

GREENSPARK SOLAR

December 11th, 2023

James W. Grunert, Chair
Town of Henrietta Planning Board
475 Calkins Road
Rochester, NY 14623

Dear Mr. Grunert and Members of the Planning Board,

EH Henrietta Solar 1 LLC, a subsidiary of Sustainable Energy Developments, Inc. DBA GreenSpark Solar, is pleased to submit this application for a Special Use Permit for the Lehigh South Solar 1 Project, a proposed 6.739 MW-DC, 5 MW-AC ground-mounted photovoltaic solar array to be located off of Middle Road in the Town of Henrietta [Tax Parcel 189.02-1-5] within the Rural Residential zoning district. The project will be owned by EH Henrietta Solar 1 LLC under a lease agreement with landowner Lehrwood Estates LLC, and will be constructed and operated by Sustainable Energy Developments, Inc. DBA GreenSpark Solar. The array will interconnect to the Rochester Gas & Electric utility grid with approximately 12,272 modules on a ground mounted, pier driven racking system. The proposed array would occupy approximately 24.63 acres of the 55.38-acre parcel, with an additional area of approximately 1.33 acres of access road outside the fence line. Ground disturbance would be limited to the pier driven posts of the racking system, the electrical trenches, parking/staging area, and the fence line. The power generated by the project is intended for Community Solar Array off-takers through a net metering agreement.

We intend to advance this Lehigh South Solar 1 project in parallel with, and construct it simultaneous to, our proposed Lehigh South Solar 2 project to be located in the area immediately to the east of this proposed project [also within Tax Parcel 189.02-1-5]. Please note, as discussed with Chris Martin, P.E. Director of Engineering and Planning, we completed a single Full Environmental Assessment Form (FEAF) for both projects with the intent of advancing a joint coordinated review under SEQR so that interested and involved agencies may review these projects jointly for cumulative impact. Our SEQR was given a negative declaration, our Special Use Permit approved, and our incentive zoning package approved as of 12/6/23.

In addition to this Letter of Intent, this application for site plan review and approval includes the following exhibits in satisfaction of the application requirements and Town Code:




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- A) Site Plan showing the access road being moved further north
- B) Responses to staff comments

If any further documentation or information is required, please feel free to contact my colleague Mia Morgillo, Solar Developer Associate, at Mia.morgillo@greensparksolar.com or 

We look forward to working with the Town of Henrietta in support of the Town's land use and development goals and in the advancement of New York State's clean energy and climate agenda. Thank you for your time and attention.

Sincerely,



Matt Vanderbrook
Director of Commercial Origination



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GREENSPARK SOLAR

December 1st, 2023

Steve Schultz, Town of Henrietta Supervisor
Town of Henrietta Town Board
475 Calkins Road
Rochester, NY 14623

Dear Mr. Schultz and Members of the Board,

We are submitting this updated Incentive Zoning Application per § 295-34.13 of the Town Code, in support of our Special Use Permit applications for the Lehigh South Solar 1 and Lehigh South Solar 2 projects. The proposed projects are two adjacent ground-mounted photovoltaic solar arrays to be located within tax parcel 189.02-1-5, measuring at 6.739 MW-DC, 5 MW-AC, and 2.414 MW-DC, 1.875 MW-AC, respectively. The projects will be owned by GreenSpark Solar subsidiaries EH Henrietta Solar 1 LLC and EH Henrietta Solar 2 LLC, respectively, under a lease agreement with landowner Lehrwood Estates LLC, and constructed and operated by Sustainable Energy Developments, Inc, D.B.A. GreenSpark Solar.

We are seeking the incentive provided for under § 295-34.11C(1) of a waiver of the area / dimensional requirements required under § 295-73D(20) of the Town's solar code (to secure an agricultural conservation easement across 96.09 acres) in exchange for sufficient qualifying amenities in accordance with § 295-34.11.

We offer to provide **the amenity of a bandshell for Veterans Memorial Park** at 595 Calkins Road under § 295-34.12C(2), creation of public parks, pocket parks (i.e., use of small vacant parcels), or community meeting areas. We will dedicate **\$150,000** to this project, split between both projects based on megawatts. Since Lehigh Valley I is 5 MW and Lehigh Valley II is 2 MW, LVI would get assigned 5/7th (\$107,143) of the incentive zoning amenity and LVII would get assigned 2/7th (\$42,857) of the incentive zoning amenity.

The 2011 Update to the Comprehensive Land Use Plan shows the intersection of Community Building (improving park facilities, the band shelter is used for community-wide events in the Town Center), Green Infrastructure (solar arrays to provide energy without emissions), and Economic Development (generating power and revenue from the output of the arrays). Our clean energy project paired with our proposed incentive zoning amenity demonstrates how corporate and town interests can be achieved in a mutually beneficial fashion to create a Sustainable Henrietta.



