

## **FOR CONSIDERATION**

**TO:** The Trustees

**FROM:** Thomas Falcone

**REQUEST:** Authority to Enter into Power Purchase Agreement with Riverhead Solar Farm, LLC for the Purchase of Renewable Energy, Related Capacity and Renewable Attributes

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### Requested Action

The Trustees are requested to approve and adopt a resolution authorizing the Chief Executive Officer or his designee to execute a Power Purchase Agreement for the purchase of renewable energy, related capacity and renewable attributes (“PPA”) with Riverhead Solar Farm, LLC (“RSF”), a wholly owned subsidiary of the proposer, FTP Power LLC d/b/a sPower, and to take such actions as are necessary to implement arrangements for the Long Island Power Authority (the “Authority”) to purchase power from the proposed Riverhead Solar Farm project (“RSF Project”).

### Background

In December 2014, the Trustees approved the selection of eleven proposals in response to the Authority’s October 18, 2013 Request For Proposals for 280 MW of New, On-Island, Renewable Capacity and Energy (“280 MW Renewable RFP”). Subsequent to approval, the project sponsor initiated appropriate environmental review with local municipal officers and began negotiating the power purchase agreement with PSEG Long Island, which acted on behalf of the Authority. The RSF Project represents one of the eleven selected proposals.

RSF proposes to construct, own, operate and maintain a renewable energy generating facility with a nominal rating of 20.0 megawatts (MW). The RSF Project will be located on approximately 110 acres of private lands in the Town of Riverhead, New York. The RSF Project will have an aggregate nameplate capacity of approximately 23 MW (dc) or 20 MW(ac). The panels will be erected on a single-axis tracker mounting system supported by steel pilings driven into the ground. Electricity from the RSF Project will be delivered to the Authority’s Edwards Avenue substation via approximately 1.6 miles of 34.5 kV underground cable and stepped up to 138 kV in a collector substation to be constructed by RSF next to the Edwards Avenue substation.

The Authority would use the RSF Project to help meet its service territory’s energy requirements and achieve LIPA’s renewable energy goals. LIPA staff has reviewed the proposed terms that were negotiated by PSEG Long Island and concluded that it is appropriate for LIPA to enter into the PPA with RSF.

## Discussion

Under the proposed PPA, the Authority will purchase all renewable energy, related capacity and renewable attributes from the RSF Project during a term of twenty (20) years at a fixed price, at a total cost of approximately \$122 Million. The proposed PPA gives the Authority a one-time option to select a lower contract price in exchange for the Seller's option to extend the term by up to an additional ten (10) years. The PPA requires RSF to obtain all required Federal, State and local permits, enter into necessary contracts to construct the RSF Project, obtain equity and debt financing for the Project, and reach key Project construction milestone dates. RSF would be subject to payment of specified liquidated damages for failure to meet the required construction milestones or failure to construct the proposed amount of capacity.

The terms of the contract are consistent with, if not more favorable than the original RSF proposal. There have been certain improvements in the contract relevant to the original proposal, most notable that RSP Project has committed to a higher performance guarantee, which will help assure that the Authority receives all of the renewable energy that the RSF Project is designed to produce. Additionally, LIPA has the option at a future date to initiate prepayment negotiations with RSF which could result in additional savings over the term of the agreement.

The Town of Riverhead Planning Board, as SEQRA Lead Agency, adopted SEQRA Findings Statement for the RSF Project by Resolution dated October 19, 2017, which concluded that the Project avoids or minimizes adverse environmental impacts to the maximum extent practicable.

## Recommendation

For the foregoing reasons, I recommend that the Trustees authorize the Chief Executive Officer or his designee to take all actions, including, without limitation, execution of the RSF Project PPA and all other related agreements to enable the Authority's purchase of renewable power from the RSF Project described above.

## Attachment

Exhibit A      Proposed Resolution  
Exhibit B      Town of Riverhead Planning Board Finding Statement

**AUTHORIZATION TO ENTER INTO POWER PURCHASE AGREEMENT WITH RIVERHEAD SOLAR FARM LLC FOR THE PURCHASE OF RENEWABLE ENERGY, RELATED CAPACITY AND RENEWABLE ATTRIBUTES FROM THE RIVERHEAD SOLAR FARM PROJECT**

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WHEREAS, on October 18, 2013, the Long Island Power Authority (the “Authority”) issued the Request For Proposals for up to 280 MW of New, On-Island, Renewable Capacity and Energy (“280 MW RFP”) for the addition of up to 280MW of renewable energy, including all associated capacity and environmental attributes; and

WHEREAS, after analyzing all responses to the 280 MW RFP, Trustees approved negotiations of 20-year power purchase agreements (“PPA”) with 11 selected proposals, including the Riverhead Solar Farm Project proposed by FTP Power LLC d/b/a sPower, the parent company to Riverhead Solar Farm, LLC; and

WHEREAS, The Town of Riverhead Planning Board (“Planning Board”) acted as the Lead Agency for the purposes of a coordinated environmental review pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, on October 19, 2017, the Planning Board adopted SEQRA Findings for the RSF Project by Resolution which concluded the Project avoids or minimizes adverse environmental impacts to the maximum extent practicable.

WHEREAS, it is in the best interest of the Authority to meet the need for renewable energy by entering into a power purchase agreement (“PPA”) for the Riverhead Solar Farm Project;

WHEREAS, the Authority’s renewable energy goals will be supported by entering into a PPA and other related agreements regarding the Riverhead Solar Farm Project;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Executive Officer and his designee be and hereby are authorized to execute and effect a PPA and other related agreements and arrangements, consistent with the terms of the accompanying memorandum, and to perform such further acts and deeds as may be necessary, convenient or appropriate, in the judgment of the Chief Executive Officer or his designee, to implement the Authority’s purchase of renewable energy, related capacity and renewable attributes from the Riverhead Solar Farm LLC; and be it further

RESOLVED, that, if the Authority and Riverhead Solar Farm LLC or its successor or assign reach an agreement on the terms of a prepayment of a portion of contract payments due under the PPA, and the Authority intends to finance all of a portion of the cost of such prepayment and any related costs through the issuance of tax-exempt debt of the Authority, the Board hereby authorizes each of the chief executive officer, the chief financial officer or their respective designees to evidence such intent by appropriate certifications.

STATE ENVIRONMENTAL QUALITY REVIEW ACT

sPOWER CALVERTON SOLAR ENERGY FACILITY  
MIDDLE COUNTRY ROAD/NYS ROUTE 25 AND PECONIC AVENUE  
HAMLET OF CALVERTON, TOWN OF RIVERHEAD  
SUFFOLK COUNTY, NEW YORK

PLANNING BOARD OF THE TOWN OF RIVERHEAD  
FINDINGS STATEMENT

Date: October 19, 2017

This Findings Statement is issued pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act – SEQRA) and the implementing regulations thereto at 6 NYCRR Part 617.

