup> the New York State Department of Environmental Conservation (NYSDEC) – which is the agency charged with

<sup>2</sup> Accessible at <https://www.dec.ny.gov/permits/6188.html>.

administering the SEQRA regulations – indicates the following with respect to a decision to require a Supplemental EIS:

*“A supplemental EIS provides an analysis of one or more significant adverse environment impacts which were not addressed, or inadequately addressed, in a draft or final EIS. . . A supplemental EIS may be required if:*

- *the project sponsor proposes project changes which result in one or more significant adverse environmental impacts not addressed in the original EIS;*
- *the lead agency discovers new information, not previously available, concerning significant adverse impacts;*
- *a change in circumstances arises which may result in a significant adverse environmental impact(s); or*
- *site-specific or project specific analysis of potential significant adverse environmental impacts(s) is needed for actions following a generic EIS.”* (see Chapter 5, Sections G.1 and G.2)

In the case of newly discovered information, *The SEQR Handbook* further states:

*“The [new] information must be relevant to the discussion of significant adverse environmental impacts, and important for the accuracy of the assessment of those impacts. . . The lead agency should evaluate the existing EIS in light of the new information, to be certain that relevant issues have not already been covered in sufficient detail.”* (see Chapter 5, Section G.3)

Based on the above criteria, the following sections of this analysis demonstrate that a Supplemental EIS is not warranted for the Riverhead 1 project for the reasons stated in the Resolution.



# 3

## Clarification of Newly Discovered Information

Before a decision can be made to require a Supplemental EIS on the basis that new information has been discovered, it is important to first have the correct information. In arriving at its ultimate determination that a Supplemental EIS must be prepared, the Planning Board's October 4, 2018 Resolution relies heavily upon information that the potential future Riverhead 2 project would utilize the same medium voltage gen-tie line and same easement as the Riverhead 1 project. That is simply not the case.

The enclosed correspondence from sPower (see Exhibit B) provides additional detail and clarifies that the Riverhead 2 facility will not utilize the same medium voltage gen-tie line as the 20-MW Riverhead 1 facility that was subject to SEQRA review. As shown in the figure in Exhibit B, the electrical connection between the portions of the Riverhead 2 facility on either side (east and west) of Edwards Avenue is planned to utilize a separate easement and gen-tie line from the Riverhead 1 gen-tie line. The separate respective gen-tie lines will be installed beneath Edwards Avenue within their own respective dedicated easements. Further, the gen-tie line for Riverhead 2, which will traverse north and adjacent to the existing Sutter/Sterlington Solar Project to the collector substation will physically separate the Riverhead 1 gen-tie line. Therefore, it is respectfully submitted that the information relied upon by the Planning Board in making its determination is neither accurate nor relevant.

### ***Riverhead 2 (36 MW)***

With respect to 36-MW Riverhead 2, the potential project is fully comprised of parcels previously included and analyzed as part of the cumulative impacts analysis contained within the Riverhead 1 DEIS and approved by the Planning Board.

By way of background, sPower responded to a Request for Proposals (RFP) from the Long Island Power Authority (LIPA) in June 2016, wherein the concept of a solar development on 290 acres of non-contiguous property east and west of Edwards Avenue, south of NYS Route 25 was conceived. As described below (see Section 4 of this analysis), the identified Riverhead 2 parcels were evaluated in the DEIS for Riverhead 1, included as part of the cumulative impact analysis of future solar energy facilities, which is precisely what Riverhead 2 contemplates.

In response to the RFP, PSEG Long Island (PSEG-LI) agreed to initiate contract negotiations with Riverhead 2 on July 27, 2017. The primary purpose of contract negotiations is to identify at a high level what PSEG-LI should expect to be the key contract issues, and to discuss the overall project schedule. The parties continue to negotiate terms of an agreement and no contract for the development Riverhead 2 has been executed.

At 36-MW, the Riverhead 2 project would meet the definition of a major electric generating facility (i.e., a facility of 25 MW or more) pursuant to Article 10 of the New York Public Service Law (Article 10). This facility is required by state law to be subject to the permitting requirements and procedures set forth in Article 10. Article 10 is a comprehensive review of both the potential environmental and electrical impacts of the facility. The Riverhead 2 project is in the “pre-application” stage of the Article 10 process, which includes the filing of a Public Involvement Plan (PIP) and a Preliminary Scoping Statement (PSS) prior to the filing of the Article 10 Application. Before a PSS can be filed, the prospective (emphasis added) applicant is required to file a PIP with the New York State Board on Electric Generation Siting and the Environment (Siting Board). Riverhead Solar 2, LLC, sent a letter dated October 20, 2017 to the Siting Board indicating that it was seeking a Certificate of Environmental Compatibility and Public Need (CECPN) under Article 10 of the Public Service Law to construct Riverhead 2 and file a PIP.

The October 20, 2017 letter represents a preliminary step, as a prospective applicant is required to submit a PIP for review 150 days prior to filing a PSS. In this case, the purpose of the PIP was to notify the Town of Riverhead, the local community and other interested parties of their intention to potentially pursue the development of Riverhead 2 and to explain the public outreach and involvement efforts that Riverhead 2 would pursue as it advanced from a concept to a full project through the Article 10 review process. The PIP explains the Article 10 environmental impact review process and the steps required to construct and operate the proposed project. The PIP is not an application and does not present a final design or site plan for Riverhead 2. The PIP instead is meant to be the beginning of a transparent process, focused on public outreach and involvement opportunities and the identification of potential stakeholders for the review of the proposed project.

### ***Riverhead 2 – Pre-Application Phase***

When the Riverhead 1 Findings Statement was issued by the Planning Board, Riverhead 2 had only completed the first step of the pre-application phase of the Article 10 process, it not filed a scoping statement and, even today, is likely 6 months or more from filing an Article 10 Application. Riverhead 2 still remains in the pre-application phase. Once the Applicant completes the scoping process and pre-application study work, a facility design

will be finalized, and the content of the Application will be prepared. However, at this stage in the process, the design is intended to be flexible in order to address study scope comments as well as comments from the public and interested stakeholders, such as the Town, on the proposed design of the facility. With respect to the PIP, the PSC staff made comments and in December 2017, the applicant responded to comments and submitted a revised PIP to the PSC.

A letter from the Secretary of the Siting Board to Suffolk County Executive Steve Bellone and Town Supervisor Sean Walter, dated December 22, 2017, referred to Riverhead 2 as "a possible future application," [emphasis added] and, in accordance with Article 10, requires the County Executive and the Town Supervisor to nominate candidates to serve as ad hoc public members to serve on the Siting Board. To date, the ad hoc members have not been appointed.

Riverhead Solar 2, LLC submitted a PSS Notice of Filing for the Riverhead Solar 2 Facility initially in July 2018 and again in September 2018, with the actual filing occurring on September 14, 2018. Notification of the filing of the PSS was also widely circulated and published in the following news outlets in September 2018: Newsday, Riverhead News Review, and Riverhead Local. The purpose of the filing of the PSS is to gather input from the public and interested agencies on the scope and methodology of studies to be conducted in support of a future application. After a 21-day mandatory public comment period a number of comments regarding the PSS were received, and on October 10, 2018, a "Notice of Pre-Application Procedure to Consider Pre-Application Intervenor Funding Requests and to Initiate the Stipulations Process" was filed by the NYS Board on Electric Generation Siting and the Environment. sPower filed responses to comments on November 2, 2018 and attended a pre-application conference on November 8, 2018.

The Article 10 pre-application procedural conference was held on November 8, 2018. As noted in the conference transcript, The Town of Riverhead was represented by Jefferson V. Murphree, Town Planning Director and Robert F. Kozakiewicz, Town Attorney. It was explained that before applying for a Certificate, a developer or applicant must file a PSS. It was noted in the proceedings that the primary focus during this phase is to determine the nature and scope of the studies to be included in the formal application for a Certificate. Part of that process is to engage in negotiations that would lead to stipulations among the parties. Any party to the proceeding can enter into a stipulation setting forth an agreement on any aspect of the PSS and the scope of studies or program of studies to be conducted for the application.

The Town of Riverhead submitted an application for intervenor funding of \$12,600 for the Riverhead 2 proposal. According to the Town's application, it plans to hire Jeffrey L. Seeman to provide environmental consulting services, and other town employees would provide services as detailed in its application. The transcript of the conference noted that the "Supervisor's office is well suited to assist with public participation and dissemination of information. And that the town attorney will assist the Town to observe and navigate through the legal intricacies of the Article 10 proceeding. The Town also indicated that the Planning and Building Departments are able to provide a detailed review and analysis of the PSS and the applicant's other efforts regarding the project."

A ruling on the intervenor funding request by the Town of Riverhead was issued on November 23, 2018. The ruling stated that “we confirm the award of intervenor funds made during the November 8 conference, with the Town of Riverhead receiving an award of \$12,600, the full amount of the available pre-application funds in this proceeding...[t]he Town’s review of the Preliminary Scoping Statement should allow the Town to effectively represent its constituents’ interests in developing an adequate scope of the application for this (Riverhead 2) Project.”

Riverhead 2 will undergo a full and comprehensive environmental analysis during the Article 10 review process. The scoping process is underway and sPower has proposed a comprehensive cumulative impacts analysis addressing potential cumulative impacts from Riverhead 1 and 2. The Town will be able to fully participate in the environmental impact review process in Article 10 and will have local ad hoc members on the Siting Board.

### **Conclusion**

Overall, the foregoing illustrates that the Riverhead 2 project did not exist as a project or a pending project at the time the SEQRA environmental review process was conducted and completed for the Riverhead 1 project. Instead, Riverhead 2 was in its preliminary and conceptual stage and remained so through the conclusion of the SEQRA process for and approval of Riverhead 1. To date, the Riverhead 2 proposed project is in its pre-application stage. No formal application has been made to the PSC and Riverhead 2 remains a potential future project and is still conceptual in nature. There is a substantial permitting and approval process that lies ahead for the Riverhead 2 project which will involve a rigorous environmental review component. The Town of Riverhead will play a key role and has been awarded intervenor funding for its participation, in the environmental review of the Riverhead 2 proposal.

Notwithstanding that the Riverhead 2 project is still conceptual, the possibility of same was included within the potential cumulative impacts studied in the DEIS prepared and the FEIS approved for the Riverhead 1 project, as discussed in detail below.

Therefore, at the time of the Town Planning Board’s October 8, 2018 Resolution regarding the discovery of “new information” and the need for a Supplemental EIS for the approved Riverhead 1 project, Riverhead 2 was, and is, still in the pre-application phase and the applicant for Riverhead 2 had not yet filed a formal application for a CEC and Public Need (“Certificate”) under Article 10. Again, it is anticipated that the Article 10 application will not be filed until Q2 2019 at the earliest.