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None of the amenities proposed above would otherwise result from the project without the granting of the requested incentive as they do not hold utility specific to the project's goals, and are therefore outside of the base project scope.

We look forward to pursuing this improvement to further the Town of Henrietta's land use and development goals with your support of this project.

Sincerely,



Kevin Schulte
CEO, GreenSpark Solar
Manager, EH Henrietta Solar 1 LLC
Manager, EH Henrietta Solar 2 LLC



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EH Henrietta Solar 1 Project Decommissioning Plan **[UPDATED DRAFT]**

December 2023

Prepared for: Town of Henrietta

Prepared by: GreenSpark Solar / EH Henrietta Solar 1 LLC

318 Timothy Lane

Ontario, NY 14519

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Introduction

EH Henrietta Solar 1 LLC (“Project Owner”), an affiliate of Sustainable Energy Developments, Inc. d.b.a. GreenSpark Solar, plans to build a photovoltaic (PV) solar facility (“Solar Facility”) at on a portion of tax lot 189.02-1-5 in the Town of Henrietta (“Town”). The Solar Facility is planned to have a nameplate capacity of approximately 5.28 megawatts (MW) alternative current (AC), and be constructed on private land (“Project Site”) leased by the Project Owner from the property owner Lehrwood Estates LLC (“Property Owner”).

This Decommissioning Plan (“Plan”) provides an overview of activities that will occur during the decommissioning phase of the Solar Facility, including activities related to the restoration of land, management of material and waste, projected costs, and a proposed decommissioning funding plan.

The Solar Facility will have a useful life of thirty-five (35) years. The lease agreement (“Lease”) between the Project Owner and Property Owner has a twenty-five (25) year lease term, with an option to extend the term pursuant to the Parties reaching mutual agreement. The Lease has been executed and recorded with the Monroe County Clerk’s office.

This Plan assumes the Solar Facility will be dismantled, and the Project Site restored to a state similar to its pre-construction condition, at the twenty-five (25) year anniversary of the Solar Facility’s commercial operation date (“Expected Decommissioning”). This Plan also covers the case of the abandonment of the Solar Facility, for any reason, prior to the Expected Decommissioning Date.

Decommissioning of the Solar Facility will include the disconnection of the Solar Facility from the utility electrical grid and the removal of all Solar Facility components, including:

- Photovoltaic (PV) modules, module racking and supports;
- Inverter units, substation, transformers, and other electrical equipment;
- Access roads, wiring cables, perimeter fence; and,
- Inverter pad concrete foundations.

All components will be recycled / disposed of in accordance with local, state, and federal waste disposal regulations. This Plan is based on current best management practices and procedures. This Plan may be subject to revision based on new standards and emergent best management practices at the time of decommissioning. Permits will be obtained as required and notification will be given to stakeholders prior to decommissioning.

GreenSpark Solar will establish a bond with the Town for an agreed upon amount before the issuance of a building permit for the Town’s use in the event of Solar Facility abandonment and/or financial failure.

The Proponent

The Project Owner will manage and coordinate the decommissioning process. The project owner will obtain all necessary regulatory approvals that vary depending on the jurisdiction, project capacity, and

site location. The Project Owner will build a long-term relationship with the community hosting the Solar Facility and will be committed to the safety, health and welfare of the hosting community.

The conditions and obligation of this Decommissioning Plan shall be bounded upon the Project Owner, its heirs, executors, administrators, successors or assigns.

Contact information for the proponent is as follows:

Company	EH Henrietta Solar 1 LLC
Contact	Matt Vanderbrook
Address	318 Timothy Lane, Ontario, NY 14519
Telephone	5 [REDACTED]
Email	matt.vanderbrook@greensparksolar.com

Project Information

Address	East Henrietta Road, Henrietta, NY 14467
Tax ID	189.02-1-5
Project Size	5.28 MW AC
Property Owner	Lehrwood Estates LLC, c/o Bruce Howlett
Site Agreement	Lease agreement to be executed at Monroe County Clerk's Office

Decommissioning of the Solar Facility

Upon the time of decommissioning, the installed components will be removed, reused, disposed of, and recycled, where possible. The Project Site will be restored to a state similar to its pre-construction state and in accordance with Henrietta Town Code § 295-73C(5). All removal of equipment will be done in accordance with applicable laws and regulations, and manufacturer recommendations. All applicable permits will be acquired.

The decommissioning process of the Solar Facility may commence for the following reasons:

- 1) Project Owner provides written notice to the Town of its intent to retire or decommission the Project (“Owner Decommissioning Notice”), or
- 2) Solar Facility ceases to be operational for more than six (6) consecutive months.