**Name of Action:** sPower Calverton Solar Energy Facility Minor Subdivision, Special Permit & Site Plan, Green Meadows, LLC and sPower Solar Power Generating Facility, Step-up Facility and Subsurface Transmission Power Line Site Plan Application

**Location:** South side of Middle Country Road, west of Peconic Avenue, Hamlet of Calverton, Town of Riverhead, Suffolk County

**Lead Agency:** Planning Board of the Town of Riverhead

**Address:** Town of Riverhead  
Town Hall  
200 Howell Avenue  
Riverhead, New York 11901

**Contact:** Town of Riverhead Planning Board  
ATTN: Jefferson V. Murphree, AICP  
Town Building and Planning Administrator

**Telephone No.:** 631-727-3200

**SEQR Status:** Type I

The Planning Board of the Town of Riverhead (Planning Board), designated as Lead Agency pursuant to Planning Board Resolution #2016-115, dated November 3, 2016xx, subsequent to acceptance and designation as adequate for review by Planning Board Resolution #2017-65, dated July 6, 2017 of the Draft Environmental Impact Statement (DEIS) prepared by VHB, dated June 2017, the acceptance and designation as adequate of the Final Environmental Impact Statement (FEIS), prepared by VHB, dated August 2017, by Planning Board Resolution #2017- 96, dated September 21, 2017 hereby certifies that:

- › It has considered the relevant environmental impacts, facts and conclusions disclosed in the DEIS and FEIS.
- › It has weighed and balanced relevant environmental impacts with social, economic and other considerations.
- › The requirements of 6 NYCRR Part 617 have been met.
- › Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action described below is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.
- › Adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating, as conditions to the decision, those mitigation measures that were identified as practicable during the environmental review process and as set forth herein.

### Description of Action

The proposed action is the subdivision of land, site plan and special permit for the purpose of constructing a commercial solar energy production facility, gen-tie line and support infrastructure (also referred to as the “solar PV energy facility”) located in the Industrial C (IC) zoning use district and will be comprised of three primary components, as follows:

- › Subdivision of land to create a 109.9-acre parcel (and two other parcels) for the development of a 20-megawatt alternating current ( $MW_{AC}$ ) solar photovoltaic (PV) panel array;
- › An 8,670±-linear foot (LF) underground transmission generation tie-in (“gen-tie”) line within a 15±-foot-wide easement; and
- › A solar collection facility.

The solar PV panel array facility will be located on proposed “Parcel A” to be created by the subdivision of two existing parcels into three parcels, Parcels “A,” “B” and “C”. The two existing parcels are identified on the Suffolk County Tax Map (SCTM) as follows:

- › District 0600 - Section 116.00 – Block 01.00 – Lot 007.002, and
- › District 0600 – Section 098.00 – Block 01.00 – Lot 021.001.

These two SCTM parcels are collectively referred to as the “subdivision property.” The subdivision property is located on the west side of Peconic Avenue and south of Middle Country Road/New York State [NYS] Route 25. Parcels B and C will remain in their existing use and no new improvements are contemplated on either of these two parcels as part of the proposed action.

The underground gen-tie line will be comprised of a single access conduit for the sole use by the proposed solar facility, installed within a proposed 15+-foot easement extending from Parcel A through the following tax parcels (together referred to as the “easement property”):

- › District 0600 – Section 116.00 – Block 02.00 – Lot 007.004,
- › District 0600 – Section 117.00 – Block 01.00 – Lot 006.000, and
- › District 0600 – Section 117.00 – Block 02.00 – Lots 007.002 and 008.002.

The gen-tie line shall directly connect to the proposed solar collection facility, which is a step-up transformer that converts the electricity from 34.5 kilovolt (kV) to 138 kV output that will connect to the Edwards Avenue Long Island Power Authority (LIPA) substation. No additional solar, other electric utility or private or public connections to the gen-tie line shall be permitted, without review and approval by the Town of Riverhead. The proposed solar collection facility will be situated on the southern portion of SCTM No. District 0600 – Section 137.00 – Block 01.00 – Lot 032.001, located on the east side of Edwards Avenue and north of the Long Island Railroad (LIRR) tracks. This property is developed with an existing sPower solar PV panel array facility, and is referred to as the “existing solar facility and proposed collection facility” or the “collection facility parcel.”

Collectively, the three above-described areas (the “subject property” or the “project area”) total 165.4+ acres, and are currently developed with sod farm operations, a single-family residence, a former golf course now occupied by another recreational use (i.e., a paintball facility), undeveloped wooded land, a tree farm, and an existing solar facility.

Within Parcel A, the solar panel arrays will interconnect to an above-ground single-axis tracking mounting system supported on piles for stability. The piles will be either helical steel or pre-cast concrete. The module system will be oriented to maximize the amount of incident solar radiation absorbed over the course of the year. The maximum height of the arrays will be approximately eight feet. In addition to the installation of solar panel arrays, the proposed action will include the construction of five gravel equipment areas with pad-mounted transformers, switchgear and inverters along the gravel roadway on Parcel A. Proposed utility trenches for medium voltage electrical lines will run along the interior of Parcel A, between the solar panel arrays.

Extensive vegetated screening will be installed along the chain-link fenced perimeter of Parcel A, protecting the view shed from surrounding properties and public areas, especially along Middle Country Road/NYS Route 25, adjoining residentially-zoned or used properties, and several industrially-zoned or used properties that abut the site. Enhanced fencing and screen plantings will be installed along a portion of Parcel A's perimeter that abuts the off-site recreational trail within the overall Enterprise Park at Calverton (“EPCAL”) property owned by the Town of Riverhead.

The proposed gen-tie line will be 8,670± LF and will require a 15±-foot-wide easement (i.e., 2.99 acres) along the northern property lines of the subject tax parcels the gen-tie will run along. The construction of the trench for installation of the proposed gen-tie line will encompass most of the 15±-foot-wide easement area. The gen-tie line conduit will measure two-feet by two-feet, and will be installed at a depth of three feet below grade. It will be routed underground from Parcel A through a former golf course/current recreational (paintball) facility, and continue east of the subdivision property, across Edwards Avenue, then south toward an existing sPower solar farm located on the east side of Edwards Avenue. It will then continue south, along the eastern perimeter of the existing sPower solar farm facility, to the proposed solar collection facility described below. The Applicant has secured easements from each of the current property owners of the properties along the gen-tie line to permit trenching of the interconnection. Since the gen-tie line will be underground, there will be no change to the existing land uses and site coverages along the proposed route due to its installation.

The electrical generation output from the proposed solar panel array field at Parcel A will connect to the proposed solar collection facility via one underground medium voltage 34.5 kV gen-tie line. The generation will flow through the proposed solar collection facility switchgear, which will lead into the step-up transformer (34.5 kV to 138 kV) and connect to the Edwards Avenue LIPA substation. Vegetative screening will be installed along the western property line adjacent to the proposed solar collection facility to screen views of the facility equipment from the adjacent substation and from Edwards Avenue.

