

SUN8 PDC LLC  
c/o Distributed Sun LLLC  
601 13<sup>th</sup> St. NW, Suite 450 South  
Washington DC 20005

Ray Burger  
Director of Planning  
93 E. Main Street  
Dryden NY 14850

April 25, 2017

***RE: Response to April 12 Submittal – 2150 Dryden Road***

Dear Mr. Burger,

Please find our responses to questions from T.G. Miller, P.C. (T.G. Miller) from the review of our April 12 submittal. :

1. SUN8 PDC LLC (“SUN8”) understands Town Regulations for subdivision, road frontage, setbacks, and local law issues. The Project will submit an application for a variance from the 50ft setback requirement. If the variance is not granted, we will provide a 50ft setback per the Town’s Solar Zoning Law.
2. New York State Public Service Commission (“PSC”) itself specifically recognizes the practice of subdividing land as an appropriate way to meet its current 2MW per-parcel limit in PSC Cases 14-E-0151 and 14-E-0422, p. 23. The PSC has stated that: "Nothing ... would prevent owners of property from subdividing a larger property into separately deeded parcels, just as they would for other real estate purposes."
3. Tetrattech and LaBella Associates queried the US Fish and Wildlife Service (“USFWS”) and the New York State Department of Environmental Conservation (“NYSDEC”) to determine whether the project site hosted any rare, endangered, or protected species. Both entities only reported the potential for roosting sites of the Northern Long-Eared Bat (“NLEB”) – a species of concern. Accordingly, Tetra Tech has performed a habitat assessment for the NLEB. We acknowledge that other plant and animal species commonly found in the region may be present on the project site, but the USFWS and the NYSDEC do not consider those species to be unique to the project site.
4. SUN8 has leased the entire property from the land owner. If and when, construction is allowed to begin and complete, an ALTA survey of the fenced area will then constitute the leased property boundary while retaining ingress and egress rights to the solar arrays.
6. Tetra Tech delineated 53.82 acres of wetlands and reported those wetlands in their Aquatic Resources Report dated April 12. However, Tetra Tech delineated additional wetlands outside of the parcel boundary at SUN8’s request, amounting to approximately 12.2 acres; these acres are not part of the project area. Thus, the proposed project site at 2150 Dryden Road has 41.6 acres of delineated wetlands. The EAF will be updated accordingly.
7. Tetrattech has sought concurrence from USFWS and NYSDEC on the incidental take. Based on the voluntary, self-imposed moratorium, on clearing trees between May 1 and August 31, we

expect to receive concurrence from the agencies. If additional areas of clearing are proposed beyond those depicted in the habitat assessment, we will seek concurrence on those areas from the agencies.

9. The Project site contains 56% of prime soils as defined by New York State. The Town Board may issue a Special Use Permit for projects that include prime farmland soils.
10. Tetrattech has completed 450 shovel pit tests on the project site as a part of a Phase-1 Archeological Study. An excerpted summary from their report: “No historic artifacts were recovered and no evidence of non-extant historic structures were found. Based on the results of this survey, no adverse effects on prehistoric or historic archaeological resources are anticipated for the Project. Tetra Tech is currently completing a Phase I Report suitable for submittal to the OPRHP, which will recommend no additional cultural resources investigations. Given the negative results of the study, Tetra Tech anticipates OPRHP concurrence.”

Based on feedback provided by T.G. Miller’s review, SUN8 is proposing the following modifications to our site plans and SWPPP.

1. Revised run off co-efficient numbers are being generated for review with a present condition of “meadow”, instead of ‘agricultural cropping’. The project will undertake the responsibility to mitigate any new sheet flows introduced, or changes to water quality of discharges, if such events are caused by the project.
2. The access path detail will be updated to provide a solution, without subgrade compaction. The number of internal access roads will be limited to locations where transformers are located to limit the total impervious surface area to one acre. The project will submit a Notice of Intent to the NYSDEC for approval of the SWPPP and seek a permit prior to construction.
3. Labella will add a concrete pad detail including crushed gravel aprons (1ft wide) in all directions placed underneath for stabilization and percolation purposes.
4. The project will return the construction staging and construction access areas to pre-construction conditions using a cover with top soil and re-seeding.
5. Solar inverters and transformers produce a level of sound that is similar to an idling car. At a distance of 100ft from the inverters and transformers, their sound levels are generally indistinguishable from the ambient noise. The project will not place any transformers within 100ft of any neighbor’s property line.

LaBella proposes the following updates to the submitted Environmental Assessment Form (“EAF”), submitted on April 12, 2017. Table 1 describes the submitted values and updated values.

**Table 1 - Updates to the EAF submitted on April 12, 2017 by Labella**

EAF Reference	EAF Description	Updated Value (Previous Value)
D.1.b.b.	Total acreage to be physically disturbed	52.67 (78)
D.1.d.iii	Number of lots proposed	6 (null)
D.1.d.iv	Minimum proposed lot size?	12.292 (null)
D.1.d.iv	Maximum proposed lot size?	65.015 (null)
D.1.g.ii	Length in feet of proposed structure	46 (60)
E.3.g	Have any additional archaeological or historic site(s) or	No (Yes)

	resources been identified on the project site?			
E.1.b	Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
E.1.b	Wetlands (freshwater or tidal)	41.6 (10)	41.6 (10)	0 (0)
E.2.h.iv	Wetlands (approximate size)	41.6 (10)		

Please do not hesitate to contact us with questions.

Sincerely,

Bharath Srinivasan  
Senior Vice President of Operations  
Distributed Sun LLC on behalf of SUN8 PDC LLC