In the event the Project Owner fails to decommission the Solar Facility within 90 days after being considered abandoned, the municipality may remove the system and restore the property, using the bond proceeds to do so, and impose a lien on the property to cover any costs to the municipality in excess of the bond proceeds. This is in accordance with Town Code § 295-73C(9). For purposes of this Agreement, “abandoned” shall mean no generation of electricity, other than due to repairs to the Project or causes beyond reasonable control of the Project Owner. Pursuant to Town Code § 295-75D, should the owner and/or operator fail to decommission the solar energy system as required:

- (1) The Town shall issue a notice to the owner/operator on file with the Town calling for a hearing before the Town Board. The owner/operator may present evidence at such hearing regarding the abandonment and decommissioning status of the solar energy system.
- (2) If, after said hearing, the Town Board determines that the solar energy system is, in fact, abandoned, and the time to decommission it has expired, the Town Board may then order that the Town remove the solar energy system itself. In this case, the Town may utilize the proceeds from the bond provided as part of the decommissioning plan to pay for said decommissioning.

Decommissioning Scope and Timeline

The decommissioning of a Solar Facility proceeds in the reverse order of installation. The below scope includes the anticipated timeline for completion of each task. All components will be recycled / disposed of in accordance with local, state, and federal waste disposal regulations.

Task #	Task Description	Duration	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9
1	The Solar Facility will be disconnected from the utility power grid	1 Day									
2	All required permits, including obtaining coverage under the most current NYS SPDES General Permit for Stormwater Discharges from construction activity, shall be obtained	10 Days									
3	Mobilization of equipment and facilities	1 Day									
4	Installation of erosion and sediment controls	1 Day									
5	PV modules shall be disconnected, collected, and disposed at an approved module recycler or reused / resold	1-2 Weeks									
6	All above ground and underground electrical interconnection and distribution cables shall be removed and disposed of off-site at an approved facility	2 Weeks									
7	Galvanized steel PV module support and racking system support posts shall be removed and disposed of off-site at an approved facility	2 Weeks									
8	Electrical and electronic devices, including transformers and inverters shall be removed and disposed of off-site at an approved facility	1 Week									
9	Concrete foundations shall be removed and will be disposed of off-site at an approved facility	2 Days									
10	Fencing shall be removed and will be disposed of off-site at an approved facility	1 Week									
11	Removal of all access roads, except those retained by landowner, and stormwater practices	1 Week									
12	Soil restoration and permanent seeding, or seeding will be in the form of crops planted by the landowner	4 Days									
13	Removal of all erosion and sediment controls	1 Week									
14	Filing of the Notice of Termination with the Town	5 Days									

Environmental Effects

Decommissioning activities, particularly the removal of project components could result in environmental effects similar to those of the construction phase. For example, there is the potential for disturbance (erosion/sedimentation) to adjacent watercourses or significant natural features.

Mitigation measures including obtaining all required permits and coverage under the most current NYS SPDES General Permit for Stormwater Discharges from Construction Activity will be implemented. These measures will remain in place until the site is stabilized in order to mitigate erosion and silt/sediment runoff and any impacts on the significant natural features or water bodies located adjacent to the Project Site. All removed components will be recycled / disposed of in accordance with local, state, and federal waste disposal regulations.

Potential Temporary Work-Related Disturbances

- Increase in road traffic due to movement of crews and equipment
- Work expected to last 2-3 months
- Increase in dust in adjacent areas
- Temporary elevated noise levels from machinery and increased trips to project site

Work will be undertaken during daylight hours and conform to any applicable restrictions.

Site Restoration

The Project Site will be restored to a state similar to its pre-construction condition. All project components will be removed and recycled / disposed of in accordance with local, state, and federal waste disposal regulations. Rehabilitated land will be seeded with a low-growing species to help stabilize soil conditions, enhance soil structure, and increase soil fertility. Soil restoration and seeding will follow current requirement of the NYS Standards and Specifications for Erosion and Sediment Control, including the appropriately recommended seed mixes at the time, unless this seed mix is replaced with crop planting by the landowner.

Managing Materials and Waste

The following table shows the materials and waste related to the Solar Project. Most of the materials are reusable or recyclable and some equipment may have manufacturer take-back and recycling requirements/programs. The Project Owner will establish policies and procedures to maximize recycling and reuse and will work with manufacturers, local subcontractors, and waste firms to segregate material to be disposed of, recycled, or reused. All components will be recycled / disposed of in accordance with local, state, and federal waste disposal regulations.

