

It's time to stop trying to make this bad idea work, because no matter how much time and money is spend, it will never be a "good idea."

Instead, let's come up with good ideas, together, that we can all get behind.

Thanks again for your continued attention to this matter.

John Ealer
5 Prickly Pear Hill Road
john@johnealer.com
Croton Deserves Responsible Solar

Steve Varvaro
1263 Albany Post Road
Croton-on-Hudson, NY 10520

January 10, 2021

The Honorable Brian Pugh, Mayor
& Village Board of Trustees
Village of Croton-on-Hudson
1 Van Wyck Street
Croton-on-Hudson, NY 10520

Dear Mayor Pugh and Village Trustees,

I have written several letters, and commented in person before the Board of Trustees on at least three occasions about the problems associated with the Hudson National Golf Course Solar Array proposal. All along the Board has passed the buck to Chazen/La Bella to do the background investigation of the issues. With every iteration of Matrix/Mastromonaco's responses Chazen/La Bella ignores or downplays significant issues and lets unreasonably answered questions go unchallenged.

Of course the main topics are:

- Elimination of Trees on Steep Slopes
- Abrogation of the No Disturbance Area that was a condition of the HN charter
- Both future and present water shed issues
- Water Erosion and potential unmitigated damage to the existing conditions
- Complete dismissal of the need for "Post-construction" remediation measures*
- Serious view shed harm
- Strong community opposition to this project (Previous comments ran 120 against, 6 pro, the most recent tranche is 19 to 1)
- A history of transgression on previous commitments to environmental stewardship by Hudson National
- A mitigation offer from Matrix that is an insult in both dollar value and remediation for harm done

*exasperated by Chazen's feeble responses to this important topic.

It is clear from the most recent items posted on the Proposal Portal of the Village website that the Village is trying to promote and bolster its favorable position to this project. One only has to review the two graphs and charts that show; a) that only .4% of the village acreage will be impacted, clearly meant to downplay the significance of the distributed area, and b) Total Solar Installation's in Croton, which is clearly meant to promote the size of this proposal vs. that already in place. Presumably since there is no credit line on either chart/graph they were prepared by the Village to put the project in a favorable light.

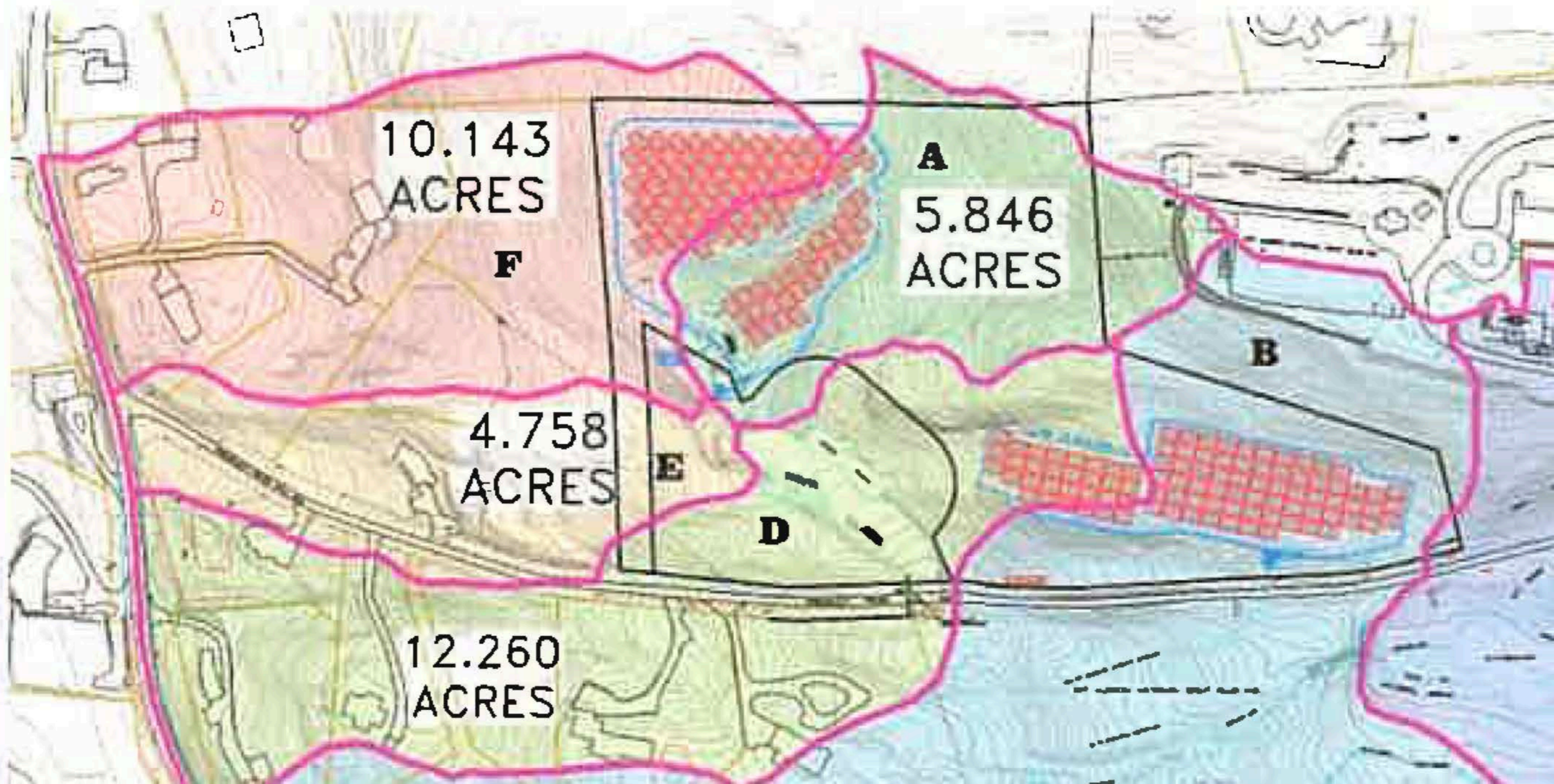
Further more the "Timeline" prepared for the January 10, 2022 work session reads like a case outline to support your position justifying the work that has been put toward this application.

The Village Board of Trustees should turn this project down cold, as it should have done because of the No Disturbance Zone charter, or at minimum find a Positive Declaration and require a full Environmental Impact Statement so that all of the issues can be addressed in a transparent and fair process, that gives the community at large and other experts the voice they deserve.

Sincerely,

Steve Varvaro

Figure: Overall Watershed Map



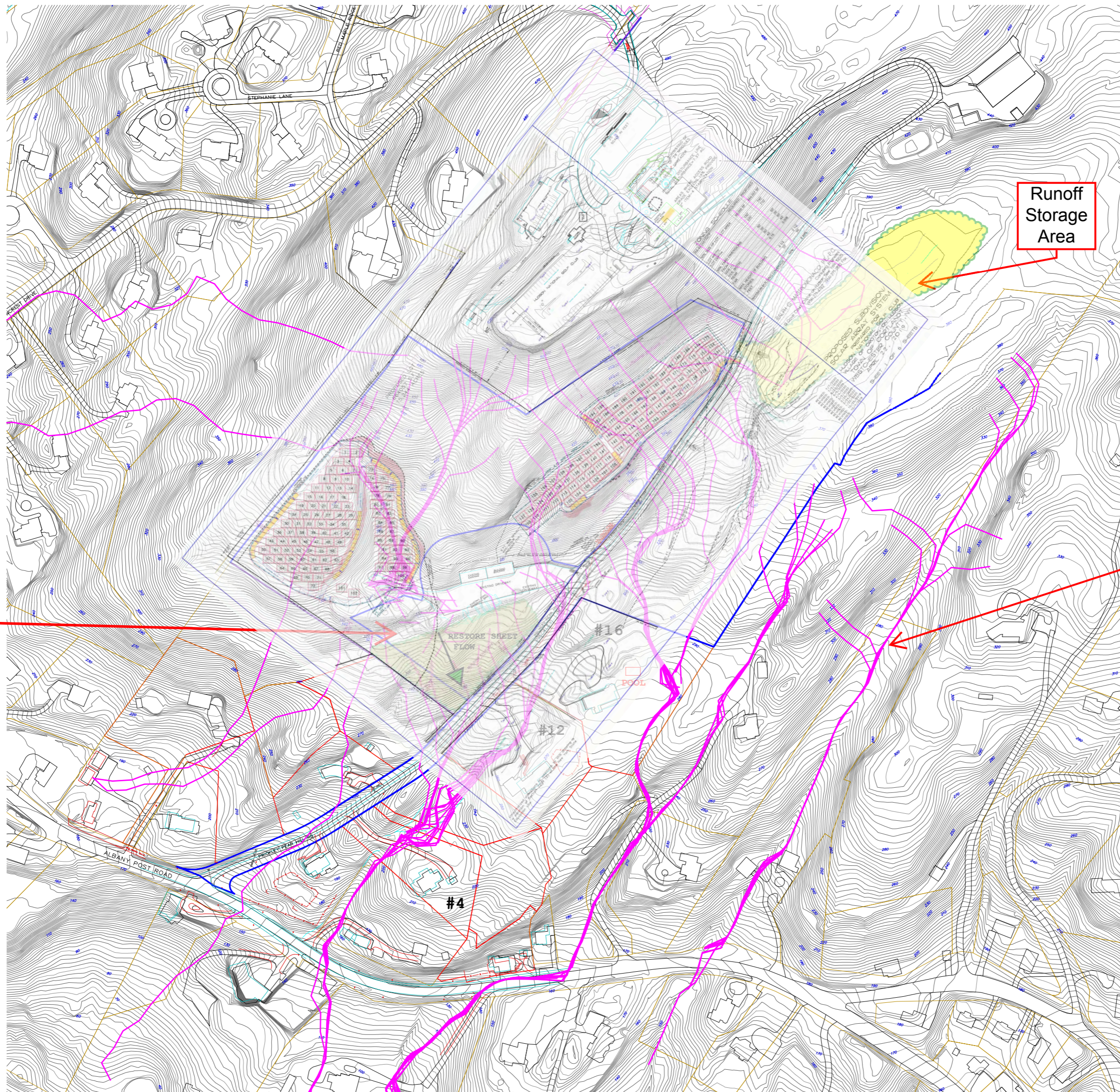
**ORIGINAL
FLOW PATHS**

**PRICKLEY
PEAR
HILL
ROAD
12/2020**

Runoff
Storage
Area

TYPICAL
FLOW
PATHS

ALLOW
UPLAND
FLOW
TO
OVERTOP
SLOPE
RATHER
THAN USE
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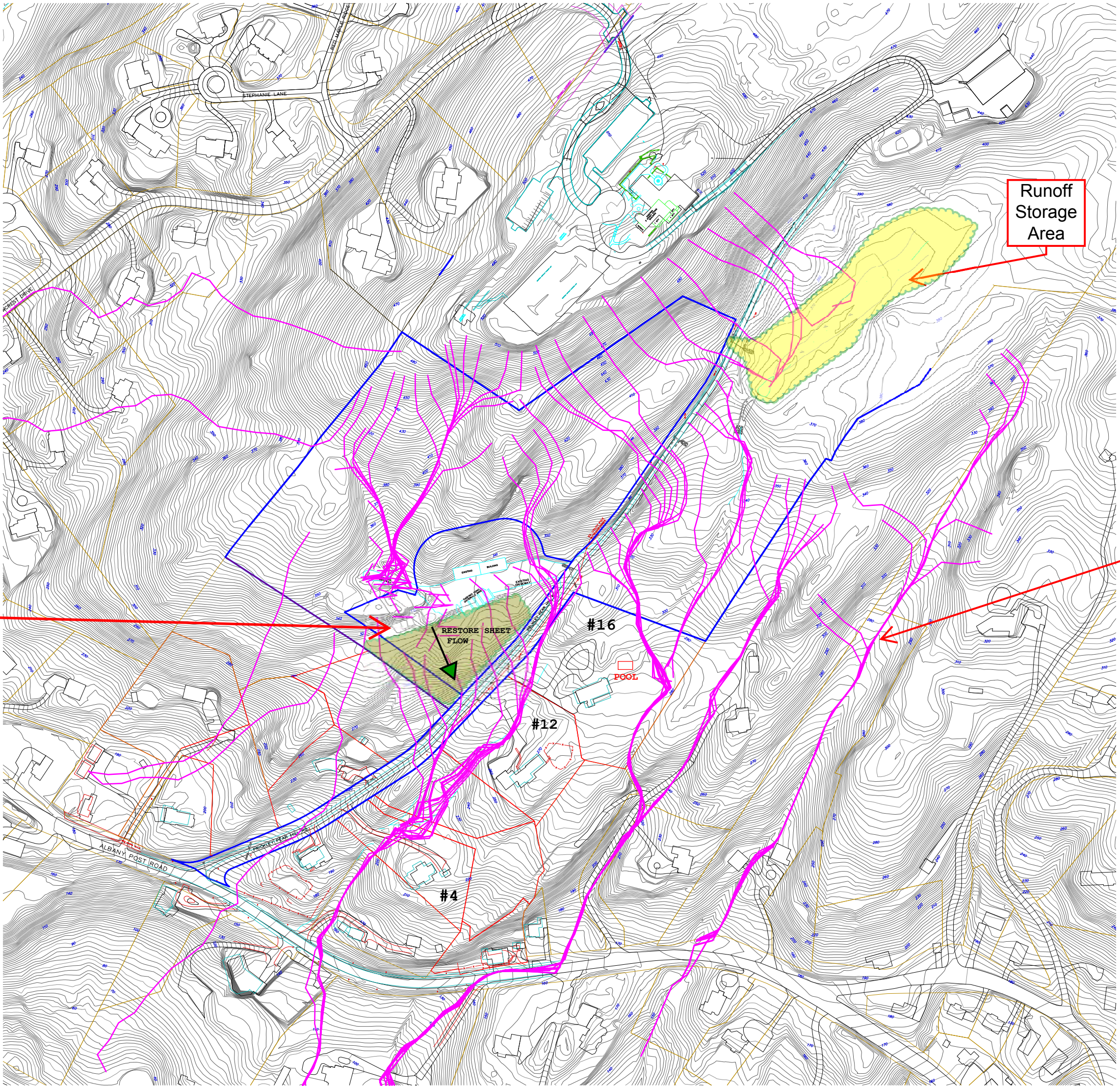
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January 10, 2021

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& Village Board of Trustees
Village of Croton-on-Hudson
1 Van Wyck Street
Croton-on-Hudson, NY 10520

Dear Mayor Pugh and Village Trustees,

It is indeed unfortunate that I have had to spend so much time, effort and thousands of dollars to retain both a lawyer and a civil engineer to help focus the Croton-on-Hudson's Village Board of Trustees' attention to the problems associated to my property from the proposed solar array project at Hudson National Golf Course.

The civil engineer that I hired, Hudson Land Design, (see attached) found significant wrong or mis-used assumptions in the applicants submissions about the hydrology and effects of this project.*

Stating: In conclusion, it is the professional opinion of this office that the proposed project, without providing adequate post-developed stormwater control will lead to potential downstream impacts to your property in terms of stormwater runoff, groundwater movement and potential erosion of the steep slopes on your property, between your property and the proposed proposed project.

Furthermore, the attached maps that all come from the Village's Proposal website outline watershed and flow paths that are inadequately remediated and indicate water that flows directly from the Hudson National disruption area across my property.

Although, there have been some changes suggested by the most recently posted site plans since Michael Bodendorf, P.E. reviewed the December 9th documents, the larger issues still stand and the potential impacts remain.

Should this project go through and the changes to the watershed and stormwater runoff impact my property in any way, the members of the Board individually, and together as the Board of Trustees, Chazen, Mastromonaco, Matrix, and Hudson National will all be hearing from me and my attorney and I will not hesitate to take any action available to me under the law.

Sincerely,

Steve Varvaro

*Hudson Land Design letter attached.

