



Project Summary: Alturus Solar, LLC

73 Hartley Road
Town of Goshen, NY

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Respondent

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Introduction

Alturus Solar is a 5MWac Solar generating facility, occupying approximately 25 acres of the Al Turi Landfill at 73 Hartley Road in the Town of Goshen NY. The project will occupy several properties, which are all owned and operated by Al Turi Landfill Inc. The parcels in question have been included in Appendix A to both the Site Plan and Zoning Variance applications. The project has been approved by Orange and Rockland Utilities, and is seeking design and post-closure plan modifications from the NYS Dec concurrent with its local planning and zoning reviews.

Applicant

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Existing Land Use

The parcels in question are home to the Al Turi Landfill. The Landfill is composed of 4 parcels with a total acreage of 111 acres. While recognized as one contiguous landfill by NYS and the EPA, the landfill is two separate installations, capped and remediated separately. The northern landfill was closed in 1997, whereas the southern landfill was capped and remediated in 2017. The proposed solar project will span both landfill caps.

Proposed Site Development

The 5MWac solar facility will be composed of $\pm 10,450$ 580w solar panels mounted to ballasted fixed-tilt solar racking, two central inverters and a impervious gravel access road constructed on top of the existing landfill access lanes. The project will be connected to the Orange and Rockland utility grid on Hartley Road, and utilize the existing ingress and egress points for access.

DEC Approvals and Process

While the applicant will be seeking SEQR declarations, Site Plan and Special Use Permit approvals from the Town, the NYS DEC will be steering most of the design review. While DEC is not likely to engage in the SEQR process, we intend to include the Town engineer in the DEC design review process where necessary. It should be noted that a cap repair has already been submitted and approved by Al Turi to DEC to remediate drainage and ponding issues on the landfill cap. These repairs will proceed prior to Alturus' installation, and all designs, engineering reports and post

closure management plans that are modified or approved will be contingent upon these repairs being completed prior to the start of construction.

Project Application Waivers

Due to the unique nature of this project, its approval process, and the land on which the project is proposed to be installed, Alturus Solar, LLC is requesting several waivers from the Town's Planning Board regarding Site Plan Application Materials. Included herein is a list of the waivers requested, and descriptions as to why our team believes said waivers are unnecessary given the project location and scope.

Waiver 1: Visual Impact Analysis and Visual Modeling

Town Law: § 97-55 (19) (b)

Alturus Solar, LLC asks the Town to consider waiving the visual modeling requirements within the Town Law § 97-55 (19) (b). As stated by the solar law, a visual impact analysis should be prepared to gauge the impacts of the project both on abutters and local thoroughfares on which high volumes of traffic traverse. The project's unique location makes the need for substantial visual modeling unnecessary, largely due to the existing screening installed by Al Turi and its partners during the closure of the landfill. Most potential impacts occur to the South, along Route 17M. This area is screened by an existing 10' berm, as well as two rows planted 60-70' pine trees and local vegetation. Heading North along Hartley road, the project is well screened by existing vegetation as well as large road setbacks upwards of 1000 ft.

Photos of existing ground-level vantage points have been included in this request, as well as aerial photography picturing existing screening features.

Waiver 2: Screening Plan

Town Law: § 97-55(F)(12)

Similar to the request included in Waiver 1, Alturus Solar is asking for consideration to not be required to plant screening immediately surrounding the solar installation in question. In addition to the perceived lack of necessity, due to existing conditions and screening, the planting of vegetation on the landfill cap will not be approved by DEC. Large vegetation and roots can compromise cap integrity, and as such should be removed from consideration when proposed on or near the limits of the landfill.

Waiver 3: Glare Analysis

Town Law: § 97-55(F)(6)

As stated in the solar law; “all solar energy systems shall be designed to prevent any unabated glare toward any inhabited buildings or adjacent properties, as well as adjacent roadways”. Alturus Solar feels the siting of this project, as well as its existing screening features satisfies this requirement, and as such further study should be unnecessary.

Waiver 4: Buried Power Lines

Town Law: § 97-55 (F)(10)(a)

Due to the nature of the facility, and the landfill cap on which it will be constructed, a great deal of the electrical infrastructure installed will be above-ground to minimize cap disturbance. On the DC side of the project, prior to the inverters, cable trays and CAB wire harnesses will be used to route energy back to the central inverters. On the AC side, between inverters and the utility interconnection point, a mix of buried conduit and above ground poles will be used. Geotechnical analysis and further survey will confirm the cap limits and installation protocols east of the access road. We ask that the town issue a waiver on this requirement to allow Alturus Solar to pursue what solution is most in line with the DEC’s desire for the project design.