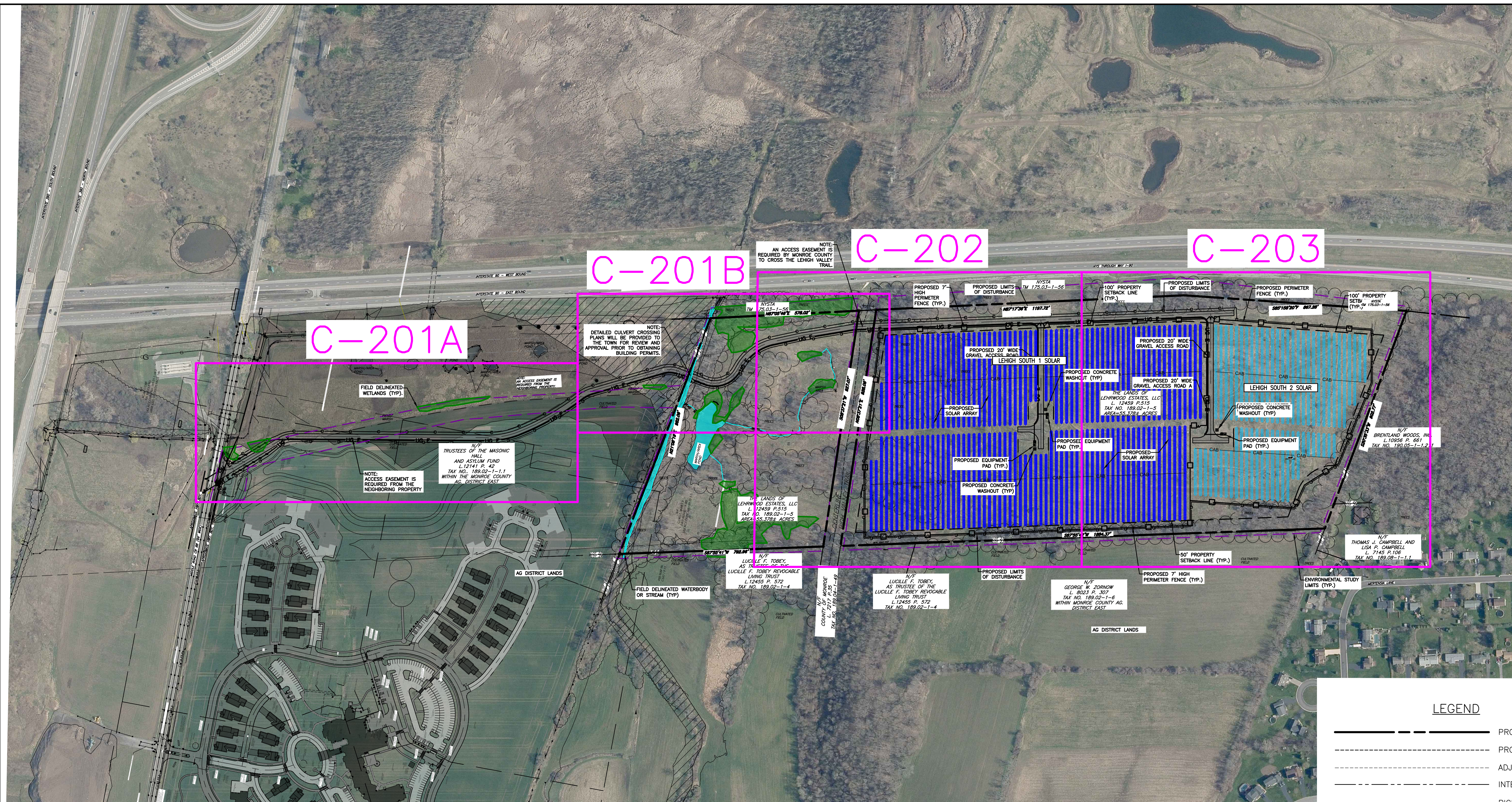
Management of Materials and Waste	
Material (Waste)	Management
PV Modules	<ul style="list-style-type: none"> • Panels will be removed and transported to a secondary buyer or solar recycling facility
Mounting Racks / Steel Support	<ul style="list-style-type: none"> • Materials will be removed and transported to an appropriate facility
Transformers / Substation components	<ul style="list-style-type: none"> • Removal of small amount of on-site oil transported to an appropriate facility • Substation transformer and step-up transformers (inside inverter) will be transported to the manufacturer, recycled, reused, or disposed in accordance with current standards and practices
Inverters, fans, fixtures	<ul style="list-style-type: none"> • Metal components to be recycled or disposed of in accordance with current standards and practices • Remaining components to be recycled or disposed of in accordance with current standards and practices
Gravel (or other granular)	<ul style="list-style-type: none"> • Gravel and other granular materials will be removed by truck and disposed of in accordance with current standards and practices
Geotextile fabric	<ul style="list-style-type: none"> • Geotextile fabric will be collected and resorted at a reprocessing site
Concrete inverter/transformer foundations	<ul style="list-style-type: none"> • Concrete foundations will be broken down and transported to recycling or approved disposal facility
Cables and wiring	<ul style="list-style-type: none"> • Wiring connecting the array to the utility grid will be disconnected and removed

	<ul style="list-style-type: none"> • Support poles, if made of untreated wood, will be chipped and reused. Otherwise, poles will be removed and disposed of at an approved facility • Electronic equipment (isolation switches, fuses, metering) will be transported offsite to be sent back to the manufacturer, recycled, reused, or safely disposed of off-site in accordance with current standards and practices
Fencing	<ul style="list-style-type: none"> • Fencing will be removed and transported to a metal recycling facility
Debris	<ul style="list-style-type: none"> • Any remaining debris on-site will be transported off-site and managed as appropriate