I have written several letters, and commented in person before the BoT on at least three occasions about the problems associated with this proposal. All along the Board has passed the buck to Chazen/La Bella to do the background investigation of the issues. With every iteration of Matrix/Mastromonaco's responses Chazen/La Bella ignores or downplays significant issues and lets unreasonably answered questions go unchallenged.

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The Village Board of Trustees should turn this project down cold, as it should have been because of No Disturbance Zone charter, or at minimum find a Positive Declaration and require a full Environmental Impact Statement.

From: [John Swensen](#)
To: [Board of Trustees](#)
Cc: [Karen Stapleton](#)
Subject: I am not in favor of the solar panels at the Hudson national. Doing away with 600 trees, steep slope, erosion. None of these work for our village! Thanks John Swensen, 106 Upper north Highland Place.
Date: Tuesday, January 18, 2022 3:14:21 PM

CAUTION:	External sender.
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CAUTION: External sender.

Dear Mayor Pugh Board of Trustees, Manager Healy and Members of the Planning Board,

Thank you all for your continued review of the HNGC / Matrix solar proposal.

I know the Board of Trustees will be discussing the proposal tonight at their work session.

We've spread the word to Croton to tune-in, so many will be watching. As you know, the vast majority of the public is strongly against this proposal.

In preface to my letter, I would also suggest that agenda's labelling of the project as a "solar canopy" is somewhat misleading. Canopies cover parking lots, like at the Train Station, Mary Knoll, or the IBM Campus. This proposal clear-cuts a canopy - namely a forest canopy.

After reviewing the new information on the project page, I would like to suggest a few questions for you to consider tonight. I think if you address these questions honestly, you'll find that the only reasonable future step for the Village is to ask the applicant to withdraw this proposal – a proposal that most of Croton feels is detrimental to the community and its values.

1. **Does making a project "less bad" make it good?** No, making the project "less bad" around the edges is not a win for the community. In addition, the length of the review itself does not mean it's been fully and properly vetted, and does not mean it's "earned" the right to be approved.
2. **Why does Part 1 of the EAF, which was recently amended, still have critical errors?** If the applicant can update the EAF Part 1 to reference their new LLC, why can't they update the document to correct, for example, question 14 (which still suggests the no-disturbance area is "suburban" instead of "forest") or 13b (to recognize the fact that the runoff from part of the site will flow directly into adjacent wetlands, as the applicant's most recent submissions indicate?)

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

- ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☒ Suburban

13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		

3. **How can an applicant who continues to submit these kind of flagrantly inaccurate documents to the Board – documents that clearly expose the Applicant and the Board, as Lead Agency under SEQRA, to legal liability – ever be trusted to manage this environmentally sensitive site?** It's clear to us that the applicant will display the same arrogance toward the environment as they have toward this process. That alone is reason to end this process, for the good of everyone.

In the fight against climate change and for our environment, we don't have time to waste on ill-conceived projects by applicants with a clear disdain for best practices and for the environment.

It's time to stop trying to make this bad idea work, because no matter how much time and money is spend, it will never be a "good idea."

Instead, let's come up with good ideas, together, that we can all get behind.

Thanks again for your continued attention to this matter.

John Ealer

5 Prickly Pear Hill Road

john@johnealer.com

Croton Deserves Responsible Solar

[View in Browser](#)

TUNE IN ALERT

Tomorrow, **MONDAY, JANUARY 10th at 8PM**, the Village Board will be discussing the proposed solar project during their Work Session.

You can help immensely just by [JOINING THIS ZOOM LINK](#) and let the Village Board know **WE ARE WATCHING THEM.**

Please note: Nothing is voted on during work sessions and there's no opportunity for public comment, but the discussions can be very revealing on what to expect next. On top of that, the Board members who agree with us need to know we have their back!

If we can get 100 or more different devices watching, it will remind the Board of the power of our collective voices - and that public opinion is strongly against this project.

Here's the link again:

<https://us02web.zoom.us/j/88541158853?pwd=TWWhDS1JvSmFrS25YUU9LNzhMUFo1QT09>

To keep the pressure on, all you have to do tomorrow is [JOIN THE LINK](#) above and listen in.

Thanks again for all your advocacy!

STOP THE CLEAR CUTTING OF OVER 500 TREES IN A NO- DISTURBANCE AREA

**SAVE OUR WILDLIFE
PROTECT OUR LANDSCAPE**



**ACT NOW
CROTON-ON-HUDSON**

If you have any questions you can always reach us at
info@crotondeservesresponsiblesolar.org

Thank you for all your support!

CROTON DESERVES RESPONSIBLE SOLAR

PRICKLY PEAR HILL ROAD, CROTON-ON-HUDSON, NEW YORK

[Unsubscribe](#)

Dear Mayor Pugh and Trustees,

As a lifelong resident of Croton-on-Hudson, I urge you to oppose Hudson National's proposed solar program. Why would the Village consider allowing clear cutting in our community for the sole benefit of a private enterprise?

Respectfully,

Ivan von Sauer

8 North Ledge Loop

Croton-on-Hudson

Susan Ealer, RA

1.10.22

5 Prickly Pear Hill Rd.

Croton on Hudson, NY

10520

Dear Board of Trustees,

These are my Public Comments to be read for the work session on 1.10.22. I believe the Solar Field applicant has filled out the EAF Part 1 form incorrectly, and I believe it should be amended to reflect the true nature of the project.

I believe these inaccuracies, if overlooked, will cause substantial negative impacts to our community.

I believe the following items on the EAF Part 1 are the ones that have been filled out incorrectly and I have listed my questions related to those items below:

Item #2:

2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: WCDH Subdivision Plat Approval / NYSERDA Funding	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
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Doesn't the construction of the Solar Field need to be permitted and approved by the Building and Panning Departments of Croton on Hudson as well? And approved by any other entities that enforce codes in the State of New York which include those listed below (there may be more)?

- The 2020 New York State Building Code
- The 2020 Fire Code of New York State including section NFPA70-17, the 2017 Electrical Code
- The 2020 Energy Conservation Code of New York State
- The Croton on Hudson Amended 1931 Zoning Code

Item #3:

3.	a. Total acreage of the site of the proposed action?	12.5 +/- acres
	b. Total acreage to be physically disturbed?	6.7 +/- acres
	c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	275 +/- acres

Does this acreage include Prickly Pear Hill Road, which is owned and must be maintained by HNGC?

Item #6:

6.	Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>

(cont'd.)

In the answer to **Item 4:** "Check all the land uses that occur on or adjoining the property," the applicant checked off "residential," "forest," and wrote in "golf-course." **How is a Tier 3 (industrial sized) solar field, consistent with those 3 uses – residential, forest, and golf-course?**

Item #7:

7.	Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES
	If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I have just been made aware that there may be a wetland adjacent to the site of the proposed action. Is the Board aware of this?

Item #8:

8.	a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Will construction vehicles and service vehicles be banned from Prickly Pear Hill Rd? Will the project be built and serviced using vehicles coming down from the top of the hill via the golf course instead (which could imply increased traffic on Arrowcrest)?

If not, I would argue that our little one lane road will experience a significant increase in traffic (and in the size of vehicles allowed). I would also like to add that our road may not be designed to support the weight of trucks like this. It's falling apart now (supposed to be maintained by HNGC).

Item #13:

13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		

I have just been made aware that there may be a wetland adjacent to the site of the proposed action. Is the Board aware of this?

Thank you for your consideration,
Sue Ealer

Dear Board of Trustees,

It is obvious by both the engineer drawings, satellite photos and DEC website that an old earthen dam exists adjacent to the proposed Matrix solar array. The dam, again from the drawings indicates that it will be used as a impoundment for excess storm water.

This inquiry is being made upon the request of one of clients on Route 9 who has suffered damage in the past from down stream flooding. As her concern would be to wether this impoundment is structurally sound to support additional loads from large storm events. Assuming it may have some inspection history or been inspected at the time of the drawing.

Your response would be helpful, Guy Pardee.

Sent from my iPhone

Hello

Concerning the proposed solar project at the golf course ...

I haven't weighed in on this issue but as a 20 year resident of Croton on High Street I know the damage to drainage that deforestation on the top of the hill (where the golf course is) creates. My neighbor has had a horrible and expensive time dealing with the probable mistake of creating a golf course up there to begin with. While I agree solar is important - this project is more detrimental than helpful. I support the golf course in general (my daughter worked there) but this project is a NO for me.

Thank you and please lay this to rest.

Molly Greece

Sent from my iPhone

CAUTION: External sender.

Dear Croton Board of Trustees, Manager Healy, and The Croton Planning Board:

I'm writing to ask you to **oppose** the golf course solar project. I've been a volunteer nature guide at Teatown Lake Reservation for the past twelve years. Our mission there is to conserve our region's biodiversity, while creating an environment for exceptional education opportunities and recreation. We teach a love of the environment, positive attitudes toward conservation and **environmental protection** - as well a sense of personal and civic responsibility. If you've ever been to Eagle Fest, you know that its goal is to teach how important it is to preserve the habitat and health of the Hudson River. This particular solar project flies in the face of such endeavors.

This solar project - at the cost of lost habitat - is deceptive at best. It claims to be helping the environment while destroying it. And, it creates revenue for the National Golf Course and saves them energy costs - while destroying the land that we residents value. I'm in favor of alternative energy sources, but not at the cost of trees and wildlife.

There are countless reasons why **you should oppose** the project. Most important is the valuable forest and wildlife habitat that will be destroyed. Also, vast areas of tree removal inevitably leads to severe drainage and erosion problems. The National Golf Course's previous track record in being environmentally conscious isn't great - and a golf course is land used only by a few, wealthy golfers. Clearcutting this area of land is NOT in keeping with the beautification goals of our town - nor does it benefit all residents.

As our elected village board members, you have the right and the power to reject this project outright. Please respect the voice of the community who overwhelmingly oppose this project. It is imperative that you reject the application now.

Sincerely,
Erica Kolbrener

Please discuss with our Croton Board and the appropriate Westchester County personnel, beginning with County Executive Latimer, the possibility of constructing a solar farm and/or wind farm at Croton Point Park. There are acres of land potential. These two options would not impact "quality of life" issues for Croton residents. More importantly, they would provide a potential source for renewable energy. May I request a response from you to this request? Thank you.

Sandra Kolk

114 Elmore Avenue

Croton-on- Hudson

914 271-5381

Sklit33@optonline.net

And/or:

Michael Kolk

Mkbuild22@optonline.net

Sent from my iPad

If anyone is listening...

Put the solar panels on, around the edges of, the existing golf course. Why wouldn't that work, or do super rich golfers prefer not to have distracting planet saving technology included in their playground activities? Trees ARE planet saving technology. Golf courses are planet destroying, trivial amusement. Put the panels on the land that they've already ruined. That would show some actual concern for the problem. It's embarrassing that alleged progressive thinkers are being suckered by this initiative.

Tim Robinson
15 Nordica Drive
(In the shadows of yet another bad decision)

Sent from my iPhone

This was my response to Mr. Rosales when he kindly responded to my initial note on this topic. I wanted it all on the record.

I am concerned that groups like Croton100 have been persuaded that this is somehow a bold strike in the effort to be carbon neutral.

To somehow conflate the self serving concerns of the single most un-environmental establishment in town, the golf course, with our efforts as a village toward any real progress, strikes me as sadly ironic. I hope the village board is considering the possibility that these golfers (largely not residents) could reconfigure their huge treeless space, just slightly, to accommodate a sizable solar array.

They don't want to do that for reasons that have to do with a particular established pattern of hitting a little ball around a destroyed wilderness, not because it is not a reasonable and totally workable solution.

Please forward this remark to your fellow trustees.

Thanks,

Tim Robinson

Mayor Pugh and Trustees,

Thank you for holding Monday's special meeting for community feedback regarding the Solar Array Project. I would like to provide my comments in writing.

I am opposed to the Solar Array Project in its current form. Hudson National's potential use of solar panels is noble, but destroying hundreds of mature trees to do so is completely unacceptable. Hudson National's arguments to date have revolved around how it is too costly or inconvenient to place the panels in another location. Respectfully, Croton's interests in sustainability and the environment take precedence over Hudson National's financial interests.

Sustainability is a priority to me both personally and professionally. I work as an Investment Director at Cambridge Associates, and we advise hundreds of nonprofits, pensions and others that invest trillions of dollars globally. We are committed to ESG, and so are many of our clients. I work on our firm's Net Zero Task Force, seeking meaningful progress on reducing carbon footprint, compliant with COP26, to limit the increase in global temperatures by 2 degrees Celsius or less above pre-industrial levels.

Net zero is not going to be easy to achieve---there are difficult decisions in how investors comply. It requires meaningful change in consumer behavior, corporate governance, and regulation. Unfortunately, it is still a struggle to get several major countries to acknowledge climate change at all, or be committed to better sustainable practices. As you know (given it has come up at prior Trustee meetings), institutions are committing to *planting* trees to help balance carbon impact.

The Hudson National proposal is the exact reverse: it *destroys* mature trees. It goes completely against the grain of what is needed to help solve the challenge of climate change. It also creates risks around animal habitat, water run-off, and line-of-sight that have been discussed extensively. And unlike the challenges we face with my firm's Net Zero Task Force, the answer to Hudson National is not hard at all: the answer is no. The idea of accommodating a high end golf course to destroy hundreds of mature trees contradicts the environmental values that Croton-on-Hudson holds. If this project is approved and implemented, it will ultimately hurt the reputation of the Village.

I respect the thorough process you all have conducted, but I believe it is time to reject the Solar Array proposal, and require Hudson National to devise an alternate plan that does not have this unacceptable environmental impact.

Regards,

Jeff Blazek

2 Indian Summer Drive

Croton on Hudson NY 10520

Dear trustees,

I urge you to oppose this plan. Destruction of trees and forest land for wildlife is too high a price to pay for solar. Surely, there are other locations for solar farms that don't destroy the environment. Highway medians are just one example.

Sincerely,

Marlene Star, member, Village of Mamaroneck tree committee

Sent from my iPad

Looking at this project, it seems very destructive to the environment. If Hudson National wanted to have solar panels installed, they would surely have enough land somewhere on their property where this many trees would not have to be destroyed. We find living at the bottom of Arrowcrest Drive there is a huge water and erosion problem. We do not see where this would be beneficial to the area. Perhaps they are not only looking for a value for their electricity, but lining their pockets. I am sure the Village would not allow a homeowner with a large amount of property to do this.

Hopefully, the Village will not allow this project to go forward. Thank you.
Carlene and Tom Fallacaro, 3 Arrowcrest Drive.

Dear Mayor Pugh, Board of Trustees and Manager Healy,

Attached is a pdf of my full PowerPoint presentation with important points that I would like to be sure are brought to your attention that were not addressed at last night's Board of Trustees HNGC Solar Plan Listening Session due to being cut off by the infamous "timer". I am requesting that this PowerPoint, as well as the letter I submitted on 1/18/22 in response to Trustee Simon copying the entire Board, are also uploaded to the Village Site and posted to the HNGC Solar Array Project Page.

I truly believe that for the last 18 months, the process the Board has been engaging in regarding the HNGC Solar Project has been

detrimental to Croton, its residents and its natural resources. There are very critically important issues that have been there from the start that are just now starting to be considered... as they should. As we are all aware, the process has been steered by a Village Attorney who is the former attorney for HNGC, and I and many others in this Village believe that process has not been fair, per SEQRA, or to the benefit of Croton.

