



VIA EMAIL  
November 9, 2021

Town of Henrietta Department of Engineering and Planning  
Attn: Christopher Martin, P.E.  
Henrietta Town Hall  
475 Calkins Road  
Rochester, NY 14623

Re: Revised Landscaping Plan  
Remelt Solar I, LLC  
Remelt Henrietta Solar Farm Project  
Town of Henrietta, Monroe County, New York

**Dear Mr. Martin,**

In response to your request, the purpose of this letter and attached revised landscaping plan are to further describe the minor proposed tree cutting within the agreed upon visual buffer located in the northwestern portion of the Remelt Henrietta Solar Farm Project Area adjacent to the existing rail line, as well as the proposed plantings that will ensure the visual buffer is kept intact despite the proposed tree cutting. It is important to note that no change to the physical project site plan for the solar project footprint itself is proposed.

Construction of the Remelt Henrietta Solar Farm Project ("Project") began in May of 2021 and is currently ongoing. Additional tree cutting was determined to be required in order to reduce shading from tree lines, which was determined to be greater than was anticipated, on the solar panels. Reducing the shade on the solar panels will ensure the panels function to their full efficiency.

Portions of the proposed tree cutting occurs within the agreed upon visual buffer located in the northwestern portion of the Project area, as well as within the NYSDEC regulated 100-ft adjacent area located in the north-northeast portion of the Project area. An Article 24 permit has since been issued NYSDEC Region 8, allowing for the proposed cutting to occur within the 100-ft regulated adjacent area. This permit was previously submitted to you but has also been included with this letter as Attachment C.

Proposed tree cutting within the agreed upon visual buffer will result in approximately 1.09-acres of reductions of the tree line located adjacent to the Livonia Avon & Lakeville Railroad and cul de sac neighborhood. As this buffer was agreed to be kept intact during construction of the Project, new landscaping has been proposed to ensure the visual buffer remains effective, even with the proposed additional tree cutting. The proposed tree cutting plan will leave a minimum of 115 feet of the western visual buffer untouched. A proposed 200 liner feet of American arborvitae (*Thuja occidentalis*) will be planted strategically within the remaining vegetated area in the visual buffer based on the line of site of the Project from the adjacent neighborhood to fill in visual gaps. American arborvitae was chosen due to its hearty nature, the fact that is an evergreen that doesn't seasonally drop its needles, and its small height as a tree that won't result in shading on the panels. The existing buffer coupled with the additional plantings will result in an effective visual buffer for the solar farm, even during wintertime when leaves are no longer present on the taller deciduous trees.



The location for the proposed planting area within the visual buffer was identified as the area most prone to visual gaps after review from site visits and aerial imagery. This area included the smallest portion of the existing visual buffer (115 feet) and was identified as having the potential for visual gaps if the additional proposed tree cutting was to occur (Refer to Attachment B, Visual Buffer Drone Imaging). To ensure the continued effectiveness of the visual buffer and minimize any visual gaps that may occur as a result of the proposed cutting, plantings have been added to the Project's Landscaping Plan (Attachment A) within an untouched portion of the visual buffer, ensuring it will remain effective.

We hope that we have adequately addressed the concerns over the perceived reduction of the visual buffer and the proposed mitigation to these perceived concerns through the additional proposed plantings, and hope that with this information that the proposed tree cutting plan can be accepted by your office. Please do not hesitate to contact me at 585-498-7877 or by email at [dplante@bergmannpc.com](mailto:dplante@bergmannpc.com) should you have any questions.

Sincerely,

David J. Plante, AICP CEP  
ENERGY + ENVIRONMENT PRACTICE LEADER, BERGMANN

**Attachment A: Revised Landscape Plan**

**Attachment B: Visual Buffer Drone Imaging**

**Attachment C: NYSDEC Article 24 Permit**

Cc Daniel Compitello, Peter Dolgos (Remelt Solar I, LLC)  
Rita Kozak, Jake Hill, Mark Potter (Bergmann)