For the duration of the 20-year operational phase, the sPower Calverton solar facility will be unstaffed and monitored remotely, with regular on-site personnel visitations for security, maintenance, and system monitoring. Maintenance requirements will be limited. Any planned maintenance will be scheduled to avoid peak load periods, and unplanned maintenance will typically occur as-needed depending on the event. One full-time employment position will be created over the life of the sPower Calverton solar facility for operation and maintenance activities. Thus, there will be a very low level of activity associated with the proposed use (e.g., in terms of traffic, noise, occupancy, water use, etc.), and the proposed action will not result in solid waste generation or sewage generation.

The Applicant will ensure consistent and effective facility operations by responding to automated alarms based on monitored data, including actual versus expected tolerances for system output and other key performance metrics, and by communicating with customers, transmission system operators and other entities involved in facility operations. Site security measures will include the installation of fencing along the entire perimeter of Parcel A, with controlled access through gates at the driveway entrance to the property. Additionally, security cameras will be installed. Motion-activated lights will also be installed at the proposed solar collection facility, and the existing fence will remain around the collection facility parcel.

Upon the expiration of the 20-year Power Purchase Agreement (PPA), the solar panel array facility, as well as all support structures, fencing, and associated electrical hardware, will be dismantled and properly disposed as part of a planned decommissioning process. Prior to construction of the sPower Calverton solar facility, the Applicant will be required to provide a bond to the Town, which will ensure the availability of funds to the Town to complete

decommissioning. At the completion of decommissioning, the subject property will be available for future reuse or restoration.

As a renewable, “green” source of energy, the sPower Calverton solar facility will have a substantial environmental benefit. This alternative energy source will reduce the demand for electricity generated by the burning of fossil fuels (e.g., oil, natural gas) at traditional power plants that produce air emissions of greenhouse gases. Furthermore, the proposed action has been designed to incorporate various measures that will preclude or minimize environmental impacts to the maximum extent practicable, including: vegetated screening to mitigate potential impacts to views from roadways and adjacent properties; design of security lighting to minimize potential glare or off-site light spillage; and the implementation of erosion and sediment controls during construction in accordance with an approved Stormwater Pollution Prevention Plan (SWPPP).

### Summary of SEQRA Process

As demonstrated below, ample opportunity has been provided for public participation in the environmental review process for the proposed action, exceeding the minimum requirements of SEQRA, as follows:

- › The Applicant submitted Part 1 of the Environmental Assessment Form (EAF) and an Expanded Environmental Assessment (Expanded EA) in September 2016.
- › Subsequent to the review of the EAF, the Planning Board preliminarily classified the proposed action as Type I, declared its intent to be lead agency, and documented coordinated review by circulating correspondence (including the Part 1 – EAF) to other potentially involved agencies. After coordinated review, with no objection being expressed by any other involved agency, the Planning Board assumed the role of lead agency by Planning Board Resolution #2016-115, dated November 3, 2016.
- › Based on review of the EAF, Expanded EA, and other application materials, a Positive Declaration was issued by the Planning Board Resolution #2017-10, dated February 2, 2017.
- › The Planning Board conducted a public scoping process, which is optional under SEQRA, which included a public scoping session on March 16, 2017. Scoping provided an opportunity for involved agencies and interested parties, including members of the public, to provide commentary regarding the proposed action and the content of the forthcoming DEIS. The written comment period was held open for a minimum 30-days following the date of the public scoping session, with no comments received.
- › The scoping process culminated in the issuance by the Planning Board of a Final Scope, by Planning Board Resolution #2017-30, dated April 6, 2017, pursuant to 6 NYCRR §617.8. The Final Scope outlined the issues to be addressed in the DEIS – including land use and zoning, soils and topography, environmental features, glare, socioeconomics, cumulative impacts, and growth-inducement – as well as alternatives to be analyzed.
- › The Applicant prepared and submitted a preliminary DEIS, dated June 2017, for review by the Town. At its public meeting on July 6, 2017, the Planning Board, in its role as lead agency, accepted the DEIS by Planning Board Resolution #2017-65 for the purposes of commencing public review pursuant to SEQRA.

- › The accepted DEIS was circulated to all involved agencies and interested parties, and made available to the public via the Town of Riverhead's website and the Riverhead Public Library. The public comment period on the DEIS extended to August 6, 2017.
- › In accordance with 6 NYCRR §617.9(b)(8), the Planning Board caused to be prepared an FEIS, which addressed all substantive comments on the DEIS. The FEIS was accepted for filing by Planning Board Resolution #2017-96, dated September 21, 2017 and subsequently circulated to the involved agencies and interested parties.
- › A period for public review and consideration of the FEIS has elapsed following the filing of the FEIS and the Planning Board's adoption of this Findings Statement, which exceeds the minimum ten-day time period specified at 6 NYCRR §617.11(a).

The Planning Board has determined that no new substantive issues were raised during public review of the FEIS that were not adequately addressed in the DEIS and FEIS or which otherwise would preclude the Planning Board from proceeding directly with the preparation and filing of a SEQRA Findings Statement for the proposed action.

#### Facts, Conclusions and Mitigation Measures Contained within the DEIS and FEIS Relied Upon to Support Lead Agency Decision

In accordance with 6 NYCRR §617.11, the Planning Board has considered the DEIS and FEIS for the proposed action, and certifies that it has met the requirements of 6 NYCRR Part 617. This Findings Statement contains the facts and conclusions in the DEIS and FEIS relied upon by the lead agency to support its decision and indicates those factors that formed the basis of the decision.

Further, upon due consideration and among the reasonable alternatives available, the Planning Board, as lead agency, has determined that based upon the potential significant environmental impacts identified in the DEIS and FEIS, certain mitigation measures, as described below, will be incorporated into the proposed action to ensure that such impacts will be avoided or minimized to the maximum extent practicable.

#### Land Use and Zoning

1. There will be a change in land use of Parcel A from a sod farm to a commercial solar energy production system (i.e., the proposed solar panel array field). Existing structures on Parcel B (warehouse and equipment associated with the existing sod farm) and Parcel C (single-family residence) will remain.
2. The areas beneath and between the proposed solar panel arrays will be seeded with a specially designed solar farm seed mix, composed of a variety of grasses, after completion of the equipment installation.
3. Drought-tolerant evergreen plantings will be installed strategically along property boundaries to provide year-round screening of views from neighboring properties and roadways. On the northern property boundary of Parcel A (i.e., closest to Middle Country Road/NYS Route 25, south of Parcels B and C), a double-row of evergreen shrubs and

staggered trees will obscure the limited views of the proposed solar facility from the roadway corridor. Similar additional plantings will be placed on a portion of the eastern property line of Parcel A to screen views facing southwest from along Middle Country Road/NYS Route 25.