In fact, from its inception, from the way this was classified as an Unlisted Action (one that was not anticipating any significant adverse impacts, by using cursory forms, using a "don't ask, don't tell" sort of approach), instead of a Type 1 Action which would have required a more in-depth inquiry, to how each step has been handled, the bias has been obvious. For an action involving extremely Steep Slopes that our own laws state should NOT be disturbed, proposing solar panels to be installed (that NYSERDA says should NOT happen), it was incredulous that each of the steps evolved as they did, particularly since this Village has traveled these roads before and this was not its first rodeo. Throughout the last 18 months the following have been obvious:

- The Mayor and most of the Board have closed their eyes to the Village Attorney's conflict of interest and bias;
- The level of tolerance that the Mayor and Board have exhibited for conflicts of interest has been disconcerting (Village Attorney, Member of CAC whose spouse is representative for HNGC project, not discerning opinions from

"environmentalists" with financial interests in solar as having a bias, etc.). We may need to request disclosure from this entire Administration regarding any ties of any kind or nature to the Solar industry - past or present, including, without limitation, this particular project.

- The ways that Croton's pseudo-SEQRA process differs from what should have been happening do NOT benefit Croton... but have been to the benefit of HNGC/Matrix;
- The Board has closed its eyes to HNGC/Matrix's and their representatives' false and misleading statements, especially in Part 1 EAF (those need to, but still have not, been fixed);
- Under SEQRA, there are consequences that should have been imposed for HNGC's pattern of deception - denial of application or criminal charges under the law are justified - but that has not been done;
- The Board has closed its eyes to less than diligent vetting by Chazen of engineering, hydrology, habitat, biodiversity and other issues (requisite investigations and reports have still not been done);
- The Mayor and Board have closed their eyes to the farce that occurred when the Board filled out its Part 2 EAF due to the Village Attorney's interference in that process (that needs to, but still has not, been redone by the Board according to SEQRA guidelines, NOT the Village Attorney's interpretation);
- The Mayor and Board are aware that Chazen has not completed or even done a number of investigations and reports that need to be done, the requisite "Hard Look" has not been done, that Parts 1 & 2 have not been fixed, and some Board members even requested that more time be taken to address, and that any conclusions at this point would be considered "arbitrary and capricious"... yet the Mayor and Village Attorney are still pushing the Board to fill out Part 3 EAF at the Scheduled 1/31/22 Board Meeting even though to proceed in that manner is not SEQRA compliant;
- The Village Attorney is pushing for a Negative Declaration, NO EIS, meaningless Mitigation Terms and Approval... that is NOT her prerogative! That approach has no support or basis in SEQRA and is not to the benefit of Croton. Croton is her client, her loyalty belongs to Croton. If a conflict of interest prevents that from happening, this conflict of interest has got to stop. Under no circumstance should benefit be going to HNGC. Recusal is imperative and it's professionally required given all of these facts;
- An EIS is required even if there is just one significant adverse impact. Anyone saying that there is not even one single significant adverse impact here would be lying because that just is not true, would not be acting in the interest of Croton and should not be in office!!!

Regarding our Village Attorney situation and her role in this matter, it is incumbent upon this Board to require proof of the statements being made and advice given, because willful ignorance is not going to be a shield or protection for this Board.

If Village Attorney Whitehead truly believes what she has been advising Croton, the Board should require her to once and for all, submit in writing the specific SEQRA, 6 NYCRR 617 cites, NY case law cites, together with the factual evidence tied to the Project Page to which she is relying to support her assertions, including her assertions that

- 1. "EAFs are 'just tools' and not necessary",**
- 2. "Going forward and completing Part 3 and making determinations from that as to whether a Negative or Positive Declaration or EIS is required is OK and compliant with SEQRA rules under these circumstances (i.e., while knowing that Parts 1 is inaccurate and Part 2 does not represent all of the relevant significant adverse impacts and more information is still needed as discussed at the 1/10/22 BoT Meeting); and**
- 3. "If an EIS is required, that a 'formal' EIS is not required to be done", "because the 'Board already has all the information it needs, all the information it would have if it did an EIS" ... according to our Village Attorney, the random unfinished data gathered is sufficient to say you've 'done' an EIS!**

I have found NO evidence to support these contentions, and have found just the opposite. We are entitled to know her support for her advice and statements... without being charged. It seems from Attorney Whitehead's point of view, it appears that it is OK and you're fine to have the ingredients for the cake (flour, eggs, sugar, pinch of salt, butter, milk) and she confidently proclaims you are done... and it doesn't matter to her that it's not mixed, it's not baked and you do not have any butter and do not even have enough flour or sugar! The reality is... you do not have a cake... and can not say that you do! You need the whole, baked cake presented to determine if it is OK... Your attorney, of all people, should be explaining that to you!

We saw last night that HNGC has cut down, cleared out, lots of trees they likely did not have a permit to do. Has the Village taken action on that? Will you? Sadly, my guess based on past action and current approach is "No". It is readily apparent that the Mayor and Manager Healy always seem more concerned about residents violating the "timer" at meetings, than to residents speaking out against HNGC violating environmental or conservation laws fundamental to the underlying values of this community and to the Mayor and Board learning information and taking action regarding that.

Under the Mayor's and Manager Healy's execution of this most important "timer" rule, even wavering to allow residents at meetings to use time they

didn't use earlier, or to yield their time to others is not allowed. It was apparent last night, when the "timer" was triumphantly used to stop the last short paragraph of a letter from a resident not in attendance from being read. In past meetings, this resolute adherence to this most important "timer" rule has led even to arguing with a child that these rules didn't even allow her to speak after she initially spoke but wanted to exercise her first amendment right to express a sentiment against this Administration's apparent attempt to squander the natural resources it has been entrusted to protect for her generation ... after all it is against our unwavering Rules... of course, not to be confused with the binding restrictions and actual Laws such as the No Disturbance restrictions and Steep Slopes laws which all seem very flexible these days but are the duty of our Village Officials to protect for us and all future generations!!! ... oh no, that flexibility can not even be contemplated through this looking glass for the "timer". But HNGC representatives having unspecified amounts of time to spew forth unsupported fallacies and misrepresentations and a Village Attorney to misstate the law to totally divert a process critical to the statutory interests of this Village are adamantly protected, with no time allowed for anyone to address... not through this looking glass! Where in any survey have you discovered that the "timer" is an underlying value of the residents of Croton? Yet protection and conservation of our environment is, and it is your duty mandated by law... and certain members of this Administration greatly struggle with that!

HNGC voluntarily agreed to the No Disturbance restrictions as a condition on its ability to operate. It appears from actual photos that HNGC has likely been violating that without permission. Will anything be done about that? They now want your permission to totally disregard that No Disturbance, and the fact that the Village Attorney is totally onboard with that, and even makes excuses for that, is very telling! Both HNGC's request and Village Attorney Whitehead's response are not in the best interest of Croton! And you spend 18 months trying to convince us that's OK. Based on what? The guidance of our Village Attorney who was their former counsel? Who has been trying to tell us that anything they want to do is OK? Well, IT'S NOT OK!! You know it's not ok. That No Disturbance was and is valid. Our Steep Slopes and Tree Laws and the grave concerns outlined therein are valid. They don't go away because someone couches them in a Special Permit Application. Croton residents, the Planning Board, the CAC are telling you it's not Ok for you to change that. The WAC is alerting you to their concerns. You are not

listening! You are choosing to not listen to your constituents! The truth is that you are choosing NOT to do the right thing!

When will this Mayor and Board wake up and see that this is NOT about Solar or some Green earth-saving initiative... HNGC's plan is not Green and it is not environmentally responsible... nor is anyone who is supporting this particular plan. It destroys and decimates the environment. HNGC or the Village Attorney do not appear to care at all about the environment! That's a con game. In fact, the record shows that the Village Attorney has not evidenced any care about the original No Disturbance area and its objectives (which are environmentally based) except to get it removed for the benefit of HNGC! There seems to be no evidence in the record of her caring about the specific concerns set forth in detail in our Steep Slopes and Tree Laws, of the destruction that will ensue, of the damage that could be caused, of the hazards that could be created, or the concerns of certain Board members and Croton residents regarding our fragile Steep Slopes, Trees, Forests, our Scenic views, the Character of our Village, or the environmental and conservation values upon which this community is based.

The only time she has brought up any talk about caring for the environment is when she was trying to convince this Board not to push for getting a full Environmental Impact Statement (which SEQRA requires even with just one significant adverse impact, which our Village Attorney struggles to imagine even exists, and there likely appear to be a number of them!)... because incredulously she says a full EIS might be too voluminous and use up too much paper!... too many trees might have to be cut for the paper for an EIS!! (... such a ludicrous argument since she seems to want to enable her former client's solar project which will entail cutting down approx. 600 healthy trees in a mature forest that is already sequestering CO2 and fighting climate change ... and it appears that SEQRA allows for electronic mailing for most all purposes!)

Wrong and misleading "advice" is NOT what we deserve from our Village Attorney!

Squandering our natural resources is NOT what we deserve from our Village Officials!

This should have been "Dead in the Water" from the start.

Please do the right thing and STOP IT NOW!

18 months have unnecessarily been wasted going down this path. You still have the opportunity to save your legacy from being

"The Pugh Administration That Ruined Croton!"

Thank you for reviewing my PowerPoint. Please let me know if you have any questions.

Sincerely,

Domna Candido

The Proposed HNGC Solar Farm is NOT Environmental!



HNGC PLAN SHOULD HAVE BEEN DENIED LONG AGO ... CHOOSE ANOTHER SITE!!

The Board of Trustees' Process is NOT Consistent with SEQRA



The Saga of SEQRA, This Board & This Village Attorney!

HNGC Solar Plan Should Have Been Dead on Arrival

Let Us Count the Ways!

- **Village of Croton**
 - **Master Plan and Comprehensive Plan** – Based on Values of Community
 - **Steep Slopes Law** (Ch. 195) – can only be disturbed if NO practicable alternatives
 - **Tree Law** (Ch. 208) – Clearcutting ~600 healthy trees violates provisions of the Village Tree Law
- **Village has duty to protect and conserve our natural resources as “Stewards of our Environment” under Village Laws and SEQRA**
- **No Disturbance** area restrictions – Condition of HNGC’s Initial Special Permit
 - **Planning Board** mentions as basis for “clear right to deny”
 - **CAC** “proposed site already set aside for preservation...this is bad precedent”
 - **WAC** could not recommend consistency...irreversible modification or destruction or removal of vegetation.
- **NYSERDA** Sec. 6.1: Steep Slopes should be avoided for Solar Farms.

HNGC Solar Plan Should Have Been Dead on Arrival

Let Us Count the Ways!

- **SEQRA: “where public need and benefit cannot be shown to outweigh the environmental impacts of a project, the agency may be compelled to deny approvals for the action”.**
 - primary energy and financial benefit to HNGC. Croton residents would receive only minimal benefit (i.e., only 150 homes receive 10% discount off part of electric bill), **the significant adverse environmental impacts far outweigh the minimal Public benefit, therefore, under SEQRA, the Board should have no other alternative than to deny the HNGC Solar Plan, as submitted.**
- **SEQRA (Ch 3 Sec F (5))** Project sponsors [i.e. HNGC] are responsible for the accuracy of the information they provide for EAFs and EISs.
 - Presentation of misleading or knowingly false information by an applicant may lead to rejection of his proposal, or to subsequent litigation.
 - Presentation of a misleading or knowingly false statement on such a document could also result in criminal prosecution of the person making the statement. This action would be considered “Filing a false instrument,” a “D” felony in New York. HNGC’s pattern of misrepresentations, inaccuracies, false impressions, false statements, etc. throughout this whole process (application, EAF, Comments, Submissions, etc., is outrageous as it shows knowing intent. **On those grounds alone, the HNGC Plan should be denied and this pattern of enabling this behavior on the part of the Board should not continue.** It certainly even appears to rise to the level of criminal.

Croton's Unique Significant Adverse Impact

Village Attorney has a conflict of interest necessitating recusal

- **Atty Whitehead was a former attorney for HNGC** since at least as early as the mid-1990's
 - **Represented HNGC in connection with approvals & other issues before Village Board & Planning Board**
 - **Under NY Attorney Rules of Professional Conduct:**
 - **Constitutes a conflict of interest for her and her law firm, McCullough Goldberger & Staudt,**
 - Particularly in matters such as HNGC Solar Array Plan that pertain to permits, No Disturbance areas, the Environmental Management Plan addressed during the time of that prior representation.

Croton's Unique Significant Adverse Impact

Village Attorney has a conflict of interest necessitating recusal

- **Conflicts of Interest concern is amplified by Actions during course of representation**
- **Nearly ALL of the Board's non-compliant SEQRA issues relate to Atty Whitehead's representation of this Board**
 - Outright wrong advice and misleading information re SEQRA
 - Seemingly false statements re SEQRA regulations,
 - Pushing the Board to proceed with next SEQRA steps without complete information, incl. HNGC's false & inaccurate info on forms, and the incomplete required Hard Look investigations on Part 2

The Board, as a current client of Attorney Whitehead, is entitled to receive truthful, accurate information relating to facts and law that it can rely upon to sufficiently and satisfactorily fulfill its responsibilities.

(NY Rules of Professional Conduct).

**None of these actions benefit Croton, its residents or natural resources ...
All of them benefit HNGC!**

THIS IS THE WRONG SITE ... DENY THIS *IRRESPONSIBLE* SOLAR FARM !!!

Croton's Unique Significant Adverse Impact

The Following is Apparent Misleading or Untrue "Advice" Received by the Board by Village Counsel Detrimental to the Board and the Determination of the HNGC Special Permit Application

PER SEQRA:

- **Part 3 EAF should not be completed until parts 1 and 2 are done and the Board has all necessary info...and it DOESN'T!!**
- **EAFs are necessary...** they are required in the SEQRA process.
- Re Short EAF... she admitted that it was more tailored toward other types of projects... per SEQRA the **Full EAF** is appropriate.
- Board was told it could not get assistance to help the Board in completing the EAF and EIS , but in **617.14(c) SEQRA allows and even encourages it!**
- Formal Environmental Impact Statements **(EIS) are required if the Board finds significant adverse impacts on Part 3**
- The information that the Board had available to it as of Jan. 10, 2022 Board of Trustees Meeting **is NOT the same, or a substitute, for having an EIS conducted!**
- **Scoping is required for All EIS's**
- **Scoping of the Public is required**
- **Public hearings and Public Comments are required during the Draft and Final EIS stages.**
- **SEQRA provides for both Electronic , as well as Print Copies**

None of these actions benefit Croton, its residents or natural resources ...

All of them benefit HNGC!

THIS IS THE WRONG SITE ... DENY THIS *IRRESPONSIBLE* SOLAR FARM !!!

Croton's Unique Significant Adverse Impact

The Following is Apparent Misleading or Untrue "Advice" Received by the Board from Village Counsel Detrimental to the Board and the Determination of the HNGC Special Permit Application

- Contrary to Vill. Atty's indications, **according to SEQRA**, the **"adopted land use plan"** language in **Ques.# 1** of the **SEAF does NOT just reference a formal zoning regulation, SEQRA refers to a number of non-zoning "plans" that suffice for #1 to be checked**, including without limitation, the **Master Plan, Comprehensive Plan** and language indicating even the **Environmental Management Plan!** Therefore, **#1 of the SEAF** should be considered by the Board as another one to be added to the potential significant adverse impacts of the HNGC Solar Plan.
- Contrary to the Village Attorney's indications to the Board, according to SEQRA, the **"character or quality of the existing community"** language in **Ques. #3 of the SEAF is specifically referenced in the Village's Steep Slopes Law** (Sec. 195-1 D.) and in the Comprehensive Plan (92 times) and the Master Plan, and is not just something the Board Members would need to ponder and speculate about in order to determine significant adverse impact, as the steep slopes law indicated that disturbance on the level of the HNGC solar plan would be a potential adverse impact to the character of the Village. Therefore, **#3 of the SEAF** should be considered by the Board as another one to be added to the potential significant adverse impacts, **as well as #8 of the SEAF relating to "aesthetic resources"**.

None of these actions benefit Croton, its residents or natural resources ...

All of them benefit HNGC!

THIS IS THE WRONG SITE ... DENY THIS *IRRESPONSIBLE* SOLAR FARM !!!

