

October 5, 2018

Hon. Kathleen H. Burgess,
Secretary of the New York Board on Electric Generation Siting and the Environment
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CERTIFIED MAIL- RETURN RECEIPT

RE: Comments to: Preliminary Scoping Statement (PSS), September, 2108
Case Number 17-F-0655 Riverhead Solar 2, LLC (AKA S-Power)
Riverhead, NY Article 10- Certificate of Environmental Compatibility and Public Need for
Construction of a 36-Megawatt Solar Electric Generating Facility
Riverhead, Suffolk County, New York

Dear Honorable Burgess,

The Town of Riverhead submits the following comments in response to the PSS for Case No. 17-F-0655. The Town of Riverhead finds the PSS woefully inadequate and fails to address the following:

1. Town Code: Town of Riverhead Town Code regulates Solar Facilities pursuant to Article LII: Commercial Solar Energy Production Systems [Added 10-7-2014 by L.L. No. 14-2014] Chapter 301 :Zoning and Land Development Part 3 Supplementary Regulations Article LII Commercial Solar Energy Production Systems [Amended 2-6-2018 by L.L. No. 2-2018]

The Town requests the applicant provide a more detailed analysis of the proposed project and identify how the project is in compliance or not in compliance with all sections of Town Code. Specific statements and not generalizations are required to adequately address Code compliance issues.

2. Special Permit: Commercial solar facilities, proposed for location within the Industrial C Zoning Use District are required to receive a Special Permit by the Town Board pursuant to the requirements of Article LVII: Special Permits [Added 10-1-2002 by L.L. No. 30-2002] Chapter 301 :Zoning and Land Development Part 4 Subdivision and Land Development[Amended 8-5-2008 by L.L. No. 28-2008].

The Special Permit is a discretionary action by the Town Board. It requires the Town Board consider, “That the intensity of the proposed specially permitted use is justified in light of similar uses within the zoning district.”

3. S-Power 20-MW Solar Facility, Calverton, NY: The Applicant filed a Subdivision and Site Plan with the Riverhead Planning Board for construction of a 20MW Solar Facility (aka Solar-1) and Gen-Tie Line with connection to the substation located on the east side of Edwards Avenue, a Town of Riverhead roadway. At the time of filing with the Planning Board, there were already two (2) solar array fields located east of Edwards Avenue, in Calverton. One of approximately 32-acres and the second (located behind the PODs site) approximately 12-acres. The Solar-1 Facility’s representatives stated the proposed solar facility would generate enough electricity to power 5,723 residential homes.
4. The Planning Board classified the Solar-1 application a Type 1 Action under SEQRA, and was granted Lead Agency status. The Town Board acted as an Involved Agency, because of the required Special Permit. The Lead Agency issued a Positive Determination of Significance for the Solar-1 project, requiring preparation of an environmental impact statement. The application was subjected to a comprehensive SEQRA review, through preparation of the DEIS/FEIS and Findings Statement.
5. The SEQRA reviews conducted by the Lead Agency identified a potential for the Solar-1 Facility and Gen-Tie Line to generate significant growth inducing impacts, and significant cumulative environmental impacts associated with an intensity of similar uses within the Industrial C Zoning District and Calverton area US Postal zip code. The Gen-Tie Line was the equivalent of a solar facility electrical extension cord with potential for inducing construction of additional facilities to “plug-in” to transfer electricity to the step-up facility located on the east side of Edwards Avenue.
6. The Site Plan Review and Special Permit: Decisions were based on the Lead Agency’s (Town of Riverhead Planning Board) adopted SEQRA Positive Findings Statement (Resolution 2017-107, dated October 19, 2017). The SEQRA history and decisions are cited in the Planning Board adopted Resolution No. 2018-044-Granting Site Plan Approval for the S-Power Facility (Solar-1). The first “Resolve” of Planning Board Resolution No. 2018-044 it states:

“That the easement containing proposed gen-tie line shall only be used to transmit the 20 megawatts of electricity generated at the proposed facility, and shall not be used to transmit any electricity at any potential future solar photovoltaic facilities, whether owned by sPower or other entities.” A covenant was filed with respect to the Site Plan conditions.