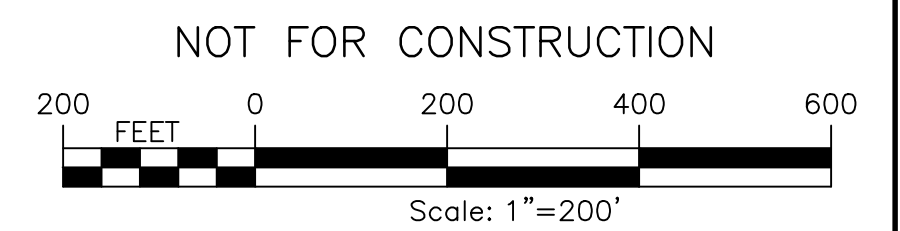
Estimated Cost of Decommissioning

E Henrietta Rd 1							
Task #	Task	Crew (people + equip)	Productivity Rate (quantities / day)	Quantity	Unit	Duration (days)	Cost
1	Module Removal	5,800.00	1,440	12,272.00	ea	8.52	\$49,428.89
2	Rack Wiring Removal	5,800.00	30,000	780,000.00	LF	26.00	\$150,800.00
3	Rack Dismantling, removal, loading	5,800.00	25,000	195,000.00	LF	7.80	\$45,240.00
4	Electrical Equipment Removal / Loading	3,600.00	1	1.00	ea	1.00	\$3,600.00
5	Break Up Concrete Pads	3,600.00	8	3.00	CY	0.38	\$1,350.00
6	Electrical Wiring Removal	5,800.00	1,000	6,000.00	LF	6.00	\$34,800.00
7	Post Removal	3,600.00	1,000	10,800.00	EA	10.80	\$38,880.00
8	Fence Removal	3,600.00	1,000	3,660.00	LF	3.66	\$13,176.00
9	Power Pole Removal	5,800.00	6	3.00	EA	0.50	\$2,900.00
10	Gravel Road Reclamation	3,600.00	500	2,500.00	CY	5.00	\$18,000.00
11	Soil Restoration / Decompaction	3,600.00	30	24.00	Acre	0.80	\$2,880.00
12	Seed Disturbed Areas	2,400.00	100	24.00	Acre	0.24	\$576.00
Total (Current Value)							\$ 361,630.89
Lifetime							25
Inflation Rate							2.0%
Total (Future Value)							\$ 593,293.80

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	ADJACENT PROPERTY LINE
	INTERIOR LOT LINE
	RIGHT-OF-WAY
	EXISTING TREE LINE
	EXISTING FENCE
	EXISTING GRAVEL ROAD
	EXISTING UTILITY POLE
	DELINEATED WETLANDS, ASSUMED USAGE
	PERVIOUS GRAVEL ACCESS ROAD
	PROPOSED SOLAR PANEL ARRAY SITE 1
	PROPOSED SOLAR PANEL ARRAY SITE 2
	LIMIT OF DISTURBANCE
	CONSTRUCTION FENCE
	PROPOSED PERIMETER FENCE
	DELINEATED WATERBODY