Croton's Unique Significant Adverse Impact

The Following is Apparent Misleading or Untrue "Advice" Received by the Board from Village Counsel Detrimental to the Board and the Determination of the HNGC Special Permit Application

- I believe that in **#9 of the SEAF, only flora and fauna were intended to be addressed**. However, according to SEQRA guidelines and practice, it appears that the following should be added: **"wetlands"** because are, in fact, on the "adjoining" land, but as with a number of other things, HNGC/Matrix do not answer the questions accurately
- Being downhill from the Solar farm is of great concern, as is the **"groundwater" in #9** which should be added, as it will likely be more turbid due to approx. 600 trees that will be cut and not filtering the ground water, as well as **"water bodies"** given HNGC's past history of flooding winding up all the way down to the Hudson River.
- In addition, **"air quality"** should be checked relating to the air at the time of the cutting itself, as well as the CO2 that will be released. .

**None of these actions benefit Croton, its residents or natural resources ...
All of them benefit HNGC!**

THIS IS THE WRONG SITE ... DENY THIS *ANTI-GREEN* SOLAR FARM !!!

The Saga of SEQRA, This Board & This Village Attorney

The Village Board and Mayor Pugh need to address this!

- **The Board is not being well-served by this Village Attorney (former attorney for HNGC)**
 - Past experience shows that **can't rely** on information and advice
 - **Can't trust** that the information it has been receiving is true (as important pieces of information have not been).
- **Per NY Attorney Rules of Professional Conduct**
 - **Village Atty should provide reliable factual and legal info sufficient to assist Board in carrying out its duties**
 - By statute, the Board has mandated duties to be stewards of our environment and needs guidance as to how to navigate the process and to do that in a way that serves this community. With that duty comes responsibility and accountability for which it needs accurate, reliable and non-conflicted legal assistance.
- **Mayor Pugh has duties in addition to those as a Board member to address this situation**
 - both as the chief executive of this Village and as an attorney licensed to practice in NY (also bound by the NY Attorney Rules of Professional Conduct).
- **By the Mayor and Board not addressing this legal representation issue, they are prejudicing Croton**, its natural resources and residents in contravention of our Master Plan and Comprehensive Plan, and in violation of the Village's Steep Slopes and Tree Laws, and SEQRA.

THIS IS THE WRONG SITE ... DENY THIS ANTI-GREEN SOLAR FARM!!!

Many Significant Adverse Environmental Impacts!

- Destroys Mature Forest
 - ~600 healthy Trees clear cut
 - Cooling canopy eliminated
 - Fighting Climate Change
 - End to O₂ production
 - End to CO₂ Sequestration
 - Sequestered CO₂ Released back
 - Eco & Biosystems destroyed
 - Soil destabilized
 - Violates Tree Law (Ch. 208)



Many Significant Adverse Environmental Impacts!

- Message from Real Scientists:
“Save ALL Forests”
 - UN COP26 Deforestation Pledge (140+ countries incl. U.S., end by 2030)
 - NY Declaration on Forests (end deforestation by 2030)
 - Sierra Club
 - Greenpeace
 - Natural Resources Defense Council
 - Union of Concerned Scientists



Many Significant Adverse Environmental Impacts!

- Displaces Wildlife
 - All wildlife is valuable
 - Abundant populations
 - Many diverse species
- Destroys Wildlife Habitat
 - Forest will be fragmented
 - Valuable contiguous forest lost
 - Wildlife corridors interrupted
 - Appropriate studies not conducted



Many Significant Adverse Environmental Impacts!

- Steep Slopes Disturbed
 - Very & Extremely Steep 15-35%+
 - Instability, mudslides, landslides
 - Flooding, erosion, drainage issues
 - Damage to neighboring homes likely
 - NO Stormwater Management Plan
- Violates Steep Slope Law (Ch 195)
 - NYSERDA advises against for Solar Farms
 - Other Municipalities Ban over 10-15%



Many Significant Adverse Environmental Impacts!

Mock up from HNGC's actual View Study



- Destroys Scenic Vistas
 - Character of Village
 - Visual Blight
- Violates Steep Slopes Law
 - Master Plan
 - Comprehensive Plan

HNGC/Matrix “Experts” see NO Problems ... Chazen/Labela agrees!!!

Croton's Unique Significant Adverse Impact

The entire process the Board and Village Attorney have used for over 18 months:

VB: "Don't Ask, Don't Tell"

As a result, HNGC/Matrix have gotten away with:

HNGC: "We're not gonna Tell, Even if you Ask!!!"

Many times, it appears that Chazen rubber stamps.

Other times, Chazen brings issues up and HNGC is NOT responsive.

Where is the Board in this process?

Board and Village Attorney's apparent end goal:

VA: "Just Say Yes!!"

The Perfect Storm

The Perfect Storm ...

The lack of information...

Things keep pushing forward...

Difficulty in knowing what or who to believe ...

The “experts” all make up the “facts” ...

The more information one has! ... The less one knows!

Short EAF, Part 1 is very inaccurate, Part 2 is not really complete, Part 3 keeps being pushed as needing to be done...

Doesn't specifically address problems that we already know are an issue

We all know there's more to come, but no one is focusing on those...

Information is not targeted...

Information is not really vetted...

SEQRA is mentioned, but it's NOT really being followed...

Documents keep being submitted...

Information keeps being changed...

A project that should have been dead in the water has moved way too far... Trees, drainage, water flow, slopes, etc....

At some point no one knows the questions OR the answers!!

THERE IS SOMETHING VERY WRONG HERE!

Consequences: VB: Don't Ask, Don't Tell!
HN: We're Not Gonna Tell, Even If You Ask!
VA: Just Say Yes! } WHO KNOWS?

SEQRA Process

- **Type 1 Action**
 - Anticipates adverse impacts
 - Requires Full EAF
- **Full Environmental Assessment Form**
 - Full EAF uses in-depth inquiries on all aspects of project
 - Ultimate goal is to identify ALL Significant Adverse Impacts

Board of Trustees' Process

- **Unlisted Action**
 - Assumes no adverse impacts
 - Can use Full or Short EAF and Board insisted on using SEAF
- **Short EAF** used here instead
 - Just cursory review
 - No in-depth questions on all relevant impacts
 - While still important, attention is not brought to key issues!

Consequences: VB: Don't Ask, Don't Tell!
HN: We're Not Gonna Tell, Even If You Ask!
VA: Just Say Yes!

} WHO KNOWS?

SEQRA Process

- **Part 1 Accurately Completed by Applicant**

- Board gathers all relevant information
- Addresses all questions with Applicant

- **Conducts in-depth investigation**

- Information scrutinized with full analysis from independent engineers, scientists, experts
- Input: Planning Board, Committees, Councils, Public

Board of Trustees' Process

- **Part 1 Inaccurate Application Info**

- **Board has not ensured accuracy**
- **Village Attorney accepts as "OK"!**

- Inadequate follow up
- Still many Ques., need Answers!!

- **Chazen investigation is cursory!**
- Misleading & false info from HNGC
"experts" accepted at face value!

- **HNGC must resubmit accurate Prt 1**

- **Ignoring Planning Board, WAC & CAC!**

Consequences:

VB: Don't Ask, Don't Tell!
HN: We're Not Gonna Tell, Even If You Ask!
VA: Just Say Yes!

} WHO KNOWS?

SEQRA Process

- **Part 2** Board reviews Part 1 Info, reports, analyses, Public Comments then according to SEQRA Guidelines determines **ALL Significant Adverse Impacts Identified**
- Would likely have been 7 -8 potentially Significant Adverse Environmental Impacts identified that would need followup & analysis
- Thorough **"Hard Look"** required under SEQRA and Sec. 617 would be done incl. necessary investigations, reports and Public input.

Board of Trustees' Process

- **Part 2** Board told by Village Attorney that it can't receive necessary assistance & steered by her interpretation instead:
ALL Signif. Impacts NOT Identified!!
- **Only 4 potentially Significant Adverse Impacts Identified** (some within narrow parameters)
- **NOT** as SEQRA interprets!
- **NOT** in Croton's best interests!
- Clearcutting Forested land **IS** change
- Character of Croton **IS** affected
- Those & others dictate that Board **Re-Examine Part 2 Per SEQRA !!!**

Consequences: VB: Don't Ask, Don't Tell!
HN: We're Not Gonna Tell, Even If You Ask!
VA: Just Say Yes!

} WHO
KNOWS?

SEQRA Process

- **Part 3** Board analyzes Magnitude and Importance of ALL Significant Adverse Impacts ID'd in Part 2 and per its **Hard Look**.
- All investigations and reports are reviewed, public comments considered and analyzed with determination made with reasoned elaboration. Additional information gathered and investigations required if necessary.
- **Denial is a very real possibility!**
- **Can't really Mitigate this type of destruction!**

Board of Trustees' Process

- **Part 3** This Board has failed the SEQRA test! **NO required Hard Look ... It was Only a Passing Glance!!!**
- Focused on issuing a **Negative Declaration** and not requiring an **EIS** all without the necessary Hard Look!
- **Board's Focus is on Approval!!! Denial NOT even contemplated**
- **Irrelevant and paltry Mitigation Terms have been the focus**

Consequences:

VB: Don't Ask, Don't Tell!
HN: We're Not Gonna Tell, Even If You Ask!
VA: Just Say Yes!

} WHO KNOWS?

SEQRA Process

- **Part 3** Board is **transparent** in ensuring that Hard Look information adequately covers all issues relevant in determining significance, magnitude and importance of adverse impacts, incl. sincere consideration of Public Comments.
- Board analyzes Magnitude of ALL Significant Adverse Impacts ID'd in Part 2 and determines if requires **Positive Declaration** and **Environmental Impact Statements** (process then includes Draft EIS & 30-day Public Comment)
- **Denial is a very real possibility... even required!**

Board of Trustees' Process

- **Part 3 Lack of Transparency** with Village Attorney & Mayor pushing to bypass SEQRA process even after Board Trustees ask for more time!
- **Why is Board being pressured** to prematurely complete Part 3 to find NO Significant Adverse Impacts?
- **Where are the required Independent Engineers', Environmentalists' & Hydrologists' reports and analyses?**
- Without all requisite information, determination not likely to be supportable, valid or ensure safety for Croton residents.

Consequences: VB: Don't Ask, Don't Tell! HN: We're Not Gonna Tell, Even If You Ask! VA: Just Say Yes!

} WHO KNOWS?

SEQRA Process

- **Part 3** Formal EIS would provide an analysis that considers all impacts beyond the actual boundary of the project, incl. to property owners, the whole Village & the long-term implications, with full analyses of Alternatives and sufficiency of Mitigations to address the adverse impacts
- **Denial is a very real possibility!**
- **Cannot really Mitigate this type of destruction!**

Board of Trustees' Process

- **Part 3** Village Attorney misleads by saying EAF not necessary & NO formal EIS is even needed!!! – that relying on data from some scantily vetted reports when they know that more needs to be done should be sufficient?
- Therefore, NO Analyses of Alternatives or Mitigation of Adverse Impacts
- Why are Mayor & Vil. Atty pressuring
 - to **prematurely complete Part 3?**
 - to issue **illegitimate Neg. Decl.**
 - to require **No EIS?**
- Why is Board's focus on Approval?
- Why is **Denial NOT contemplated?**
- Why is **paltry Mitigation the focus?**

Consequences: VB: SEQRA Requires You Ask For Info! } WE
HN: They Must Tell... IT'S THE LAW!! } NEED TO
VB: Just Say NO! } KNOW!

- **Environmental Assessment Form** Should have been Full EAF
 - Part 1** HNGC/Matrix are required to submit ACCURATE info – It's **STILL NOT ACCURATE**
 - **Much false & misleading information**
 - **Under SEQRA, making such false statements is CRIMINAL, denial is also justified**
 - **There is no TRUST**
 - **Some Documents repeatedly submitted... repeatedly misrepresented!**
 - **NO PART 3 UNTIL PART 1 IS DONE & TRUTHFULLY ACCURATE ... NO GREENWASHING!!!**
 - **Part 2** Board Identifies Significant Adverse Impacts without full accurate Part 1 info
 - **Village Attorney interfered with process**
 - **NOT all potentially Significant Adverse Impacts were Identified** (only 4 out of 7 or 8)
 - Board needs to re-examine **Accurate Part 1, FIRST!**
 - Then re-examine ALL Ques. in accordance with SEQRA's Guidelines, NOT Attorney Whitehead's interpretation, and any relevant reports and investigations, **THEN Board should do Part 2...** and obtain assistance from knowledgeable, reliable, independent expert, if necessary.

Consequences: VB: SEQRA Requires You Ask For Info! } WE
HN: They Must Tell... IT'S THE LAW!! } NEED TO
VB: Just Say NO! } KNOW!

- **Part 3 Complete the Hard Look before completing the form**

- Still need investigations, reports and much information from competent independent engineers, hydrologists, biodiversity environmental experts. **Anything less will be “ARBITRARY & CAPRICIOUS” and “NOT SUPPORTED BY SUBSTANTIAL EVIDENCE” and will be vulnerable to be thrown out as invalid.**
- Certain Board Members asked to slow down process, Need More Time for investigations & reports
- Board is being pressured to do this prematurely by Mayor & Village Attorney

This is the point where Atty Whitehead is telling Board it has ALL Info that would be in an EIS. WRONG!!
Atty Whitehead is saying that a formal EIS is NOT Necessary (WRONG, because it is!)...
She also says it's because it would use too much paper, kill trees, too difficult to print out, saying SEQRA requires... that also appears to be WRONG!

This is NOT a Significant Adverse Impact?
Wants to Approve This?

This is of Concern???
But NOT THIS????

600 Trees Clear Cut
7 Acres of Forest & Eco Biosystems Destroyed
Wildlife Displaced & Wildlife Habitat Destroyed
Steep Slopes Disturbed & Scenic Vistas Decimated

EQUALS

Paper for EIS Forms
Because they kill trees???

Consequences: VB: SEQRA Requires You Ask For Info!
HN: They Must Tell... IT'S THE LAW!!
VB: Just Say NO! } WE NEED TO KNOW!

- **Board issues Declaration of Findings** – Need Positive Declaration, **NOT** Negative Declaration
- **Positive Declaration** (Significant Adverse Impacts & Need Environmental Impact Statement)
 - **Anything less than DENIAL or Positive Declaration is Selling Out Croton!!!**
- **Environmental Impact Statement** – Village Attorney is WRONG!!! **WE DON'T HAVE ALL THIS INFO YET**
 - Scoping w/ Public Comment
 - Draft EIS with required Public Comment
 - EIS with required Public Comment
 - With all parts, incl., in-depth analysis of Alternatives (incl. sites) and Mitigation Measures
 - Any Supplementary EIS that might need to be done

Croton's Resources are Being Squandered We are Being Sold Out!!!

SEQRA Process Likely Results



SEQRA:

"Where public need and benefit cannot be shown to outweigh the environmental impacts of a project, the Board may be compelled to **deny approvals for the action.**"

Board of Trustees' Results???

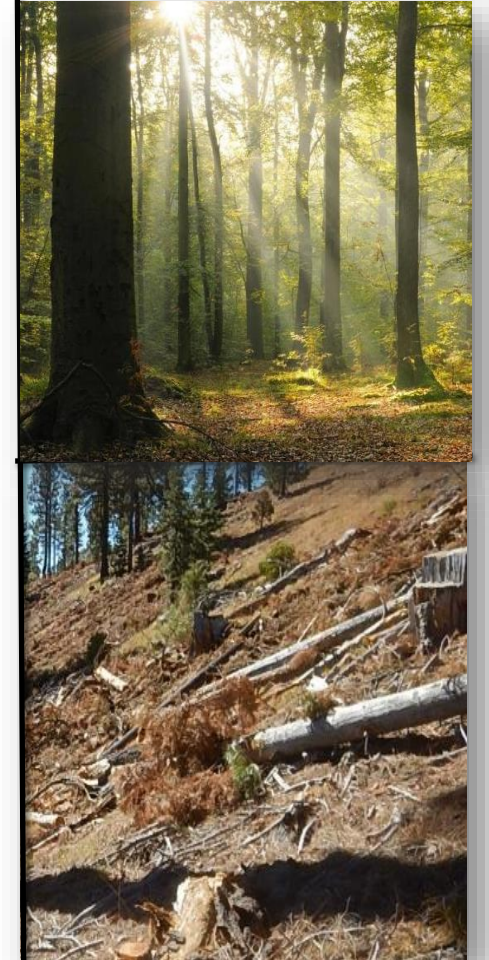


- **Only 150 Croton Homes** can get a mere
- **10% discount** off just **part** of their electric bill!
- **Ridiculous Mitigation Terms:**
 - \$78k Street Tree Fund!!!
 - Only \$11k/yr paid out over 15 yrs
... and HNGC gets more tax breaks!!!
 - 250 tiny saplings the deer will eat!!!
 - Deer repellent & Grass Seed!!!