# 4

## Present State of Information in the EIS

The SEQRA regulations and the relevant provisions of the SEQR Handbook described above emphasize that the present state of information in the EIS must be considered when determining whether a Supplemental EIS is needed.

The June 2017 DEIS contained a cumulative impact analysis (see attached excerpt Exhibit C) which addressed impact topics of land disturbance, traffic, water and natural resources and contained a detailed analysis of potential cumulative impacts on land use and zoning from other potential solar projects in the Town. The cumulative impact analysis of potential projects included all of the parcels that comprise Riverhead 2, as shown in Figures 14, 15 and 16 of the DEIS, although Riverhead 2 is a completely independent project from Riverhead 1 and had not even commenced the pre-application phase of the Article 10 process at the time the DEIS was prepared.

Copies of Figures 14, 15, and 16 from the June 2017 DEIS, marked to identify the Riverhead 2 parcels, are attached in Exhibit D. These figures clearly identify that all Riverhead 2 parcels were evaluated in the Riverhead 1 DEIS conclusions regarding relevant potential cumulative impacts. The Riverhead 2 parcels were identified and zoned as industrially zoned land, active agricultural land, or both. The conclusions include, but are not limited to:

- regarding the scarcity of land available for industrial use set forth in the Planning Board's original April 6, 2017 Positive Declaration and in the Planning Board's October 4, 2018 Resolution, the DEIS found there are approximately 4,930 acres of industrially-zoned land (or more than 11 percent) in the Town not including the several industrially-developed properties that exist throughout the Town that are not zoned for industrial use (see DEIS page 121); and

- regarding the scarcity of agricultural land in the Town as also stated in the original Positive Declaration and the Planning Board's October 4th Resolution, the DEIS found nearly 15,000 acres of land in the Town are in active agricultural use (or approximately 35 percent of the entire land area of the Town) and approximately 12,472 acres are in the Town's expansive Agricultural Protection Zone (see DEIS page 121).

Further, as part of the detailed cumulative impact analysis contained in the DEIS, the relevant Riverhead 2 parcels were considered in the conclusion that if all industrially zoned land in active agricultural use were to be developed with solar energy facilities, including the Riverhead 1 and Riverhead 2 properties and hundreds of acres of other properties, the total impact would amount to only 1.2 percent of the land area of the Town.

The DEIS concluded that the reasonable likelihood of the occurrence of cumulative impacts is extremely low; the nature of the Riverhead 1 project is such that it would not result in any significant adverse impacts (e.g., as land disturbance would be minimal, virtually no traffic would be generated, water use would be minimal, no sanitary waste or other discharges would occur, virtually no clearing of natural vegetation is required, etc.); and there would be no significant adverse cumulative impacts. Given the low-impact nature of solar generating facilities, the DEIS also explains that potential future projects of this type are typically mitigated or addressed within the specific design of the project, such as through the incorporation of screen plantings, setbacks, etc., which are context sensitive to each project (and therefore would not be addressed on a cumulative basis).

Notwithstanding the information originally before the Planning Board and the fact that the potential Riverhead 2 project is in the pre-application phase of Article 10, the potential for same has been examined in the present EIS for the Riverhead 1 project.

Therefore, it is respectfully submitted that the criteria for requiring a Supplemental EIS for the Riverhead 1 project on the basis of the existence of the Riverhead 2 project have not been met. It is respectfully requested that the Planning Board reconsider its decision and instead determine that a Supplemental EIS for the Riverhead 1 project is not warranted given the inaccuracy of the purported new information and given the present state of information in the completed EIS. In fact, if anything, the environmental impacts sought to be addressed by the Resolution have already been addressed in the EIS for Riverhead 1 or will be addressed in the Article 10 process for Riverhead 2.



# 5

## Findings Statement Consistency Analysis

Should the Planning Board reconsider the need for a Supplemental EIS based on the facts set forth above, another related question may arise as to the SEQRA review performed for the Riverhead 1 project, and specifically regarding the findings made by the Planning Board as lead agency, in light of the Riverhead 2 project's existence.

The following provides a consistency analysis with the Findings Statement for the sPower Solar 1 (Riverhead 1) project as adopted by the Planning Board on October 19, 2017. The existence of the Riverhead 2 project does not contradict or invalidate any of the Planning Board's SEQRA findings or the conditions expressed within the Findings Statement.

In large part, the various findings relate specifically to the Riverhead 1 project so that no other nearby project or increased level of detail about another potential project (i.e., Riverhead 2) could contradict or invalidate the findings. Each of the findings that could potentially be impacted by the existence of Riverhead 2 (e.g., findings related to the gen-tie line, easement, cumulative impacts, etc.), are excerpted below (in italics) followed by a consistency discussion.

### Land Use and Zoning

- 7. The proposed solar collection facility will be developed on the same tax parcel as the existing sPower solar facility. The land use at the existing mowed grass area will change, and there will be solar collection facility equipment that will be similar in appearance to an electric grid substation. However, land use on the overall parcel (i.e., the existing sPower solar facility) will remain the same; and operations for the existing facility will not be adversely impacted, as the proposed solar collection equipment will*

*not encroach into the area currently developed with sPower solar panel arrays, and as the proposed new use is consistent with and complementary to the existing use.*

Consistency:

The future Riverhead 2 project will also include the installation of equipment at the solar collection facility referenced in the finding. The Riverhead 2 project components to be installed would be virtually identical to those associated with the Riverhead 1 project, such that the land use and operations would not be impacted. The Riverhead 2 project components would be consistent and complementary to the existing uses in the same manner as would the Riverhead 1 components; this Finding would not be affected or contradicted.

Soils and Topography

*(No findings potentially relevant to Riverhead 2)*

Environmental Features

4. *Following installation of the gen-tie line, the utility trench will be backfilled and the 15-foot wide easement will be seeded with the native grass seed mix described above.*

Consistency:

The future Riverhead 2 project will not utilize the Riverhead 1 easement referenced in this finding (e.g., for the placement of solar arrays or for the transmission of electricity), such that the described backfill and seeding measures would not be affected. Therefore, the Riverhead 2 project will not affect or contradict this finding.

7. *Portions of the gen-tie line route represent suitable habitat for the New York State Special Concern species eastern box turtle, and an individual of this species was observed within the Spruce/Fir Plantation community located adjacent to the south of the gen-tie line route during the field survey work. Due to their territorial behavior and low mobility, individuals of this species will be at risk during excavation of the gen-tie line trench. Potential avoidance and minimization measures for direct impacts to eastern box turtle include the following:*
  - *Wildlife sweeps should be conducted by trained personnel prior to the commencement of clearing activities, in order to identify the most likely habitat areas. Any observed eastern box turtles within the targeted areas will be relocated to safe areas.*
  - *Erosion control barriers containing plastic or wire mesh have been documented as ensnaring turtles and other reptiles, often resulting in mortality. Non-mesh silt fencing shall be used to minimize the potential for turtle mortality.*
  - *Erosion control barriers shall be removed as soon as work is complete or site stabilization has occurred, so as not to impede turtle movement.*

Consistency:

As explained herein and detailed within the correspondence and figure in Exhibit B, the future Riverhead 2 project will not utilize the Riverhead 1 easement referenced in this finding (e.g., for the placement of solar arrays or for the transmission of electricity), such that the described impact avoidance and minimization measures would not be precluded and this finding would not be affected.

Glare

*(No findings potentially relevant to Riverhead 2)*

Socioeconomics

*(No findings potentially relevant to Riverhead 2)*

Growth-Inducement

5. *To avoid adverse regional adverse impacts, it is noted that approximately 85.6 percent of the total capacity of all existing large solar PV systems (e.g., 1.0 MW or greater) is located outside of the Town of Riverhead. These systems are primarily located within other Suffolk County townships, with the exception of a 1.9-MW facility at the Cedar Creek sewage treatment plant in Nassau County. Thus, the addition of a new solar energy facility in the Town would not result in an undue concentration of this type of use within the Town of Riverhead.*

Consistency:

As explained above, particularly with respect to land use and zoning, all parcels comprising the future Riverhead 2 project as well as several other properties were considered within the cumulative impact analysis in the Riverhead 1 DEIS. The DEIS concluded there would be no significant adverse impacts to the Town of Riverhead associated with the conversion of industrial and agricultural land for solar development. Notwithstanding the existence of the potential Riverhead 2 project, the data presented in the Riverhead 1 FEIS (Section 3.5 and Appendix I) illustrate that large solar photovoltaic (PV) systems are distributed throughout Suffolk County.

The conclusion of this Finding would not be affected.

6. *To avoid a significant growth in solar facility development that may have a secondary impact on the loss of agricultural lands, the utility easements required for the proposed action shall be restricted for exclusive use by the sPower facility and gen-tie line, with no access to the easement or gen-tie line without review and consent by the Town of Riverhead. The Planning Board shall describe the restrictions and covenants required as a component of the site plan review.*

Consistency:

The future Riverhead 2 project will not utilize the Riverhead 1 easement, nor will it utilize the same Riverhead 1 gen-tie line to the collector substation. The correspondence and figure contained in Exhibit B, in addition to the description above, clarifies that there would be no contravention of this finding or the

associated provisions of any condition of Site Plan approval, Special Permit approval, or recorded covenant for the Riverhead 1 project.

This Finding would not be affected.

Cumulative Impacts

1. *As no other applications for commercial solar energy production facilities are pending within the Town of Riverhead, apart from proposed action, the "reasonable likelihood" of the occurrence of any cumulative impacts is extremely low or nonexistent. The nature of the proposed action, as demonstrated in the EIS, is such that it will not result in any significant adverse environmental impacts. Therefore, there is no potential for reasonably foreseeable impacts of such other actions that could be evaluated together with the potential impacts of the proposed action, and no significant adverse cumulative impacts are expected.*

Consistency:

There is no solar energy production facility application before the Town of Riverhead for the Riverhead 2 project and there is no pending application for the Riverhead 2 project before any agency, including the Siting Board. Pre-application filings have been made with that agency for the potential Riverhead 2 project. Moreover, the Town has been well aware of Riverhead 2 prior to the issuance of the special use permit and site plan approval for Riverhead 1 and could have raised this issue subsequent to those approvals as opposed to after its jurisdiction as the Lead Agency had ceased. Nevertheless, with respect to the nature of the proposed Riverhead 1 facility, the cumulative impact analysis in the EIS demonstrates that there would not be any significant adverse impacts from Riverhead 2. The Riverhead 2 facility would provide more megawatts than Riverhead 1, would be of a similar nature (i.e., it would include the construction of a solar energy production facility on previously cleared and developed property), such that it is similarly not expected to result in significant adverse environmental impacts. Additionally, the parcels that comprise the Riverhead 2 property were contemplated to be developed as a solar energy production facility use and analyzed within the relevant cumulative impact analysis in Section 4.1 of the DEIS.

