

To: Dan O'Connor, PE

From: Ralph G. Mastromonaco, PE

Date: October 19, 2020

Re: Matrix Solar Array Project / Hudson National Golf Course
Environmental Management Plan Overlay

At the October 5 Village Board meeting, Town Attorney Whitehead noted that 7-acre disturbance for the proposed solar panels lies within a "no disturbance" area depicted on the 1999 "Limited Activities Map" for the Club, last revised January 10, 2000, that constitutes Appendix VI to the Environmental Management Plan, of which compliance was required as a condition of the March 1, 1999 Planning Board approval, "for the construction and operation of the Hudson National Golf Club" revised Site Plan.

Likewise, the one "General Note" on the Limited Activities Map provided:

"1. All restricted activities relate to the existing course layout as shown on the plan. Changes to course layout or maintenance procedures may involve additional areas of limited activity. These may require Village review. See EMP, pg. 106" (which provides for Planning Board amendment of the EMP upon request of the Club or village representatives).

The area where the solar panels will be located falls within the type of "no disturbance" (green) area on the Limited Activities Map designated as "Upland" (as opposed to wetland), for which the Map provides:

"These are areas in which the natural process of succession to a mixed hardwood forest shall be allowed to progress unaffected by golf course activities. Wildlife habitat shall develop and evolve unassisted and unimpeded."

The noted Upland area is not addressed specifically in the text of the EMP, which deals with course maintenance and the wetlands on site.

Therefore, any restrictions on the Limited Activities Map are not restrictive covenants encumbering the property since, as expressly indicated on the Map, they were intended to apply only to the operation and maintenance of a Golf Club on the property and not in the event that all or a portion of the property were to become used for a purpose, other than a Golf Club.

Since the area in question is being subdivided from the golf course and is to be used for a different purpose, no amendment is required to the EMP, and a change in use would be approved by the requested amendment to the Special Permit that would remove the subdivided property from the control of the Special Permit for the Club.

If the Village believes such amendment is needed, the Applicants request that their application for the amendment of the Special Permit simply include the request for the amendment of the EMP, as a condition of the Special Permit.

The Applicants note that in the 20 years since the Limited Activities Map was created, the EMP has been amended with respect to course maintenance, and two (2) other activities have been permitted in the Upland and other “no disturbance” areas via amendment of the Special Permit or Site Plan.

The noted changes are the recent Site Plan amendments for the residences, caddy building and the rehabilitation of the wetland in the North East of the property.

I have attached two overlays of the earlier Village approvals for work within the no-disturbance areas, wherein no amendment of the EMP was required.

Submitted by:

A handwritten signature in black ink, appearing to read "Ralph G. Mastromonaco", followed by a long horizontal flourish.

Ralph G. Mastromonaco

Cc: Matrix LLC
R. Davis, Esq.
A Milton, H. Nat.
B. Kelley, Seabright Solar

Figure 1: Area showing outline of approved Residence and Caddy / Utility Buildings

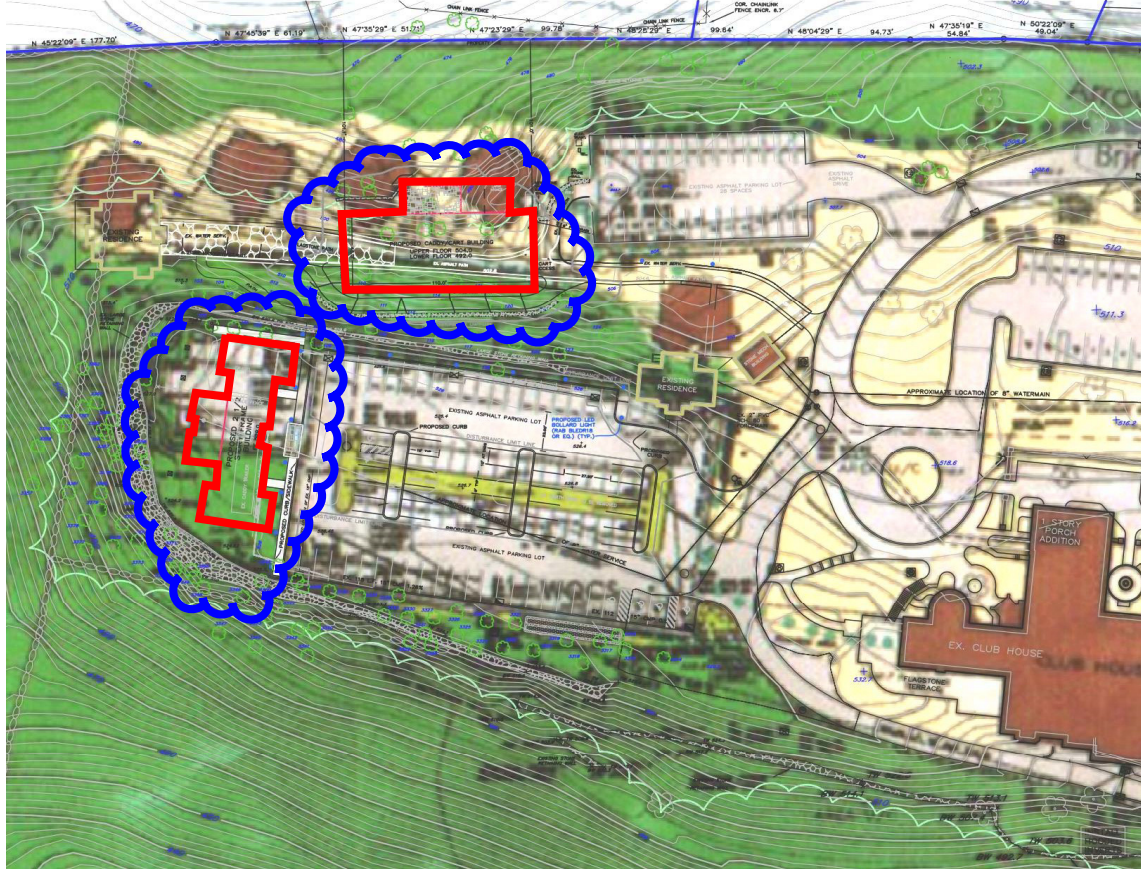


Figure 2 – Area of Wetland Rehabilitation