**BERGMANN**  
ARCHITECTS ENGINEERS PLANNERS

---

# **APPENDIX A**

## Revised Landscaping Plan

**REMELT SOLAR I, LLC.**

**COMMUNITY SOLAR FARM PROJECT**

6161 EAST RIVER ROAD  
HENRIETTA, NY 14586

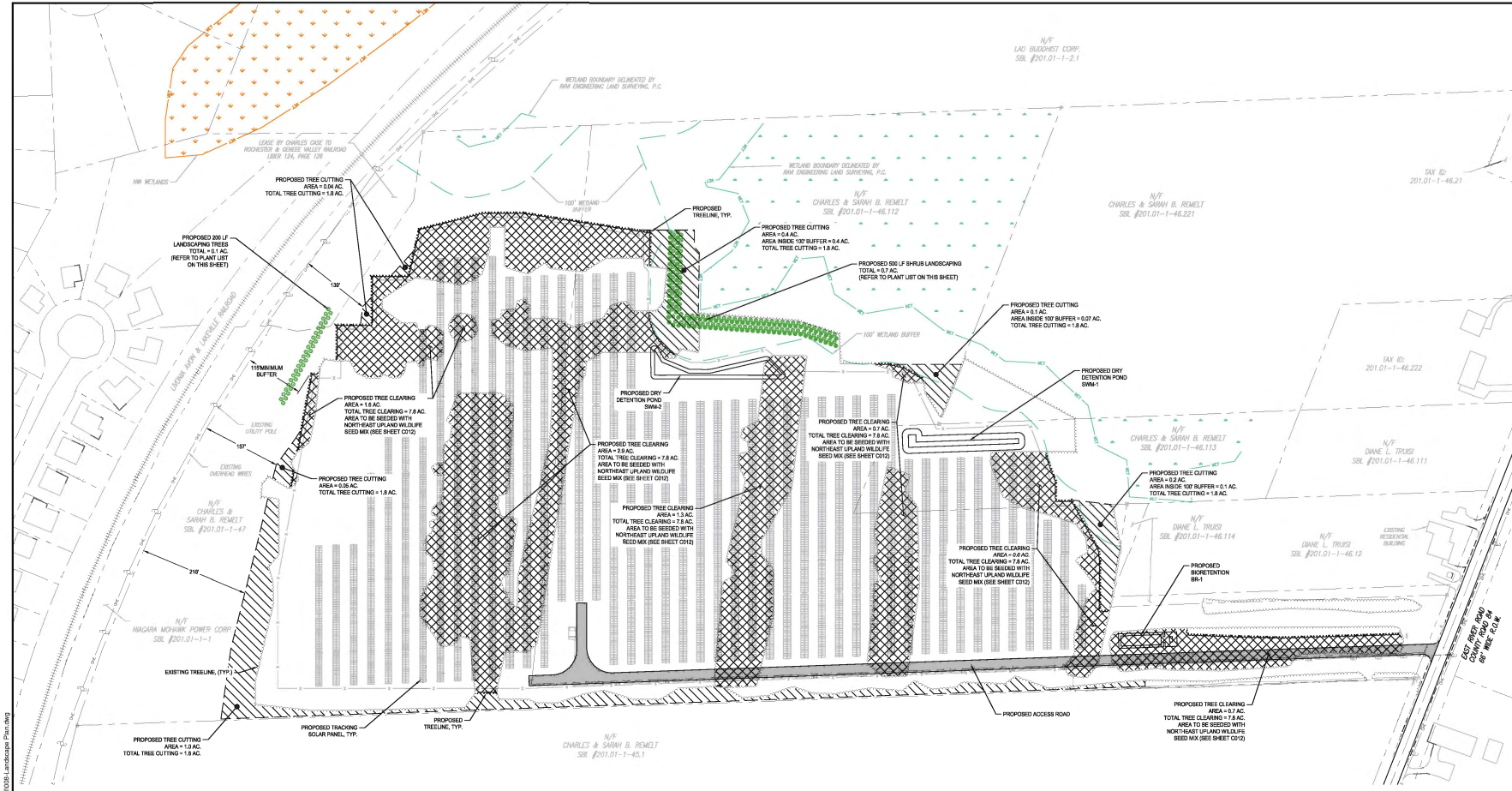
**DELAWARE RIVER SOLAR**

140 EAST 45TH STREET  
SUITE 32-B  
NEW YORK, NY 10017



Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.  
200 East Broad Street  
Suite 200  
Rochester, NY 14604  
office: 565.232.3195  
fax: 565.232.4552  
www.bergmannpc.com

DATE	DESCRIPTION
8/1/2020	REVISED PER TOWN COMMENTS
10/7/2020	REVISED PER TOWN COMMENTS
11/23/2021	REVISED PER TOWN COMMENTS
3/15/2021	REVISED PER TOWN COMMENTS
3/23/2021	REVISED PER MCDOT COMMENTS
4/1/2021	REVISED PER TOWN COMMENTS
8/18/2021	REVISED PER CLIENT COMMENTS



