

MATRIX DEVELOPMENT, LLC

153 Mercer Street, #4
New York, New York 10012



January 27, 2022

Attn: Mayor Pugh, Village Manager Healy and Trustees
Croton-On-Hudson Planning Board
1 Van Wyck Street
Croton-on-Hudson, NY 10520

RE: Board of Trustees Special Meeting, January 24th, 2022

Dear Mayor Pugh,

After 18+ months of oral and written public comments, Matrix Development was surprised to learn from a third party that the Village of Croton-On- Hudson scheduled a Special Meeting on January 24th, 2022, to hear additional public comments primarily by a small group of abutting neighbors. It was noted during this meeting that the Board of Trustees attended a nearly identical private meeting hosted by the same group of neighbors the day prior. Considering this concerning situation, Matrix attended the January 24th Special Meeting held virtually, despite not being directly notified of the meeting. Most of the information presented by the public was historically repetitive and had previously been proven to be factually inaccurate by all consultants including Village-commissioned subject experts that include civil engineers, hydrologists, and ecologists employed by Chazen and Companies/LaBella Associates. The public presented only misleading claims and ad hominem attacks on Matrix, Hudson National and Village Attorney Whitehead to substitute for a lack of substance, along with insinuations of conspiracy and covert financial design. As such, we feel it's our responsibility to correct the inaccuracies of public record with the following information:

- 1) **Steep Slopes** – The solar array and meadow understory will primarily be constructed on portions of the 6.7 acres that are less than 22% slope on average which would be classified as Moderately Steep Slope by the Village Steep Slope Zoning Law. Mr. Varvaro's claims that "half" of the system is built on "Steep or Very Steep" is incorrect.
- 2) **Ecology** – There were multiple unsupported and misleading statements exaggerating the quality of the wildlife and habitat, despite reports from Tim Miller Associates and Chazen/La Bella ecologists providing extensive habitat assessments to the contrary, detailing widespread invasive species growth throughout the understory of the project area. Examples of this chicanery include photographs in the presentation of Great blue herons and swans which do not live in dry, upland woods, such as this site. Wildlife will continue to live among the solar array due to the omission of the chain link fence, and despite negative, unsupported assertions, meadows will be established with the assistance of experienced wildlife ecologists, which will attract additional wildlife and pollinator species.
- 3) **State & Local Zoning Law Compliance** – Mr. Ealer stated that the project runs "contrary to local law and state law". The Solar Project Application and Site Plans have been extensively reviewed by Department of Environmental Conservation (DEC), NYS Office of Parks, Recreation and Historical Preservation, NY Natural Heritage Program, Croton's Village Engineer and Fire Department, Chazen & Companies/Labela. We have not received notification from

ANY of the involved agencies or authorities having jurisdiction that our project is not compliant with Federal, State or Local codes.