7. The Planning Board's conditional approval for the Solar-1 Site Plan enacted a mitigating measure for growth inducing impacts, cumulative impacts and for the Town Board's Special Permit requirement, that the intensity of the proposed specially permitted use would be justified in light of similar uses within the zoning district.
8. The October 20, 2017 letter to Hon. Kathleen H. Burgess from Young/Summer, LLC, RE: "Riverhead Solar 2 Project, Town of Riverhead, Sullivan County (sic: Suffolk County), New York," is dated ONE DAY after the adoption of the SEQRA Findings Statement and strongly suggests Solar-2 was contemplated during the Lead Agency's SEQRA review of Solar-1.
9. In compliance with the Lead Agency's responsibilities, SEQRA regulations and fulfilling its responsibilities as Lead Agency, the Planning Board must consider revisiting the SEQRA review conducted for Solar-1 due to the proposed use of the Solar-1 Gen-Tie Line and the proposed Edwards Avenue Easement described in the Solar-2 PSS.
10. The Planning Board, pursuant to its responsibilities under Site Plan reviews (pursuant to Article LVI: Site Plan Review: Chapter 301 : Zoning and Land Development Part 4 Subdivision and Land Development) and Town Board, pursuant to its responsibilities as granted under Special Permit review (Article LVII: Special Permits [Added 10-1-2002 by L.L. No. 30-2002] Chapter 301 :Zoning and Land Development Part 4 Subdivision and Land Development), consider the proposed development of Solar-2 to be a direct result of Solar-1.
11. The Solar-1 Gen-Tie Line spurred the proposed development of an additional 290-acres for the 36-megawatt Solar-2 Facility.
12. Planning Board Resolution 2108-44 permits only the 20-MW facility to use the Gen-Tie Line, as memorialized in a covenant filed with the Suffolk County Clerk, Liber D000012977, page 544, dated September 7, 2018.
13. The transfer of electricity by Solar-2 has not been adequately described by the Applicant and must be detailed as part of the Scope.
14. Cumulative impacts generated by a total of five (5) solar generating facilities (sPower: Solar-1, sPower: Solar-2, Sutter Greenworks, GES Megafour, and Sterlington Greenworks) and within the Calverton zip code must be included in the Scope.
15. The Scope must define the need and purpose for siting the facility in Riverhead, NY. From the sPower FEIS for the Solar-1 Facility (prepared by VHB) and filed with the Lead Agency it states:

"A representative of PSEG Long Island was contacted (sic by the preparers of the sPower Solar-1 FEIS) which yielded a table of all operating solar projects that have a signed Power Purchase Agreement (PPA) with LIPA (see table in Appendix I). Several are smaller rooftop systems, which

are scattered throughout the LIPA distribution and transmission area. The larger systems, i.e., those rated at 1.0 MW or above) generally include ground mounted projects such as that proposed. These larger systems are identified in Table 2, below:

Table 2 Solar Projects with LIPA PPA (>1.0 MW)
Project Size, Operation Date & Municipality (ies)

1. Long Island Solar Farm 31.5MW	11/1/2011 Brookhaven
2. Eastern Long Island Solar Project (Carports) 11.3 MW	Various (Oct 2011-Oct 2012) Islip, Smithtown, Southampton
3. Leavenworth Greenworks LLC 9.5 MW	5/31/2016 Brookhaven
4. Sutter Greenworks LLC 5.0 MW	11/2/2015 Riverhead
5. GES Megafour, LLC 3.0MW	10/30/2015 Riverhead
6. Cedar Creek B 1.9 MW	6/30/2017 Hempstead
7. Sterlington Greenworks LLC 1.3	11/2/2015 Riverhead
8. Tanger Factory Outlet Centers Inc. (Rooftop) 1.2 MW	2/17/2017 Babylon

The table of all solar projects with an approved PPA is in Appendix 1, indicates that there are approximately 76.5 MW of solar facilities operating under PPAs with LIPA.”