4. Evergreen plantings and additional landscaping will be installed along the western property line of the solar collection facility, mitigating potential visual impacts of the proposed equipment from Edwards Avenue upon surrounding land uses.
5. All proposed screen plantings shall be irrigated by water sourced from existing on-site irrigation wells.
6. Ground cover within the 15±-foot wide easement for the gen-tie line will be replaced in-kind after installation of the underground conduit, and, thus, there will be no change to existing land use along the proposed gen-tie route as a result of the proposed action. The proposed gen-tie line will be installed underground along its entire route so that this component of the proposed action will not involve any change to land use or site coverage.
7. The Applicant has entered into option agreements to purchase easements across private property for the gen-tie line. The Town Attorney has agreed to provide the Applicant's counsel with a proposed easement granting permission to install the gen-tie route beneath the Edwards Avenue roadway. The easement will be agreed upon by the Town Board and applicant prior to implementation of the proposed action.
8. The proposed solar collection facility will be developed on the same tax parcel as the existing sPower solar facility. The land use at the existing mowed grass area will change, and there will be solar collection facility equipment that will be similar in appearance to an electric grid substation. However, land use on the overall parcel (i.e., the existing sPower solar facility) will remain the same; and operations for the existing facility will not be adversely impacted, as the proposed solar collection equipment will not encroach into the area currently developed with sPower solar panel arrays, and as the proposed new use is consistent with and complementary to the existing use.
9. The proposed action includes a planned decommissioning process, in compliance with the Commercial Solar Energy Production Systems Special Permit, pursuant to §301-283 of the Code of the Town of Riverhead. Prior to implementation of the proposed action, the applicant, sPower, will submit a decommissioning plan and a surety acceptable to the Town will be established and maintained in an amount sufficient to cover the cost of removal of the facility.
10. Development of the proposed solar panel array facility on Parcel A will require a special permit from the Town Board for a Commercial Solar Energy Production System in the Industrial A zoning district. The proposed action will be consistent with use regulations for commercial solar energy production systems set forth in §301-282 in the Town Code, including the decommissioning requirements set forth at §301-282.L and §301-283, and will meet the standards for the issuance of a special permit set forth in §301-282 of the Town Code.
11. An area variance may be required from the minimum lot width at Middle Country Road/NYS Route 25 for creation of the flag lot for Parcel A. Although the lot width of

Parcel A at the road frontage will be 50 feet, where 300 feet is required, the main portion of the Parcel A will be at least 300 feet in width, exceeding the Town Code requirement.

12. None of the parcels comprising the subject property have been identified as preservation targets by the relevant comprehensive planning documents, nor is the project area within the Town's established Agricultural Protection zoning district or identified for same within the Town's Comprehensive Plan. Moreover, as the proposed action is of temporary duration (i.e., for the 20-year term of the PPA and the term of the Special Permit), the subject property could potentially be returned to another use (e.g., an agricultural use or other use) in the future.
13. The proposed action will be consistent with the relevant provisions of the New York Agriculture & Markets Law. The subdivision property and the solar collection facility parcel are currently within Agricultural District 7 (AD7). It is expected that these properties will no longer be considered a part of AD7 following implementation of the proposed action, and will no longer benefit from the tax relief associated therewith. As such, the proposed action will result in a significant increase in the generation of property taxes to the Town of Riverhead and all local taxing jurisdictions.
14. The proposed action was introduced to the Town of Riverhead Farmland Preservation Committee (FPC) and considered by that advisory board. A formal recommendation from the FPC, shall be secured prior to Planning Board site plan review, prior to Town Board special permit review and prior to implementation of the proposed action.
15. The proposed action is designed to be consistent with the goals and objectives of the *Town of Riverhead Comprehensive Master Plan* and the *Suffolk County Comprehensive Master Plan 2035*. The proposed action will establish a solar PV energy facility that will provide a clean and renewable source of electricity to the grid, benefitting the Town by helping to provide for growing energy needs in a non-polluting manner.
16. The proposed action was the subject of a referral to the Suffolk County Planning Commission (SCPC) in 2016 and heard by that Commission on December 7, 2016. By unanimous vote (i.e., 15-to-zero), the SCPC determined that the proposed action was a matter for local determination. The FEIS demonstrates that the proposed action will be consistent with the SCPC's recommendations/comments.

Based on the foregoing, no significant adverse impacts to land use and zoning will result from the proposed action.

### Soils and Topography

1. Approximately 113.3± acres will be disturbed for the construction of the proposed project. The development of the solar panel arrays, and most of the area of disturbance, will occur on 109.9± acres of the proposed solar panel array facility area (Parcel A), with the balance of the disturbed acreage related to the gen-tie easement and proposed solar collection facility.
2. Installation of the solar PV array structures with frames on piles allows the proposed action to retain the existing topography of the land to the maximum extent practicable,

requiring only minimal grading activities to support the stormwater management system design.

3. The subsurface gen-tie transmission infrastructure will be installed by excavating a narrow trench and replacing soils over top of the infrastructure.
4. Of the 15 soil types present on the overall 165.4±-acre subject property, there are approximately 114.4 acres of prime agricultural soils among five soil types identified in the 2015 *Suffolk County Agricultural and Farmland Protection Plan* as prime agricultural soils. Existing grade will be maintained to the maximum extent practicable, with only minor recontouring of small portions of the solar PV facility parcel proposed to accommodate the drainage design, and the narrow trench and directional boring needed to install the gen-tie. Accordingly, existing soils will largely be kept intact, including any prime agricultural soils present at the subject property. The limited quantities of prime agricultural soils to be excavated to achieve the proposed grades will be reused on-site to the maximum extent practicable. Moreover, as the proposed action will last for the duration of the PPA and the term of the proposed Special Permit, soils will only be temporarily used for non-agricultural purposes, and could potentially be returned to agricultural use thereafter.
5. To minimize the potential for adverse erosion and sedimentation impacts from ground disturbance and regrading during construction of the proposed action, an Erosion and Sediment Control Plan will be implemented. The New York State Department of Environmental Conservation (NYSDEC) requires coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) for construction projects that will involve soil disturbance of one or more acres. As the proposed action will disturb more than one acre, a SWPPP acceptable to the Town of Riverhead will be developed and submitted to the Town and the Notice of Intent will be submitted to NYSDEC, prior to the commencement of construction activity. Erosion and sedimentation controls will be implemented during construction as part of an approved SWPPP and will include:
  - Strategic grading and application of topsoil (as needed) to address potential soil limitations.
  - Protection of existing vegetation to remain.
  - Scheduling of clearing and grading activities to minimize the total area of land disturbed at any one time.
  - Limiting the length of time areas are exposed by establishing permanent cover (pavement and plantings) at exposed areas as soon as practicable.
  - Installation of sediment barriers (e.g., silt fence, hay bales) along the limits of disturbance for the duration of the work. No sediment from the site will be permitted to wash onto adjacent properties, wetlands or roads.
  - Stabilization of graded and stripped areas and stockpiles via temporary seeding or other effective cover.
  - Protection of drainage inlets through the use of sediment barriers, sediment traps, etc., to prevent sediment buildup.

- Control of fugitive dust (e.g., covering of stockpiles, temporary seeding, use of a water truck during extended dry periods).
- Establishment of a stabilized construction entrance to prevent soil and loose debris from being tracked onto local roads.

Several of the above mitigating measures will serve to further minimize potential for temporary adverse air quality impacts during construction.