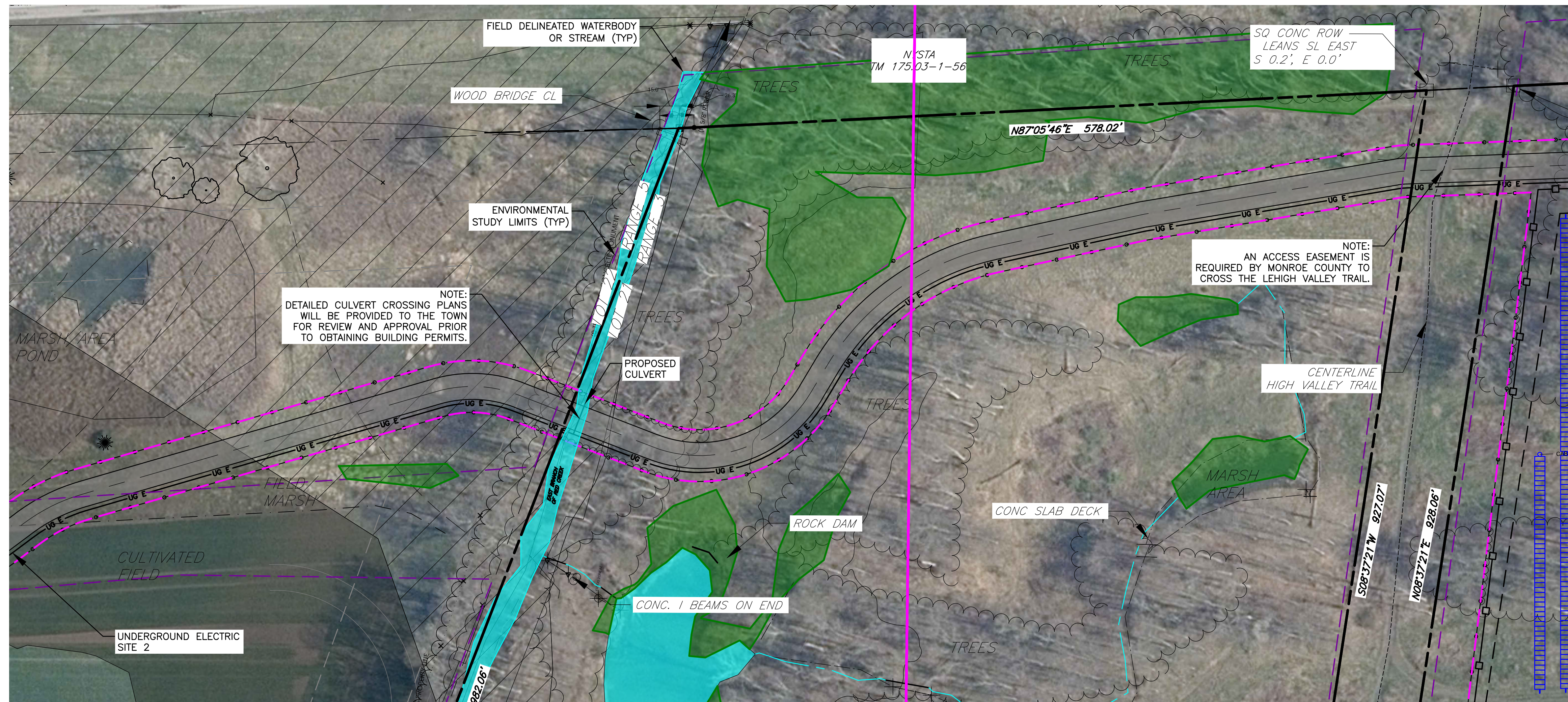
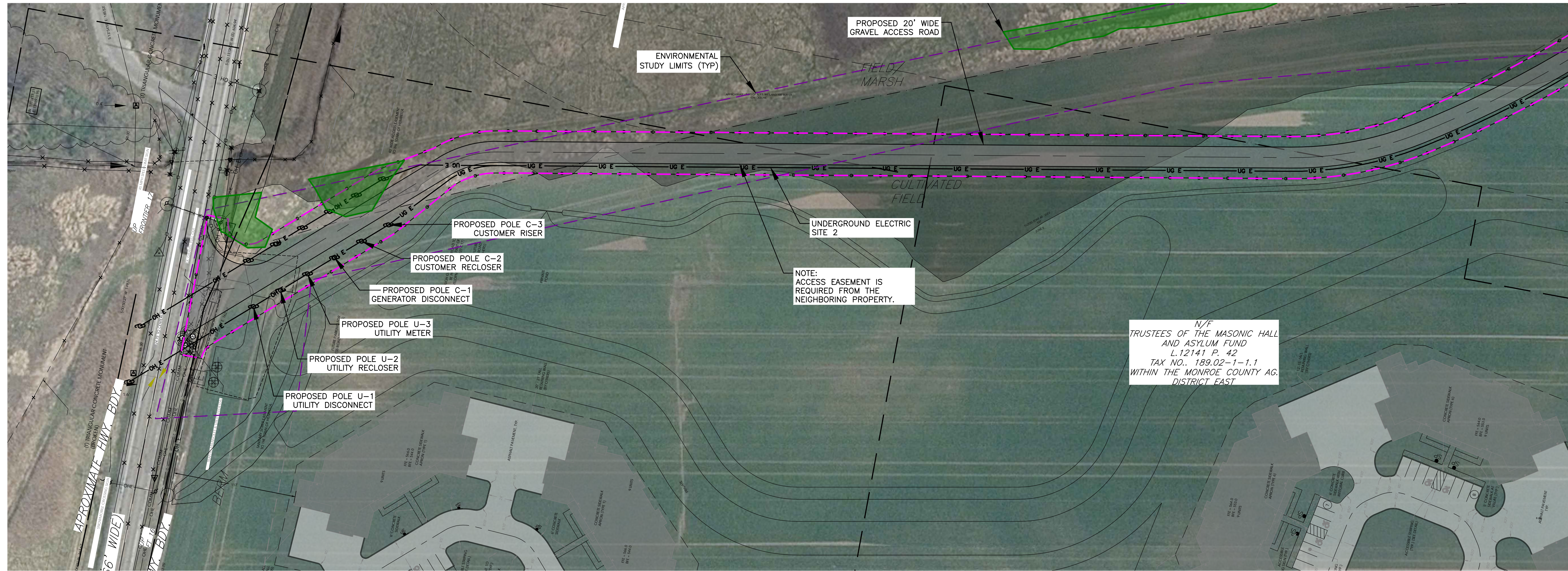