As stated in the EIS for the 20 MW facility, Table 2 indicates that the vast majority (i.e., 64.7 MW) of the total capacity is in the form of eight larger systems. A total of 55.4 MW, or approximately 85.6 percent of the capacity of these larger systems is generated outside of the Town of Riverhead. These systems are primarily located within other Suffolk County townships, with the exception of the 1.9-MW-facility at the Cedar Creek sewage treatment plant in Nassau County.

16. The proposed Solar-2 36-megawatt facility and the 20-megawatt facility together with the 9.3 MW from the existing solar facilities in Riverhead will bring the total output generated by solar facilities in Riverhead to 65.3 MW. All of these facilities are currently or in the development stages for location in Calverton (zip code 11933).
17. Of the 76.5-MW of solar facilities operating under current PPAs with LIPA, the potential output (existing and proposed) from solar generated in Riverhead represents 85.6 % of all solar facilities currently operating on Long Island, with all of Riverhead’s current and proposed facilities located within the Calverton zip code. If Solar-2 is constructed, the total 65.3 MW of solar energy generated by major facilities within the Calverton area would represent the largest source of solar generation on Long Island. The gross total of potential solar generated electricity under PPAs with LIPA on Long Island is estimated at 132.5 MW. Riverhead represents 49.29 % of this gross amount. The Town requires the Scope address this disproportionate approach to siting facilities in Riverhead, and identify all other solar facilities planned developments for Long Island’s other municipal corporations, including Counties, Townships and Villages.
18. The Scope must include a detailed siting analysis that demonstrates “That the intensity of the proposed specially permitted use is justified in light of similar uses within the zoning district.”

19. Riverhead considers the location of solar facilities to be of regional significance. The energy needs of eastern Suffolk County (commonly referred to as The Five East End Towns, comprised of Riverhead, Southampton, Southold, Shelter Island and East Hampton) have increased significantly and there are no ground mounted solar installations east of Riverhead on neither the North (Riverhead, Southold, Shelter Island, Village of Greenport) nor South Forks (Southampton and Easthampton). Riverhead considers the proposed siting of an additional 36-MW of solar facility, and its contribution to New York State's renewable energy goals, is clearly a disproportionate commitment of limited Town resources, compared to the resources available from all other municipalities located within Nassau and Suffolk Counties. The Scope shall address the justification of siting the facility in Riverhead, and analyze alternative site locations outside the Riverhead Town boundaries.
20. With the siting of ± 65 MW of combined solar PV generating facilities within the Calverton zip code, the Town requires an analysis of the restrictive effects of siting such significant generation capacity in a concentrated area, i.e. what are the impacts to local businesses and residents to be able to install solar generation capabilities on private businesses or residences?

The PSS states:

(5) Study Area Visual Study Area: The study area to be utilized to conduct visual impact assessments for the proposed Facility will be a 1-mile radius around the Facility Site. As described in the Public Involvement Program (PIP) Plan a 1-mile study area has generally been established for the Facility, which is based on the results of a preliminary viewshed analysis and limited visibility (as indicated in Section 2.3 of the PIP, "...calculations based on the results of the preliminary viewshed analysis indicate approximately 12% of the 1-mile study area would have potential visibility of the proposed Facility. Further review of the results indicates that only 0.1% of the area between 1 mile and 2 miles of the Facility would have potential visibility. These results suggest the 1-mile Study Area is adequate to address all necessary impacts and concerns related to the visibility of the proposed Facility."). However, a single, universal, 1-mile study area will not be used for all studies/analyses. The following represents a summary of the anticipated study areas for the various resource studies to be conducted and included in the Application.