**NOTES**

1. THE TOTAL AREA OF TREE CLEARING THAT IS PROPOSED FOR THE REMELT SOLAR FARM IS 7.8 ACRES.
2. THE TOTAL AREA OF TREE CUTTING THAT IS PROPOSED FOR THE REMELT SOLAR FARM IS 1.8 ACRES.
3. THERE ARE NO AREAS TO THE PROPOSED REGULATED FRESHWATER WETLAND DUE TO TREE CLEARING OR TREE CUTTING.
4. 100' LINEAR FEET OF TOTAL PROPOSED TREE CUTTING IS WITHIN THE HISTORIC REGULATED FRESHWATER WETLAND DUE TO TREE CLEARING OR TREE CUTTING.
5. 100' LINEAR FEET OF TOTAL PROPOSED TREE CUTTING IS WITHIN THE HISTORIC REGULATED FRESHWATER WETLAND DUE TO TREE CLEARING OR TREE CUTTING.
6. 100' LINEAR FEET OF TOTAL PROPOSED TREE CUTTING IS WITHIN THE HISTORIC REGULATED FRESHWATER WETLAND DUE TO TREE CLEARING OR TREE CUTTING.
7. 200' LINEAR FEET OF LANDSCAPING TREES (0.1 ACRES TOTAL) IS PROPOSED ALONG THE WESTERN PROPERTY BOUNDARY TO IMPROVE THE LANDSCAPING SCHEME.
8. WITHIN THE AREAS OF TREE CUTTING, CUT TREE STUMPS TO BE LEFT IN PLACE, NO GRUBBING OR OTHER CUTTING OF RESIDUES WILL OCCUR.
9. REMOVED PORTIONS OF THE TREES WILL BE THEN BE CUT INTO SMALL PIECES AND TAKEN FROM THE FIVE 100 FOOT ADJACENT AREA BY HAND AND WHEELBROW.

**PLANT LIST**

Key	Qty	Botanical Name	Common Name	Mature Size				
				Height	Spread	Installed Size	Condition	Spacing
	92	Cornus Racemosa	Gray Dogwood	10'-16'	12'-18'	6'-8' Ht.	BBB	11'
	97	Lindera Benzoin	Spice Bush	6'-12'	6'-12'	1'-2' Ht.	BBB	11'
	40	Thuja Occidentalis	American Arborvitae	40'-60'	12'-15'	5'-6' Ht.	BBB	10'

**LEGEND**

- PROPOSED SOLAR PANELS
- PROPOSED PERIMETER FENCE
- PROPOSED UNDERGROUND ELECTRIC
- PROPOSED OVERHEAD ELECTRIC
- PROPOSED GRAVEL DRIVE
- NYS DEC DELEGATED WETLAND
- NWI WETLAND
- PROPOSED AREA OF TREE CLEARING
- PROPOSED AREA OF TREE CUTTING
- 100 FT WETLAND BUFFER
- EXISTING TREELINE
- PROPOSED TREELINE
- PROPOSED SHRUB (GRAY DOGWOOD)
- PROPOSED SHRUB (SPICE BUSH)
- PROPOSED TREE (AMERICAN ARBORVITAE)

MONROIE COUNTY  
DEPT. OF TRANSPORTATION

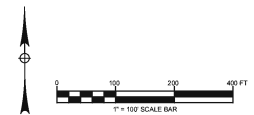
APPROVED: \_\_\_\_\_  
DATE: \_\_\_\_\_

APPLICATIONS FOR PERMITS WILL NOW BE ACCEPTED  
THIS PROJECT APPROVAL IS VALID FOR THE (2) YEARS

APPROVED BY: \_\_\_\_\_

PLANNING BOARD CHAIRMAN

DATE: \_\_\_\_\_



M:\Chatham\River\_Solar\022723\02 Delaware River Solar Remelt Solar Farm 02.dwg - 1. Civil\0208 Landscape Plan.dwg 11/8/2021 1:58 PM



Copyright © Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.

Project Manager RPS	Checked By RPS
Drawn By MCP	Scale NAD
Date Issued 8/1/2021	Revision 0/2773.59

**LANDSCAPE PLAN**

**C008**



**BERGMANN**  
ARCHITECTS ENGINEERS PLANNERS

---

## **APPENDIX B**

### Visual Buffer Drone Imaging



# **APPENDIX C**

## NYSDEC Article 24 Permit

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8  
6274 East Avon-Lima Road, Avon, NY 14414-9516  
P: (585) 226-5400 | F: (585) 226-2830  
www.dec.ny.gov

## **IMPORTANT NOTICE TO ALL PERMITTEES**

The permit you requested is enclosed. **Please read it carefully and note the conditions that are included in it.** The permit is valid for only those activities expressly authorized therein. Work beyond the scope of the permit and the approved project plans may be considered a violation of the law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent, or approval from any other Federal, State or local government which may be required. Please be sure to check with the local municipality regarding the potential need for local approval.

**PLEASE NOTE:** You must submit a Notice of Intent to Commence Work (attached) prior to starting work and similar notification must also be made upon completion of project as noted in the permit conditions. If a Permit Notice Sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition #1.