6. The above mitigating measures are consistent with the relevant portions of the *New York State Stormwater Management Design Manual* (NYSDEC, 2010) and the *New York Standards and Specifications for Erosion and Sediment Control* (NYSDEC, 2016), as required by Town Code Chapter 275 – Stormwater Management and Erosion and Sediment Control, and will be regularly inspected and maintained (e.g., removal of accumulated sediment and debris from drainage structures, repair of damaged sediment barriers, etc.) to ensure proper function. Sediment barriers and other erosion control measures will remain in place until upland disturbed areas are permanently stabilized. With the aforementioned control measures employed, no significant adverse erosion or sedimentation-related impacts are expected.
7. Revegetating and reseeded of the entire solar panel array site (109.9+ acres) shall occur after completion of equipment installation per the approved planting plan as a component of the site plan application, which utilizes Residential-Use and Industrial C-1 Screening schemes. Revegetation of the solar array area will utilize a loam seed mix at a seeding rate of six pounds per 1,000 SF. Areas disturbed as a result of the construction that are not being planted or re-vegetated shall receive a minimum of six inches of loam and specified seed mix per the planting plan. Plant materials shall be guaranteed for one year following the date of final acceptance by the Landscape Architect. After one year, the contractor will replace dead or dying plants, and then turn over maintenance to the sPower Calverton solar facility maintenance staff.

Based on the foregoing, no significant adverse impacts to soils and topography will result from the proposed action.

### Environmental Features

1. Existing ecological conditions on the subject property were assessed through multiple field surveys, which included habitat assessments, vegetation and wildlife species inventories, rare/protected species assessments and identification of potential wetland habitats. United States Fish and Wildlife Service (USFWS), NYSDEC and New York Natural Heritage Program (NYNHP) maps and records were also reviewed.
2. Various on-site communities categorized by the NYNHP as unranked cultural communities were identified, including: Mowed Lawn, Unpaved Road/Path, Successional Old Field; Successional Southern Hardwoods, Rural Structure Exterior, and Farm Pond/Artificial Pond; Successional Shrubland; Spruce-Fir Plantation; and Mowed Roadside/Pathway. Areas of the Pitch Pine-Oak Forest community were identified along the gen-tie route; this community is considered demonstrably or apparently secure in New York State. The subject property also includes stockpile areas, which are unlisted

disturbed areas comprised of un-vegetated surfaces or predominantly non-native/invasive vegetation. Clearing and regrading will occur within the perimeters of common communities that are not considered rare by the NYNHP, and no significant adverse impacts to these communities or individual plant species populations are anticipated as a result of the proposed action.

3. The solar panel array fields, drainage swales and drainage reserve areas on the proposed solar panel array collection facility will be planted with a Solar Farm seed mix comprised of native fescue and rye grass varieties (sheep fescue [*Festuca ovina*], hard fescue [*Festuca brevipila*], creeping red fescue [*Festuca rubra*] and annual ryegrass [*Lolium multiflorum*]). Trees to be installed along the northern and eastern perimeter fences and the site entrance driveway are native or naturalized species, including eastern redcedar, white spruce (*Picea glauca*), Norway spruce (*Picea abies*) and Colorado spruce. Shrubs proposed for the fence and driveway areas are native species or non-invasive ornamental varieties, including American holly, holly olive (*Osmanthus heterophyllus*), shipka laurel (*Prunus laurocerasus*) and Prague viburnum (*Viburnum pragensense*).
4. Following installation of the gen-tie line, the utility trench will be backfilled and the 15-foot wide easement will be seeded with the native grass seed mix described above.
5. Following construction, the area surrounding the proposed solar collection facility will be loamed and reseeded with Solar Farm native grass seed mix, and eastern redcedar trees will be installed along the perimeter fence of the adjacent LIPA substation
6. The wildlife species assemblages within the existing and proposed solar panel array facilities are dominated primarily by avian and mammal species adapted to cultural, grass-dominated habitats. A more diverse fauna of birds, mammals and herpetofuana occurs within the mixed habitats of the gen-tie route between the existing solar array facility and Edwards Avenue, and within the Pitch Pine-Oak Forest community located beyond the eastern fence line of the existing solar panel array facility. As no clearing or other disturbance is proposed for the latter community, no potential adverse impacts to resident wildlife are anticipated. The fence around the solar array facility would preclude larger mammals from the site, however, cessation of sod farming activities may result in an increased abundance of certain birds and smaller mammals. There would also be potentially increased wildlife species diversity within the two drainage reserve areas on the proposed solar panel array facility due to intermittent inundation events and periodically saturated soils. A similar wildlife species assemblage is anticipated along the gen-tie route and within the adjacent ecological communities under the proposed action. In addition, after installation of the solar collection facility, a similar fauna similar to that which occurs under existing conditions is anticipated within the existing solar panel collection facility. After development of the proposed action, it is anticipated that inter- and intra-specific competition for available resources within these surrounding habitats would result in an insignificant net decrease in local population size for most species, until equilibrium between wildlife populations and available resources is achieved.
7. Portions of the gen-tie line route represent suitable habitat for the New York State Special Concern species eastern box turtle, and an individual of this species was observed within the Spruce/Fir Plantation community located adjacent to the south of the gen-tie line route

during the field survey work. Due to their territorial behavior and low mobility, individuals of this species will be at risk during excavation of the gen-tie line trench. Potential avoidance and minimization measures for direct impacts to eastern box turtle include the following:

- Wildlife sweeps should be conducted by trained personnel prior to the commencement of clearing activities, in order to identify the most likely habitat areas. Any observed eastern box turtles within the targeted areas will be relocated to safe areas.
  - Erosion control barriers containing plastic or wire mesh have been documented as ensnaring turtles and other reptiles, often resulting in mortality. Non-mesh silt fencing shall be used to minimize the potential for turtle mortality.
  - Erosion control barriers shall be removed as soon as work is complete or site stabilization has occurred, so as not to impede turtle movement.
8. Potential summer roost habitat for the federally-Threatened Northern Long-Eared Bat (NLEB) is limited to the Pitch Pine-Oak forest community located beyond the eastern fence line of the existing solar panel array facility and the wooded portions of the gen-tie line route. No clearing of trees is proposed for the Pitch Pine-Oak Forest community, which represents the most extensive forested habitat located within the project area. Minimal clearing of trees will occur within the 15-foot wide easement of the gen-tie line route during excavation of the utility trench. In correspondence dated October 13, 2016, the NYNHP indicated that records for NLEB hibernacula or roosts at or in the vicinity of the project area currently do not exist. NYSDEC consultation and/or permitting for NLEB will not be required unless new NYNHP records for hibernacula and/or roost locations within the project area or vicinity are documented.
  9. The NYNHP records indicate that a wintering location for the New York State-Endangered short-eared owl occurs within approximately 0.25 mile of the proposed solar panel array facility. As wintering short-eared owls have been documented within the native grassland community at the EPCAL property, located 0.25-mile to the southwest of the proposed solar panel array facility, it is likely the NYNHP record refers to that location. The maintained turf grasses at the proposed solar panel array facility are subject to continuous maintenance and removal, and, therefore, do not represent an optimal habitat for small prey mammals or a significant potential wintering or breeding habitat for the short-eared owl. Additionally, prior to implementation of the proposed action, it will be confirmed with NYSDEC that the wintering location record for the short-eared owl refers to the EPCAL property.
  10. The New York State-Endangered eastern tiger salamander has been documented approximately 0.25 mile from the proposed solar panel array facility and approximately 0.4 mile from the proposed solar collection facility. As such, the NYNHP records appear to reference off-site breeding ponds located greater than 1,000 feet from the project area, and, therefore, beyond the NYSDEC 535-foot and 1,000-foot buffers established for preservation of uplands surrounding eastern tiger salamander breeding ponds. Based on the lack of available eastern tiger salamander breeding habitat located within the project area and the limited potential upland habitat within the gen-tie route, as well as the location of the project area beyond the NYSDEC eastern tiger salamander land

preservation buffers, the project area does not represent a significant potential habitat area for this species. In addition, prior to implementation of the proposed action, the location of the off-site breeding ponds will be confirmed with the NYSDEC.