The HNGC Solar Farm is **NOT** Green...

Please Listen to the Opposition

- **Both Forests AND Solar are needed to Fight Climate Change**
- **The HNGC/Matrix Solar Plan defeats the purpose**
 - Not smart • Not responsible solar • Misguided • Self-interested • Destroys our Environment for a “feel good ” moment to incorrectly say that they are “Saving the Environment” • Based on false info and premises and unsupportable evidence • **That is NOT honest!!**
- **Solar Farms belong on disturbed “dead land”:** parking lots, carports, roofs & landfills, NOT destroying Trees, Forests, Steep Slopes & Scenic Views!!!
- **Board had ample grounds to DENY from the START:** 1) Steep Slope & Tree Laws; 2) Existing No Disturbance area restrictions, 3) Submission of False Information by Applicant. **Substantially more reason to do so now.** So much more information has come to light to show the destruction that will be caused!!!



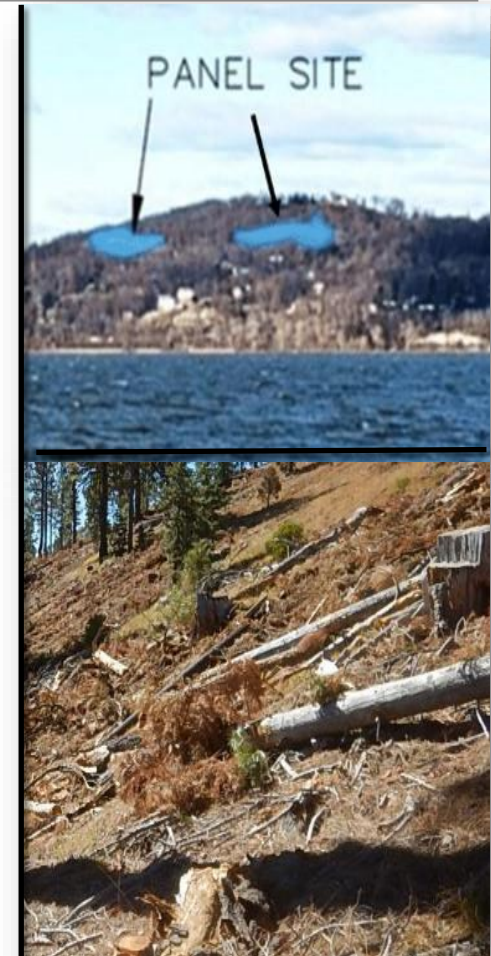
VILLAGE BOARD... WHAT ARE YOU WAITING FOR?!

THIS IS THE WRONG SITE ... DENY THIS ANTI-GREEN SOLAR FARM !!!

Message to Village Officials: **STOP THIS CHARADE!!**

Everyone's Time is Being Wasted... Wrong Site...**Deny this Project!!**

- **HNGC Solar Plan should be denied!**
 - Destroys Forests • Wildlife • Habitats • Views • Steep Slopes • Disturbs No Disturbance areas • Will cause further damage to homeowners' properties •
 - Violates Steep Slopes & Tree Laws
- **Don't believe the lies & Greenwashing** ... or expect us to believe it!
- **If Board thinks HNGC Solar Plan is "Environmental" or "Green" ... Then they are not upholding the Values of Croton and We Need New Village Officials!**
- HNGC Plan & Board Handling is **Setting a terrible precedent!**
- If Board approves this Solar Plan, **Croton will never be the same!**



VILLAGE BOARD WHAT ARE YOU WAITING FOR?!
THIS IS THE WRONG SITE ... DENY THIS SOLAR FARM

Hello,

Please remember that it was Chazen that green-lighted the tremendously flawed situation currently stalled in aesthetic, environmental, and transparency limbo on Piney Point. That has worked out well, right?

Ultimately, the problem with the solar array has to do with the village never standing up to monied bullies. Sure, they'll find some way to make it sound like a good idea, but please step back and listen to the local outrage. Hudson National can most certainly find a place on their vast golf course to accommodate these panels (and if so, great) but they don't want that, only because it will somehow detract from the visual experience of a golf outing by a non-resident. What about the visual experience of a villager walking a beautifully wooded trail that connects two treasured (and increasingly rare) wild spaces? Should that not be your priority??

Has a study been done, by a non-corporate aligned arborist (please call Croton's own John Grant and ask his expert opinion) to determine the environmental benefits of that stand of old-growth forest? That needs to be done. A hillside of huge trees is bringing easily as much to the save-the-environment table as a bank of solar panels.

Priorities, people. Let's not have the golfing experience of guys who live elsewhere be our priority.

Tim Robinson
15 Nordica Drive

January 26,2022

Board of Trustees
Village of Croton-on-Hudson
1 Van Wyck Street
Croton-on-Hudson,NY 10520

Dear Trustees,

Earlier I had written in support of the proposed solar project at the Hudson National Golf Course. While I still maintain that the transition to sustainable energy sources is urgent, I have come to understand that the risks of the proposed project make it untenable in its current form.

The risk of approving this project lies in the past and current practices of Hudson National and, specifically, its disregard for the agreements (i.e. reneging on a no disturbance zone) that it has made in the past, and the environmental degradation that it has promulgated. While the benefits of a solar farm in terms of carbon offsets and the number of megawatt hours of energy produced are substantial, expecting Hudson National/Matrix to mitigate the negative environmental impacts is ludicrous in light of the current state of degradation that exists onsite already. The costs of monitoring their compliance, mitigation and any potential litigation (by private property owners, the Village and/or the State) should be reason enough to put the brakes on project approval. Had Hudson National demonstrated that the environment was a priority, one would think that they would have mitigated existing issues well before applying for this permit.

Nonetheless, a comprehensive solar plan for the Village of Croton is nothing short of urgent and required. While such an undertaking may lead back to the Hudson National site, other solutions must be explored. It seems as if we are looking for two things: property owners that are amenable to installing solar panels, and contractors that are interested in designing and installing them. There are several governmental, commercial and private property owners that can be approached.

The Village should partner with environmental groups and citizens to research potential solar installation sites and contractors to develop a comprehensive solar plan, and do so "with all deliberate speed." We are all stakeholders when it comes to sustaining our planet.

Respectfully,

Sheryl Goldberg
11 Alexander Lane
Croton-on-Hudson

Hello Mr. Pugh:

I am very concerned about how damaging this project will be to the delicate environment balance in our beautiful green community. I support solar panels but please put them in areas that are already deforested. Every tree lost hurts all of us.

-Dr. Connie DePinho

Dear Board members, I received this comment from Andy Dickey who asked me to pass it on to you.
Ann

Please pass this information to the rest of the Board.

Regarding the Solar Array - I am in favor of the Array because:

- We, as citizens, should all do our part in reducing the dependence on fossil fuels. The reduction in CO₂ allowed by the Array far exceeds the reduction in CO₂ from the trees on the property. Also trees are temporary repositories for CO₂ and that CO₂ is returned to the atmosphere when the tree dies and decomposes. The CO₂ reduction from the Solar Array is permanent because the CO₂ is never generated in the first place.
- The property currently is private and has no public uses. No member of the public is losing any current use of the land by its conversion from wooded to solar panels.
- The steep slope regulations were written with buildings in mind - not solar panels, which have less disturbance of the ground and such disturbance can be more easily mitigated.
- The ground generally slopes to the south, which is preferable for solar panels.
- Finally, a property owner should be allowed to use their property as they think best within the general framework established by the Village. In other words the installation of this Solar Array should be a right, disallowed by the Village only for a compelling reason, and not a privilege granted by the Village at their pleasure.

Andy Dickey

181 Cleveland Drive

As a neighbor of Hudson National Golf Course, I am firmly opposed to the proposed solar panel project.

Did I read correctly that The Village of Croton was recognized as a "Tree City" by the New York Department of Environmental Conservation, one of 110 campuses and communities in New York, and one of more than 3,000 tree cities in the United States?

Clear cutting almost 600 trees, disrupting wildlife habitat in the heart of one of the most environmentally sensitive parts of Croton-on-Hudson, and disrupting storm water run-off that can lead to erosion and mudslides does not sound like the action of a Tree City. Not to mention scarring the view from the river of our beloved hillsides. I do not understand how my village would benefit from this proposed destruction.

I urge you all to read this op ed from the New York Times.

<https://www.nytimes.com/2022/01/24/opinion/trees-environment.html>

Deborah Hayn

35 Finney Farm

Croton on Hudson, NY 10520

914.646.9016

Dear Mayor Pugh and Members of the Board

Attached please find my input to the golf-course solar panel request.

With kind regards

Danny Oppenheim

=====

Daniel V Oppenheim

DANIEL V OPPENHEIM

17 Mount Green Road, Croton-on-Hudson
Sunday, January 30, 2022

914.319.0372

dan.oppenheim.1@email.com

CROTON LIVES MATTER

Solar is desirable but the Golf Course Project is disastrous and should be stopped - now!

Dear Mayor Pugh and Members of the Board

I have been a member of our wonderful Croton community for over a quarter of a century, living first on 17 and then on 20 Mount Green Road. Since my retirement from IBM Research I have been actively contributing back through projects with our school, a two year member of our Diversity Committee, a founding executive director of Cure100.org (which I have recently left), and now hoping to help our Sustainability Committee by creating the village GHG Emissions. I have met with many of you in person and know firsthand how dedicated you are to the wellbeing and prospering of our village and the very high moral values that drive you. After all: it is you that gave me the motivation and cause to help and contribute.

I just became aware of the January 24th meeting. I have since done some research and held personal meetings with extremely concerned residents on Prickly Pear Hill Road and on my own road, that is supposedly "not affected". I examined the detailed information on our village website, including 150 letters of protest. I will be brief with some new points.

1. Benefits from the solar project

- **Croton on Hudson: unreliable:** 150 households get 10% Con-Ed discount and \$78K for the village to plant trees
- **Golf Course: 100%.** Free electricity and millions of dollars in revenue.

2. Harm from the solar project

- **Croton on Hudson: 100%. devastating!**
 - Severe additional water damage to many homes that will cost each resident many thousands of dollars to mitigate. The golf course will NOT be able to prevent this regardless of claims it can.
 - Irrecoverable *new* ecological damage in addition to ongoing *accumulative* village-wide damage since inception.
- **Golf Course: 0%.** The rich get richer and our residents are forced to pay an astonishingly high price.

3. This has been ongoing since inception and must stop now!

You must consider the bigger picture: the golf course has been harming our residents and devastating our environment since it was crated. This is in clear violation of agreements, NYS regulations, and is likely illegal. You are already aware of severe damage to residents on Prickly Pear Hill Road, causing some to leave and others to spend thousands of dollars on mitigation. Below are two additional cases from the opposite side of the course, which you may not be aware of:

- **20 Mount Green Road.** When the golf course opened my property on 17 Mt Green started to flood frequently and I had to spend many thousands of dollars fixing my basement and creating new drainage around the house.
- **17 High Street.** Dan Maguire had to spend 1 MILLION dollars (!!) to protect his home from ongoing and ever-increasing water damage, likely because the course continued taking down healthy trees.
- **Village Wide:** Chemicals and pollutants used routinely now stream into our Village and the Hudson River.

Sandy Gaelf in yesterday's open house responded to several people that raised this issue. **She clarified that (1) this is up to the village, and (2) the golf course must conduct and provide a detailed environmental study.**

**Please do not approve this project.
Please let me know how I can help.**

Daniel Oppenheim

Mayor Pugh, Board Members, Village Manager Healy, et al,

The attached letters and prints should be added to the material for your consideration as you take up your SEQRA review on January 31, 2022.

It is incumbent upon you to recognize a number of areas of significant impacts that the proposed HNGC solar project will entail and vote for a Positive Declaration and a full EIS.

regards,

s

Should have been Dead on Arrival - Find another place for their solar interests.

-Steve Varvaro

Steve Varvaro
1263 Albany Post Road
Croton-on-Hudson, NY 10520

January 28, 2022

The Honorable Brian Pugh, Mayor
& Village Board of Trustees
Village of Croton-on-Hudson
1 Van Wyck Street
Croton-on-Hudson, NY 10520

Dear Mayor Pugh and Village Trustees,

When I presented to the Village of Croton-on-Hudson Board of Trustees last night, January 24th, 2022 I was representing myself, my family and the broader community who have been voicing their opinions in opposition to the ill advised, reckless, shameful, and self serving proposal by Hudson National Golf Course to clear approximately 600 trees, on designated steep, very steep, and extremely steep slopes in an area that was designated as a NO DISTURBANCE ZONE as part of the golf clubs charter.

In no way does my participation, or I suspect any of the other presenters, represent the Scoping and Public Opinion aspects of a full Environmental Impact Study as should be required by SEQRA process procedures.

That process calls for independent subject matter experts to review all of the aspects of the proposal. What you are hearing is the poignant aspects presented by those with a keen interest in the issues that are available for anyone willing to study the project as submitted by the applicant.

A vote of Negative Declaration, in this process will be seen as the Village Board looking to avoid the proper process, white wash the issues and concede to the wishes of HNGC. This project should have been rejected out of hand- DEAD ON ARRIVAL.

Sincerely,

Steve Varvaro

Steve Varvaro
1263 Albany Post Road
Croton-on-Hudson, NY 10520

January 28, 2022

The Honorable Brian Pugh, Mayor
& Village Board of Trustees
Village of Croton-on-Hudson
1 Van Wyck Street
Croton-on-Hudson, NY 10520

Dear Mayor Pugh and Village Trustees,

In the past few months I have stood before the board or appeared on Zoom to present my opposition to the Hudson National Proposed Solar project. I have addressed trees, erosion, unfair tax levies, (homeowner vs. Hudson National), steep slopes, the scale of the project, and the public's call for rejection.

In this letter I'd like to point out some view shed issues, especially as they relate to scale.

Matrix/Matromanaco had previously submitted their view shed study, which others have shown to be incomplete and erroneous, if not completely disingenuous. Those purported "studies" took into account the possible visual impact from the closest neighbors surrounding the proposed arrays. For some reason, they did not address my property, which is situated about 300' from the western array, with my front door just 620' feet away. I have enclosed pictures from my kitchen window showing just where the western array would be.

Recognizing that my personal issues with this project would be called NIMBY by HNGC et al, I also submit under the topic of View Shed a number of visuals demonstrating both the oversized scale of the project and the ability for it to be viewed from many points along the river. In one view, it could be seen as far as six miles away.

I am attaching several prints that demonstrate how large the project is, in area, height, and view from the river front.

Once again, I call on the Board of Trustees to reject this project.