Please note the expiration date of the permit. If you need additional time to complete your project, you must submit your request for permit renewal, in writing, prior to expiration of the permit (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. Provide an explanation of why additional time is needed and how much additional time you are requesting. Please refer to the general conditions listed in the permit for specific instructions. For SPDES, solid Waste and Hazardous Waste Permits, renewal applications must be made at least 180 days prior to the expiration date.

The DEC permit number & Program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

For many projects involving work in and around streams, lakes and wetlands the US Army Corps of Engineers (USACE) may have regulatory authority in addition to this Department. If you have not already done so, you should contact their Buffalo District Regulatory Branch office at 716-879-4330 to obtain any required federal authorizations prior to commencing work. Also as a reminder, be sure to verify whether any local approvals are required for the project.

If you have any questions on the extent of the work authorized or your obligations under the permit, please feel free to contact me at 585-226-5382.

Sincerely,



Frances Knickmeyer  
Environmental Analyst





**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
REMELT SOLAR 1 LLC  
560 DAVIS ST STE 500

SAN FRANCISCO, CA 94111

**Facility:**  
REMELT SOLAR FARM  
E RIVER RD - W SIDE|~1500 FT N OF RUSH  
TL RD  
HENRIETTA, NY

**Facility Location:** in HENRIETTA in MONROE COUNTY **Village:** Henrietta  
**Facility Principal Reference Point:** NYTM-E: 278.946 NYTM-N: 4766.794  
Latitude: 43°01'18.0" Longitude: 77°42'46.5"

**Project Location:** E River Rd - W Side, ~1500 Ft N of Rush TL Rd

**Authorized Activity:** As part of the construction of a 5 MW solar project, the permittee will selectively cut 0.57ac (24,753 SF) of trees (topping trees and trimming branches) in the NYSDEC regulated Adjacent Area of Class 3 Freshwater Wetland HR-12. 500 LF / 0.7ac (30,492 SF) of shrubs will be planted within the Adjacent Area.

**Permit Authorizations**

**Freshwater Wetlands - Under Article 24**

Permit ID 8-2632-00413/00001

New Permit

Effective Date: 10/14/2021

Expiration Date: 12/31/2023

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: ROBERT B CALL, Deputy Permit Administrator  
Address: NYSDEC Region 8 Headquarters  
6274 E Avon-Lima Rd  
Avon, NY 14414

Authorized Signature: \_\_\_\_\_

*Robert B. Call*



Date 10/14/2021



## Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: FRESHWATER WETLANDS

- 1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Bergmann Associates, as cited in Natural Resources Special Condition 2.
- 2. Conformance with Plans - Addenda** In addition to plans referenced in the Condition titled "Conformance with Plans," the activities authorized by this permit must be in strict conformance with the following approved plans and/or submissions made as part of the permit application:

  - a. Plans prepared by Bergmann Associates, titled "Remelt Solar I, LLC. Community Solar Farm Project", drawing Landscape Plan, sheet C008, last revised August 18, 2021, last received by NYSDEC October 12, 2021 (Attachment A).
  - b. Letter from David J. Plante of Bergmann Associates in response to the NYSDEC October 5, 2021 Notice of Incomplete Application, 3 pages, dated October 12, 2021, received by NYSDEC October 12, 2021 (Attachment B).
  - c. Plans prepared by Bergmann Associates, titled "Remelt Solar I, LLC. Community Solar Farm Project", sheets Cover Sheet, C001 – C007, C009 – C014, last revised August 18, 2021, received by NYSDEC August 23, 2021.
- 3. Notice of Intent to Commence Work** The permittee shall submit a Notice of Intent to Commence Work to Bureau of Ecosystem Health at least 48 hours in advance of the time of commencement and shall also notify them promptly in writing of the completion of work.
- 4. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
- 5. Minimize Adverse Impacts to Wetlands, Wildlife, Water** All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.
- 6. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.



**7. Install Controls along Limits of Disturbance** Prior to commencement of the activities authorized herein, the permittee shall install securely anchored silt fencing and/or continuous staked straw bales along the limits-of-disturbance or as shown on the plans or drawings referenced in this permit.

**8. Work by Hand** All work, including the removal of wood debris, is to be accomplished using hand labor and hand tools. During periods when the ground is frozen, small all-terrain vehicles may be used to remove cut trees and other wood debris. The use of tire chains and other attachments that may result in surface damage to the Adjacent Area is strictly forbidden.

**9. No Construction Debris in Wetland or Adjacent Area** Any debris or excess materials from construction of this project (including earth, construction materials, trees and stumps) shall be immediately and completely removed from the wetland and adjacent area to an appropriate upland area for disposal.