11. Records for the swamp darter, a New York State threatened fish, occur at or within 0.4-mile of the proposed solar panel array facility. No fish habitat would be impacted by the proposed action.
12. The subject property and its surroundings were investigated for the presence of wetlands, and evaluated with respect to the potential regulatory jurisdiction of NYSDEC and the Town of Riverhead. As part of that effort, the Town's inventory of potential wetlands was reviewed, and field inspections of the subject property and its environs were undertaken. Features R-2 and R-7 are ponds located at the proposed solar panel array facility and beyond the eastern fence line of the existing solar panel array facility, respectively. The boundaries of the two wetlands were delineated, and both of these features and the surrounding 150-foot adjacent areas were determined to be regulated wetlands pursuant to Town Code §295-3. Feature R-7 is also a NYSDEC-regulated wetland, and the NYSDEC confirmed the delineated wetland boundary for Feature R-7 and issued a determination of Non-Jurisdiction for the existing facility, dated September 14, 2016. It was determined during the field investigation that the remaining six Town-identified potential wetland features are upland habitats rather than wetlands, as defined in Town Code §295-3. The following measures will ensure that no significant adverse impacts will result to wetlands:
  - The proposed action will not include project-related clearing, grading or other ground disturbance for wetlands Features R-2 or R-7, or within the Town-regulated 150-foot upland areas surrounding each wetland. As indicated above, these are the only two regulated wetland areas located on or proximate to the subject property.
  - The information and analysis presented in the EIS indicate that the proposed action is located entirely outside the Town's jurisdiction for wetland regulation; and after review of this information and inspection of the subject property, the Town of Riverhead Planning Department confirmed this conclusion. By correspondence dated August 30, 2017 the Town of Riverhead Conservation Advisory Council (CAC) confirmed that no wetland permit will be required for the proposed action.
13. The anticipated periodically-saturated soils and intermittent inundation of the two drainage reserve areas at the solar panel array facility will create conditions that are conducive to colonization of these areas by facultative wetland plants, potentially resulting in increased plant diversity, as compared to existing conditions.

Based on the foregoing, no significant adverse impacts to environmental features will result from the proposed action.

### Glare

1. Two separate analyses presented in the EIS confirm that the proposed solar PV energy facility will not result in glare at the Air Traffic Control Tower (ATCT) and will not cause glare impacts upon aircraft along final approach paths to runway ends at the EPCAL

property, and that the proposed action will comply with the Federal Aviation Administration *Interim Policy for Solar Projects at Airports*.

2. The single-axis tracking system included in the proposed action typically minimizes the potential for glare impacts, and has been used in other projects as a means for mitigating or eliminating potential glare impacts.

Based on the foregoing, no significant adverse glare-related impacts will result from the proposed action.

### Socioeconomics

1. There will be no direct loss of full-time jobs due to the redevelopment of the sod farm as a solar PV Energy facility. The existing jobs will be transferred to other farming operations run by the property owner, including other operations in the Town of Riverhead.
2. The secondary jobs associated with the current agricultural use of the property, similar to the direct permanent jobs, will also generally be transferred to other sod farms operated by the owner of the facility. Therefore, while there could be some job loss at the subject location associated with the loss of agricultural land, agricultural jobs will not be lost overall. It should also be noted that the solar PV energy facility is proposed for a finite period, after which the subject property could be converted for other beneficial use. Accordingly, such future property use(s) would have the potential for job creation, such that any potential adverse impacts of the proposed action on job generation would not be permanent.
3. The number of temporary jobs to be created by the proposed action will vary over the course of the construction period, which is expected to be six-to-nine months in duration. Based on the experience of the Applicant, local contractor experience, and estimates developed using a recognized economic modeling software (i.e., IMPLAN) it is predicted that 100 to 200 direct construction jobs will be created, along with other secondary job generation benefits.
4. Other green industry services that benefit from solar energy projects include: environmental engineering and permitting; survey; waste disposal; temporary sanitary facilities; local food catering companies; equipment rental companies; material vendors.
5. Projected tax revenues and payment in lieu of taxes (PILOT) payments for Parcels A, B and C will generate an estimated total of \$846,922 to be received by the various taxing jurisdictions in the first year of the PILOT. Future tax revenues will far exceed the revenues generated by the subject property under existing conditions (i.e., an estimated increase of \$826,414 per year, or more than 40 times the existing property tax revenues).

Based on the foregoing, no significant adverse socioeconomic impacts will result from the proposed action.

### Growth-Inducement

1. The proposed action will not cause significant population increase and will not increase development potential in the project area. The purpose for the proposed action is to replace existing generation capacity of the grid with a renewable energy source that does not rely upon the combustion of fossil fuels or the generation of significant air emissions, as occurs with existing traditional power plants, in support of local, regional and statewide energy goals.
2. The 20 MW of electricity from the proposed action provides the fossil fuel energy equivalent to power 5,723 homes. The electricity generated will be transmitted and distributed throughout the LIPA system on Long Island and supplement the existing utility power system.
3. Electric generation from the proposed action, is not a direct factor for inducing population growth or new development in the LIPA transmission and distribution system area, and that the proposed action's 20 MW of renewable energy is not expected to induce significant regional development and/or growth. There are innumerable other factors associated with development of new homes and larger-scale development projects in the Town of Riverhead and other municipalities, including availability of land, local land use controls, and market demand, among other socioeconomic considerations. Applications for future significant developments require project-specific discretionary approvals from state or local agencies will be subject to further review under SEQRA, and, thus, their associated potential environmental impacts (including secondary and cumulative impacts) will be analyzed to evaluate whether significant adverse impacts will result from such development.
4. LIPA, and New York State goals shift energy-generating capacity to renewable sources and retire existing fossil fuel plants, and avoid new construction of, non-renewable generation. The proposed action is consistent with New York State and regional utility goals targeting increased availability for renewable energy sources.
5. To avoid adverse regional adverse impacts, it is noted that approximately 85.6 percent of the total capacity of all existing large solar PV systems (e.g., 1.0 MW or greater) is located outside of the Town of Riverhead. These systems are primarily located within other Suffolk County townships, with the exception of a 1.9-MW facility at the Cedar Creek sewage treatment plant in Nassau County. Thus, the addition of a new solar energy facility in the Town would not result in an undue concentration of this type of use within the Town of Riverhead.
6. To avoid a significant growth in solar facility development that may have a secondary impact on the loss of agricultural lands, the utility easements required for the proposed action shall be restricted for exclusive use by the sPower facility and gen-tie line, with no access to the easement or gen-tie line without review and consent by the Town of Riverhead. The Planning Board shall describe the restrictions and covenants required as a component of the site plan review.

