

MATRIX DEVELOPMENT, LLC

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



December 13th, 2021

Attn: Mayor Pugh
Croton-On-Hudson Planning Board
1 Van Wyck Street
Croton-on-Hudson, NY 10520

RE: McCullough, Goldberger & Staudt, LLL December 3rd, 2021 email

Dear Mayor Pugh,

In response to the email issued on behalf of the Village of Croton-On-Hudson by Linda Whitehead on December 3rd, 2021, the following responses have been prepared.

LW: With respect to the visual analysis, the only thing we would request is a note added to the tree replanting plan that after construction native evergreens will be planted to screen winter views from adjacent parcel to be field located in conjunction with the Village Engineer. If you want to propose a number and type that is fine. This addresses Chazen's comment 2c.

Matrix Response: In satisfaction of this request, Matrix proposes to install 10 conifer trees six to eight feet in height at the Village Engineers direction prior to issuance of the construction permit. We also propose these trees are included in the tree migration count and shall not be place in areas which will restrict solar access within 15 years.

LW: We have a few additional comments on the tree plans.

- your numbers are different in the legend on the Tree Plan and the Tree Replanting Plan. These need to be consistent.

Matrix: the legend has been removed from the Tree Replanting sheet.

- Poor and dead are still lumped together. Poor trees are still "live" and are regulated and need to be part of the live trees to be removed count. We pointed this out previously and it was in Dan O'Connor's email of November 8.

Matrix: It's important to note, Mr. O'Connor's November 8th email was not part of the Village Board's Special Use Permit's proceedings. Based on mutual agreement, the Planning Board believed it was more appropriate to address the subject email and many other details during the Site Plan review after the Village Board voted on the Special Use Permit. Irrespective of prior communications, Matrix acknowledges the request and have made the appropriate revisions on the December 13, 2021.

- Dan's email also stated that any threatened or endangered species need to be identified. Per the DEC Please refer to DEC's letter date November.

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Matrix: According to 6 CRR-NY 193.3 issued by the Department of Environmental Conservation, two trees have been listed as endangered within the State of New York which include the Kentucky Coffee Tree and Northern Tree Clubmoss. Neither of these species have been identified by the DEC letter dated November 15th, 2020, nor listed on the tree schedule provided with each submission.

- Please also indicate that the numbers include only and all of those trees 4” and over.

Matrix: Per the Village Zoning code, the tree study was conducted on trees 4” inches and greater.

- On the tree replanting plan please clarify the note on seed mix and provide detail. It is our understanding and set forth in the TMA responses that both grasses and wildflower mix will be planted.

Matrix: Additional detail has been provided with the corresponding submission. Additionally, we are including a datasheet for the proposed seeding mix.

- We have a concern that 10” – 14” seedlings as you propose to plant will just be consumed by the deer and likely none will survive. Can you address this.

Matrix: We acknowledge the natural pressure caused by forging deer and other animals. It’s worthwhile to note that tree and scrub damage forging deer is a preexisting regional issue. We considered several non-lethal natural protection approaches and feel a natural aromatic solution is the best alternative to protect the proposed saplings. There are many products on the market but have selected Fend Off Deer and Rabbit repellent clips.

LW: The most significant issue on which more information is necessary is habitat impacts. As set forth in the Chazen memo comments on the TMA responses, additional information is necessary.

Matrix: See Tim Miller Associates letter dated 12-10-2021.

LW: As part of this we also request that you specifically address the language set forth on the plan designating the no disturbance area to support the requested change in this designation.

The “No disturbance issue” was raised by Linda Whitehead at the Planning Board review which led to the submission of the attached response by Ralph Mastro Monaco dated October 19, 2020.

LW: You provided one very summary paragraph on evaluation of alternative locations for community solar on the HNGC property. Would it be possible to provide more detail?

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Matrix: The golf course extends over several hundreds of acres and infrastructure upgrades could range from \$2MM to \$4MM dollars depending on the location. A small system of this size and complexity could not support such a large investment in addition to the cost to build the solar array. Its important to note that the further you are from the utility point of interconnection, the efficient the solar generator which would decrease system size, carbon offset, revenue generation, PILOT payments and power production. The most obvious issue with the Hudson National Golf course is the potential damage of stray golfs could have on the glass encapsulated solar panels.

LW: Another concern is that the transformer and other pads and equipment as well as the now proposed rain garden have been moved to the other side of Prickly Pear Hill Road. These improvements are now not proposed to be located on the lot containing the arrays and being leased to Matrix. Will Matrix have an easement for this area and for the lines crossing the road? How will this be handled. We need to review if this is appropriate as part of the special permit as a part of the use is now on a different property and is that permitted on that property.

Matrix: Due to Consolidated Edison feedback we are unable to provide the proper safety and accessibility to the electrical equipment on the west site of Prickly Pear Hill Rd. More importantly, to address ongoing property owner concerns, the new location will avoid significant excavation of the hillside and corresponding stormwater management complications. The area designated for electrical equipment will be filed with the county as a dedicated utility easement. As is consistent throughout New York, utility or solar equipment, high voltage electrical equipment is commonly sited in a Right-Of-Way (ROW) or on a utility easement. All easements will be provided to the Village prior to issuance of certificate of occupancy by the Village Engineer.

LW: Another issue noted in the Chazen memo is that you have shown an area designated as future energy storage area (also not on the Matrix lot), and you have now inserted into your materials the specifications for the Tesla Megapack batter storage. Battery storage has never been included as part of your application and not reviewed or discussed, and the location of same never reviewed or discussed. Please remove the identification of the area from the plan and note that inclusion of the specification will not be considered an approval of the battery storage, especially as it is not located on the leased separate lot.

Matrix: The energy storage system concrete slab is included in the October 15th 2021 submission and reviewed by Chazen prior to December 1, 2021 memorandum. Energy Storage was recommended by the Planning Board prior to the issuance of the referral to the Village Board of Trusstees and is being utilized on Village related solar project. Energy Storage is a huge benefit to the community as the transportation sector converts to electric motors and peak power demands increase when solar generation is either not operating or not at its peak capacity.

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Finally, please be advised that the Village Manager has reached out to the Fire Department for comments on the plans and we hope to have those next week.

Matrix: Mr. Doud met with Assistant Chief Karpoff on December 6th, 2021 at the Hudson National Golf Course to review the proposed solar project. Our discussion covered an assortment of topics including, engagement protocols, access, slopes, firefighting methodologies, and post construction support coordination. As requested by Chief Karpoff, proposed equipment datasheets have been emailed to him on the following day. Datasheets provided include Trina solar panels, Tesla energy storage system, Terrasmart racking drawing and site plan. Chief Karpoff agreed to provide the Village a letter documenting his review of the project.

Regards,

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

Michael Doud
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