



December 16, 2020

Town of Ossining Planning Board
John-Paul Rodrigues Operations Center
101 Route 9A – P.O. Box 1166
Ossining, NY 10562
(914) 762-8419
ATTN: Ching Wah Chin

RE: Borrego Solar – Site Use Permit Set prepared by PV Engineers, P.C. Last Revise October 22, 2020

Project Name: 381 N Highland Ave

Valerie Monastra, AICP, Nelson Pope Woorhis (11/12/20)

SEQR and Procedural Comments

1. SEQR: The Proposed Action is classified as an Unlisted Action. The Planning Board circulated a notice of its intent to be lead agency to commence the SEQR process and it is recommended that the Planning Board declare itself as lead agency at the November 18, 2020 Planning Board meeting.

Response: Noted

2. Zoning: The Project Site is zoned R-20. The Applicant is seeking approvals for a battery energy storage facility which will require a special permit from the Zoning Board of Appeals (ZBA). The proposed use would fall under the use category “public utility rights-of-way,” as well as “structures and other installations necessary to serve areas within the town” [200-7(B)(3)].

Response: Noted

3. Public Hearing: A Planning Board public hearing per Section 200-50(C)(5) of the zoning code will be required.

Response: Noted

4. Zoning Board of Appeals: A special permit is required for this application.

Response: Noted

5. County Board Referrals: This project was referred to the Westchester County Planning Board per Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code. The County sent a response dated October 19, 2020 which found the application “to be a matter for local determination in accordance with your community’s planning and zoning policies.”

Response: Noted

Outstanding Environmental Review Comments

1. A review of the Full EAF was undertaken and details were provided in the October 5, 2020 comments memorandum. The Applicant provided a revised EAF and all EAF comments were addressed.

Response: Noted

2. Threatened or Endangered Species: The Applicant prepared and provided a habitat assessment report which found that the proposed project will have No Effect on any threatened or endangered species or habitat for those species. A response from the NYS DEC is still pending.

Response: Noted

3. Archeological Site: The Applicant is preparing a Phase 1A/B for the site to address the State Historic Preservation Office's comments. A review of that report will be conducted once a copy is received.

Response: Noted

Site Plan Comments

1. The Applicant provided additional details on the road widths and road surface materials. A 20-foot wide gravel driveway is proposed. John Hamilton, Building Inspector, reviewed the proposed roadway and has the following questions/comments on the access road:

- a. Please provide the travel distance from the roadway to the nearest fire hydrant.

Response: The travel distance from the roadway to the nearest fire hydrant has been included in Note 1, Sheet C-4.0. The distance is 510'.

- b. The turning radius must conform to Appendix D Fire Apparatus Access Roads in the 2015 International Fire Code. The Fire Department should review the proposed turnaround.

Response: The turnaround conforms to Appendix D. (20' roadway width, 70' tangent length, 35' radius curves)

- c. The driveway grade should not exceed 10%.

Response: The driveway grading has been revised to 10%.

2. The Applicant provided architectural profiles of the storage facility. The profiles also identify the dimensions of the batteries and their associated mechanical equipment.

Response: Noted

3. A 7-foot chain linked fenced is proposed. The Planning Board may want to specify the color of the fence and if the fence should contain slats.

Response: Noted

4. Landscaping has not been proposed and the Applicant is proposing to install the battery energy storage system on a mowed field. No tree removal is anticipated. However, the Planning Board may want to discuss if landscaping is necessary and if so where they would like to see its installation.

Response: Noted

5. The Ossining Fire Department should review and comment on compliance with all applicable fire safety codes and emergency access to the battery storage facility.

Response: Noted

6. The Applicant provided information in their Response to Comments on the noise levels that would be generated from the battery energy storage system. Based on the information provided and the location of the surrounding land uses, the facility will meet the Town's Noise regulations found in Chapter 130, Noise, of the Town Code.

Response: Noted

7. The Applicant provided information on lighting in their Response to Comments. There will be no additional continuous lighting for the system or parking lot. The battery containers contain two 18W LED, switch-controlled lights (on opposite sides of the battery container) and the external pad will contain a single dark sky compliant light. All fixtures are at low incident angles to reduce light pollution to abutting properties.

Response: Noted

Additional Plans

The Town of Ossining is working on a draft Battery Energy Storage law based upon New York State Energy Research and Development's (NYSERDA) model law. The law itself will most likely not be adopted until after this application is complete. This application meets many of the criteria in the model law, but there are a few additional plans highly recommended by NYSERDA that should be submitted and reviewed during site plan approval for battery storage facilities. It is recommended that the Applicant provide the following additional plans for review and comment by the Building Department and Ossining Fire Department:

1. Decommissioning Plan – was provided and should be reviewed by the Building Department and Ossining Fire Department.

Response: Noted

2. Operation and Maintenance Plan - An Operation and Maintenance Plan will be prepared for this project and supplied to the Building and Fire Departments for review and approval prior to the issuance of a Building Permit. Once operational the site will have a full-time (24/7) O&M company monitoring and maintaining the system.

Response: Noted

3. Emergency Operations Plan - was provided and should be reviewed by the Building Department and Ossining Fire Department.

Response: Noted

As a condition of approval all plans should be reviewed by the Building Department and Ossining Fire Department prior to issuance of the building permit and any transfer of ownership of the battery energy storage system will assume all of the obligations of the site plan approval, emergency operations plan, operation and maintenance plan, and decommissioning plan.

Dan Ciarcia, Ciarcia Engineering, P.C. (11/18/20)

The latest set of plans submitted for the Borrego Solar project at the Saint Augustine facility has been reviewed and we have the following comments:

1. Provide a Stormwater Pollution Prevention Plan (SWPPP) to capture and treat the additional runoff generated by the proposed access road and equipment pad. The applicant has acknowledged this requirement, but the SWPPP has not been submitted for review.

Response: The draft SWPPP is nearing completion and will be provided this week. Our calculations have changed slightly due to the change from 15% grade road to 10% grade road.

2. Indicate the limit of disturbance on the erosion control plan and post the total disturbed area on the plans.

Response: Limits of disturbance have been indicated on the erosion control plan and total disturbed area has been added.

3. Confirm that the silt sock shown on the erosion control plan is the same device depicted on the detail sheet as a "mulch tube". The nomenclature should be consistent between the plan and details.

Response: Detail nomenclature has been changed to maintain consistency amongst plan and details.



Please feel free to contact me if you have any further questions.

Sincerely,
PV Engineers, P.C.

A handwritten signature in black ink, appearing to read 'G. Gibbons', with a stylized flourish at the end.

Gregory Gibbons, P.E.
Civil Engineer
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