Based on the foregoing, the proposed action will not induce additional growth.

### Cumulative Impacts

1. As no other applications for commercial solar energy production facilities are pending within the Town of Riverhead, apart from proposed action, the “reasonable likelihood” of the occurrence of any cumulative impacts is extremely low or nonexistent. The nature of the proposed action, as demonstrated in the EIS, is such that it will not result in any significant adverse environmental impacts. Therefore, there is no potential for reasonably foreseeable impacts of such other actions that could be evaluated together with the potential impacts of the proposed action, and no significant adverse cumulative impacts are expected.
2. The proposed action will not result in or facilitate the development of new homes, or any other future developments that will have a demand for electricity (e.g., EPCAL or Riverside). The proposed action will allow existing generation by traditional power plants on the utility grid which rely upon the burning of fossil fuels, to be replaced with a clean, renewable source of electricity in accordance with local and state goals.
3. Active agricultural land is generally well-distributed throughout the Town of Riverhead and the greater Calverton area. Approximately 35 percent of the entire land area of the Town of Riverhead is currently in active agricultural use. The Town of Riverhead has over 5,500 more acres of farmland than the Suffolk County Town with the next largest acreage (i.e., the Town of Southold), and more farmland than all eight other Towns in Suffolk County, combined. The loss of approximately 109.9± acres of active farmland<sup>1</sup> due to the proposed action will represent only about 0.7 percent of the total area of active farmland in the Town. Furthermore, the proposed action is not permanent, and will have a finite term of 20 years, after which the land may be repurposed for another use (e.g., agricultural use).
4. There are approximately 4,930 acres of industrially-zoned land within the Town of Riverhead. The 109.9± acres of land proposed for development with a solar PV energy facility at the subject location represents only a very small portion (i.e., about 2.2 percent) of the industrially-zoned land in the Town, such that the impact of the proposed action will not be severe on the availability of industrial land in the Town. Moreover, the Town of Riverhead Town Code permits commercial solar energy production systems in the five industrial zoning districts of the Town.
5. After accounting for environmental constraints, the total area of Potentially Developable Industrial-Zoned Active Agricultural Land is 638± acres<sup>2</sup> within the entire Town of Riverhead. The proposed action (i.e., the solar development at the proposed Parcel A) already includes 106± of the identified acres. Therefore, in the Town, 534± acres of active agricultural land in an industrial zoning district remain available for potential future applications for solar PV energy facilities.
6. Any possible future applications for solar PV energy facilities in the Town of Riverhead will be subject to the Town’s development standards and criteria, and will have the opportunity and the requirement to similarly minimize potential impacts by

<sup>1</sup> Only approximately 106.14 acres of the subject property (at Lot A) are classified within the Suffolk County plan as active agricultural land.

<sup>2</sup> The 45± acres that were previously developed with a solar PV energy facility (SCTM Parcel No. 0600-137.00-01.00-032.001) have been subtracted to yield the stated total 638± acres.

incorporating context-sensitive design solutions appropriate to the merits of the application during the Site Plan and/or Special Permit application processes.

Therefore, the proposed action will not result in significant adverse cumulative impacts.

### Use and Conservation of Energy

1. The 20 MW<sub>AC</sub> sPower Calverton solar facility will be interconnected to the LIPA power grid supplying electricity to the system for use by PSEG-LI customers via the aforementioned 20-year PPA. Based on site-specific and project-specific results of a PVsyst Photovoltaic Software model analysis, which accounts for a range of variables including monthly albedo values (i.e., the solar radiance that reaches the earth's surface) at the subject property, project-specific PV array and system generation and loss factors, and loss factors during conversion at the step-up facility, the sPower Calverton solar facility will result in an annual supply of 37,648 megawatt hours (MWh) to the LIPA power grid for use by PSEG Long Island customers. According to the latest available data (2009) from the U.S. Energy Information Administration (EIA), the average household in New York State consumes 6,578 kilowatt hours (kWh), or approximately 6.6 MWh, annually. Therefore, the proposed action is expected to generate sufficient electricity to power the equivalent of approximately 5,723 homes.
2. The proposed action is consistent with the State's energy plan, such that no mitigation measures are required or proposed. Moreover, the proposed project will result in beneficial energy impacts, including the generation of 20 MW<sub>AC</sub> of energy using clean, renewable technology from a renewable source (reducing reliance on fossil fuels), and an increase in clean energy business activity within the Town.

Based on the foregoing, the proposed action will not result in significant adverse impacts with respect to energy use.

### Other Considerations

1. Agricultural uses typically represent a significant demand for potable water for irrigation, and are sources of potential water resource contaminants such as nitrogen (from fertilizers) and pesticides. The subject property includes, among other parcels, a 109+-acre sod farm parcel (i.e., SCTM Parcel District 0600 – Section 116.00 – Block 01.00 – Lot 007.002), which is nearly entirely devoted to sod production. The proposed action is expected to result in a net environmental benefit as compared to the existing uses of the subject property, as follows:
  - Based on a mean of 3.5 inches of irrigation per year for turf (sod) farms the 109+-acre sod farm at the subject property utilizes approximately 10.6 million gallons of irrigation water per year. By contrast, the proposed action is expected to utilize a limited irrigation water to sustain perimeter buffer plantings. No irrigation is proposed for the plantings to be installed beneath the solar panel arrays.

- It is estimated that the 109+-acre sod farm at the subject property utilizes enough fertilizer to introduce 16,618 pounds of nitrogen into the local environment. In contrast, under the proposed action, the areas beneath the solar panel arrays will be seeded with native, and low-maintenance, non-fertilizer dependent species, which will require virtually no fertilization as part of its routine maintenance.
- Pesticides would likely be used at the subject property if agricultural uses continued, whereas the proposed unmanned solar facility with native and low-maintenance species planted throughout the property would not require regular pesticide application.