**10. Work Within Area Depicted on Plans** All construction activity, including operation of machinery, excavation, filling, grading, clearing of vegetation, disposal of waste, street paving and stockpiling of material must take place within the project site as depicted on the project plans referenced by this permit. Construction activity is prohibited within areas to be left in a natural condition or areas not designated by the subject permit.

**11. Equipment Storage 100' from Wetland, Water Body** All equipment and machinery shall be stored and safely contained greater than 100 feet landward of the regulated wetland or water body at the end of each work day. This will serve to avoid the inadvertent leakage of deleterious substances into the regulated area.

**12. Prior Approval of Changes** If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.

**13. Failure to Meet Permit Conditions** Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.

**14. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.



**15. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

**16. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:



Regional Permit Administrator  
NYSDEC Region 8 Headquarters  
6274 E Avon-Lima Rd  
Avon, NY 14414

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.



**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**REMELT SOLAR I, LLC.**

**COMMUNITY  
 SOLAR FARM  
 PROJECT**

6161 EAST RIVER ROAD  
 HENRIETTA, NY 14586

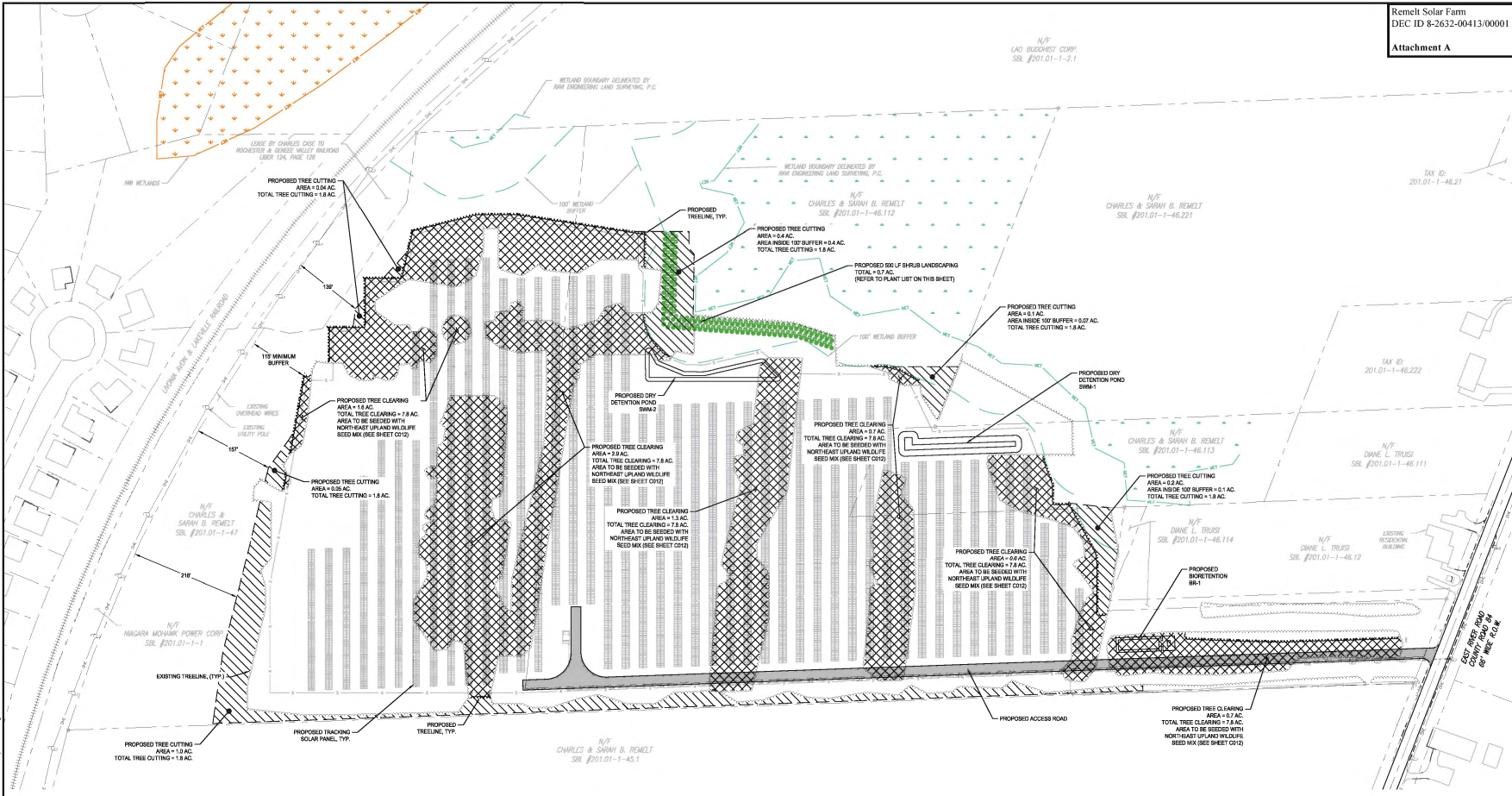
**DELAWARE RIVER  
 SOLAR**

140 EAST 45TH STREET  
 SUITE 32-B  
 NEW YORK, NY 10017

**B BERGMANN**  
 ARCHITECTS ENGINEERS PLANNERS

Bergmann Associates, Architects, Engineers,  
 Landscape Architects & Surveyors, D.P.C.  
 200 East Broad Street  
 Suite 200  
 Rochester, NY 14604  
 office: 565.232.3195  
 fax: 565.232.4552  
 www.bergmannpc.com

DATE	DESCRIPTION
8/1/2020	REVISED PER TOWN COMMENTS
10/7/2020	REVISED PER TOWN COMMENTS
11/23/2021	REVISED PER TOWN COMMENTS