The future Riverhead 2 project does not affect or contradict this finding.

2. *The proposed action will not result in or facilitate the development of new homes, or any other future developments that will have a demand for electricity (e.g., EPCAL or Riverside). The proposed action will allow existing generation by traditional power plants on the utility grid which rely upon the burning of fossil fuels, to be replaced with a clean, renewable source of electricity in accordance with local and state goals.*

Consistency:

The existence of the potential Riverhead 2 project does not alter this finding, and in fact, the Riverhead 2 project is expected to have a similar, beneficial effect on the

environment by replacing traditional power sources with a clean, renewable source of energy.

This Finding would not be affected.

3. *Active agricultural land is generally well-distributed throughout the Town of Riverhead and the greater Calverton area. Approximately 35 percent of the entire land area of the Town of Riverhead is currently in active agricultural use. The Town of Riverhead has over 5,500 more acres of farmland than the Suffolk County Town with the next largest acreage (i.e., the Town of Southold), and more farmland than all eight other Towns in Suffolk County, combined. The loss of approximately 109.9± acres of active farmland due to the proposed action will represent only about 0.7 percent of the total area of active farmland in the Town. Furthermore, the proposed action is not permanent, and will have a finite term of 20 years, after which the land may be repurposed for another use (e.g., agricultural use).*

Consistency:

As this finding indicates, and as discussed in detail in Sections 3.1 and 4.1 of the DEIS for Riverhead 1, a significant portion of the Town is dedicated to active agricultural use (DEIS Figures 14, 15 and 16 in Exhibit D). Based on the land use and cumulative impact analyses presented in the DEIS, the development of the Riverhead 1 facility and the several additional properties that are active agricultural use and industrially zoned (including all the relevant Riverhead 2 parcels) with solar energy production uses would not be expected to result in significant adverse cumulative impacts.

The loss of agricultural resources on the Riverhead 2 parcels was already contemplated as part of the supporting analysis in the DEIS. Therefore, existence of the Riverhead 2 project, for which no formal application has yet been submitted, does not affect or contradict this finding.

4. *There are approximately 4,930 acres of industrially-zoned land within the Town of Riverhead. The 109.9± acres of land proposed for development with a solar PV energy facility at the subject location represents only a very small portion (i.e., about 2.2 percent) of the industrially-zoned land in the Town, such that the impact of the proposed action will not be severe on the availability of industrial land in the Town. Moreover, the Town of Riverhead Town Code permits commercial solar energy production systems in the five industrial zoning districts of the Town.*

Consistency:

All the Riverhead 2 parcels were identified in the analysis of cumulative impacts in the Riverhead 1 DEIS as industrially zoned land (also see Figures 14, 15 and 16 in Exhibit D). The data contained in the DEIS and referenced in this finding demonstrate the relative abundance of industrially zoned and developed land throughout the Town and neighborhood, such that neither the Riverhead 1 project nor the Riverhead 2 project, or the two combined, could have a significant adverse

impact on the availability of industrially zoned land in the Town. As such, the future Riverhead 2 project does not affect or contradict this finding.

5. *After accounting for environmental constraints, the total area of Potentially Developable Industrial-Zoned Active Agricultural Land is 638± acres within the entire Town of Riverhead. The proposed action (i.e., the solar development at the proposed Parcel A) already includes 106± of the identified acres. Therefore, in the Town, 534± acres of active agricultural land in an industrial zoning district remain available for potential future applications for solar PV energy facilities.*

Consistency:

All the Riverhead 2 parcels that are in agricultural use are incorporated in this finding among hundreds of acres of other properties in the Town and in the vicinity of the Riverhead 1 project as being available for future applications for solar energy facilities (see DEIS Figure 16 in Exhibit D). As such, the future Riverhead 2 project is consistent with this finding.

6. *Any possible future applications for solar PV energy facilities in the Town of Riverhead will be subject to the Town's development standards and criteria, and will have the opportunity and the requirement to similarly minimize potential impacts by incorporating context-sensitive design solutions appropriate to the merits of the application during the Site Plan and/or Special Permit application processes.*

Consistency:

The future Riverhead 2 facility is not expected to require Site Plan or Special Permit approvals from the Town of Riverhead. However, the project is required to comply with the Town's development standards and criteria in its design, and will undergo a rigorous and detailed environmental review process in the context of the Article 10 application with opportunities for the identification and incorporation of measures to minimize potential impacts. The Town of Riverhead will have an active role in the review of the Riverhead 2 facility before the PSC Article 10 application process. Therefore, the future Riverhead 2 project would not affect or contradict the spirit of this finding.

Use and Conservation of Energy

*(No findings potentially relevant to Riverhead 2)*

Other Considerations

*(No findings potentially relevant to Riverhead 2)*

The existence of information regarding the future Riverhead 2 project does not contradict or invalidate any of the findings made by the Planning Board within its October 19, 2017 Findings Statement.

Based on the foregoing and the facts that the "newly discovered information" relied upon by the Planning Board was based upon inaccurate information erroneously provided to the Town (i.e., regarding use of the Riverhead 1 gen-tie line and easement); the present state of

information in the EIS prepared for the Riverhead 1 facility is such that it has already evaluated the relevant potential cumulative impacts of the future potential Riverhead 2 project, despite that there is still no formal application for Riverhead 2. and the fact that the Planning Board's existing SEQRA findings would not be contradicted or affected by Riverhead 2, it is respectfully submitted that a Supplemental EIS for Riverhead 1 is not warranted in accordance with the criteria set forth in the implementing regulations of SEQRA.

Accordingly, we respectfully request that the Planning Board accept this analysis to satisfy its concern over potential significant impacts from "newly discovered" information and withdraw its requirement for the preparation of a Supplemental EIS for the Riverhead 1 project.

**§ 301-308 Special permit general use requirements.**  
[Amended 8-5-2008 by L.L. No. 28-2008]

The special uses for which conformance with additional standards is required by this chapter shall be deemed to be special permit uses in their respective districts subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this chapter, except as set forth in § 301-222A for preexisting, nonconforming single-family residences. All such uses are declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

**§ 301-309 Approval of special permit use; duration.**

A.

Special permits for special permit uses as authorized in this chapter shall issue from the Town Board. Special permits will issue in the form of a resolution of the Town Board, stating findings and conditions.

B.

The Town Board may condition the permit by requiring that the applicant actually complete construction and begin the specially permitted use in compliance with the conditions imposed by the Town Board within a time period of from one to three years. If the Town Board fails to specify a period to complete construction and begin the specially permitted use, the time period to complete construction and begin the specially permitted use shall be one year.

C.

The duration of a specially permitted use may be limited to a specified time period as set forth in the special permit resolution of the Town Board. If the Town Board is silent as to the duration of the specially permitted use, then said use shall be in perpetuity.

D.

A specially permitted use which has been discontinued for a period of one year or more shall be deemed abandoned.

**§ 301-310 Application for special permit use.**

Application for a special permit use shall be made to the Town Board. Each such application shall contain the following data and information. In addition, each application shall contain any requirements specified by the Town of Riverhead Planning Board relating to the special permit use application:

A.

The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it. In addition, the application shall demonstrate that the specially permitted use will be in harmony with the appropriate and orderly development of the district in which it is located.

B.

The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site. In addition, the application shall demonstrate that the specially permitted use is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

C.

The application shall demonstrate that operations in connection with any special use will not be more objectionable to nearby properties than would be the operations of any permitted use not requiring a special permit.

D.

A written application, verified by the applicant, not an agent, where the applicant is the person or entity responsible and bound for the land use envisioned by the special permit. Where the applicant is not the owner of the real property, the owner must join in and swear to the truth of the application.

[Amended 5-19-2009 by L.L. No. 34-2009]

E.

A conceptual site plan showing the proposed location of all proposed buildings, parking stalls, access locations, as well as front, rear and side yard setbacks, signed, sealed and certified by a New York State licensed engineer, architect or licensed land surveyor.

F.

A list of property owners based upon the most complete assessment roll filed with Town of Riverhead within a radius of 500 feet of the subject property. This requirement may be waived by the Town Board where the special permit sought is for the construction of a single-family dwelling. No person may object to any approval granted after notice is served by the applicant or designated representative pursuant to this definition, unless an objection is received by the Town Clerk, within 30 days of the date of publication of the public notice calling the hearing, alleging that he or she did not receive the notice provided for in this definition. Also, an affidavit signed by the applicant or designated representative attesting to serving the public notice as required by this definition must be filed with the Town Clerk prior to the holding of the public hearing.

G.

Any other information deemed by either board, in its discretion, to be necessary for reasonable determination of the application.

H.

Expert testimony or reports by independent engineers, special counsel or architects shall be paid for by the applicant.

I.

Any applicant filing for a special permit to erect a one-family dwelling as authorized in this chapter may request in his or her application waiver of any of the requirements of special use permits. The Town Board shall have discretion to waive certain requirements upon demonstration by the applicant that such requirements are not essential to protect the public health, safety or general welfare.

#### **§ 301-311 Application procedure; fees.**

A.

Variations. The applicant must first apply to the Zoning Board of Appeals for any variance which may be necessary. Only after the applicant has obtained all necessary variances shall the Town Board act upon the special permit application.

B.

Referral to Planning Board; posting of notice of pending application. Any application made pursuant to the provisions of this article shall originate by an application to the Town Board, contrary provisions notwithstanding, and may be referred to the Planning Board upon being deemed complete by the Planning Department, which will transmit its recommendations to the Town Board within 62 days of referral. Upon application, the Town Clerk shall provide to the applicant a sign to be immediately posted at the property indicating that a special permit application is pending before the Riverhead Town Board. Thereafter, when a public hearing is scheduled by the Town Board, the Town Clerk shall forward by certified mail a copy of the public hearing notice to the applicant, wherein the applicant shall then fill in the date and time of the public hearing on the sign heretofore posted at the subject property. Before the Town Board can determine said special permit application, an affidavit executed by the applicant must be filed with the Town Clerk stating that he has complied with the posting requirements above outlined. [Amended 7-19-2005 by L.L. No. 22-2005]

C.

Town Board public hearing. After receipt of the recommendations of the Planning Board (in the event the application was referred to the Planning Board), the Town Board shall hold a public hearing upon public notice and other notices as required by the Town Law. The applicant or his/her representative shall forward a certified copy of the public hearing notice by certified mail to all property owners within a five-hundred-foot radius of the subject property posted at least seven days prior to the date of the public hearing, and the applicant shall pay all expenses of said hearing, including but not limited to publication costs, postage and transcription of testimony. Public notice of said hearing shall be printed in a newspaper of general circulation in the Town at least five days prior to the date thereof. All testimony at

the public hearing before the Town Board shall be given under oath. The Town Board may require the sworn testimony of such persons as it deems necessary for a full and complete hearing on the application. The Town Board may adjourn the public hearing for the purpose of taking further testimony or requiring the production of further information. The Town Board shall decide upon the application within 62 days after the close of the hearing. The time within which the Town Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Town Board on the application after the close of the public hearing shall be filed in the office of the Town Clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.