### Alternatives Analyzed in the DEIS

Five alternatives were examined in the DEIS:

- › **No-Action** – The subject property remains in its existing condition, in use as a sod farm. The DEIS notes that this alternative is not consistent with the Applicant’s right to develop the site and would not produce the benefits of the proposed action with respect to the production of clean energy.
- › **Alternative Routing of Gen-Tie in Public Rights-of-Way** – The subject property would be developed in the same manner as in the proposed action, with the exception that the gen-tie line would be routed within public rights-of-way. The DEIS notes that this alternative would require construction of overhead poles and utility wires along Middle Country Road/NYS Route 25 and Edwards Avenue in order to avoid conflicts with existing subsurface utility infrastructure along these roadways. Such above-ground installation of the gen-tie line would result in greater construction-related impacts and impacts to aesthetic resources and community character than the proposed action
- › **Alternative Locations other than Agricultural or Manufacturing-Industrial Land** – The proposed action would occur at another location in the Town of Riverhead, and a solar energy facility would be developed in a similar manner at another property. The DEIS notes that there are no reasonable alternative sites that would not affect manufacturing-industrial and/or agricultural land in the Town of Riverhead to a similar degree as the proposed action.
- › **Development in Accordance with the Industrial C Zoning District** – Parcel A of the subject property would be developed with light industrial uses on ten industrial lots for a total of 786,075-square feet (SF) of building floor area. Parcels B and C would remain as-is. This alternative would have similar environmental impacts to the proposed action with respect to some topics; however, the level of intensity of the construction would be greater than the proposed action, and impacts associated therewith would also be greater (i.e., buildings and pavement, as opposed to pier foundations for the proposed solar panels). In addition, changes to aesthetic character and land use resulting from development of an industrial subdivision would be indefinite, as compared to under the proposed solar facility, which has a 20-year life span.
- › **Other Alternative Site Considerations** – The proposed action would occur at another location in Suffolk County, and a solar energy facility would be developed in a similar manner at another property. The DEIS notes that to undertake such an evaluation would

require analysis of a more than 900-square mile area with 43 municipalities that have independent zoning and land use regulations. It is not reasonable for the Applicant to be compelled to perform this type of regional planning analysis in the DEIS, which was been prepared for a specific development proposal at a specific location in conformance with the prevailing zoning requirements.

**A Copy of this Findings Statement has been sent to:**

The Honorable Sean Walter, Town Supervisor, and  
Members of the Town of Riverhead Town Board  
200 Howell Avenue  
Riverhead, New York 11901

Fred McLaughlin, Chairman, and  
Members of the Town of Riverhead Zoning Board of Appeals  
200 Howell Avenue  
Riverhead, New York 11901

Sean McCabe, Chairman, and  
Members of the Town of Riverhead Conservation Advisory Council  
200 Howell Avenue  
Riverhead, New York 11901

Mark Zaweski, Chairman, and  
Members of the Town of Riverhead Farmland Preservation Committee  
200 Howell Avenue  
Riverhead, New York 11901

Jefferson V. Murphree, Building and Planning Administrator  
Town of Riverhead Building Department  
201 Howell Avenue  
Riverhead, New York 11901

George Woodson, Superintendent  
Town of Riverhead Highway Department  
1177 Osborne Avenue  
Riverhead, New York 11901

Jennifer Casey, Chair  
Suffolk County Planning Commission  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
Hauppauge, New York 11788

Carrie Meek Gallagher, Regional Director

Findings Statement  
Planning Board of the Town of Riverhead  
sPower Calverton Solar Energy Facility

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50 Circle Road  
Stony Brook, NY 11790-3409

Joseph Brown, Regional Director  
New York State Department of Transportation  
State Office Building  
250 Veterans Memorial Highway  
Hauppauge, New York 11788

LIPA-PSEGLI  
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2045-NY 112  
Coram, New York 11727

Riverhead Free Library  
330 Court Street  
Riverhead, New York 11901

sPower  
c/o Christopher E. Kent, Esq.  
Farrell Fritz  
100 Motor Parkway, Suite 138  
Hauppauge, New York 11788

# Board of Trustees Briefing 280 MW Renewable RFP

## Riverhead Solar Farm, LLC Power Purchase Agreement

DECEMBER 13-15, 2017

**Privileged and Confidential - For Discussion Purposes Only**

# Solar Projects Update

#	Proposals Selected by LIPA in 2014		
		Original Selection	Current Status
S-1	Hecate Energy -Riverhead	7.5	Interconnection Studies Underway
S-2	Community Energy Solar –Calverton	10	Interconnection just received, preparing SEQRA filing
S-3	Community Energy Solar –Manorville	16	Withdrawn
S-4	Invenergy -Shoreham Solar Commons	24.9	Approved
S-5	American Capital Energy	10	Withdrawn
S-6	Sybac Solar -Yaphank BTC	10	Withdrawn
S-7	Sybac Solar -Riverhead MCR	10	Inactive
S-8	Sybac Solar -Horseblock	10	Withdrawn
S-9	BQ Energy -Kings Park Solar	2	Approved
S-10	BQ Energy -Kings Park Solar	2	Approved
S-11	sPower –Riverhead	20	Ready for Board Consideration

**Total**

**122 MW**

**66 MW**

**Recommendation:**

*Recommend that the Board authorize execution of a PPA with Riverhead Solar Farm, LLC for 20.0 MW of capacity, energy, and renewable energy attributes*

# Riverhead – Calverton Solar Projects



# Overview of sPower Riverhead Solar Farm



- The project involves the development of the solar power-generating facility, including a 20-megawatt alternating current (MWAC) solar photovoltaic (PV) panel array facility using single axis tracking system.
- sPower’s 165 acre site is located on the west side of Peconic Avenue and south of Middle Country Road/New York State (NYS) Route 25. in the hamlet of Calverton, Town of Riverhead. The Solar Array is on 110 acres of the 165 acres.
- A 8,670 linear foot (LF) underground generation tie-in (“gen-tie”) connects the Solar Array to the Solar Collection Facility. The Solar Collection Facility is adjacent from the east to LIPA’s Edwards Avenue Substation.
- The Solar Collection Facility’s output is delivered to the Edwards Avenue Long Island Power Authority (LIPA) Substation via a 138kV underground cable.

# Major Power Purchase Agreement Terms

- 20-year term from commercial operation date (COD)
  - Planned COD is 12/31/2018
  - Estimated First Year Energy 35,192 MWh (equivalent of about 3,500 LI homes)
  - Energy Price = \$182/MWh
- Transmission System Upgrades: \$2.5 million Allowance
  - The proposed contract price includes an allowance of \$2.5 million for LIPA interconnection facilities. Under the PPA, LIPA will reimburse RSF any cost above the \$2.5 million. The current fully loaded estimated cost is \$6.9 million. However, this would only increase the project cost by approximately 3.6% which would not have changed the selection of this project.
- Improved contract terms
  - LIPA option to lower price to \$168/MWh in exchange for Seller option to extend term for up to 10 years
  - Performance guarantee increased from 60% to 80% of projected output
  - Added Cure Period and Daily Delay Damages for Schedule Slippage
- Estimated total contract cost
  - The 20 year term is \$122 M
  - The 30 year term is \$165M
  - Estimated rate impact is .02 cents/kWh or about 20 cents/month for an average residential customer

# Town of Riverhead SEQR Findings

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- Town of Riverhead Planning Board (“Planning Board”) issued SEQRA Findings Statement dated October 19, 2017 based on Draft and Final Environmental Impact Statements (DEIS/FEIS).
- The action as proposed avoids or minimizes adverse environmental impacts to the maximum extent practicable.
- Notable conditions
  - No additional tie-ins or connections to the cable without additional approval by the Town
  - The facility will be decommissioned at the end of the power purchase agreement between the facility and LIPA