3/15/2021	REVISED PER TOWN COMMENTS
3/23/2021	REVISED PER MCDOT COMMENTS
4/1/2021	REVISED PER TOWN COMMENTS
8/18/2021	REVISED PER CLIENT COMMENTS



**NOTES**

1. THE TOTAL AREA OF TREE CLEARING THAT IS PROPOSED FOR THE REMELT SOLAR FARM IS 7.8 ACRES.
2. THE TOTAL AREA OF TREE CUTTING THAT IS PROPOSED FOR THE REMELT SOLAR FARM IS 1.8 ACRES.
3. THERE ARE NO AREAS TO BE SEEDED WITH NORTHEAST UPLAND WILDLIFE SEED MIX DUE TO TREE CLEARING OR TREE CUTTING.
4. 100' BUFFER OF THE TOTAL PROPOSED TREE CUTTING IS WITHIN THE HYDROLOGICALLY RELATED FIVE 100' FOOT ADJACENT AREA OF THE WETLANDS.
5. 100' BUFFER OF THE TOTAL PROPOSED TREE CUTTING IS WITHIN THE HYDROLOGICALLY RELATED FIVE 100' FOOT ADJACENT AREA OF THE WETLANDS.
6. 100' BUFFER OF THE TOTAL PROPOSED TREE CUTTING IS WITHIN THE HYDROLOGICALLY RELATED FIVE 100' FOOT ADJACENT AREA OF THE WETLANDS.
7. WITHIN THE AREAS OF TREE CUTTING, CUT TREE STUMPS TO BE LEFT IN PLACE. NO GRUBBING OR OTHER CUTTING OF RESIDUES WILL OCCUR.
8. REMOVED PORTIONS OF THE TREES WILL BE THEN BE CUT INTO SMALL PIECES AND TAKEN FROM THE FIVE 100' FOOT ADJACENT AREA BY HAND AND WHEELBARROW.

**PLANT LIST**

Key	Qty	Botanical Name	Common Name	Mature Size		Installed Size	Condition	Spacing
				Height	Spread			
	92	Cornus Rostrata	Gray Dogwood	10'-16'	12'-18'	6'-8' Ht.	B&B	11'
	97	Lindera Benzoin	Spice Bush	6'-12'	6'-12'	1'-2' Ht.	B&B	11'

**LEGEND**

- PROPOSED SOLAR PANELS
- PROPOSED PERIMETER FENCE
- PROPOSED UNDERGROUND ELECTRIC
- PROPOSED OVERHEAD ELECTRIC
- PROPOSED GRAVEL DRIVE
- NY DEC DELINEATED WETLAND
- NWI WETLAND
- PROPOSED AREA OF TREE CLEARING
- PROPOSED AREA OF TREE CUTTING
- 100 FT WETLAND BUFFER
- EXISTING TREELINE
- PROPOSED TREELINE
- PROPOSED SHRUB (GRAY DOGWOOD)
- PROPOSED SHRUB (SPICE BUSH)

MONROIE COUNTY  
 DEPT. OF TRANSPORTATION

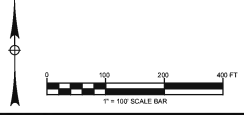
APPROVED: \_\_\_\_\_  
 DATE: \_\_\_\_\_

APPLICATIONS FOR PERMITS WILL NOW BE ACCEPTED.  
 THIS PROJECT APPROVAL IS VALID FOR THE (2) YEARS.