[Amended 7-19-2005 by L.L. No. 22-2005; 12-27-2012 by L.L. No. 33-2012]

D.

Fees. The fee for review of a special permit application which would result in construction of a building(s) or a disturbed area of less than 4,000 square feet shall be \$500. The fee for review of a special permit application for construction of a building(s) or disturbed area of 4,000 square feet or greater shall be \$2,000. The required fee shall be paid upon submission of the application to the Town Clerk.

[Amended 12-2-2003 by L.L. No. 26-2003<sup>[1]</sup>]

[1]

*Editor's Note: Amended at time of adoption of Code (see Ch. 101, General Provisions, Art. D).*

**§ 301-312 Items to be considered by reviewing board.**

The Town Board and the Planning Board may consider, among other matters or factors which either Board may deem material, whether:

A.

The site is particularly suitable for the location of such use in the community.

B.

The plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.

C.

The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area or other place of public assembly.

D.

Access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure the public in relation to the general character of the neighborhood and other existing or permitted uses within it, and to avoid traffic congestion; and further that vehicular entrances and exits shall be clearly visible from the street and not be within 75 feet of the intersection of street lines at a street intersection except under unusual circumstances.

E.

All proposed curb cuts and street intersections have been approved by the street or highway agency which has jurisdiction.

F.

Adequate provisions have been made for emergency conditions.

G.

There are off-street parking and truck loading spaces at least in the number required by the provisions of this chapter, but in any case, an adequate number for the anticipated number of occupants, both employees and patrons or visitors; and further, that the layout of the spaces and driveways are convenient and conducive to safe operation.

H.

Adequate buffer yards, landscaping, walls, fences and screening are provided where necessary to protect adjacent properties and land uses.

I.

Where necessary, special setback, yard, height and building area coverage requirements, or easements, rights-of-way or restrictive covenants, shall be established.

J.

Where appropriate, a public or semipublic plaza or recreational or other public areas will be located on the property.

K.

Adequate provisions will be made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character.

L.

Existing municipal services and facilities are adequate to provide for the needs of the proposed use.

M.

The use will tend to generate or accumulate dirt or refuse or tend to create any type of environmental pollution, including vibration, noise, light, electrical discharges, electromagnetism, odors, smoke or irritants, particularly where they are discernible on adjacent properties or boundary streets.

N.

The construction, installation or operation of the proposed use is such that there is a need for regulating the hours, days or similar aspects of its activity.

O.

The proposed use recognizes and provides for the further special conditions and safeguards required for particular uses as may be determined by the Town Board or the Planning Board.

P.

The design, layout and contours of all roads and rights-of-way encompassed within the site of the application are adequate and meet Town specifications.

Q.

Adequate provisions have been made for the collection and disposal of solid wastes, including but not limited to the screening of all containers.

R.

That the intensity of the proposed specially permitted use is justified in light of similar uses within the zoning district.

#### **§ 301-313 Conditions.**

The Town Board, in its resolution approving or approving with modifications a special permit pursuant to this article, may make and include certain reasonable conditions and restrictions in its discretion directly related to and incidental to the special permit, including but not limited to the following:

A.

The posting of performance bonds to guarantee the performance of any or all conditions imposed by the resolution.

B.

The imposition of fees or, in lieu thereof, dedication of land or open space easements in an amount or form to be determined by the Town Board as necessary to adequately recompense the Town for the additional municipal service requirements to be provided as a result of the granting of the special permit.

C.

The filing with the County Clerk of the County of Suffolk of covenants and restrictions, easements or other recordable agreements running with the land and binding upon all successors of the applicant to guarantee or implement the provisions of the special permit.

#### **§ 301-314 Town Board determination.**

The Town Board shall determine that:

A.

The use will not prevent or substantially impair either the reasonable and orderly use or the reasonable and orderly development of other properties in the neighborhood.

B.

The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town.

C.

The health, safety, welfare, comfort, convenience and order of the Town will not be adversely affected by the authorized use.

D.

Such use will be in harmony with and promote the general purposes and intent of this chapter.



TOWN OF RIVERHEAD  
PLANNING BOARD

201 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2596  
(631) 727-3200, EXT. 240, FAX (631) 727-9101

*Stanley Carey, Chairman*  
*Ed Densieski, Vice-Chair/Secretary*

*Joseph Baier, Member*

*Richard O' Dea, Member*  
*George Nunnaro, Member*

October 4, 2018

sPower  
Nancy Hsu, Permit Manager & Ryan Galeria, Project Manager  
180 South 1300 East Suite 600  
Salt lake City, UT 84106

**Issues Positive Declaration Pursuant to SEQRA for Preparation of a Supplemental  
Environmental Impact Statement for Minor Subdivision, Site Plan, and Special Permit  
sPower Solar Power Generating Facility, Step-up Facility, and Subsurface Transmission  
Power Line**

**4153 Middle Country Road, Calverton, NY  
SCTM Nos. 600-116-1-7.2 & 600-98-1-21.1  
Resolution 2018-077**

Dear Ms. Hsu:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on October 4, 2018;

**WHEREAS**, the Riverhead Planning Board is in receipt of additional and significant information contained in the "Preliminary Scoping Statement," dated September 2018 for the sPower Solar 2 36-MW solar generation facility, described as Case Number 17-F-0655 Riverhead Solar 2, LLC (AKA S-Power) filed with the New York Board on Electric Generation Siting and the Environment; and

**WHEREAS**, the new information has the potential for growth inducing impacts, cumulative environmental impacts, and intensity of land use by similar uses within the zoning use district and within the area of the Calverton US Postal zip code (11933) that are potentially generated by the prior application by sPower, 2180 South 1300 East, Salt Lake City, Utah, for a minor subdivision of land, application for site plan and routing plan, and Special Permit for the construction of a 20 megawatt solar photovoltaic energy production facility proposed on the west side of Peconic Avenue, south of Middle Country Road, Calverton, NY, described as SCTM# 600-116-1-7.2 and SCTM # 600-98-1-21.1 located within the Industrial C (IC) zoning use district; and

**WHEREAS**, the 20 MW sPower Facility site plan proposed an underground electrical transmission line (gen-tie line) which runs from the solar collection facility in an easterly direction in a 15 ft. easement across parcels identified as SCTM Nos. 600-116-2-7.4, 600-117-1-6, crosses underneath Edwards Avenue, and then continues in a southerly direction in a 15 ft. easement across parcels identified as SCTM Nos. 600-117-2-7.2, 600-117-2-8.2 and 600-137-1-32.1, and terminates at a proposed electrical voltage step-up facility located on an existing solar photovoltaic energy production facility; and

**WHEREAS**, the Riverhead Planning Board declared the subdivision, site plan and Special Permit petitions of sPower to be a Type I action pursuant to 6NYCRR Part 617.4(b)(6)(i) and further directed the Planning Department to circulate a request for the Planning Board to be the Lead Agency in the project's SEQRA review by Resolution No. PB 2016-0115 dated November 3, 2016; and

**WHEREAS**, the Planning Board issued a Determination of Significance for the proposed action of the subdivision, site plan and special permit for the 20 MW solar facility and gen-tie line identifying potential for adverse environmental impact to preservation of agricultural activity, prime agricultural soils, visual and impacts along scenic corridors and glare impact to aircraft in the vicinity of EPCAL, public safety, social, natural resource, and economic impacts; and

**WHEREAS**, the Determination of Significance also enumerated the following concerns:

1. The Town of Riverhead has limited large tracts of land available for agriculture and manufacturing-industrial uses. The location and private ownership of the gen tie could lead to additional applications for the conversion of large tracts of agricultural or manufacturing-industrial land to passive solar use.
2. The potential for a cumulative loss of agricultural or manufacturing-industrial property without job creation must be fully analyzed as well as the true efficiency of passive solar use as alternative energy source as balanced against the loss of scarce agricultural or manufacturing-industrial parcels in the greater Calverton area.
3. The specific routing of the gen tie through private property and not in the public right of way raises questions regarding the use and future development of these parcels and specific review of the topographical and environmental features of these parcels and comparative routing alternatives.
4. Complete review of regulatory agency requirements for operating a private utility in the public right of way of Edwards Avenue.
5. Evaluation of other sites in Suffolk County with similar parcel size and regulatory/permit issues which would permit similar facilities such that available agricultural or manufacturing-industrial lands within Riverhead Town not be depleted for a regional benefit without the local benefit of jobs and continued viability of farming within the town; and

**WHEREAS**, a Public Scoping Session was conducted by the Lead Agency, and a Final Scope was issued to assess the environmental concerns by preparation of SEQRA compliant Draft and Final Environmental Impact Statements (DEIS/FEIS) prepared on behalf of the project sponsors by VHB; and

**WHEREAS**, the Lead Agency circulated for public review and comment the DEIS and FEIS and considered all substantive comments; and

**WHEREAS**, the Planning Board retains Lead Agency status for the purpose of SEQRA coordinated review with involved agencies; and

**WHEREAS**, the Planning Board previously issued the Determination of Significance and Positive Declaration, requiring a formal Scoping process, public input, due deliberation attendant to the preparation of an Environmental Impact Statement pursuant to the State Environmental Quality Review Act; and

**WHEREAS**, the Planning Board, as Lead Agency, previously issued a Formal Scope, a Draft Environmental Impact Statement, a Final Environmental Impact Statement and based upon these documents and relevant due deliberation attendant to the application of sPower's construction of the 20 MW solar facility and attendant infrastructure, adopted a Positive Findings Statement by Resolution 2017-107, dated October 19, 2017; and

**WHEREAS**, a letter submitted on behalf of sPower and prepared by Young/Sommer LLC Counselors at Law, dated October 20, 2017 was filed with the Honorable Kathleen Burgess, Secretary, Secretary of the New York Board on Electric Generation Siting and the Environment of sPower's intent to construct an additional 290 acre 36-MW solar facility with supporting infrastructure in Calverton, Town of Riverhead, Suffolk County, New York, which was not previously identified during the Lead Agency's SEQRA reviews; and

**WHEREAS**, on or about September 14, 2018 the Planning Board received the "Preliminary Scoping Statement," dated September 2018 for the sPower Solar 2 36-MW solar generation facility and supporting infrastructure, filed with the New York Board on Electric Generation Siting and the Environment; and

**WHEREAS**, the proposed Solar 2 facility is described in the sPower, "Preliminary Scoping Statement," dated September 2018, and further describes its attendant infrastructure to include a proposed connection to the 20 MW facility gen-tie line; and