- 4) **Educational Benefit Agreement** – On a pro-rata basis Matrix’s Community Benefit Agreement proposed to Croton is approximately double of other proposed projects. Mr. Varvaro made a direct comparison between Matrix’s Community Benefit Proposal to Croton-On-Hudson and an Educational Benefit Agreement Michael Doud negotiated with the Greenville Central School District in the amount of \$150,000 for each 6.9-megawatt solar project. In aggregate, the project was 7 times larger with a larger NYSEDA funded incentive and significantly lower construction costs due to the economies of scale associated with the increased project size. Mr. Varvaro’s lack of industry knowledge allowed him to insinuate the proposed Matrix Community Benefit Agreement was insignificant. It’s important to take all factors of the project into consideration to determine financial equivalents, rather than selectively picking headline information.
- 5) **Site Work** – Contrary to Mr. Varvaro’s statements, the solar project requires limited site work beyond tree removal and construction of the stormwater controls which is why this is an unlisted project and there is minimal risk of any stormwater issues as demonstrated by the agreement of all reviewing engineers including Chazen/LaBella. Mr. Varvaro quoted “they” indicated there is substantial site work. There is minimal grading required as evidenced by the most recent Site Plans found on the Village of Croton-On-Hudson website.
- 6) **Utility Upgrade Costs** – Mr. Varvaro inaccurately suggested that another Matrix 10 megawatt-ac (14 megawatt-dc) project is analogous, and that \$3 million dollars spent on a 3-mile utility feeder/line upgrade would be applicable here. The project Mr. Varvaro referenced is 7 times larger than Prickly Pear Solar project which equates to approximately the same pro-rata interconnection costs. As such, it is not viable to spend over \$1 million dollars to construct or extend the utility lines for an alternative site on the golf course for a project one-third of the size (377 kilowatts) of the proposed Prickly Pear Hill Rd. location.
- 7) **Tree Count** - Continuing to use the incorrect number of 600 trees to be removed when in fact, it is 470 when counting invasive species normally targeted for removal by DEC, and trees in poor condition not expected to live more than three years. Of the 470, 117 are small, less than 8” diameter.
- 8) **Climate Change** - The disingenuous claim that cutting down trees will deleteriously impact climate change and carbon sequestration, when in fact, the accepted ratio is 20:1, so the solar project on the 6.7 acres of sparse, open woods will reduce as much carbon as planting 135 acres of forest.
- 9) **Stormwater** - Falsely claiming that all the watersheds mapped by Engineer Mastromonaco flow towards the five homes on Prickly Pear Hill Road and ignoring that the largest watershed has been artificially diverted by an upstream neighbor to flow in front of the homes on 12 and 4 Prickly Pear Hill Road—this is the cause of their flooding during heavy rains. This has been substantiated by Chazen/LaBella and the Village Engineer.
- 10) **Stormwater** – Claims were made during the presentation that the soils on the site are “good”, even though this assessment was implausibly made from Google Earth aerial photos. In fact, Chazen/La Bella has agreed with Mastromonoco that the soils are “fair”. It is this designation that the neighbor’s consultant, who did not visit or request to visit the site, used for criticizing the Matrix proposed mitigation (which Chazen/La Bella has approved).

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- 11) **Visual Analysis** – Opponents made the unsupported claim that the project will “ruin” the views, and that the 8-foot-high solar panels will have a greater impact on the viewshed, even greater than the 6 story approximately 50 ft+ Skyview that juts out into the river viewshed. To date, the Village has not received any professional studies that contradict the record established by Mastromonico and reviewed by Chazen & Companies. Yet, the neighbors continue to repeat that “It will be visible...” from several locations because they can see the treetops. The only information offered are photographs of the hillside and hand drawn “mock-ups”. By contrast, Mastromonico has provided sophisticated drone-based aerial images, computer models and transects to scale, all of which show no visibility from the Village and limited visibility from points along the river due to the natural screening, topography, and low heights of the panels.
- 12) **Project Size** – Comparing 50+ ft high Sky View Rehabilitation & Health Care to an 8-foot-high solar array with a vegetative understory (meadow under panels) and thick screening is a very specious comparison. The Sky View Rehab center is located on approximately 3 acres of impervious surfaces (concrete and pavement) of a 10-acre lot on a moderately steep slope.
- 13) **Presentation Accuracy** – It was disingenuous to show photos of steep areas on Prickly Pear Hill Road to demonstrate impacts when in fact, these areas outside the disturbance zone, a buffer with no tree cutting that runs along the road.
- 14) **HydroCad Calculations** - Alleging that Mastromonaco’s calculations are “wrong”, without explanation, and with no alternative calculations provided, despite having 18 months to refute this information. HydroCad Stormwater Modeling software is the predominate software used in New York State by most accredited civil engineers and hydrologists to model stormwater events. Mr. Bring’s claims that the calculations are wrong has no basis in fact.
- 15) **No Disturbance** – As previously determined during public meetings, there are NO restrictive covenants on the subject property, which is clearly outlined on the Limited Activities Map, an Appendix to the Environmental Management Plan.

We appreciate your commitment to integrity and stated desire to focus on the facts required maintain an accurate public record.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Doud", written in a cursive style.

Michael Doud
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Director of Development
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