APPROVED BY: \_\_\_\_\_

PLANNING BOARD CHAIRMAN

DATE: \_\_\_\_\_



**LANDSCAPE  
 PLAN**

**C008**

M:\Delaware River Solar\1272325 Delaware River Solar Remelt Solar Farm\1272325.dwg - 12/15/2021 10:51:24 AM



VIA EMAIL  
October 12, 2021

New York State Department of Environmental Conservation – Region 8  
Attn: Frances Knickmeyer  
6274 E. Avon-Lima Road  
Avon, New York 14414

Re: NYSDEC Application ID: 8-2632-00413/00001  
Response to Comments  
Remelt Solar I, LLC  
Remelt Henrietta Solar Farm Project  
Town of Henrietta, Monroe County, New York

Remelt Solar Farm  
DEC ID 8-2632-00413/00001

**Attachment B**

Dear Ms. Knickmeyer,

This letter is provided in response to your Notice of Incomplete Application (NOIA) dated, October 5, 2021, in which you asked for additional items regarding the Remelt Henrietta Solar Farm Project Application.

Provided below is a formal written response to the numbered points mentioned in the NOIA.

1. Original Comment - *In order to meet permit issuance standards, projects must avoid impacts to regulated resources. If avoidance of impacts is not feasible, the applicants must both minimize impacts and demonstrate that the benefits gained by allowing the action to occur must outweigh the wetland benefits lost. Applicants must provide a narrative describing how the project is both reasonable and necessary, including how any impacts have been minimized to the greatest extent possible. The proposal to clear trees to the edge of the NYSDEC regulated Freshwater Wetland (FWW) does not appear to meet permit issuance standards.*

*Plans should be designed to avoid all impacts to the regulated Freshwater Wetland and regulated adjacent area, including the need for tree clearing in the regulated adjacent area. Further, it appears there is an area on the western side of the site that could accommodate additional panels without being affected by tree shading. If there is not a way to fit more solar panels into the unregulated portion of the parcel, the applicant must submit a robust justification for the proposed tree clearing in the NYSDEC regulated Freshwater Wetland Adjacent Area (FWAA). This should include information on why the western side of the parcel is not suitable or available and how impacts to the FWAA are being minimized. NYSDEC strongly encourages the applicant to keep all tree cutting at least 50-feet from the FWW. Additionally, if this is the route the applicant chooses, please revise the proposed project, including the relevant drawing(s), to include the following:*

- a. The applicant will leave tree stumps in place, will not clear or destroy other vegetation, and will not grub.*
- b. Plant appropriate shrubs in the tree clearing areas in addition to the currently proposed "shrub landscaping". Include a list of species that will be planted.*
- c. A description of how trees will be felled, how they will be removed, and their final destination.*
- d. If machinery will be used, explain how this will be done without causing damage to soils and vegetation.*





## Response

Placement of panels on the western portion of the parcel in which your letter references was deemed unfeasible during design of the Project. Panels in this location would require tree cutting along the western tree line to address shading concerns. Although this would occur outside of the NYSDEC regulated adjacent area, it would involve a greater amount of overall tree cutting. Most importantly, any tree cutting in this location has been prohibited by the Town of Henrietta during the SEQRA process as the applicant is required to maintain a visual barrier between the housing development located immediately west of the Project site and the solar farm. The amount of tree cutting that would be required in this location would be significant enough that the solar panels would be visible from portions of the housing development, and as such is not permitted by the Town of Henrietta and in contradiction of the SEQRA negative declaration of significant adverse environmental impact issued by the Town of Henrietta for the project. Additionally, each row of panels is made up of standard sized "full strings". The panels must be configured using full strings, as partial strings are not operational and will not function. The western portion of the parcel, where there are currently no panels proposed, does not allow enough room to add any additional full strings, hence the design as proposed. Panel placement in this location is not feasible.

Efforts to minimize impacts to the regulated freshwater wetland (FWW) and adjacent area included designing the solar panels, access driveway, underground electric, and electrical equipment pads to occur entirely outside of the FWW and adjacent area. The applicant has reduced the system size from their preferred, maximum build out alternative to adhere to these constraints. The proposed 0.57 acres of selective tree cutting has been reduced to the maximum extent practical that will allow the solar project to be operational using the layout that has been fully permitted through the Town of Henrietta and is in active construction.

It is important to note that no tree clearing will occur and that only selective tree cutting is necessary and proposed. This activity involves topping of trees and trimming of branches in order to reduce the tree height and thus eliminate the shading of the panels. This effort is similar to routine maintenance of electric transmission lines and pipelines that regularly occur within FWW adjacent areas. It is also important to note that the Project site was previously used as a Christmas tree farm. While it is understood that agricultural activities are treated differently under various state regulations than non-agricultural activities, the potential impacts are no different. During the time of operation Christmas trees were regularly cut from within the FWW adjacent area. The proposed tree cutting is similar to, but not as intense as, this impact.