**WHEREAS**, pursuant to the Planning Board's SEQRA Positive Findings Statement prepared for the 20 MW facility, the Planning Board granted final site plan approval pursuant to Resolution 2018-064 dated August 16, 2018, inclusive but not limited to the following conditions:

1. The easement containing the proposed gen-tie line shall only be used to transmit the 20 megawatts of electricity generate at the proposed facility, and shall not be used to transmit any electricity generated at any potential future solar photovoltaic facilities, whether owned by sPower or other entities.
2. That a covenant, in a form approved by the Town Attorney, containing all the limitations and provisions of these approvals contained in this resolution shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until

such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk; and

**WHEREAS**, the covenant was recorded with the Suffolk County Clerk on September 7, 2018, as Liber D000012977, page 534; and

**WHEREAS**, the Riverhead Town Board approved a Special Permit by Town Board Resolution 831, dated November 8, 2017 finding "the intensity of the proposed specially permitted use is justified in light of similar uses within Industrially zoned districts, and conditional upon the applicant receiving subdivision and site plan approval from the Town of Riverhead Planning Board, and agreeing to any covenants or restrictions that the Riverhead Planning board deems to be reasonable or prudent for purposes of site plan review;" and

**WHEREAS**, the State Environmental Quality Review Act requires a Supplemental Environmental Impact Statement be prepared if the Lead Agency determines:

- The project sponsor proposes project changes which may result in one or more significant adverse environmental impacts not addressed in the original EIS;
- The Lead Agency discovers new information, not previously available, concerning significant adverse impacts;
- Changes in circumstances may result in a significant adverse environmental impact(s); and

**WHEREAS**, the present state of the information provided in the original DEIS/FEIS and SEQRA Findings Statement is relevant, yet potentially deficient and inadequate for the discussion of significant adverse environmental impacts, and the new information is important for the accuracy of the assessment of previously identified impacts; and

**WHEREAS**, the Lead Agency determines the 36-MW facility and its proposed use of the 20 MW project's gen-tie line is genuinely new information that has recently been discovered through the filing of a "Preliminary Scoping Statement," dated September 2018 for the sPower Solar 2 36-MW solar generation facility, filed with the New York Board on Electric Generation Siting and the Environment; and

**WHEREAS**, the Planning Board had no reasonable means of knowing the details of the new information prior to the September 2018 filing of the "Preliminary Scoping Statement," for the sPower Solar 2 36-MW solar generation facility, described as Case Number 17-F-0655 Riverhead Solar 2, LLC (AKA S-Power) by the New York Board on Electric Generation Siting and the Environment; and

**WHEREAS**, the Planning Board as Lead Agency has re-examined and evaluated the previously adopted DEIS/FEIS and Findings Statement and finds no specific statements, or relevant references to the 36-MW facility described as New York Board on Electric Generation Siting and the Environment: Case Number 17-F-0655 Riverhead Solar 2, LLC or the reference to the sponsor's ownership, control or lease of additional properties and lands within the area of

Calverton for purposes of siting a solar power electric generating facility and/or a description of additional infrastructure in support of constructed or proposed solar facilities; and

**WHEREAS**, in light of the new information, to be certain that relevant issues and information are adequately assessed in sufficient detail, the Planning Board is required to re-assess the relevant significant adverse environmental impacts generated by the new information identified; and

**WHEREAS**, the Planning Board as Lead Agency, has determined the sponsor has introduced new information not previously and specifically addressed in the environmental impact statement and the information poses potential significant adverse environmental impact to:

- Conflict with the Findings Statement regarding the easement containing the proposed gen-tie line that shall only be used to transmit the 20 megawatts of electricity generate at the proposed facility, and shall not be used to transmit any electricity generated at any potential future solar photovoltaic facilities, whether owned by sPower or other entities;
- Conflict with the Findings Statement on land use impacts and the covenant approved by the Riverhead Town Attorney, containing all the limitations and provisions of Planning Board site plan approvals contained in Resolution 2018-064 and recorded with the Suffolk County Clerk as Liber D 000012977;
- Conflict with the Special Permit conditions approved by Town Board by Resolution 831, dated November 8, 2017 which found the intensity of the proposed specially permitted use was justified in light of similar uses within Industrially zoned districts, and now has increased the intensity of similar land uses with the zoning use district;
- Conflicts with the Findings Statement regarding impacts to land use based on the following reasons as previously identified to the sponsor by the Lead Agency:
  1. The Town of Riverhead has limited large tracts of land available for agriculture and manufacturing-industrial uses. The location and private ownership of the gen tie could lead to additional applications for the conversion of large tracts of agricultural or manufacturing-industrial land to passive solar use.
  2. The potential for a cumulative loss of agricultural or manufacturing-industrial property without job creation must be fully analyzed as well as the true efficiency of passive solar use as alternative energy source as balanced against the loss of scarce agricultural or manufacturing-industrial parcels in the greater Calverton area.
  3. The specific routing of the gen tie through private property and not in the public right of way raises questions regarding the use and future development of these parcels and specific review of the topographical and environmental features of these parcels and comparative routing alternatives.
  4. Complete review of regulatory agency requirements for operating a private utility in the public right of way of Edwards Avenue.
  5. Evaluation of other sites in Suffolk County with similar parcel size and regulatory/permit issues which would permit similar facilities such that available

agricultural or manufacturing-industrial lands within Riverhead Town not be depleted for a regional benefit without the local benefit of jobs and continued viability of farming within the town.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Planning Board as SEQRA Lead Agency declares the proposed action described as new information discovered by the September 2018 filing of the “Preliminary Scoping Statement,” for the sPower Solar 2 36-MW solar generation facility, described as Case Number 17-F-0655 Riverhead Solar 2, LLC (AKA S-Power) by the New York Board on Electric Generation Siting and the Environment may have a significant adverse impact on the health, welfare and the environment for the following reasons:

- The Town of Riverhead has limited large tracts of land available for agriculture and manufacturing-industrial uses. The location and private ownership of the gen tie could lead to additional applications for the conversion of large tracts of agricultural or manufacturing-industrial land to passive solar use.
- The potential for a cumulative loss of agricultural or manufacturing-industrial property without job creation must be fully analyzed as well as the true efficiency of passive solar use as alternative energy source as balanced against the loss of scarce agricultural or manufacturing-industrial parcels in the greater Calverton area.
- The specific routing of the gen tie through private property and not in the public right of way raises questions regarding the use and future development of these parcels and specific review of the topographical and environmental features of these parcels and comparative routing alternatives.
- Complete review of regulatory agency requirements for operating a private utility in the public right of way of Edwards Avenue.
- Evaluation of other sites in Suffolk County with similar parcel size and regulatory/permit issues which would permit similar facilities such that available agricultural or manufacturing-industrial lands within Riverhead Town not be depleted for a regional benefit without the local benefit of jobs and continued viability of farming within the town.
- Potential to conflict with the easement containing the proposed gen-tie line shall only be used to transmit the 20 megawatts of electricity generate at the proposed facility, and shall not be used to transmit any electricity generated at any potential future solar photovoltaic facilities, whether owned by sPower or other entities.
- Potential to conflict with land use impacts and the covenant approved by the Town Attorney, containing all the limitations and provisions of Planning Board site plan approvals contained in Resolution 2018-064 and recorded with the Suffolk County Clerk as Liber D 000012977.

- Potential to conflict with the Special Permit conditions approved by Town Board by Resolution 831, dated November 8, 2017 which found the intensity of the proposed specially permitted use was justified in light of similar uses within Industrially zoned districts, and now has increased the intensity of similar land uses with the zoning use district.
- Potential to create growth inducing impacts generated by similar land uses within the Calverton vicinity.
- Potential to generate cumulative environmental impacts due to similar land uses within the Calverton vicinity; and be it further

**RESOLVED**, the Planning Board, as Lead Agency, being recently aware of new information not previously evaluated in the sPower 20 MW DEIS/FEIS and Findings Statement issues a SEQRA Determination of Significance and Positive Declaration, and requires the preparation of a Supplemental Draft Environmental Impact Statement; and be it further

**RESOLVED**, the applicant be directed to prepare a draft Scope for the Supplemental Draft Environmental Impact Statement for the coordinated review by the Lead Agency; and be it further

**RESOLVED**, the requisite SEQRA Notice of Determination/Positive Declaration be filed with the NYSDEC Environmental News Bulletin (ENB) and all relevant information be filed with the Town Clerk; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Planning Department, the ENB and to the applicant or his agent; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

Very truly yours,

Stanley Carey, Chairman  
Riverhead Planning Board

**A motion was made by Mr. Baier and seconded by Mr. Nunnaro that the aforementioned resolution be approved:**

**THE VOTE**

**BAIER   X   YES    NO    O'DEA   X   YES    NO**

**NUNNARO   X   YES    NO    DENSIESKI   X   YES    NO**

**CAREY   X   YES    NO**

**THIS RESOLUTION X WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED**

CC: Building Department  
Town Clerk  
Richard Ehlers, Attorney to the Planning Board

sPower c/o Nancy Hsu  
2180 South 1300 East Suite 600  
Salt lake City, UT 84106

VHB Engineering Surveying & Landscape Architecture c/o Courtney Riley  
100 Motor Parkway  
Hauppauge, NY 11788

October 5, 2018

Hon. Kathleen H. Burgess,  
Secretary of the New York Board on Electric Generation Siting and the Environment  
Three Empire Plaza  
Albany New York 12223-1350  
[www.dps.ny.gov](http://www.dps.ny.gov)

Ryan Galeria, Project Manager and  
Nancy Hsu, Permitting Manager  
2180 South 1300 East, Suite 600  
Salt Lake City, Utah 84106  
[info@riverheadsolar2.com](mailto:info@riverheadsolar2.com)

Diane Wilhelm  
Office of the Town Clerk  
Town of Riverhead Town Hall  
200 Howell Avenue  
Riverhead, New York 11901

CERTIFIED MAIL- RETURN RECEIPT

RE: Comments to: Preliminary Scoping Statement (PSS), September, 2108  
Case Number 17-F-0655 Riverhead Solar 2, LLC (AKA S-Power)  
Riverhead, NY Article 10- Certificate of Environmental Compatibility and Public Need for  
Construction of a 36-Megawatt Solar Electric Generating Facility  
Riverhead, Suffolk County, New York

Dear Honorable Burgess,

The Town of Riverhead submits the following comments in response to the PSS for Case No. 17-F-0655. The Town of Riverhead finds the PSS woefully inadequate and fails to address the following:

1. Town Code: Town of Riverhead Town Code regulates Solar Facilities pursuant to Article LII: Commercial Solar Energy Production Systems [Added 10-7-2014 by L.L. No. 14-2014] Chapter 301 :Zoning and Land Development Part 3 Supplementary Regulations Article LII Commercial Solar Energy Production Systems [Amended 2-6-2018 by L.L. No. 2-2018]

The Town requests the applicant provide a more detailed analysis of the proposed project and identify how the project is in compliance or not in compliance with all sections of Town Code. Specific statements and not generalizations are required to adequately address Code compliance issues.