21. The Town strongly disagrees with the study area boundaries. The proposed (minimum 1-mile) study area does not adequately address visual impacts to EPCAL. For the Solar -1 facility, the active airport runways located at EPCAL necessitated preparation of a "Glare Study and Impact Assessment," in accordance with local (Riverhead Planning Board) and FAA requirements and standards. The assessment was prepared for the Solar-1 to evaluate potential glare from the proposed rotating panels on inbound and outbound airport use and is a significant concern for the proposed S-2 facility. The EPCAL facility is an important economic asset of the Town. The Town requires the study area be expanded westerly to Wading River-Manor Road, and southerly to Grumman Boulevard, and must be prepared pursuant to all FAA regulations regarding solar PV facilities in the vicinities of any FAA regulated areas.

22. The Applicant's Scope must address compatibility and intensity of the Solar-2 Facility with the surrounding land uses that are within a 6-mile study area, not the proposed 1-mile area.

The PSS states:

There are a variety of visual mitigation options that have been or could be applied to solar projects. For a given project, visual mitigation options are typically evaluated based on the existing visual character, aesthetic features, vegetation, and visual sensitivity of a given project setting. Appropriate setback distances should be determined based on the sensitivity of the adjacent uses. For instance, smaller setbacks may be appropriate for limited use county roads than for more highly used roadways. Larger setbacks may be appropriate for areas adjacent to residences or public recreational areas, but smaller setbacks would be acceptable in areas adjacent to agricultural, industrial, forest, or vacant land. Security fencing can result in a significant visual impact for solar projects sited in rural areas. It is important to understand that security fencing is required for solar projects for safety and security purposes. However, specific vernacular fence styles in selected locations can be considered if there are specific existing styles, materials, or designs that relate to existing features in the landscape of a given project area. In these cases, selection of fence styles is typically based on precedent examples on adjacent properties or within the local community so that when installed the project would better blend into the existing visual setting. Visual screening can include use of earthen structures (i.e., berms) or planting of vegetation intended to block or soften views of the project. Common approaches to visual screening include:

*Earthworks/berms: In select locations altering the topography to aid in the screening of a project from adjacent areas and/or sensitive sites can be a viable option. **However, in many areas (such as relatively undeveloped agricultural areas) the introduction of earthen berms (or other earthworks) would result in new visual elements that are not in keeping with the existing landscape and would not be appropriate.***

*Evergreen Hedges: Use of vegetation for mitigation can include installing a screening hedge made up of evergreen trees and shrubs along roadways and/or selected portions of the exterior fence line of the project. **This approach is effective and commonly implemented in urban and suburban settings, however, it may not be appropriate in some settings (such as relatively undeveloped agricultural areas) where the introduction of evergreen hedges would be inconsistent with the existing visual setting.***

*Native Shrubs and Plantings: An alternative to evergreen hedges, which may not appear naturalized or appropriate in many settings, is use of native shrubs and plantings along road frontages and/or selected portions of the exterior fence line of a project. **This approach does not typically result in plantings that completely screen views of the project, but instead serve to soften the overall visual effect of the project and can help to better integrate the project into the surrounding landscape.** Plantings should be selected based on aesthetic properties, to match with existing vegetation in the project vicinity, and the ability to grow in the specific conditions of a project area. In addition to helping to blend the project into the surrounding landscape, use of*

native plant species will also provide environmental benefits to the local animal and insect communities.

23. The Applicant has “pre-determined” that several options and alternatives for mitigation of visual impacts by earth works and vegetative cover are inappropriate without conducting a detailed assessment. The Town finds this approach as premature, speculative and capricious. The Town requires a fully detailed assessment of all alternatives for mitigating visual impacts using berms, and vegetative cover.
24. The Town requires a detailed description of the earthen berm dimensions and vegetation types as may be necessary for comprehensive uninterrupted screening (not intermittent approaches to protection of vistas), irrigation supply and projected water use, irrigation methods, and maintenance methods for the grow-in and long term survival of all plant materials. Generic statements are not acceptable.
25. The existing agricultural land uses are critical community characteristics that support the Town’s Agri-Tourism goals as identified in the Town’s Comprehensive Plan. Alternatives for mitigating visual impacts must evaluate impacts and be consistent with on the Town’s Agri-Tourism goals.