The trees in the proposed cutting/topping areas will be hand cut using a chainsaw. Removed portions of the tree will then be cut into smaller pieces and taken out of the FWW adjacent area by hand and wheelbarrow. If tree cutting/topping can occur during a period of time where the ground is frozen, limited small all-terrain vehicle access is proposed for the sole purpose of removing the cut portions of the trees from the FWW adjacent area. The frozen ground will allow for minimal to no impacts to the FWW adjacent from vehicles moving over them. No tire chains or other attachments will be used that could result in subsurface damage to the FWW adjacent area. This limited vehicle access would be historically consistent with agricultural activities previously conducted within the FWW adjacent area. Once removed, the trees will be chipped into mulch and provided to the landowner, at their request. No trunks, limbs or mulch will be temporarily or permanently placed within the FWW or adjacent area. No grubbing is proposed.

A revised landscaping plan has been included as Attachment A. The landscaping plan has been updated to note that tree stumps are to be left in place and that no grubbing or other cutting of vegetation will occur. Shrub plantings within the clearing area have been added to the proposed landscaping plan. Additional



shrub plantings have been added within the proposed cutting area as requested. The Plant List table on the landscape plan provides a list of the species to be planted within the FWW adjacent area. Furthermore, a note describing the way in which trees will be cut, removed and their final destination has been added to the plan.

2. Original Comment - *Please submit Parts 2 and 3 of the Full Environmental Assessment Form (FEAF).*

**Response:**

Parts 2 and 3 of the FEAF were provided via email on October 6, 2021, but are again provided in this complete submission as Attachment B.

3. Original Comment - *Please confirm who is the legally responsible party (LRP) is for this project. Th Permit application lists Remelt Solar I, LLC as the applicant (lessee) and Charles Remelt as the property owner; this appears to correspond with the DEC stormwater drainage permit included in the application package. However, the SEQR documents refer to the applicant as Namaste Solar.*

**Response:**

As indicated in our email correspondence on October 6, 2021, the legally responsible party is Remelt Solar I, LLC. Originally when going through the SEQRA process, Namaste Solar owned the Remelt Solar I, LLC entity, which almost 2 years ago was transferred to Delaware River Solar. The Remelt Solar I, LLC entity is the legally responsible party.

We hope that we have adequately addressed all comments from your email, and that the application can be deemed complete. Please do not hesitate to contact me at 585-498-7877 or by email at [dplante@bergmannpc.com](mailto:dplante@bergmannpc.com) should you have any questions.

Sincerely,

David J. Plante, AICP CEP  
ENERGY + ENVIRONMENT PRACTICE LEADER, BERGMANN

**Attachment A: Landscape Plan**

**Attachment B: FEAF Parts 2 & 3**

Cc Daniel Compitello, Peter Dolgos (Remelt Solar I, LLC)  
Rita Kozak, Jake Hill, Mark Potter (Bergmann)

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8  
6274 East Avon-Lima Road, Avon, NY 14414-9516  
P: (585) 226-5400 | F: (585) 226-2830  
www.dec.ny.gov

## NOTICE OF INTENT TO COMMENCE WORK

Date: \_\_\_\_\_

NYS Department of Environmental Conservation  
Bureau of Ecosystem Health  
6274 East Avon-Lima Road  
Avon, NY 14414

Re: DEC Permit No. 8-2632-00413/00001

In accordance with Condition # 3 of the referenced permit, I hereby serve notice to commence work on or about \_\_\_\_\_, 20\_\_\_\_. Notice of project completion will be submitted within one week after termination of all work.

This is also to certify that, having read in entirety the permit, I am fully aware of and understand the general, supplemental and special conditions, and agree to comply in all respects to those requirements. I further understand that prior to undertaking any modification to the authorized project, I must seek and receive the written approval of the Regional Permit Administrator.

### WARNING

The Permittee and the contractor (if any) are required to follow all permit conditions. Violation of permit conditions may lead to legal action, including the imposition of substantial monetary fines and corrective work.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Signature of Contractor (if any)

\_\_\_\_\_  
Contractor's Address

\_\_\_\_\_  
Contractor's Telephone Number

\_\_\_\_\_  
Signature of Landowner(s)

Attention Permittee and/or Contractor: Please fold as noted on the back and return.



(Fold # 2)

---

Place  
Stamp  
Here

NYS Department of Environmental  
Conservation Attn: Bureau of Ecosystem Health  
6274 E Avon-Lima Rd  
Avon, NY 14414

---

(Fold # 1 – Staple Here)



**Department of  
Environmental  
Conservation**

# NOTICE

The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Permit Number 8-2632-00413/00001

Expiration Date 12/31/2023

Regional Permit Administrator

**Thomas P Haley  
6274 E Avon-Lima Rd  
Avon, NY 14414  
(585) 226-5400**

NOTE: This notice is **NOT** a permit