In addition to seeking several waivers on submission requirements, Alturus Solar will also be pursuing a zoning variance, and wishes to make the Board aware of this parallel application.

Waiver 5: Stormwater Management Plan

As currently planned, the new impervious surface installed as part of this project is less than 1 acre, and thus would not be subject to SPDES, thus, a formal SWPPP has not been prepared at this time. Stormwater measures and analysis are part of the engineering report filed with NYSDEC during the permitting process, and as such these features will be integrated into the final design absent town feedback. As such, we request that the town entertain our initial application without a SWPPP present at this time.

Waiver 5: FEAF SEQR Part 1

It is Alturus’ and Labella’s position that this project is a Type II action, as dictated by 6 NYCRR 617.5 due to its size of 25 acres or less and its location on a closed landfill site. Further clarification on this interpretation can be found in the SEQR memorandum prepared by LaBella and submitted to the Town.

Zoning Variance Request

Zoning Variance:

Town Law: § 97-55(F)(3)(a) – Setbacks

Alturus Solar has prepared requests for zoning variances to be considered by the Town Zoning Board alongside the initial review of project designs by the Town Board. Alturus Solar has prepared a design that satisfies the vast majority of zoning requirements, but is asking for a variance on the 100' setback between parcels 12-1-17.122 and 12-1-17.222 in the Southeast area of the project, in addition to relief from all setbacks between adjacent parcels owned by Al Turi Landfill Inc.

The unique circumstances presented by Landfill Solar development require that the inverters be placed as close to the edge of the landfill cap as possible. This design feature allows perpetual access of heavy equipment to the inverters for replacement, emergency response and operational maintenance. The nature of the landfill cap dictates that the planned development should mitigate the necessity of perpetual heavy-vehicle access on the landfill cap as to not promote settlement, cap damage and drainage issues. As such, Nexamp has placed the central inverters for this project along the existing eastern access road within the 100 setback area.

The property line in question between parcels 12-1-17.122 and 12-1-17.222 was created as part of the original subdivision executed by Al Turi during the landfill closure process. This property was deeded to Verhage Industries from Al Turi in 2017, and continues to be used for commercial/industrial purposes. Nexamp is requesting a reduction in setbacks of 50% to 50ft along this property line.

Company Summary

Alturus Solar, LLC is a wholly owned subsidiary of Nexamp Solar, LLC, one of the top solar developers operating in New York State.

In 2007, U.S. Army veterans Will Thompson and Dan Leary realized a vision for making a range of renewable energy options more affordable and accessible to homeowners and businesses throughout the Commonwealth of Massachusetts. The pair launched NexGen Energy Solutions, a turnkey provider of renewable energy and carbon solutions, in their hometown of North Andover, Massachusetts. NexGen became Nexamp later in 2007.

Since our entrance into the Community Solar market in 2012, Nexamp has become a leading owner-operator of community solar assets, with more than 400MW of operating projects, 415MW of projects under construction, and more than 2GW of projects financed total.

The key to Nexamp's success and growth in the New York market is its integrated approach to development. Unlike other outfits operating in the New York distributed generation market, Nexamp's work goes beyond development and permitting. We construct our projects, own and manage the assets long-term, and most importantly; manage our customers internally.

Nexamp employs more than 367 full-time employees across 14 markets in the United States. In New York, our development team is currently developing a 320MW pipeline of assets across the state. Our 40+ person engineering team has designed more than 2.75 GW of systems across the country over the past five years.

Our industry-leading construction management team is overseeing more than 104 active projects, and our internal operations and management team manages dozens of industry assets across the country. In addition to our solar expertise, over the past five years, Nexamp's Energy Storage Team (NEST) has developed into an industry leader in combined solar and storage within the Community Solar marketplace. As part of our active industry partnerships and robust internal development pipeline, Nexamp has 200 project locations across the US with over 2,400 MWh of energy storage actively in development and 150 MWh of energy storage in construction or operational.

Nexamp looks forward to working with the Town of Goshen and the NYSDEC to design and build a best-in-class system that serves the needs of the region, the Town and all its residents.