The PSS states:

Transportation: The study area to be utilized to assess potential impacts resulting from the transportation needs for the construction and operation of the proposed Facility will be those potential transportation routes beginning at the intersection of I-495 and Route 25 and ending at the Facility access roads off of Edwards Road and Middle County Road.

26. The Town requires the PSS address the traffic impact associated with the signalized intersection of Edwards Avenue and Route 25. The Applicant indicates a substantial influx into the local roadways generated by 100s of construction related employees and construction materials. Materials will likely be sourced from areas from outside the immediate vicinity and employees, including those who may temporarily reside in Riverhead hotels, will further congest the Edwards Avenue/RT 25 intersection. There are potential for significant conflicts with the existing commercial traffic on Edwards Avenue, which includes the Riverhead Central School District bus depot and the Hampton Jitney Bus Depot and bus service facility, as well as the Riverhead Charter School (during peak operating hours, 8am-9am and 3pm-5pm). The Scope must address alternative transportation routes to the site(s), identify hours of construction material deliveries, identify employee transportation methods and hours of work, and location of all construction staging areas.
27. Turning movements for commercial vehicles and the trip distribution analysis and mitigation should be part of the Transportation Assessment.

28. The scope must specifically identify the location of construction entrances to the facilities, and identify what permits would be required for these entrances, i.e. New York State Department of Transportation, Town of Riverhead Highway Department, etc.

The PSS states:

2.9 ALTERNATIVES

(a) Description of Reasonable Alternative Location Sites

The Applicant does not have and does not anticipate seeking eminent domain authority. The Article 10 regulations permit applicants to limit the identification and description of siting alternatives to those sites owned by, or under option to, the applicant or its affiliates. Therefore, the identification and description of reasonable and available siting alternatives to be addressed in the Application will be limited to lands actually owned by or under contract/option to the Applicant.

(b) Comparison of Advantages and Disadvantages of Proposed and Alternative Locations

Given the limitations faced by a private Facility Applicant, as described above in (a), the Applicant is not providing an evaluation of comparative advantages and disadvantages of alternate locations. The Siting Board's regulations (16 NYCRR 1001.9) recognize that it is not practicable to procure land contracts, perform environmental and engineering due diligence studies, enter into and progress through multiple interconnection permit processes, and conduct community outreach for alternative locations. Rather, the Siting Board's regulations provide that an applicant need only identify and describe alternative sites owned by, or under option to, the applicant or its affiliates.

29. The Town finds the above statement and conditions to be unacceptable. The Town Planning Board, as SEQRA Lead Agency, required the Applicant for Solar-1 identify prospective alternative sites within the other Five East End Towns that held potential for commercial solar facilities, and to identify facilities within those townships that were developed or proposed for development. The applicant has the resources to form lease agreements with other Suffolk County landowners that are beyond the limits of the Calverton zip code. There are other significant large tracks of land in neighboring towns that are currently in agriculture use or are undeveloped, which are available to the Applicant, and could support the proposed facility.
30. The Applicant, as a private facility operator, and by its own initiative, selected the lands for Solar-2 and entered into "options or ownerships" as identified and described in the PSS. The Town does not have access to the validity of said options, leases and ownerships, and does not accept these limitations. The Applicant has no verifiable proof that S Power, who describes itself as operating 150 facilities, does not have alternative sites available for the proposed facility.
31. Supported by the Lead Agency's SEQRA review, the Applicant did not identify the current Solar-2 properties as owned by, or under option, to the Applicant or its affiliates.

Therefore the “growth inducing impacts” and “cumulative impacts” sections of the Solar-1 DEIS/FEIS and Findings Statements were inadequately assessed.