Sincerely,

Steve Varvaro

1263 Albany Post Road

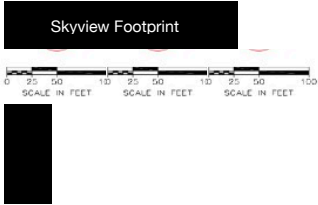
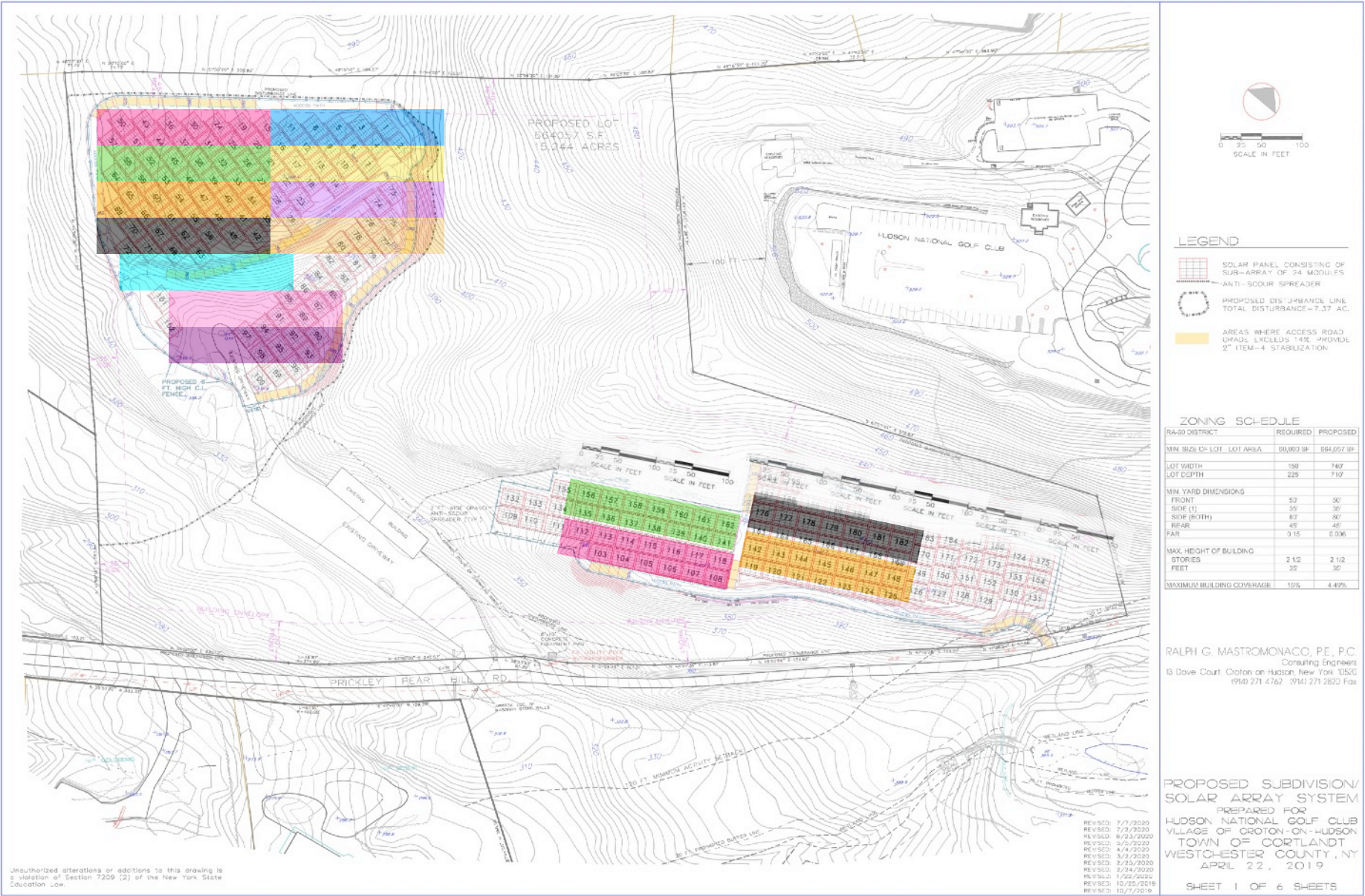


Area of Western Proposed Array



The Matrix/Mastromonaco View Study took into account surrounding properties, including my neighbor at 1271 Albany Post Road. But they our home which is in a clear line of site and with my front door just 620' from the proposed array.

Skyview Nursing Home measures 48 x 228”.



Colored boxes represent Skyview Footprint to scale.

You've seen my previous Google Images/Map overlay's in the past.

The initial one superimposed the footprint of the grounds, (no not the whole property) on the upper more westerly proposed array. It demonstrated that the area of that disturbance was very similar in size to the "built" grounds of the Skyview Nursing Home.

You recently saw my rendition of the building footprint overlayed on the solar panel area of the eastern proposed array. In that space four equivalent footprints were presented. But in actuality the square footage of Skyview could be fit almost six times in that space. Yes in the paneled area only! See attached site plan.

But now picture the height of that eastern area. As previously demonstrated the height from the lower portion of the disturbance area goes from 320' in elevation to 460'. One hundred and forty feet. 140'. One and a half times the height of Skyview.

In the illustration below it is only one Skyview structure tall. Picture the solar array even 50% higher, and another 50% as wide.



This recent picture from the waterfront park at the Scarborough train station demonstrates how you can see the ridge line and the Hudson National Club house from **six** miles away.

The Matrix/Mastremonaco representations of View shed impacts are severely downplayed.



Dear Mayor Pugh, Board of Trustees, Village Manager Healy:

I am again requesting that my attached 1/18/22 letter be uploaded to the Project Page. It was in response to an email from Trustee Simon, copying the Mayor, Board of Trustees and Mgr. Healy, to which I responded (as attached below) also including the letter I am attaching here. I had been informed on 1/19/22 by Mgr. Healy's office that both would be uploaded, but I still do not see it among the latest Public Comment letters and emails.

It addressed the January 10, 2022 Board of Trustees Meeting which brought to light a number of issues that needed further investigation. Those were issues that would constitute part of the Board's requisite "Hard Look". To date, I do not see that those issues have been adequately addressed, if at all. However, notwithstanding that SEQRA requires that the Part 1 EAF and Part 2 EAF are completed and all information necessary for the Board to make a determination are available before the Part 3 EAF is completed, the Agenda for tonight's Board of Trustees Work Session Meeting is showing that Part 3 is, nevertheless, on the Agenda for the Board to consider tonight. Again, it appears that this Board is being pushed, and/or is complicit in agreeing, to complete Part 3 EAF without having all the necessary information and previous work and investigations completed, as per SEQRA.

As a reminder, also not consistent with SEQRA are the following issues as handled by this Board and Village Attorney (former counsel for HNGC) in this HNGC Special Permit Application (most of these issues have been previously brought up in detail in my letters to the Board dated 11/3/21, 12/20/21, 1/10/22, 1/18/22 and 1/25/22:

- This HNGC Solar Plan should have been a Type 1 action NOT an Unlisted Action (based on (1) >10 acres being impacted because 12.4 acres will be disturbed by clearcutting the 7 acres of 600 trees; (2) Significant Adverse Impacts apparent from the start; (3) Under SEQRA, the Type 1 list is "illustrative and not exhaustive" and the Board always had the discretion to treat this as a Type 1 action);
-
- A Full EAF was needed from the start, NOT the Short EAF which does not address in detail the relevant issues in this matter, even Attorney Whitehead mentioned that the Short EAF was more appropriate for other matters! (The Board has used the Full EAF for other matters, such as, single use plastic bags, WHY NOT THIS?)
- The Board and its Village Attorney (former counsel to HNGC and who has given wrong and misleading representations to the Board as to what SEQRA states) has not handled this matter consistent with SEQRA:
- EAF is NOT just a "tool" to be dispensed with, at will, just because the Village Attorney or others who seem to favor HNGC's objectives decide not to pay attention to it...the EAF is required under SEQRA!

- It is NOT ok to allow, and leave as uncorrected, false and misleading statements from HNGC/Matrix on Part 1 of EAF... SEQRA requires the Board to review and ensure for accuracy, and Applicant to provide accurate statements (which are still not accurate after 18 months)... Village Attorney's statement that she informs other clients not to correct inaccurate information on EAFs is NOT consistent with SEQRA and is NOT good or supportable advice for the Village Board, as her client!
- The Board has a basis for denying the HNGC/Matrix application based on its false statements alone... why is the Village Attorney NOT following SEQRA regarding its guidelines on denial of applications based on false or misleading statements, on behalf of the Board ... If Attorney Whitehead truly believes that she has NO conflict, then why is she not taking action against HNGC for its false and misleading statements and misleading material omissions?!
- The false and misleading statements throughout the Part 1 of the EAF, as are the comments by the HNGC/Matrix representatives and Village Attorney, are all Material Facts in the assessment of the significant adverse impacts of this proposed project. It cannot be coincidental that the following material facts are consistently inaccurate: relating to the land being "forested", "semi-rural" and "rural", "adjoining wetlands", the project and disturbance on "extremely steep slopes", the major errors in the calculation of maximum acreage for disturbance allowed under Steep Slopes Law, false statements that indicate that the HNGC proposed actions are "CONSISTENT with the predominant character of the natural landscape of existing habitat (forest) in a No Disturbance Area", "that NO storm water discharges flow to adjacent properties" when it already does now due to HNGC violations, falsely answered questions on the Coastal Assessment Form that there will be "no adverse effects upon any resource areas identified on the coastal area map" (relating to wildlife habitats and scenic resources of local or statewide significance or scenic views known to be important to the community, or any mature forests that will be removed by the project), submitting a View Study conveniently camouflaged to make it seem that there will be no real visual impacts, to make it seem consistent with previous lies and false and misleading statements that none or the solar fields would be visible or anything visible would be insignificant (except maybe in one tiny place on Route 9) which is NOT ACCURATE!
- Part 2 of EAF was NOT handled in accordance with SEQRA guidelines, needs to be redone to address ALL of the significant impacts (not just 4 of them) according to how SEQRA interprets its own questions and not in the exclusionary way Attorney Whitehead handled on 11/3/21 after representing incorrectly that SEQRA does not allow for the Board to have assistance in understanding and completing the EAF forms (when SEQRA specifically allows for such assistance in Sec. 617.14(c). SEQRA looks to include ALL RELEVANT information. The Board should not be misled to exclude highly relevant factual information that would lead to an accurate determination of what is a potential significant adverse environmental impact that would need to have further inquiry by way of an Environmental Impact Statement! In addition to Questions #2, 8, 9, and 10 of Part 2 (with #9 needing to include not just Flora and Fauna, but Wetlands, Groundwater, and Air Quality), the additional Questions that should have been included as Moderate to Large impact, should have been #1 relating to "material conflict with an adopted land use plan" and #3 relating to "impairment of the character or quality of the existing community", as they were only excluded previously due to Attorney Whitehead's limiting interpretation and should be included if considered consistent with SEQRA Guidelines.
- Any attempts by Attorney Whitehead to again attempt to exclude these, or to undermine the significance of any of the valid adopted land use plans (Comprehensive Plan, Environmental Plan,

Limited Activities area restrictions, including the No Disturbance area restrictions, all put into place based on the stated Values of this Community and under the authority of the Village pursuant to any of the authority given to them to protect and conserve Croton's natural resources, including its ability to designate permanent protective measures where needed) is NOT consistent with SEQRA, only protective of her former client's current interests which are adverse to the Village and its residents' and natural resources interests, involving an agreement and permit that HNGC entered into as a condition to its operation while she was its attorney, and is adverse to, and NOT to the benefit of, the Village, its Board, our natural resources... or consistent with SEQRA or its underlying purpose or intent.

- Contrary to Atty Whitehead's and Mayor Pugh's assertions, and as mentioned above, Part 3 is NOT supposed to be completed until Part 1 and Part 2 are satisfactorily completed per SEQRA guidelines... and the requisite "Hard Look" is completed, such that the Board has the information it needs to make the required determinations on Part 3 of the EAF. We are all aware that has NOT been done.
- Contrary to Atty Whitehead's and Village Manager Healy's assertions, a Negative Declaration and Approval of this HNGC project, as submitted for this site, is NOT appropriate for these facts, as there are a number of significant adverse environmental impacts that have not been adequately addressed. (FYI - the proposed "Mitigation Terms", the discussion of which concedes on its face that there are significant adverse impacts to be mitigated, are paltry, woefully inadequate and do not even come close to mitigating anything, let alone the immense damage and destruction that this HNGC Solar Plan is proposing unnecessarily to inflict on our Community and its natural resources.)
- Contrary to Atty Whitehead's assertions, the information that the Board currently has, is NOT equivalent to an Environmental Impact Study being conducted or the formal Environmental Impact Statement that SEQRA requires to be done upon finding even one significant adverse impact, and, if this process was done honestly, there are a number of them.

Regarding HNGC's Engineer: In addition, it appears that throughout the documents filed with the Village relating to the HNGC project, many of the false representations are being made by Ralph Mastromonaco, signed and with his seal as a P.E.P.C. It also appears that under NY law, licensed engineers are bound to a code of ethics that requires a duty to the safety, health and welfare of the public, that all statements made in reports are objective and truthful, that false statements and representations are NOT made, and that misrepresentation of material fact, as well as omissions of material fact are NOT made. The documents submitted on behalf of HNGC/Matrix are replete with false and misleading statements and omissions of material facts. WHY has this Mayor, Board and Village Attorney done NOTHING about this for 18 months? WHY are we still going around in circles with this, when it should have been denied long ago on multiple grounds, not the least of which being that we can't tell what, if anything coming from the Engineer or the Village Attorney is true, and everything we see in this Village's Master Plan, Comprehensive Plan, its Steep Slopes and Tree Laws, the HNGC original Special Permit, Environmental Management Plan (including the imposed and still existing Limited Activities restrictions, such as the No Disturbance area restrictions) are still in place for the same good reasons they were put there to begin with... to protect and conserve our natural resources as set forth in all of what has been put into place over the years to make Croton what it is today... Why has this still not been denied?!

Again, my request is: Please do not make this "The Pugh Administration That Ruined Croton!"

Sincerely,

Domna Candido

1/18/22

Dear Trustee Simon,

Thank you for your response, it was very much appreciated. Also appreciated was your attention to the issues brought up as a result of letters and documents sent in by the public that you referenced at the last Board of Trustees Working Session. As a result of those issues being raised, as well as the fact that it became readily apparent that Chazen/LaBella has not, in fact, completed all of its investigations, but that there are still investigations and loose ends that need to be completed and addressed, you requested that, given the number of important issues still outstanding, completing Part 3 of the EAF is premature and that the process should slow down until all that remains to be done is addressed. That is what SEQRA requires... that is what Croton residents will be looking to this Board to do. The insistence of our Village Attorney to move this along to complete Part 3 prematurely is NOT consistent with SEQRA and not in the best interest of Croton, its residents or its environment. The only one benefiting from a rush to gloss over things not being done as they should be is HNGC.

I also wish to highlight that there are still misrepresentations and misleading inaccuracies on Part 1 of the EAF that the Board must ensure are corrected, and which are violations per SEQRA (ranging from grounds for denial of the application to criminal charges for Applicant under SEQRA and NY law). That Part 1 information is needed by the Board in order for it to reexamine Part 2 which also needs to be reexamined, this time in accordance with SEQRA's guidelines, not just according to the narrow interpretations previously imposed by conflicted Village counsel which were not consistent with SEQRA, and which the Board would be aware of if it familiarizes itself with the SEQRA Online Handbook which is very helpful for these purposes.

I am attaching a letter detailing those issues and hope that the entire Board will review and address. The fact that the inconsistencies seem to be regularly arising from our Village Attorney is of utmost concern. The conflict of interest originating from former representation of HNGC, as well as the way in which the representation of the Village as a client is being handled, and how that is ultimately

prejudicing Croton, its residents, and the natural resources that this Board has a duty to protect is disturbing and many in this Village are looking to this Board to address this issue.

Sincerely,

Domna Candido

Domna Cândido

1299 Albany Post Rd, Croton on Hudson, NY 10520

January 18, 2022

Re: Hudson National Golf Course Solar Plan – Public Concerns re Board of Trustees and Village Attorney: Lack of Care, Deliberation & Inconsistent with Duties and Process under existing Laws and SEQRA

Dear Trustee Simon, Mayor Pugh, the Board of Trustees, Village Manager Healy

This is in response to Trustee Simon (copying all other Board Members).