PROJECT LEHIGH SOUTH 2 SOLAR EAST HENRIETTA ROAD TOWN OF HENRIETTA MONROE COUNTY, NY	TITLE OF DRAWING OVERALL SITE PLAN	DRAWING NO. C-200	SHEET 06 OF 26
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		DRAWN BY J. TORRES	SCALE AS SHOWN
		ISSUE DATE 10/5/2023	REVISED PER TOWN ENGINEER COMMENTS 11/20/23
		FA PROJECT NO. 230529_06	PROJECT MANAGER A. Dorf
		DRAWN BY J. TORRES	SCALE AS SHOWN
		ISSUE DATE 10/5/2023	REVISED PER TOWN ENGINEER COMMENTS 11/20/23



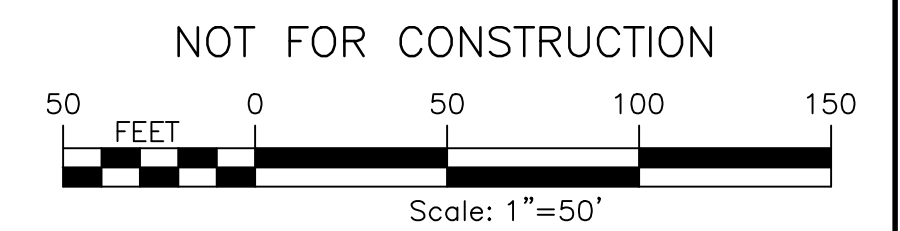
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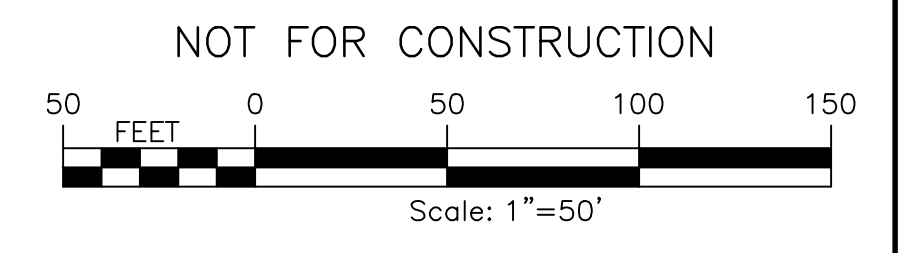
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PROJECT: LEHIGH SOUTH 2 SOLAR EAST HENRIETTA ROAD TOWN OF HENRIETTA MONROE COUNTY, NY	DRAWING NO. C-201 SHEET 07 OF 26
PROJECT MANAGER: A. Dorf DRAWN BY: J. TORRES SCALE: AS SHOWN	ISSUE DATE: 10/5/2023
COPYRIGHT © 2023 FISHER ASSOCIATES, P.E., L.L.C., D.P.C. <small>New York State Education Law Section 1703(2)(b) requires that this list be filed for any persons, officers or employees of a professional engineering or land surveying firm. It is the responsibility of the engineer or land surveyor to file this information with the appropriate state office. The firm, the individual engineer or land surveyor, and the individual employee are not responsible for the accuracy of the information.</small>	REVISED PER TOWN ENGINEERS COMMENTS DATE 11/20/23 BY JT
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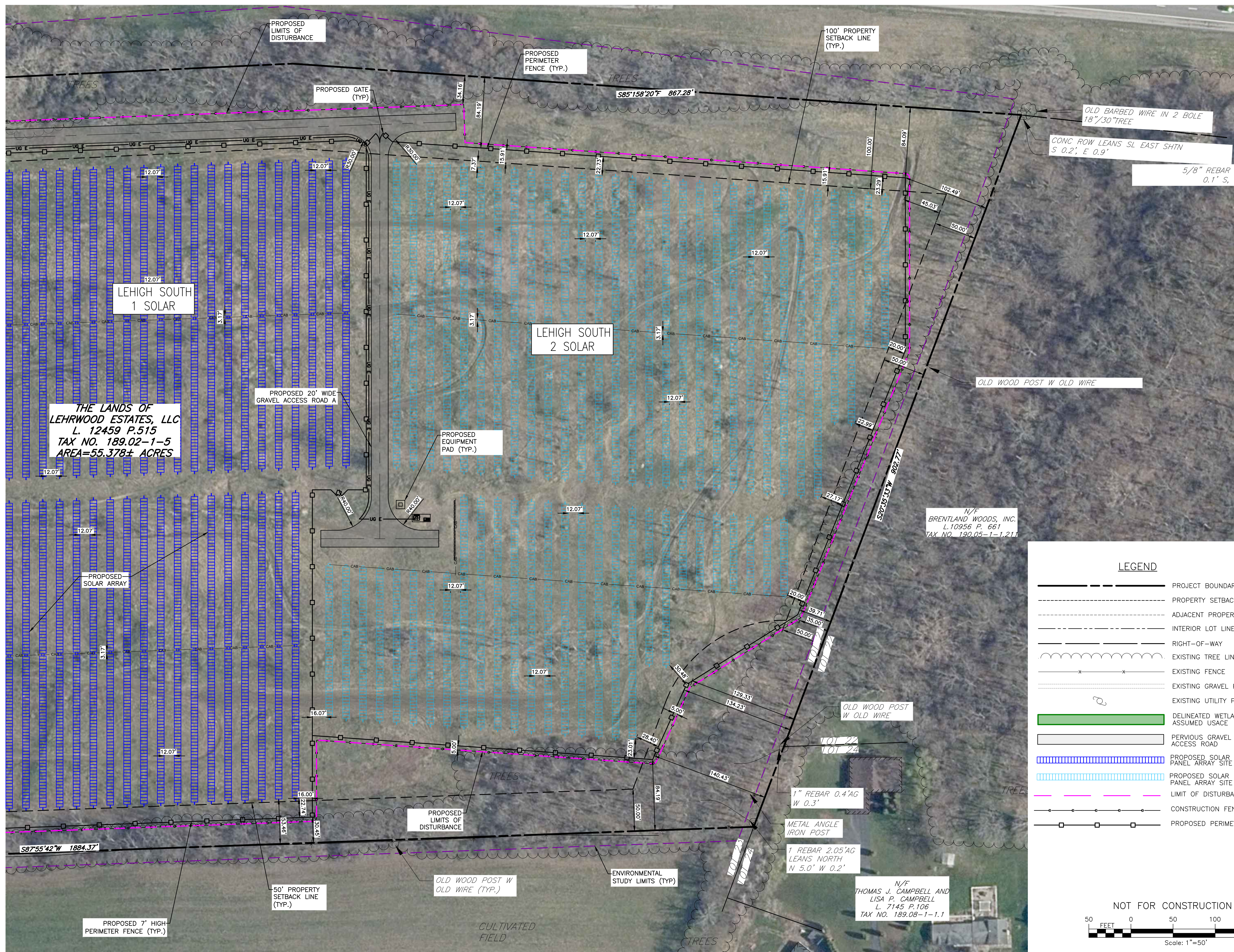
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<p>COMPANY: 2023 FISHER ASSOCIATES, P.E., L.L.C., D.P.C.