32. What other alternative sites are owned by, or under option to, the applicant or its affiliates?

The PSS states:

(c) Description of Reasonable Alternatives to the Proposed Facility at the Proposed Location

The Article 10 Application will address alternate scale and magnitude of the Facility in the context of the interconnection agreement and power purchase contracts (i.e., a 36 MW Facility), which eliminates the Applicant’s ability to develop a viable project that generates less than 36 MW. Therefore, alternatives to be evaluated will be limited to alternate panel configurations that generate at least 36 MW. With respect to the proposed gen-tie line, because this component will be sited within an existing gen-tie corridor (associated with the Calverton/Riverhead Solar 1 Facility), alternate locations will not be addressed in the Application.

33. The Town objects to this statement. Clearly the Gen-Tie Line has local restrictions set forth in Planning Board Resolution 2018-044 and associated filed covenants. Based on the Town’s internal reviews it may not be feasible to comply with the Planning Board’s site plan conditions placed on Solar-1 approval and yet objectively assess Solar-2 as reasonably viable.

(h) Comparison of Advantages and Disadvantages of Proposed and Alternative Locations Given the unique nature and constraints associated with the siting of solar-powered electric generation facilities (i.e. adequate and unutilized land, willing land lease participants and host communities, and adequate access to the bulk power transmission system), a full comparison between the proposed Facility Location and alternative locations will not be contained in the Application. Instead, the Article 10 Application will focus on comparing alternative facility configurations within the proposed Facility Site. Such alternatives may include alternative project layouts and/or alternative project size and a no action alternative and as identified in Section 2.9.

34. The Town objects to this statement. Clearly the Gen-Tie Line has local restrictions set forth in Planning Board Resolution 2018-044 and associated filed covenants. Based on the Town’s internal reviews it may not be feasible to comply with the Planning Board’s site plan conditions placed on Solar-1 approval and yet objectively assess Solar-2 as reasonably viable.

35. The Applicant, as a private facility operator, and by its own initiative, selected the lands for Solar 2 and entered into “options or ownerships” as identified and described in the PSS. The Town does not have access to the validity of said options, leases and ownerships, and does not accept these limitations. The Applicant has no verifiable proof that S Power, who describes itself as operating 150 facilities, does not have alternative sites available for the proposed facility. Supported by the Planning Board’s SEQRA review, the Applicant did not identify these current S-2 properties as owned by or under option to the Applicant or its affiliates. Therefore the “growth inducing impacts” and “cumulative impacts” sections of the Solar-1 DEIS/FEIS and Findings Statements were inadequately assessed.

36. What other alternative sites are owned by, or under option to, the applicant or its affiliates?

37. The Town finds the above statements unsupported by any fact, finds the statement speculative and capricious and determined based solely on the Applicant's own need to meet the interconnection agreement and power purchase contracts (i.e., a 36 MW Facility), which it knowingly entered into with no guarantees of achieving the terms of the agreement because of approvals necessary for construction.

38. The Applicant has already proposed a 20-MW facility in Calverton's zip code area. The Town recognizes no reasons to eliminate the Applicant's ability to develop a viable project that generates less than 36-MW, and requires alternatives to the proposed facility smaller than 36-MW including facilities that are smaller than 25-MW and below the Article 10 threshold.

39. Limiting evaluation of reasonable alternatives to only those alternatives tailored to the Applicant's desired outcome is a complete disregard for objective and fair reviews, be those reviews conducted under NEPA, SEQRA or Article 10. The proposed alternative section of the PSS is unacceptable to the Town of Riverhead.

(i) Why the Proposed Location and Source Best Promotes Public Health and Welfare

The Facility will have a positive impact on public health and welfare by producing electricity with zero emissions. Electricity delivered to the grid from solar energy projects can reduce the growth of existing conventional power plants.

When the proposed Facility is generating power, electricity generation from natural gas would be reduced within the region, thereby eliminating the associated emissions.

40. The Town finds the statement is speculative at best. There are no conventional power plants proposed in the vicinity of Riverhead. With none proposed, the suggestion that the proposed facility has a positive impact on the public health within the host community or nearby communities is completely unsupported. The Scope shall address positive health benefits with factual and detailed evaluations, including a discussion of proposed "conventional power plants" planned in the vicinity of the Calverton zip code that may negatively impact public health and welfare; not simply offer broad statements regarding hypothetical power plants. The Applicant shall provide valid comparative impacts on public health and welfare in support of the proposed facility, and all alternatives assessed as requested by the Town of Riverhead.