Thank you for your email response and for reviewing the documents I previously submitted.

I did attend the January 10, 2022 Board of Trustees Work Session via Zoom and am very familiar with the details of what transpired. It was most appreciated that you brought up some of the very important, yet still unresolved, issues that Croton residents have been trying to have addressed by the Board throughout the last 17+ months that the Hudson National Golf Course (HNGC) Solar Array Plan application for a Special Permit has been pending before the Board of Trustees. Among those were issues again brought to the Board's attention regarding serious concerns as to the severity of potential drainage, flooding and erosion relating to the ill-advised siting of this project on the extremely steep slopes, with possible far-reaching consequences well beyond the property line of HNGC, as well as the absolute necessity of a serious effort at a real post-construction stormwater management plan.

However, the revelations did not stop there and, based on my explanation here, I agree with you that we need more examination on a number of important issues. The additional cause for concern that I discuss below, however, is why the Board has and continues to receive misleading information from Village Attorney Whitehead relating to the pending HNGC Special Permit Application and the mechanism and significance of the SEQRA process that is vital to this Village regarding its ability to make any sound determinations in this HNGC matter. I have mentioned in the past, my concerns regarding Attorney Whitehead's conflicts of interest issues per the NY Attorney Rules of Professional Conduct (that all attorneys licensed in NY must follow), relating to her past representation of HNGC, particularly given that the representation was in connection with these same or related matters. Under these Rules, attorneys also have very important duties relating to the loyalty, trust and manner in which they provide information and counsel to their clients which is also becoming of increasing concern in how this HNGC matter is being handled. Problems relating to that, and incumbent upon this Board to address, have been evident in the past, and, unfortunately were on full display at the 1/10/22 Work Session.

The reports from the Chazen/LaBella consultants who, we had been led to believe, were effectively done with their full review of all of the relevant issues raised from Parts 1 and 2 of the EAF indicated that was not the case and that the status was far from complete. Without going into the specifics of all the issues here, it was disconcerting to find out that certain things that there were certain important issues that hadn't been addressed very fully, others that the engineer would have to go back and address in a more comprehensive way, or still others that they hadn't addressed at all or they were unfamiliar with or that they hadn't considered before! This left Chazen/LaBella with open issues that still need investigation, issues that have still not been resolved... and that is in addition to the many issues that seemed to have just been rubber stamped along the way! One also has to wonder why all of the experts presenting to this Board (both those working for HNGC and those allegedly independent experts from Chazen have not seemed to hear about any of those concerns and why they all seem to have the same exact script! A script that justifies destroying trees, forest, eco and biosystems, wildlife, habitats, steep slopes, all telling the story of their very little value, all rarely focusing on our environment and whose stories fall neatly into how all this destruction is good... and coincidentally will be financially rewarding for HNGC and Matrix. They were, we had been told, at the point where Village Attorney Linda Whitehead and Manager Bryan Healy had been pushing to say that all of the four previously identified "significant adverse impacts" were all adequately addressed, and that, according to them Part 3 of the EAF should now be completed by the Board. But what we heard from the LaBella consultants at the Meeting indicated that the status was far from a completed process!

The way the discussion on the possible “alternative sites” issue was handled, which also comprises the ConEd issue, was truly incomprehensible, because it does not appear that any follow up, including cost of clear cutting the trees on the 7 acres as a means of comparison and other more detailed information had been provided, or even requested of HNGC. All we heard from Manager Healy and Attorney Whitehead was a reiteration of the fact, which came across more like advocating for HNGC’s position, i.e., that HNGC gave us a list of reasons stating that it can’t site this solar project anywhere else but on the extremely steep slopes in the No Disturbance area...and it appears that was supposed to suffice. In fact, an EIS would require much more than a cursory statement... it would require a thorough analysis of each of the reasons... that is, if an EIS is conducted by a truly objective engineers, etc., which, we believe, has not been the case thus far, as evidenced by that last Meeting. The report from La Bella’s consultant on the habitat and forest issues was equally unimpressive and unpersuasive, did not even mention adjoining wetlands, critically important, but an issue that HNGC keeps bypassing... first by repeatedly and falsely answering “NO” to any questions related to questions that address wetlands being near, on adjoining property to the project site, or possibly affected by the project upland on steep slopes from the wetlands. Somehow seems like it wouldn’t take a special degree or credentials to guess at that one! Yet, HNGC, its experts and this Board have, to date, been looking the other way on that. So, she focused solely on whether “endangered and threatened” species were known to exist there, even though HNGC’s Tim Miller “expert” never really did a full assessment of what species actually were found in the forest and notwithstanding that if a Full EAF were used, it wouldn’t just focus on those protected species. To the contrary, a Full EAF would have actually taken into consideration the removal of, or ground disturbance in, any portion of a designated significant natural community and, any interference with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site! There would be a diverse and abundant list of that wildlife... that is, if adequate assessments had been required and analyzed. She also didn’t seem to understand or care, as most environmentalists do, about fragmentation of the forest, or the reasons the U.S. recently signed onto the U.N. COP26 Deforestation Declaration to stop deforestation of ALL forests by 2030 because of their invaluable importance to the fight against climate change. This begged the question as to why the content of her report sounded much like the same script heard from all of HNGC’s “experts,” all advancing the interests of HNGC based on “environmental” principles not really held by most serious environmentalists and scientists!

Several times during that Board Work Session, based on all that information (from both the public submissions and the LaBella reports), you indicated that you were requesting that the process be slowed down to allow for further study and investigation to gain more clarification on those issues. Despite that request, we witnessed Atty Whitehead and Mgr. Healy pushing back, indicating that the Board should be going forward with Part 3 of the EAF, the step that will determine whether a Negative Declaration will be issued, or whether a Positive Declaration will be recommended due to existing significant adverse impacts and an Environmental Impact Statement will be required. For a 7-acre solar farm project clear cutting an existing forest on extremely steep slopes, the type of project that NYSEERDA advises against, that will cause disturbances our Steep Slopes Law cautions against in detail, significant adverse impacts are to be expected. When dealing with an Applicant who has a history of violations and causing damage, whose submissions are replete with misleading and false information, it is all the more important that the information received is made to be accurate and scrutinized carefully. That has not been done, to date. The very disconcerting thing is that when three of our Trustees were asking questions and trying to get the point across that there are issues that still need to be addressed before Part 3 can be addressed, the way it was handled by Attorney Whitehead was not in accordance with SEQRA or with her professional obligations as the attorney for this Village.

The issues relating to Village Attorney Linda Whitehead’s former representation of Hudson National Golf Course, and her conflict of interest, first came to my attention at the November 3, 2021 Board of Trustees Meeting when red flags went off in my head as to how the process was being handled to complete the SEQRA Part 2 Environmental Assessment Form (EAF). When a request was made that the Board receive outside assistance from experts with knowledge of environmental issues and the SEQRA process so that this Board would have better grounding in completing the required EAF and possible Environmental Impact Statement (EIS) required related to the HNGC Application for a Special Permit for its Solar Plan, Attorney Whitehead’s handling of that request was not compliant with SEQRA or the interests of the Board or the Village. Rather than reveal to the Board that SEQRA does, in fact, specifically allow for such assistance in Sec. 617.14(c) of its regulations which states: (c) Agencies may find it helpful to seek the advice and assistance of other agencies, groups and persons on SEQR matters, including ... (1) advice on preparation and review of EAF’s, etc.” among a list of other things, Attorney Whitehead gave her typical circular reasoning, answering a different question, then saying that such assistance was really not allowed by SEQRA. In effect, that evasive but conclusive response shut down that request. As a result, the Board then proceeded with

completing the very important Part 2 of the EAF (which determined what the “significant adverse impacts” for this HNGC project are) with the Village Board being not at all prepared to do so and relying primarily on *Attorney Whitehead’s* interpretation and view of what aspects of the very environmentally damaging HNGC solar plan would cause significant adverse environmental impacts. Not surprisingly, Attorney Whitehead seemed to have much difficulty imagining such impacts, and, contrary to SEQRA guidelines and workbook itself, took a very narrow reading of the language and did not lean toward including per SEQRA, rather her direction was toward excluding such impacts and concerns.

In the past, Mayor Pugh has asserted that the Board has been handling this HNGC Solar Array Special Permit Application consistent with SEQRA and I have been very specific in explaining why that is not the case. It’s obvious why such a process would be so important given the ill-conceived nature of this project, one that is not even advised by NYSERDA, one involving clear cutting approx. 600 trees on 7 acres of primarily extremely steep slopes. It is also one that most likely will cause visual blight on Croton’s scenic vistas, decimating the character of our Village (in violation of our Steep Slopes Law), and potentially cause drainage, erosion and mudslides while destroying existing forest and ecosystems needed for fighting climate change and the wildlife habitats and ecosystems it now supports (significant impacts also warned about in our Steep Slopes Law). Most serious environmentalists waging the war against climate change do not seem to support the actions that will be taken in this plan because they are seen as being counter to the fight against global warming (e.g., the U.N. COP26 Glasgow Deforestation Declaration previously mentioned, the New York Declaration on Forests, initially signed in 2014, recently renewed its call to action to preserve forests for climate control purposes by 2030 on the tails of the Glasgow Deforestation Declaration, organizations like the Sierra Club, The Nature Conservancy, Greenpeace and the Union of Concerned Scientists feel that preserving forests is critical to combating climate change.)

SEQRA indicates that the Full EAF would have been the most appropriate (not the cursory Short EAF this Board is using) and its questions would have more appropriately specifically inquired as to the various problematic aspects having potential adverse impacts in this project, unlike the Short EAF.

SEQRA states that we need to always use the EAF in identifying and making a determination of significance of adverse environmental impacts and, even if a Lead Agency modifies an EAF, SEQRA indicates that the EAFs would need to remain at least as comprehensive as the SEQRA model EAFs. (SEQR Handbook, Ch 4 (A)(4))

SEQRA (Ch 3, Sec F (5)) indicates that accuracy of information is mandatory, making it the duty of the Board to review and ensure, and stating that HNGC and Matrix are responsible for the accuracy of the information they provide and that presentation of misleading or knowingly false information may lead to rejection of the Application, subsequent litigation and could also result in criminal felony charges.

SEQRA indicates that ALL significant adverse environmental impacts should be identified and an EIS be conducted (the underlying nature of which would be by truly independent engineers and scientists) covering each significant adverse impact identified as a result of the Part 3 EAF being completed, which would involve a scoping process and ultimately embodying a 30 day Public information process. (Handbook Ch 5; and Sec 617)

SEQRA states that the Lead Agency should prepare and complete Part 3 of the EAF after it completes Part 2 of the EAF and when it has enough information to make a determination of significance. (SEQR Handbook, Ch 4 (A)(8))

The point is that SEQRA requires this process because Lead Agencies, such as this Board, have a duty to be stewards to protect the invaluable natural resources of our precious environment. In order to do so consistent with SEQRA, this Board should NOT be going forward with completing Part 3 of the EAF until such time as Applicants’ false statements and inaccuracies still contained in Part 1 are accurately represented, the Board has an opportunity to review that information, then reassess its completion of Part 2 (including questions 1 “conflict in land use”, 3 “impact character of community” & 7 “impact water, that were not previously closely scrutinized in the previous exercise per language in SEQRA Handbook) all in accordance with the guidelines of SEQRA, and after it can take a Hard Look at all of the significant adverse impacts identified, after they are all fully and satisfactorily studied and analyzed for its review (again with accurate follow-up responses and information provided by HNGC) ... NOT before then.

At the 1/10/22 Board Meeting, many of those issues also came to the fore. Apparently, from statements made by our Village Attorney, and her apparent rush to skip over all that is needed to address the real issues that are still unanswered, she seems to have no concerns for the underlying values of our Community in conserving and protecting Croton's environment as set forth in our Comprehensive and Master Plans, and the Village's duty in doing so that precipitated the initial placement of the No Disturbance area in the HNGC Environmental Management Plan. Ironically, she is fully aware of the importance of the No Disturbance restrictions because she apparently represented HNGC as their attorney during that time. She also seems not to care, from the Village's point of view, that HNGC is conveniently putting forth some circular reasoning why it can subdivide out portions of its property that it will still own so that the initial No Disturbance use limitations that were a condition of HNGC's initial permits will no longer apply!

If that is the case, why then wouldn't HNGC be able to subdivide out a lot more of its property to do the same to get around their initial agreed to conditions? How can she so casually wave that off as not relevant and not detrimental to the underlying values and interests of the Village she now purportedly serves? How can our own Village Attorney not be looking into our laws to determine how this Village can require another Environmental Management Plan for the 15 acres HNGC wants to subdivide and lease to Matrix for use as a Solar Farm? Also, why do the Village Attorney, as well as certain members of the Board and Chazen/LaBella (including both of the LaBella representatives who spoke at the 1/10/22 BoT Meeting) seem so complacent in reviewing and vetting the information coming from HNGC and Matrix (when so much has been submitted with incomplete information, misrepresentations and false statements and information not entirely truthful along the way) and it is so blatantly obvious that they often are not allowing themselves to see beyond the blinders they have voluntarily donned? Willful ignorance does not remove accountability. Neither does doublespeak.

At the meeting, by way of questions from you and Trustees Horowitz and Rosales, it also became clearly apparent, again by responses from Village Attorney Whitehead that, curiously, she often is the one that comes to the defense of HNGC (e.g., on all the reasons why HNGC might not be able, and should not be required, to find another site for its solar project). It also became clear that the proper SEQRA process is not being followed, e.g., that it is, in fact being thwarted, in many respects by the Village's own Attorney (as well as by HNGC and Matrix, and not very diligent inquiries and follow up by Chazen/LaBella). Hudson National, who would be the primary beneficiary of the proposed solar installation reaping the financial and most of the energy benefit from the project, has interests adverse to Croton. Only 150 Croton residents will be able to take advantage of the energy from this solar project to receive a mere 10% discount off a portion of their electric bills. But we all are bearing the risk and adverse effects. When, for whatever reason, the process is impeded so that it is not achieving what it was intended to do (i.e., to scrutinize and vet this Special Permit Application), and it winds up prejudicing the Village, residents and natural resources it was intended to protect, it needs to be closely monitored and fixed... not swept under the rug and ignored... because much is at stake and many will be affected!

When informed by Trustee Horowitz of the continued false statements, misstatements and inaccuracies still in Part 1 of HNGC's EAF submitted yet again for at least the 3rd time, Attorney Whitehead didn't seem to be bothered, saying that the EAF is just a "tool" and is not really even needed, making it seem that it all doesn't even matter! However, in fact, SEQRA specifically states that the Board is responsible for ensuring that all information is accurate and the Applicant, i.e., HNGC/Matrix, is responsible for providing accurate information. But what of SEQRA's requirements against false or misleading statements by the Applicant? What of the Board's duty to ensure accuracy? And, as Trustee Horowitz very aptly indicated, if information on the Part 1 EAF is inaccurate, then how could the determinations in Part 2 which the Board completed in November be relied upon? That, also did not seem to be a concern for Attorney Whitehead! Despite that fact, Attorney Whitehead was pushing forward at that Meeting attempting to get the Board to move past the inaccurate Part 1, past the dubious results of Part 2 that was based on the inaccurate Part 1, in order to address Part 3 of the EAF (which would determine the "importance" and "magnitude" of the "significant adverse impacts") when that item wasn't even on the agenda for that Meeting!