2. Special Permit: Commercial solar facilities, proposed for location within the Industrial C Zoning Use District are required to receive a Special Permit by the Town Board pursuant to the requirements of Article LVII: Special Permits [Added 10-1-2002 by L.L. No. 30-2002] Chapter 301 :Zoning and Land Development Part 4 Subdivision and Land Development[Amended 8-5-2008 by L.L. No. 28-2008].

The Special Permit is a discretionary action by the Town Board. It requires the Town Board consider, “That the intensity of the proposed specially permitted use is justified in light of similar uses within the zoning district.”

3. S-Power 20-MW Solar Facility, Calverton, NY: The Applicant filed a Subdivision and Site Plan with the Riverhead Planning Board for construction of a 20MW Solar Facility (aka Solar-1) and Gen-Tie Line with connection to the substation located on the east side of Edwards Avenue, a Town of Riverhead roadway. At the time of filing with the Planning Board, there were already two (2) solar array fields located east of Edwards Avenue, in Calverton. One of approximately 32-acres and the second (located behind the PODs site) approximately 12-acres. The Solar-1 Facility’s representatives stated the proposed solar facility would generate enough electricity to power 5,723 residential homes.
4. The Planning Board classified the Solar-1 application a Type 1 Action under SEQRA, and was granted Lead Agency status. The Town Board acted as an Involved Agency, because of the required Special Permit. The Lead Agency issued a Positive Determination of Significance for the Solar-1 project, requiring preparation of an environmental impact statement. The application was subjected to a comprehensive SEQRA review, through preparation of the DEIS/FEIS and Findings Statement.
5. The SEQRA reviews conducted by the Lead Agency identified a potential for the Solar-1 Facility and Gen-Tie Line to generate significant growth inducing impacts, and significant cumulative environmental impacts associated with an intensity of similar uses within the Industrial C Zoning District and Calverton area US Postal zip code. The Gen-Tie Line was the equivalent of a solar facility electrical extension cord with potential for inducing construction of additional facilities to “plug-in” to transfer electricity to the step-up facility located on the east side of Edwards Avenue.
6. The Site Plan Review and Special Permit: Decisions were based on the Lead Agency’s (Town of Riverhead Planning Board) adopted SEQRA Positive Findings Statement (Resolution 2017-107, dated October 19, 2017). The SEQRA history and decisions are cited in the Planning Board adopted Resolution No. 2018-044-Granting Site Plan Approval for the S-Power Facility (Solar-1). The first “Resolve” of Planning Board Resolution No. 2018-044 it states:

“That the easement containing proposed gen-tie line shall only be used to transmit the 20 megawatts of electricity generated at the proposed facility, and shall not be used to transmit any electricity at any potential future solar photovoltaic facilities, whether owned by sPower or other entities.” A covenant was filed with respect to the Site Plan conditions.

7. The Planning Board's conditional approval for the Solar-1 Site Plan enacted a mitigating measure for growth inducing impacts, cumulative impacts and for the Town Board's Special Permit requirement, that the intensity of the proposed specially permitted use would be justified in light of similar uses within the zoning district.
8. The October 20, 2017 letter to Hon. Kathleen H. Burgess from Young/Summer, LLC, RE: "Riverhead Solar 2 Project, Town of Riverhead, Sullivan County (sic: Suffolk County), New York," is dated ONE DAY after the adoption of the SEQRA Findings Statement and strongly suggests Solar-2 was contemplated during the Lead Agency's SEQRA review of Solar-1.
9. In compliance with the Lead Agency's responsibilities, SEQRA regulations and fulfilling its responsibilities as Lead Agency, the Planning Board must consider revisiting the SEQRA review conducted for Solar-1 due to the proposed use of the Solar-1 Gen-Tie Line and the proposed Edwards Avenue Easement described in the Solar-2 PSS.
10. The Planning Board, pursuant to its responsibilities under Site Plan reviews (pursuant to Article LVI: Site Plan Review: Chapter 301 : Zoning and Land Development Part 4 Subdivision and Land Development) and Town Board, pursuant to its responsibilities as granted under Special Permit review (Article LVII: Special Permits [Added 10-1-2002 by L.L. No. 30-2002] Chapter 301 :Zoning and Land Development Part 4 Subdivision and Land Development), consider the proposed development of Solar-2 to be a direct result of Solar-1.
11. The Solar-1 Gen-Tie Line spurred the proposed development of an additional 290-acres for the 36-megawatt Solar-2 Facility.
12. Planning Board Resolution 2108-44 permits only the 20-MW facility to use the Gen-Tie Line, as memorialized in a covenant filed with the Suffolk County Clerk, Liber D000012977, page 544, dated September 7, 2018.
13. The transfer of electricity by Solar-2 has not been adequately described by the Applicant and must be detailed as part of the Scope.
14. Cumulative impacts generated by a total of five (5) solar generating facilities (sPower: Solar-1, sPower: Solar-2, Sutter Greenworks, GES Megafour, and Sterlington Greenworks) and within the Calverton zip code must be included in the Scope.
15. The Scope must define the need and purpose for siting the facility in Riverhead, NY. From the sPower FEIS for the Solar-1 Facility (prepared by VHB) and filed with the Lead Agency it states:

"A representative of PSEG Long Island was contacted (sic by the preparers of the sPower Solar-1 FEIS) which yielded a table of all operating solar projects that have a signed Power Purchase Agreement (PPA) with LIPA (see table in Appendix I). Several are smaller rooftop systems, which

are scattered throughout the LIPA distribution and transmission area. The larger systems, i.e., those rated at 1.0 MW or above) generally include ground mounted projects such as that proposed. These larger systems are identified in Table 2, below:

**Table 2 Solar Projects with LIPA PPA (>1.0 MW)**  
Project Size, Operation Date & Municipality (ies)

1. Long Island Solar Farm 31.5MW	11/1/2011 Brookhaven
2. Eastern Long Island Solar Project (Carports) 11.3 MW	Various (Oct 2011-Oct 2012) Islip, Smithtown, Southampton
3. Leavenworth Greenworks LLC 9.5 MW	5/31/2016 Brookhaven
4. Sutter Greenworks LLC 5.0 MW	11/2/2015 Riverhead
5. GES Megafour, LLC 3.0MW	10/30/2015 Riverhead
6. Cedar Creek B 1.9 MW	6/30/2017 Hempstead
7. Sterlington Greenworks LLC 1.3	11/2/2015 Riverhead
8. Tanger Factory Outlet Centers Inc. (Rooftop) 1.2 MW	2/17/2017 Babylon

The table of all solar projects with an approved PPA is in Appendix 1, indicates that there are approximately 76.5 MW of solar facilities operating under PPAs with LIPA.”

As stated in the EIS for the 20 MW facility, Table 2 indicates that the vast majority (i.e., 64.7 MW) of the total capacity is in the form of eight larger systems. A total of 55.4 MW, or approximately 85.6 percent of the capacity of these larger systems is generated outside of the Town of Riverhead. These systems are primarily located within other Suffolk County townships, with the exception of the 1.9-MW-facility at the Cedar Creek sewage treatment plant in Nassau County.

16. The proposed Solar-2 36-megawatt facility and the 20-megawatt facility together with the 9.3 MW from the existing solar facilities in Riverhead will bring the total output generated by solar facilities in Riverhead to 65.3 MW. All of these facilities are currently or in the development stages for location in Calverton (zip code 11933).
17. Of the 76.5-MW of solar facilities operating under current PPAs with LIPA, the potential output (existing and proposed) from solar generated in Riverhead represents 85.6 % of all solar facilities currently operating on Long Island, with all of Riverhead’s current and proposed facilities located within the Calverton zip code. If Solar-2 is constructed, the total 65.3 MW of solar energy generated by major facilities within the Calverton area would represent the largest source of solar generation on Long Island. The gross total of potential solar generated electricity under PPAs with LIPA on Long Island is estimated at 132.5 MW. Riverhead represents 49.29 % of this gross amount. The Town requires the Scope address this disproportionate approach to siting facilities in Riverhead, and identify all other solar facilities planned developments for Long Island’s other municipal corporations, including Counties, Townships and Villages.
18. The Scope must include a detailed siting analysis that demonstrates “That the intensity of the proposed specially permitted use is justified in light of similar uses within the zoning district.”

19. Riverhead considers the location of solar facilities to be of regional significance. The energy needs of eastern Suffolk County (commonly referred to as The Five East End Towns, comprised of Riverhead, Southampton, Southold, Shelter Island and East Hampton) have increased significantly and there are no ground mounted solar installations east of Riverhead on neither the North (Riverhead, Southold, Shelter Island, Village of Greenport) nor South Forks (Southampton and Easthampton). Riverhead considers the proposed siting of an additional 36-MW of solar facility, and its contribution to New York State's renewable energy goals, is clearly a disproportionate commitment of limited Town resources, compared to the resources available from all other municipalities located within Nassau and Suffolk Counties. The Scope shall address the justification of siting the facility in Riverhead, and analyze alternative site locations outside the Riverhead Town boundaries.
20. With the siting of  $\pm 65$  MW of combined solar PV generating facilities within the Calverton zip code, the Town requires an analysis of the restrictive effects of siting such significant generation capacity in a concentrated area, i.e. what are the impacts to local businesses and residents to be able to install solar generation capabilities on private businesses or residences?

**The PSS states:**

*(5) Study Area Visual Study Area: The study area to be utilized to conduct visual impact assessments for the proposed Facility will be a 1-mile radius around the Facility Site. As described in the Public Involvement Program (PIP) Plan a 1-mile study area has generally been established for the Facility, which is based on the results of a preliminary viewshed analysis and limited visibility (as indicated in Section 2.3 of the PIP, "...calculations based on the results of the preliminary viewshed analysis indicate approximately 12% of the 1-mile study area would have potential visibility of the proposed Facility. Further review of the results indicates that only 0.1% of the area between 1 mile and 2 miles of the Facility would have potential visibility. These results suggest the 1-mile Study Area is adequate to address all necessary impacts and concerns related to the visibility of the proposed Facility."). However, a single, universal, 1-mile study area will not be used for all studies/analyses. The following represents a summary of the anticipated study areas for the various resource studies to be conducted and included in the Application.*

21. The Town strongly disagrees with the study area boundaries. The proposed (minimum 1-mile) study area does not adequately address visual impacts to EPCAL. For the Solar -1 facility, the active airport runways located at EPCAL necessitated preparation of a "Glare Study and Impact Assessment," in accordance with local (Riverhead Planning Board) and FAA requirements and standards. The assessment was prepared for the Solar-1 to evaluate potential glare from the proposed rotating panels on inbound and outbound airport use and is a significant concern for the proposed S-2 facility. The EPCAL facility is an important economic asset of the Town. The Town requires the study area be expanded westerly to Wading River-Manor Road, and southerly to Grumman Boulevard, and must be prepared pursuant to all FAA regulations regarding solar PV facilities in the vicinities of any FAA regulated areas.