41. Site Plan & Building Permits: The Scope must address compliance of the project with the Town's standard site plan review and approval process normally conducted by the Town Planning Board pursuant to Article LVI: Site Plan Review: Chapter 301 : Zoning and Land Development Part 4 Subdivision and Land Development Article LVI Site Plan Review.

42. The Applicant must identify how the application conforms to the Town's standard site plan review, what fees would normally be generated by Town reviews and how the Planning Board shall have continued involvement in the review process. The Applicant must identify how the loss of typical Town site plan review and building permit fees are impacted and how the Town's cost associated with review of the application under Article 10 shall be mitigated. A calculation of all associated review costs shall be calculated and the Town strongly recommends the Siting Board utilize the fee structure described under 6NYCRR Part 617 or an equivalent standard be used as the metric for the application's review fee calculations.

43. The Applicant's proposed site plan scale of 1" = 100-feet is inadequate to evaluate potential impacts. The Town requires the scale to be changed to 1" = 30-feet, with 2-foot contours with identification of manmade and natural topographic features provided whereby impacts can be accurately assessed (such as freshwater wetlands, adjacent area to wetlands, width and lengths of ingress/egress locations-curb cuts, compliance with Town required setbacks for primary and accessory structures, evaluations of utility conflicts, assessment of easements and right-of-ways, location of Prime Agricultural Soils as described and protected by the Town of Riverhead and other typical site plan review requirements).

44. The Solar-1 Facility is to be decommissioned after 20-years. The proposed Solar-2 project is described as having a lifetime between 20-years to 40-years. The Town finds this variation of two-decades unacceptable. It is not possible to accurately or reasonably evaluate impacts, with a 20-year variation of time. The Scope must define the precise life span of the project and the date for decommissioning.

45. Community Benefits: The Town disagrees with the Applicant's PSS stated benefits. A recently drafted "Community Benefits Agreement" between a renewable energy provider (Deep Water South Fork, LLC) and the Town of East Hampton, Suffolk County, New York offers approximately \$8.0 million in Community Benefits to the Town. The Deep Water South Fork, LLC also requires interconnection facilities to deliver its output to the substation.

46. The PSS must address potential harmful consequences to health and human safety from the upgraded LIPA substation and its impacts to nearby residents, businesses, and other ventures, i.e. the Riverhead Charter School. Will the upgraded substation create any detrimental impacts such as electromagnetic interference, etc.

The PSS states:

The Riverhead Solar 2 Project will have a nameplate capacity of 36 MW and is expected to generate approximately 72,345 MWh of energy for year one of operation.

Solar energy is most beneficial during the summer demand to meet air conditioning loads. Avoiding the use of fuel offsets additional air pollution from burning fossil fuels and dampens the cost of power at this time of peak conventional power cost. Solar modules have followed the same

cost pattern as many other electrical devices. Module costs have fallen significantly over the last 5 years, dramatically changing their role in wholesale power supply.

47. According to a published article by Bloomberg Business (September 20, 2018) and their referenced study of solar facility siting, Long Island is the nation's prime marketplace for locating solar facilities and is valued at \$45.00 per MW-hr. Based on the Applicant's PSS for Solar-2 it is empirically estimated:
 $72,345\text{-MWh/year} \times \$45.00/\text{MWh} = \$3,255,525.00 \text{ per year} \times 40\text{-years} = \$130,221,000.00$
projected gross income, only from the 36-MW facility.