The egregious part of that move was that you had requested several times to slow the process down because, due to information received from members of the Public relating to drainage, erosion and steep slopes, as well as issues obviously not yet fully addressed as evidenced by the reports by Chazen/La Bella, you were asking that another Board of Trustees Work Session be scheduled to allow a continued opportunity to review. However, Attorney Whitehead

wanted to be pushing forward with the Board completing Part 3 of the EAF which, per SEQRA, is supposed to be done by the Board after analyzing all the information that has been gathered from the submissions, forms, reports, the Public, etc., NOT while there are still major substantive issues still unaddressed and still unresolved. (It is important to note that completion of Part 3 of the EAF would get the Board closer to issuing a possible “Negative Declaration” eliminating the need for an EIS, which has been flagged in a recent letter from Village Manager Healy as a possibility resulting from his past conversations with Attorney Whitehead!) What is the rush, particularly when the information is known not to be complete or correct?

A Positive Declaration would be needed based on a finding of any “Significant Adverse Impacts” after completing Part 3 requiring an EIS on those impacts. However, Attorney Whitehead still continued to attempt to bypass all that SEQRA sets forth, still while talking around what SEQRA actually states, saying that the Board already basically has all the information needed for an EIS based on all the information it currently has, so, according to her, it doesn’t really need to have a formal EIS. As with much in that doublespeak, it’s never clear where our Village Attorney finds support for that information!! (Please ask Attorney Whitehead to provide a specific cites to support her assertions.) But that is not true. As we heard from the LaBella reports and as we’ve seen from the HNGC/Matrix submissions on the Project Page, we do not currently have what would constitute an equivalent of an EIS under Sec. 617.9 (b), including without limitation, that we do not have a complete analysis of alternatives or all possible mitigations of the significant adverse impacts, among other things!

And when Trustee Rosales asked Why then, if we allegedly already have all the requisite information available, Why wouldn’t an actual EIS be required?... Attorney Whitehead incredulously explained, again in that circular speak, again not making a lot of sense... but for the first time attempting to seem like she does have environmental issues at heart...saying that to do one would use up a lot of paper! And when Trustee Rosales countered with Why is that an issue when it will likely be digitized, Attorney Whitehead responded with some other circular response about SEQRA and printing and quickly changed the topic. First, SEQRA appears to allow, even encourages electronic copies. (See Sec. 617.12) At the very least, if one or two printed copies (in addition to the electronic copies) might be required to be kept somewhere, how could that possibly compare to the number of trees her former client is intending to destroy! If Attorney Whitehead can give specific SEQRA or case law cites to backup any of what she is asserting we are all entitled to know what they are, because a lot here does not seem to be adding up.

Moreover, in addition to the fact that SEQRA specifies components of an EIS that we know have not been conducted or prepared, to date, her whole statement to Trustee Rosales about not needing to do a formal EIS makes no sense. The whole purpose of Part 3 of the EAF (which Attorney Whitehead has been pushing for the Board complete) is for the purpose of the Board to determine whether to require having an EIS conducted. But now it appears, at the same time, she evidently is saying that the actual result of that Part 3 (where the Board determines whether an EIS is required) doesn’t really matter? Because, if the Board concludes an EIS is needed, then she is going to say that it doesn’t need to be done, because according to Attorney Whitehead, we allegedly already have all the information that would be used to create an EIS?! But, you see, we don’t, because even if we had the raw data, which at this point we know we don’t (as was very apparent at the 1/10/22 BoT Work Session, we definitely don’t have the analysis, the glue that pulls it altogether, that would reason out whether the environment impact was too great a risk to incur!!

The point is clear, although Village Attorney Whitehead’s statements often are not. The Village Attorney has a definite conflict of interest and should have long ago recused herself from this HNGC Solar Plan or any other matters dealing with HNGC ... because in those matters her former clients are adverse to the interests of this Village, its residents and resources. But we don’t have to imagine what conflicts there could be, because the New York Attorney Rules of Professional Conduct specifically indicates that a government lawyer may not participate in matters for clients in which the lawyer participated personally and substantially while in private practice or nongovernmental employment. The Minutes of the Village show that Attorney Whitehead previously represented HNGC on matters relating to the Village and its operation here in Croton. More concerning is that the Village Attorney’s actual handling of the pending Application for a Special Permit for the HNGC Solar Plan has made that very clear and that the interests of Croton, its residents and natural resources are being prejudiced. At times, information is not being presented by Attorney Whitehead to her current client, i.e., the Board and the Village, in a forthcoming manner to the extent that it is misleading, and information is being misrepresented as to what SEQRA states, requires or allows (or at least that is what is perceived as we listen to the circular doublespeak). At other times an explanation of the law and facts is not

given to the extent reasonably necessary to permit this client to make informed decisions regarding this HNGC pending Application and relating to the SEQRA process. Each time it seems to be happening, e.g., misled about not being able to get outside assistance to complete EAF, that an EAF doesn't need to be completed, that a formal EIS doesn't need to be done because we already have all the information needed, that two less significant adverse impacts were identified than there really may be... it is not to the benefit of her current client the Village of Croton, the Board, the residents of Croton, or the protection of its natural resources. Rather it appears to benefit HNGC and its interests. This is not acceptable!

Why, then, with this process going on for close to 17 months, is it taking this Village so long to address this "conflicts issue" when there are so many significant adverse impacts related to this Special Permit matter which is irresponsibly sited on steep slopes, and the steps this Board needs to take to address this matter are critical and need the guidance of competent counsel with NO conflicts?! At each turn in this process, whether it has been which form of EAF should be used, to how to fill them out, to whether or not an EIS even needs to be done if the Board does indeed identify the requisite significant adverse impacts...there has appeared to have been a push by our Village Attorney to steer this Board toward approving this project with a Negative Declaration and indicating that an Environmental Impact Statement would not be necessary! And, a push toward looking at possible "Mitigation Terms" such as those irrelevant, insufficient and meaningless terms this Board presented to us and that I discussed in my last letter to this Board. Those Mitigation Terms do not even attempt to address the seriousness of the damage being done by this ill-conceived and misguided solar project ... which just adds insult to injury! At the last Board of Trustees Work Session, when three of our Trustees started to ask questions that had a foundational basis in SEQRA, and many were just summarily dismissed by our Village Attorney with circular doubletalk to shut down any possibility that this HNGC Application for a Special Permit will not be Approved... that is not acceptable!

Ultimately, Attorney Whitehead is accountable for how she is handling her actions under various Municipal, Village and Attorney Practice rules. But what is certain is that what has been going on here is not the role of the Village Attorney or the manner in which our Village Attorney should be handling these matters, because important issues need to be correctly addressed under SEQRA in this HNGC Solar Plan and that is not happening at this time. This Village needs to address this conflicts issue because it is the Village and this Board that will be held accountable for their actions in handling the HNGC Solar Plan, including retaining and knowingly following the counsel of a conflicted attorney giving advice that is not in the best interest of this Village. Please note that any other attorney at her firm is deemed to be similarly conflicted under Attorney Conflicts Rules.

I am hoping that the Village will course correct as soon as possible. We need a competent and accountable Village Attorney letting our Board know what the actual law says and how to best apply it, accountable engineers and scientists conducting supportable inquiries and conducting Environmental Impact Statements that are not just advancing the approved script of Hudson National which has a documented history of violating its underlying permits and our Village Code. We also need a process that advances the true intent and purposes of SEQRA and our Village Laws that the Village is the steward of our environment and natural resources, and of our Master and Comprehensive Plans of our Village that the values of our Community, which place great weight on the protection of our natural resources, are upheld.

Sincerely,

Domna Candido

Steve Varvaro
1263 Albany Post Road
Croton-on-Hudson, NY 10520

January 28, 2022

The Honorable Brian Pugh, Mayor
& Village Board of Trustees
Village of Croton-on-Hudson
1 Van Wyck Street
Croton-on-Hudson, NY 10520

I've read the recent posting of a Matrix Comments about the Village of Croton January 24th, 2022 Zoom Special meeting for citizens to comment on the the HNGC Solar project.

Because so many of the points that Matrix challenges were made by me I feel it is imperative to address them here.

Although the Sunday afternoon Croton Deserves Responsible Solar Zoom presentations were done by private citizens it was not a private meeting, as it was advertised in the Gazette and promoted widely around Croton and on social media.

- 1) **Steep Slopes.** It is clear that they intend to put the panels themselves ("system") on the least steep portion of the disturbance area. A point they continue to promote, but doesn't address the tree removal from the rest of the disturbance area. In the disturbance area itself, where they will be clear cutting the trees 71% of the area is on steep slopes. On a weighted basis, Very Steep and Extremely Steep slopes account for 305,943 sq. ft., or 109% of the disturbance area. These figures come directly from a chart they provided in their initial submissions. (See below)

Proposed Disturbances

LOT			
Lot Area (sq. ft.)	544,366		
Total disturbed area (sq. ft.)	278,551		
Percent of lot being disturbed	51.1%		
STEEP SLOPES	Max. Allowed Dist. Area (sq. ft.)	Proposed Disturbance (sq. ft.)	Over max. allowed dist. area (Yes/No)
Non-steep slopes (<15%)	NA	NA	NA
Moderate steep slopes (MSSA) (15% - <25%)	13,068	74,354	YES
Very steep slopes (VSSA) (25% - <35%)	8,712	46,470	YES
Extremely steep slopes (ESSA) (>35%)	4,356	78,746	YES
Total steep slope disturbance MSSA + VSSA + ESSA = TSSD	263,220	199,570	NO
Total weighted steep slope area (TWSSA) (MSSA x 1.0) + (VSSA x 1.5) + (ESSA x 3) = TWSSA	13,068	380,297	YES

2) **Ecology.** No one is suggesting swans live on our property, but here is the picture of the swan on my property. To represent that no other wildlife exists or inhabits the area of or around the golf course in ludicrous, regardless of which experts are on your payroll. John Ealer's bobcat picture was taken through his office window. Some of you may have seen the whole picture, window frame and all. With wetlands on the golf course property there are certain to be Great Blue herons and many other resident and migrant species besides "wood chucks and bunnies". It is not just access under the "unfenced" area of the panels, it is the habitat loss with the clear cutting of trees that is most problematic.



4) **Educational Benefit Agreement.** (Mitigation) Mr. Doud makes a legitimate point about the relationship between the size and scale, and power generating potential relative to the financial benefits provided as either mitigation or community sponsorship. My purpose in stating this is to point out that this project is quite disruptive to Croton, while not providing nor realizing much benefit in either MG output or financial reward in compensation for the significant disruption it will cause.

5) **Site Work.** Not my words- theirs!

“This project entails substantial site work, including tree clearing and challenging terrain.”



Matrix Development LLC – Solar Projects

Matrix Solar Development was launched 2015 to invest in the newly created community solar program in New York. Principals of the firm have developed the projects listed below and have a combined 15 years experience in solar development and 25 in real estate development. Scope ranges from pure play development to owner & investor.

Kingsbury, NY – Geer Rd 19.2MW: This project is sited on a 197 acre parcel owned by a local mining company. Matrix negotiated a 40 year lease and is has obtained all necessary approvals to commence construction. It's designed as a single axis tracker using bi-facial modules and will be interconnected to a 34.5KV sub-transmission line that bisects the property.

Croton on Hudson, NY – Prickley Pear Rd 2MW: Currently in Development this 2MW DC project is sited on excess land from Hudson National Golf Club. The project entails substantial site work, including tree clearing and challenging terrain.

Rock Tavern, NY 7MW: Sited on Maple Ave at the intersection of route 17K this fixed tilt system was developed on 61 acres of farmland and was directly across the street from the substation. Enter Solar assisted Matrix with the preliminary feasibility study and is in the process of building the project for AES who purchased it from Matrix in 2019. An affiliate of Matrix Development owns the land.

6) **Utility Upgrade Costs:** Yes, clearly the project is significantly bigger. As addressed in item #4, why go through all of this disruption for such a small site. The benefits do not outweigh the costs to Croton.

7) **Tree Count.** The latest site submission by Mastromonaco still shows 617 trees. Here is how they come up with 470.

Greater than 8"	384	Less than 8"	117
Invasive	86	Dead	30
Total	470	total	147

GRAND TOTAL Just as I and their plans say 617 trees.

They ignore the ones still on the latest site plan, 117 under 8" which are still part of the the TREE LAW restriction and another 30 dead trees. They still insists on discounting certain trees that are not up to their quality standard.

9) Stromwater Probably the most critical aspect. All of the watershed documents that I provided came from the submissions by Matrix and Mastromonaco. The watersheds clearly flow across the surrounding properties. To think that you can cut down 7 acres of trees and not impact the stormwater runoff is laughable. Their comment about an artificial diversion created by an upstream neighbor impacting the flow only points to the fact that the country club has created hazards water flows for years that citizens have had to try and remediate on their own.

10) Stormwater Mastromonaco's responses to Hudson Land Design's letter points to a difference of professional opinion. Another reason why a full EIS is essential so that other qualified voices can be heard.

However, Mastomonaco himself lays the ground work for the soil not being able to support take up of water, while addressing the rocky and steep slope condition. Who are they kidding saying they are going to produce these wonderful meadows.

Matromonaco: "Our site investigation revealed

numerous rock outcroppings, or significant areas of rock at or near the surface, which for this reason alone, excluded these woods from the "Good" category due to reduced opportunities for forest litter."

"The proposed solar site is sloped with many areas of steep slopes."

Hudson Land Design assessments were made using available data of the local terrain and NYS standards. He did not rely on Google Earth photos, rather photos taken on the neighboring properties. I guess they made that part up.

Full access to the property by independent engineers and hydrologists for thorough assessment is another reason why a full EIS is essential so that other qualified voices can be heard.

11 + 12) Visual Analysis and Project Size Representations made about Skyview are not meant to imply that the solar arrays would impair the view shed in the manner they suggest. Skyview comparisons are specifically to show the size and scope of the project.

As previously demonstrated the foot print of the built environment around Skyview and the foot print of the western disturbance area are almost identical. In a recent piece sent to the board I demonstrate that you could fit the foot print of 11 Skyview nursing homes in that area.

Moreover, recent submissions point out that the width of the eastern array could accommodate 4-6 times the foot print of the Skyview building itself. Additionally, I've pointed out that the height of the disturbance area -"tree removal"- is 140' foot elevation. Approximately one and a half times as high as Skyview. Yes, the solar panels will be low to the ground but placed on this sloped hillside, (to catch the sun) will look like a giant outdoor movie screen. Their professional visual analysis is quite selective in choice of view points.

14) HyrdoCad Calculations Hudson Land Design used similar modeling techniques in their evaluations of stormwater runoff potential. Once again I point out this is a professional disagreement on a somewhat nebulous soil evaluation scale. Another reason why a full EIS is essential so that other qualified voices can be heard.

It is unfortunate that citizens need to spend so much time, and energy and money to dig into the details that has some much anticipatory nuisance and potential negative impact to the surrounding properties and Croton in general.

Sincerely,

Steve Varvaro

Dear Mayor Pugh, Board of Trustees, Mgr Healy,

It just came to my attention at the very 11th hour on the day of the Board of Trustees Meeting that Mgr Healy uploaded a letter with a purported explanation as to why the Village is taking the position that there are no conflict issues with Village Attorney Whitehead or her performance as the attorney for this Village in connection with the HNGC matter. With just a few minutes to address, even though you were likely in possession of this letter and whatever "opinion" you recently obtained, I believe that your opinion is faulty on a number of grounds, not the least of which is the following:

Rule 1.11 (d) states: Except as law may otherwise expressly provide, a lawyer currently serving as a public officer or employee shall not: (1) participate in a matter in which the lawyer participated personally and substantially while in private practice ...

You or your lawfirms will see that the annotations expressly mention situations like this relating to attorneys such as Atty Whitehead not only representing the Board, but on matters directly related to issues she was involved in previously with her former client.

Also, the basic responsibilities of an attorney are the following:

- A lawyer should provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
- A lawyer has a duty of loyalty to his/her clients, and to provide sufficient information regarding law and facts to their clients so that their clients are able to carry out their responsibilities.

Neither of these have been true.

I will be happy to address in more detail when I have more than 2 minutes to do so. For now, it should be clear that neither this Village or Attorney Whitehead have adequately addressed the issues raised.

Sincerely,

Domna Candido