22. The Applicant's Scope must address compatibility and intensity of the Solar-2 Facility with the surrounding land uses that are within a 6-mile study area, not the proposed 1-mile area.

**The PSS states:**

*There are a variety of visual mitigation options that have been or could be applied to solar projects. For a given project, visual mitigation options are typically evaluated based on the existing visual character, aesthetic features, vegetation, and visual sensitivity of a given project setting. Appropriate setback distances should be determined based on the sensitivity of the adjacent uses. For instance, smaller setbacks may be appropriate for limited use county roads than for more highly used roadways. Larger setbacks may be appropriate for areas adjacent to residences or public recreational areas, but smaller setbacks would be acceptable in areas adjacent to agricultural, industrial, forest, or vacant land. Security fencing can result in a significant visual impact for solar projects sited in rural areas. It is important to understand that security fencing is required for solar projects for safety and security purposes. However, specific vernacular fence styles in selected locations can be considered if there are specific existing styles, materials, or designs that relate to existing features in the landscape of a given project area. In these cases, selection of fence styles is typically based on precedent examples on adjacent properties or within the local community so that when installed the project would better blend into the existing visual setting. Visual screening can include use of earthen structures (i.e., berms) or planting of vegetation intended to block or soften views of the project. Common approaches to visual screening include:*

*Earthworks/berms: In select locations altering the topography to aid in the screening of a project from adjacent areas and/or sensitive sites can be a viable option. **However, in many areas (such as relatively undeveloped agricultural areas) the introduction of earthen berms (or other earthworks) would result in new visual elements that are not in keeping with the existing landscape and would not be appropriate.***

*Evergreen Hedges: Use of vegetation for mitigation can include installing a screening hedge made up of evergreen trees and shrubs along roadways and/or selected portions of the exterior fence line of the project. **This approach is effective and commonly implemented in urban and suburban settings, however, it may not be appropriate in some settings (such as relatively undeveloped agricultural areas) where the introduction of evergreen hedges would be inconsistent with the existing visual setting.***

*Native Shrubs and Plantings: An alternative to evergreen hedges, which may not appear naturalized or appropriate in many settings, is use of native shrubs and plantings along road frontages and/or selected portions of the exterior fence line of a project. **This approach does not typically result in plantings that completely screen views of the project, but instead serve to soften the overall visual effect of the project and can help to better integrate the project into the surrounding landscape.** Plantings should be selected based on aesthetic properties, to match with existing vegetation in the project vicinity, and the ability to grow in the specific conditions of a project area. In addition to helping to blend the project into the surrounding landscape, use of*

*native plant species will also provide environmental benefits to the local animal and insect communities.*

23. The Applicant has “pre-determined” that several options and alternatives for mitigation of visual impacts by earth works and vegetative cover are inappropriate without conducting a detailed assessment. The Town finds this approach as premature, speculative and capricious. The Town requires a fully detailed assessment of all alternatives for mitigating visual impacts using berms, and vegetative cover.
24. The Town requires a detailed description of the earthen berm dimensions and vegetation types as may be necessary for comprehensive uninterrupted screening (not intermittent approaches to protection of vistas), irrigation supply and projected water use, irrigation methods, and maintenance methods for the grow-in and long term survival of all plant materials. Generic statements are not acceptable.
25. The existing agricultural land uses are critical community characteristics that support the Town’s Agri-Tourism goals as identified in the Town’s Comprehensive Plan. Alternatives for mitigating visual impacts must evaluate impacts and be consistent with on the Town’s Agri-Tourism goals.

**The PSS states:**

*Transportation: The study area to be utilized to assess potential impacts resulting from the transportation needs for the construction and operation of the proposed Facility will be those potential transportation routes beginning at the intersection of I-495 and Route 25 and ending at the Facility access roads off of Edwards Road and Middle County Road.*

26. The Town requires the PSS address the traffic impact associated with the signalized intersection of Edwards Avenue and Route 25. The Applicant indicates a substantial influx into the local roadways generated by 100s of construction related employees and construction materials. Materials will likely be sourced from areas from outside the immediate vicinity and employees, including those who may temporarily reside in Riverhead hotels, will further congest the Edwards Avenue/RT 25 intersection. There are potential for significant conflicts with the existing commercial traffic on Edwards Avenue, which includes the Riverhead Central School District bus depot and the Hampton Jitney Bus Depot and bus service facility, as well as the Riverhead Charter School (during peak operating hours, 8am-9am and 3pm-5pm). The Scope must address alternative transportation routes to the site(s), identify hours of construction material deliveries, identify employee transportation methods and hours of work, and location of all construction staging areas.
27. Turning movements for commercial vehicles and the trip distribution analysis and mitigation should be part of the Transportation Assessment.

28. The scope must specifically identify the location of construction entrances to the facilities, and identify what permits would be required for these entrances, i.e. New York State Department of Transportation, Town of Riverhead Highway Department, etc.

**The PSS states:**

**2.9 ALTERNATIVES**

*(a) Description of Reasonable Alternative Location Sites*

*The Applicant does not have and does not anticipate seeking eminent domain authority. The Article 10 regulations permit applicants to limit the identification and description of siting alternatives to those sites owned by, or under option to, the applicant or its affiliates. Therefore, the identification and description of reasonable and available siting alternatives to be addressed in the Application will be limited to lands actually owned by or under contract/option to the Applicant.*

*(b) Comparison of Advantages and Disadvantages of Proposed and Alternative Locations*

***Given the limitations faced by a private Facility Applicant, as described above in (a), the Applicant is not providing an evaluation of comparative advantages and disadvantages of alternate locations. The Siting Board's regulations (16 NYCRR 1001.9) recognize that it is not practicable to procure land contracts, perform environmental and engineering due diligence studies, enter into and progress through multiple interconnection permit processes, and conduct community outreach for alternative locations. Rather, the Siting Board's regulations provide that an applicant need only identify and describe alternative sites owned by, or under option to, the applicant or its affiliates.***

29. The Town finds the above statement and conditions to be unacceptable. The Town Planning Board, as SEQRA Lead Agency, required the Applicant for Solar-1 identify prospective alternative sites within the other Five East End Towns that held potential for commercial solar facilities, and to identify facilities within those townships that were developed or proposed for development. The applicant has the resources to form lease agreements with other Suffolk County landowners that are beyond the limits of the Calverton zip code. There are other significant large tracks of land in neighboring towns that are currently in agriculture use or are undeveloped, which are available to the Applicant, and could support the proposed facility.
30. The Applicant, as a private facility operator, and by its own initiative, selected the lands for Solar-2 and entered into "options or ownerships" as identified and described in the PSS. The Town does not have access to the validity of said options, leases and ownerships, and does not accept these limitations. The Applicant has no verifiable proof that S Power, who describes itself as operating 150 facilities, does not have alternative sites available for the proposed facility.
31. Supported by the Lead Agency's SEQRA review, the Applicant did not identify the current Solar-2 properties as owned by, or under option, to the Applicant or its affiliates.

Therefore the “growth inducing impacts” and “cumulative impacts” sections of the Solar-1 DEIS/FEIS and Findings Statements were inadequately assessed.

32. What other alternative sites are owned by, or under option to, the applicant or its affiliates?

**The PSS states:**

*(c) Description of Reasonable Alternatives to the Proposed Facility at the Proposed Location*

*The Article 10 Application will address alternate scale and magnitude of the Facility in the context of the interconnection agreement and power purchase contracts (i.e., a 36 MW Facility), which eliminates the Applicant’s ability to develop a viable project that generates less than 36 MW. Therefore, alternatives to be evaluated will be limited to alternate panel configurations that generate at least 36 MW. With respect to the proposed gen-tie line, because this component will be sited within an existing gen-tie corridor (associated with the Calverton/Riverhead Solar 1 Facility), alternate locations will not be addressed in the Application.*

33. The Town objects to this statement. Clearly the Gen-Tie Line has local restrictions set forth in Planning Board Resolution 2018-044 and associated filed covenants. Based on the Town’s internal reviews it may not be feasible to comply with the Planning Board’s site plan conditions placed on Solar-1 approval and yet objectively assess Solar-2 as reasonably viable.

*(h) Comparison of Advantages and Disadvantages of Proposed and Alternative Locations Given the unique nature and constraints associated with the siting of solar-powered electric generation facilities (i.e. adequate and unutilized land, willing land lease participants and host communities, and adequate access to the bulk power transmission system), a full comparison between the proposed Facility Location and alternative locations will not be contained in the Application. Instead, the Article 10 Application will focus on comparing alternative facility configurations within the proposed Facility Site. Such alternatives may include alternative project layouts and/or alternative project size and a no action alternative and as identified in Section 2.9.*

34. The Town objects to this statement. Clearly the Gen-Tie Line has local restrictions set forth in Planning Board Resolution 2018-044 and associated filed covenants. Based on the Town’s internal reviews it may not be feasible to comply with the Planning Board’s site plan conditions placed on Solar-1 approval and yet objectively assess Solar-2 as reasonably viable.

35. The Applicant, as a private facility operator, and by its own initiative, selected the lands for Solar 2 and entered into “options or ownerships” as identified and described in the PSS. The Town does not have access to the validity of said options, leases and ownerships, and does not accept these limitations. The Applicant has no verifiable proof that S Power, who describes itself as operating 150 facilities, does not have alternative sites available for the proposed facility. Supported by the Planning Board’s SEQRA review, the Applicant did not identify these current S-2 properties as owned by or under option to the Applicant or its affiliates. Therefore the “growth inducing impacts” and “cumulative impacts” sections of the Solar-1 DEIS/FEIS and Findings Statements were inadequately assessed.

36. What other alternative sites are owned by, or under option to, the applicant or its affiliates?

37. The Town finds the above statements unsupported by any fact, finds the statement speculative and capricious and determined based solely on the Applicant's own need to meet the interconnection agreement and power purchase contracts (i.e., a 36 MW Facility), which it knowingly entered into with no guarantees of achieving the terms of the agreement because of approvals necessary for construction.

38. The Applicant has already proposed a 20-MW facility in Calverton's zip code area. The Town recognizes no reasons to eliminate the Applicant's ability to develop a viable project that generates less than 36-MW, and requires alternatives to the proposed facility smaller than 36-MW including facilities that are smaller than 25-MW and below the Article 10 threshold.

39. Limiting evaluation of reasonable alternatives to only those alternatives tailored to the Applicant's desired outcome is a complete disregard for objective and fair reviews, be those reviews conducted under NEPA, SEQRA or Article 10. The proposed alternative section of the PSS is unacceptable to the Town of Riverhead.