</p> <p>New York State Education Law Section 1703(2)(b) requires that the seal of a professional engineer or land surveyor be placed on all drawings prepared by or for the engineer or land surveyor. If an item bearing the seal of an engineer or land surveyor is altered, the seal is void. The firm, by the seal and signature of the professional engineer or land surveyor, certifies that the drawing is a true and correct representation of the work performed and the date of completion of the work.</p>																																	
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<p>PROJECT: LEHIGH SOUTH 2 SOLAR EAST HENRIETTA ROAD TOWN OF HENRIETTA MONROE COUNTY, NY</p> <p>TITLE OF DRAWING: SITE PLAN</p>																																	
<p>DRAWING NO. C-202</p> <p>SHEET 08 OF 26</p>	<table border="1"> <thead> <tr> <th>REV</th> <th>DESCRIPTION</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>7</td> <td></td> <td></td> <td></td> </tr> <tr> <td>6</td> <td></td> <td></td> <td></td> </tr> <tr> <td>5</td> <td></td> <td></td> <td></td> </tr> <tr> <td>4</td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> <td></td> </tr> <tr> <td>1</td> <td>REVISED PER TOWN ENGINEER COMMENTS</td> <td>11/20/23</td> <td>JT</td> </tr> </tbody> </table>	REV	DESCRIPTION	DATE	BY	7				6				5				4				3				2				1	REVISED PER TOWN ENGINEER COMMENTS	11/20/23	JT
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NOT FOR CONSTRUCTION

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 FEET
 Scale: 1"=50'

PROJECT	LEHIGH SOUTH 2 SOLAR EAST HENRIETTA ROAD TOWN OF HENRIETTA MONROE COUNTY, NY	DATE	11/20/23
TITLE OF DRAWING	SITE PLAN	DESCRIPTION	
DRAWING NO.	C-203	REV	
SHEET 09 OF 26			
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DRAWN BY	J. TORRES	SCALE	AS SHOWN
ISSUE DATE	10/5/2023		
FISHER ASSOCIATES 230529 06 PROJECT MANAGER A. Dorf DRAWN BY J. TORRES SCALE AS SHOWN ISSUE DATE 10/5/2023 AS SHOWN		REV 7 6 5 4 3 2 1	DESCRIPTION REVISION PER TOWN ENGINEER COMMENTS DATE 11/20/23 JT