

June 19, 2024

Mr. Sean Sullivan, Code Enforcement Officer
Town of Leicester Building and Zoning Department
132 Main St., Leicester, NY. 14481

**Re: Site Plan and Special Use Permit Application
12.5 MWac Highbanks Solar Project located at 2449 Highbanks Road (T.A. 105.1-1-8.11)**

Dear Mr. Sullivan,

On behalf of our client, Highbanks Solar, LLC, please find the following materials in support of a Site Plan and Special Use Permit application.

- Completed Site Plan Application
- Proof of legal consent between all parties (between Owner & Developer)
- Completed and signed Long Environmental Assessment Form (EAF)
- Completed Agricultural Data Statement
- Aerial photo exhibit (overall site)
- NYS Office of Parks, Recreation and Historic Preservation (OPRHP) correspondence dated October 21, 2019
- Correspondence from New York Department of Environmental Conservation Division of Fish and Wildlife, New York Natural Heritage Program dated May 4, 2020
- Civil design drawings titled 'Highbanks Solar Project' dated June 19, 2024
- Town of Leicester map entitled "Town of Leicester – Prime State Significant Soils" with project location highlighted
- Electrical Single Line Diagram
- Equipment specification sheets for the following:
 - Solar Module
 - Tacker System
 - Invertors
- Operation and Maintenance Plan – June 2024
- Decommissioning Plan – June 2024
- Stormwater Pollution Prevention Plan – June 2024

The Applicant wishes to develop a portion of the property located at 2449 Highbanks Road into a Type 2 Solar Energy System as defined by Leicester Town Code Section 714 – Solar Energy Systems (Code). The 12.5 MW AC rated project will occupy approximately 73.0 acres of the entire 254.6-acre parcel owned by Craig and Robert Donnan. The street address for the parcel is 2449 Highbanks Road and it is situated within the Agricultural & Residential Use (A&R) zone. The project was originally approved by the Planning Board in 2020 as a 20 MW system but has since been revised to a 12.5 MW system. As a result of this size reduction, the overall impact on the site has been reduced. Additionally, a variance for property setbacks is not required and the amount of tree clearing has been significantly reduced.

The project has been designed to meet the Section 714 – Solar Energy Systems of the Town Code. The Code's Lot/Parcel Coverage standards are satisfied as the project lot coverage is 28.7% where code allows up to 80% for lots that do not contain Prime Farmland (the project is not located within the Prime Farmland limits as defined by the Town of Leicester's Prime & State Significant Soils). Fencing and screening requirements are also met via a proposed 7' tall fence around the development and vegetative screening has been proposed in locations to avoid adverse aesthetic impacts. In further compliance with the Code, there is only one Type 2 system proposed on the parcel and the parcel has not recently been subdivided.

The Code contains language relative to implementing and maintaining native vegetation and providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds and pollinators. The selected seed mix to be installed within the fenced array is a low height solar farm seed mix produced by Ernst Seeds and a pollinator seed mix is planned for the perimeter of the fence line. Lastly, consideration to life/safety response needs has also been given with a 20' wide gravel access road proposed from Highbanks Road to the on-site substation located along the east edge of the array and adequate turnaround areas provided. An asphalt apron is proposed at the site entrance from the public right-of-way.

While the subject parcel is not located within an established County Agricultural District, the project will conform with NYS Department of Agriculture and Markets Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands (Revision 10/18/2019) to the extent practical. This includes adherence to all the project component removal provisions.

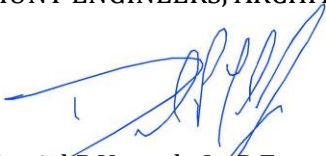
In terms of environmental studies, the Applicant has completed a wetland delineation on the project parcel, the results of which are depicted on the site plans and the full report can be provided if needed. The Applicant has also coordinated with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). The letter the Applicant received from OPRHP is included in this application, and the Applicant plans to conduct the **Phase I archaeological study in the fall of 2024**. Additionally, the Applicant submitted the project to the New York Natural Heritage Program. Based on review of the letter, the only species in the letter response that may be present on the parcel and affected by the project's construction is the Green Gentian. July is the best survey window for this species, and the Applicant plans to conduct a survey for this **species in July 2024** and can provide the results of that survey if requested.

The Applicant is aware of the need to comply with the Town Code as it speaks to the establishment of a Payment in Lieu of Taxes (PILOT) agreement and commits to working in good faith with the Town and other appropriate entities with respect to the PILOT and incorporate the provisions of the Town Code into the PILOT negotiations. In addition, initiation of the requisite Community Benefit Agreement and Road Use Agreement as discussed in the Code will commence soon.

If you are satisfied with the application, we request that you forward to the Livingston County Planning Board for review at their next available meeting and that you convene your local Boards so that we may present and discuss the Site Plan and Special Use applications. Should you have any questions on the content of this letter, or the applicant contents, please feel free to contact me at 585-327-7950, x-4027.

Sincerely,

HUNT ENGINEERS, ARCHITECTS, LAND SURVEYORS & LANDSCAPE ARCHITECT, DPC

A handwritten signature in blue ink, appearing to read 'D. Yanosh, Jr.', is written over the printed name below.

Daniel P Yanosh, Jr./P.E.

Cc: Steve Ondishin, VC Renewables
Mike Berlin, Oriden Power
Casey Kurz, HUNT

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