*(i) Why the Proposed Location and Source Best Promotes Public Health and Welfare*

*The Facility will have a positive impact on public health and welfare by producing electricity with zero emissions. Electricity delivered to the grid from solar energy projects can reduce the growth of existing conventional power plants.*

*When the proposed Facility is generating power, electricity generation from natural gas would be reduced within the region, thereby eliminating the associated emissions.*

40. The Town finds the statement is speculative at best. There are no conventional power plants proposed in the vicinity of Riverhead. With none proposed, the suggestion that the proposed facility has a positive impact on the public health within the host community or nearby communities is completely unsupported. The Scope shall address positive health benefits with factual and detailed evaluations, including a discussion of proposed "conventional power plants" planned in the vicinity of the Calverton zip code that may negatively impact public health and welfare; not simply offer broad statements regarding hypothetical power plants. The Applicant shall provide valid comparative impacts on public health and welfare in support of the proposed facility, and all alternatives assessed as requested by the Town of Riverhead.

41. Site Plan & Building Permits: The Scope must address compliance of the project with the Town's standard site plan review and approval process normally conducted by the Town Planning Board pursuant to Article LVI: Site Plan Review: Chapter 301 : Zoning and Land Development Part 4 Subdivision and Land Development Article LVI Site Plan Review.

42. The Applicant must identify how the application conforms to the Town's standard site plan review, what fees would normally be generated by Town reviews and how the Planning Board shall have continued involvement in the review process. The Applicant must identify how the loss of typical Town site plan review and building permit fees are impacted and how the Town's cost associated with review of the application under Article 10 shall be mitigated. A calculation of all associated review costs shall be calculated and the Town strongly recommends the Siting Board utilize the fee structure described under 6NYCRR Part 617 or an equivalent standard be used as the metric for the application's review fee calculations.

43. The Applicant's proposed site plan scale of 1" = 100-feet is inadequate to evaluate potential impacts. The Town requires the scale to be changed to 1" = 30-feet, with 2-foot contours with identification of manmade and natural topographic features provided whereby impacts can be accurately assessed (such as freshwater wetlands, adjacent area to wetlands, width and lengths of ingress/egress locations-curb cuts, compliance with Town required setbacks for primary and accessory structures, evaluations of utility conflicts, assessment of easements and right-of-ways, location of Prime Agricultural Soils as described and protected by the Town of Riverhead and other typical site plan review requirements).

44. The Solar-1 Facility is to be decommissioned after 20-years. The proposed Solar-2 project is described as having a lifetime between 20-years to 40-years. The Town finds this variation of two-decades unacceptable. It is not possible to accurately or reasonably evaluate impacts, with a 20-year variation of time. The Scope must define the precise life span of the project and the date for decommissioning.

45. Community Benefits: The Town disagrees with the Applicant's PSS stated benefits. A recently drafted "Community Benefits Agreement" between a renewable energy provider (Deep Water South Fork, LLC) and the Town of East Hampton, Suffolk County, New York offers approximately \$8.0 million in Community Benefits to the Town. The Deep Water South Fork, LLC also requires interconnection facilities to deliver its output to the substation.

46. The PSS must address potential harmful consequences to health and human safety from the upgraded LIPA substation and its impacts to nearby residents, businesses, and other ventures, i.e. the Riverhead Charter School. Will the upgraded substation create any detrimental impacts such as electromagnetic interference, etc.

**The PSS states:**

*The Riverhead Solar 2 Project will have a nameplate capacity of 36 MW and is expected to generate approximately 72,345 MWh of energy for year one of operation.*

*Solar energy is most beneficial during the summer demand to meet air conditioning loads. Avoiding the use of fuel offsets additional air pollution from burning fossil fuels and dampens the cost of power at this time of peak conventional power cost. Solar modules have followed the same*

*cost pattern as many other electrical devices. Module costs have fallen significantly over the last 5 years, dramatically changing their role in wholesale power supply.*

47. According to a published article by Bloomberg Business (September 20, 2018) and their referenced study of solar facility siting, Long Island is the nation's prime marketplace for locating solar facilities and is valued at \$45.00 per MW-hr. Based on the Applicant's PSS for Solar-2 it is empirically estimated:  
 $72,345\text{-MWh/year} \times \$45.00/\text{MWh} = \$3,255,525.00 \text{ per year} \times 40\text{-years} = \$130,221,000.00$   
projected gross income, only from the 36-MW facility.

48. The Town requires the Applicant address comprehensive and specific community benefits to the Town of Riverhead and the residents within the impacted area described as US Postal Service zip code 11933. Statements regarding "payments in lieu of taxes" and "taxable benefits," or suggestions of increased local economic benefits during construction do not provide substantive and long term community benefits that equate to the duration of the project (20-years to 40-years), number of full time employment opportunities generated by the facility, and development of 290-acres of industrial land associated with alternative permitted uses. Combined with existing and proposed solar facilities, the Calverton area will host approximately 460-acres of solar array fields, producing perhaps a dozen full time jobs, or one job for every 38-acres. Measured by the Town's experience with agricultural, commercial and industrial employment, the estimated density of solar related job opportunities is extremely weak, compared to the projected annual revenues of all solar producing facilities located in Calverton. The Scope must qualitatively and quantitatively detail community benefits.

49. Freshwater Wetlands: The Town of Riverhead has jurisdictional authority within 150-foot of Freshwater Wetlands located within the Town. The Scope must address potential impacts to the Town's mapped and/or identified Freshwater Wetlands not simply the wetlands recorded by NYSDEC.

50. The portions of the land for the proposed development of Solar-2 are within the Compatible Growth Area (CGA) of the Central Pine Barrens. The Central Pine Barrens Commission must provide comments to the PSS. The Town requests the Scope identify the project's compliance with the Central Pine Barrens regulations and verify that clearing limits within the CGA are achievable.

### **Miscellaneous:**

The following items, although not directly addressed in the PSS, have nonetheless been identified by the Town as significant concerns which must be addressed in the PSS:

51. The PSS does not indicate if sPower, or its affiliates, intend on constructing any habitable structures as a part of this project, i.e. offices, maintenance facilities, etc. The PSS must address any possible structures and clearly identify their location, whether on the site of the solar PV facilities or elsewhere throughout the Town of Riverhead, and state their intended purpose.

52. Stormwater management has been of significant concern to the Town of Riverhead. The PSS must clearly identify how the impervious surfaces created by the solar panels will impact stormwater management, and how the project will contain all stormwater on-site without discharging onto neighboring properties or highways.

53. A large portion of the proposed solar panels will be located on industrially zoned agricultural land. The PSS must address the impacts to the prime agricultural soils, which are of significant importance in meeting the Town of Riverhead's agro-tourism goals as identified in the Town's Comprehensive Master Plan.

54. The PSS must identify the potential economic detriment to the Town, including, but not limited to:

- i. What are the potential impacts to the Town's Community Preservation Fund (CPF) funds, in the form of the 2% land transfer tax, from these lands being leased as opposed to being purchased by the project sponsor?
- ii. With the construction of the Riverhead Solar 1, Riverhead Solar 2, and the other existing facilities, what are the impacts to land values in the Calverton area with approximately  $\pm 500$  acres of solar PV facilities being situated within a single Hamlet?
- iii. What are the impacts to the PILOT program, which runs for a duration of 15 years, when the proposed life of the Riverhead Solar 2 project is suggested to be 30-40 years?
- iv. What are the impacts to the Town related to recording fees other than the CPF funds noted above; i.e. Mortgage recording fees? Will the applicant seek relief of any kind from the recording fees, such as those given by an Industrial Development Agency (IDA).

55. The PSS must look at the risks or impacts by running the gen-tie line underneath Edwards Avenue? What will the profile of the underground crossing look like? Are there alternative methods for delivering the power generated at the Riverhead Solar 2 facility to the LIPA substation?

56. Will the underground gen-tie line require markers near the Edwards Avenue right-of-way identifying the location of the line? Will the project sponsors be required to participate in the New York 811 "Call Before You Dig" program?

57. What if the underground gen-tie line fails? Would repair of the line involve construction requiring the opening of Edwards Avenue?

58. As solar PV technology advances, the potential for the proposed solar facility to generate more than 36 MW utilizing the same footprint by switching out solar panels becomes more likely. The PSS must identify what the permitting process would look like as advanced technology becomes available and the ability to increase the MW production becomes a viable option for the project sponsor.

Thank you for this opportunity to submit our comments to the PSS.  
Respectively submitted by,

Jefferson V. Murphree, AICP  
Land Management Administrator  
Town of Riverhead Planning Department  
201 Howell Avenue  
Riverhead, NY 11901

10% or less of row crops, abandoned plant nursery, disturbed/developed land, and successional shrubland; and 1% or less of paved road, delineated wetland, and farm pond. As indicated above, plant/ecological communities, as summarized below in Table 2, were identified through on-site field investigation.

**Table 2. Ecological Communities Found within the Facility Site**

Ecological Community	Acres	Percent Cover (%)
Mowed Lawn	106.9	36.8
Successional Old Field	58.5	20.1
Pitch Pine-Oak-Heath Woodland	34.4	11.8
Disturbed/Developed Land	20.0	6.9
Abandoned Plant Nursery	15.9	5.5
Successional Shrubland	12.9	4.4
Successional Hardwoods	11.2	3.9
Pitch Pine-Oak Forest	10.5	3.6
Row Crops	6.6	2.3
Red Maple-Blackgum Swamp	4.4	1.5
Delineated Wetland	2.9	1.0
Paved Road	2.6	0.9
Pine Plantation	2.3	0.8
Spruce/Fir Plantation	1.4	0.5
Farm Pond	0.1	0.04
<b>Total Forestland</b>	<b>64.2</b>	<b>22.1</b>
<b>Overall Total</b>	<b>290.7</b>	<b>100.0</b>

Field Review

Plant communities were mapped for all land area within the Facility Site based on field studies and investigations. These plant/ecological communities are shown on Figure 9. Detailed descriptions of each community will be provided in Exhibit 22(a) of the Article 10 Application.

(b) Impact to Plant Communities

Facility-related impacts to all plant communities will be calculated in ArcGIS based on the design of the Facility as provided in the Article 10 Application. This will include temporary and permanent impacts based on the limits of construction disturbance and the footprint of the built Facility, as determined through preparation of the Preliminary Design Drawings to be included in the Application. Impacts will be presented in tabular format.



**Riverhead Solar 2 Project**  
 Town of Riverhead, Suffolk County, NY

**Figure 2: Facility Area**

- Notes:**
1. Basemap: ESRI StreetMap North America, 2012
  2. This map was generated in ArcMap on October 19, 2017.
  3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

-  Proposed Facility Area
-  Riverhead 1 Facility Location
-  Existing Solar Facility
-  Parcels
-  Town Boundary