48. The Town requires the Applicant address comprehensive and specific community benefits to the Town of Riverhead and the residents within the impacted area described as US Postal Service zip code 11933. Statements regarding "payments in lieu of taxes" and "taxable benefits," or suggestions of increased local economic benefits during construction do not provide substantive and long term community benefits that equate to the duration of the project (20-years to 40-years), number of full time employment opportunities generated by the facility, and development of 290-acres of industrial land associated with alternative permitted uses. Combined with existing and proposed solar facilities, the Calverton area will host approximately 460-acres of solar array fields, producing perhaps a dozen full time jobs, or one job for every 38-acres. Measured by the Town's experience with agricultural, commercial and industrial employment, the estimated density of solar related job opportunities is extremely weak, compared to the projected annual revenues of all solar producing facilities located in Calverton. The Scope must qualitatively and quantitatively detail community benefits.

49. Freshwater Wetlands: The Town of Riverhead has jurisdictional authority within 150-foot of Freshwater Wetlands located within the Town. The Scope must address potential impacts to the Town's mapped and/or identified Freshwater Wetlands not simply the wetlands recorded by NYSDEC.

50. The portions of the land for the proposed development of Solar-2 are within the Compatible Growth Area (CGA) of the Central Pine Barrens. The Central Pine Barrens Commission must provide comments to the PSS. The Town requests the Scope identify the project's compliance with the Central Pine Barrens regulations and verify that clearing limits within the CGA are achievable.

Miscellaneous:

The following items, although not directly addressed in the PSS, have nonetheless been identified by the Town as significant concerns which must be addressed in the PSS:

51. The PSS does not indicate if sPower, or its affiliates, intend on constructing any habitable structures as a part of this project, i.e. offices, maintenance facilities, etc. The PSS must address any possible structures and clearly identify their location, whether on the site of the solar PV facilities or elsewhere throughout the Town of Riverhead, and state their intended purpose.

52. Stormwater management has been of significant concern to the Town of Riverhead. The PSS must clearly identify how the impervious surfaces created by the solar panels will impact stormwater management, and how the project will contain all stormwater on-site without discharging onto neighboring properties or highways.

53. A large portion of the proposed solar panels will be located on industrially zoned agricultural land. The PSS must address the impacts to the prime agricultural soils, which are of significant importance in meeting the Town of Riverhead's agro-tourism goals as identified in the Town's Comprehensive Master Plan.

54. The PSS must identify the potential economic detriment to the Town, including, but not limited to:

- i. What are the potential impacts to the Town's Community Preservation Fund (CPF) funds, in the form of the 2% land transfer tax, from these lands being leased as opposed to being purchased by the project sponsor?
- ii. With the construction of the Riverhead Solar 1, Riverhead Solar 2, and the other existing facilities, what are the impacts to land values in the Calverton area with approximately ± 500 acres of solar PV facilities being situated within a single Hamlet?
- iii. What are the impacts to the PILOT program, which runs for a duration of 15 years, when the proposed life of the Riverhead Solar 2 project is suggested to be 30-40 years?
- iv. What are the impacts to the Town related to recording fees other than the CPF funds noted above; i.e. Mortgage recording fees? Will the applicant seek relief of any kind from the recording fees, such as those given by an Industrial Development Agency (IDA).

55. The PSS must look at the risks or impacts by running the gen-tie line underneath Edwards Avenue? What will the profile of the underground crossing look like? Are there alternative methods for delivering the power generated at the Riverhead Solar 2 facility to the LIPA substation?

56. Will the underground gen-tie line require markers near the Edwards Avenue right-of-way identifying the location of the line? Will the project sponsors be required to participate in the New York 811 "Call Before You Dig" program?

57. What if the underground gen-tie line fails? Would repair of the line involve construction requiring the opening of Edwards Avenue?

58. As solar PV technology advances, the potential for the proposed solar facility to generate more than 36 MW utilizing the same footprint by switching out solar panels becomes more likely. The PSS must identify what the permitting process would look like as advanced technology becomes available and the ability to increase the MW production becomes a viable option for the project sponsor.

Thank you for this opportunity to submit our comments to the PSS.
Respectively submitted by,

Jefferson V. Murphree, AICP
Land Management Administrator
Town of Riverhead Planning Department
201 Howell Avenue
Riverhead, NY 11901