

MEMORANDUM

TO: Lee Bergus, Chairman & Planning Board

FROM: Dominick F. Arico, PE, Consultant Engineer

SUBJECT: Response to Comments - Memo 83-22-0011
Owens Road Solar
Subdivision, Special Permit & Site Plan – Revised Plans
Town of Goshen File # 10-1-10.22

DATE: May 18, 2022

CC: Joseph Betro, Supervisor & Town Board; Neal Halloran, Building Inspector;
Broderick Knoell, Highway Superintendent; Kelly Naughton, Esq., Planning Board Attorney;
Rory Brady, Esq., Town Attorney and Sean Hoffman, PE, TDE

We offer the following information in response to the project comment letter from Town Designated Engineer, Sean T. Hoffman, PE H2M Architects + Engineers, dated March 17, 2022. Comments are in *italic text* and responses are in **bold text** below. On behalf of Borrego Solar Systems, we are submitting the following documents that have been revised or are in addition to documents submitted under previous submissions, they are as follows:

A. Materials Submitted:

- 5 copies Site Use Plan (SUP) Set (24"x36")
- 5 copies Stormwater Pollution Prevention Plan Memo
- 5 copies Part 3 Long Environmental Assessment Form
- 5 copies Visual Simulation – updated
- 5 copies Small Whorled Pogonia Survey
- 5 copies Tree Report – updated
- 5 copies Tree Mitigation Plan
- 5 copies Glare Analysis Study - revised
- 5 copies Line-of-Sight Analysis – updated
- 5 copies Color Rendering for Presentation (11x17)

B. **Review of Submitted Materials** – *This application requires review by the Town Board and Planning Board. We recommend you consult with Attorney Naughton regarding coordination and review responsibilities. Additionally, this application requires a significant number of area variances from the ZBA. We understand the applicant intends to appear before the ZBA next month (February 2022). As such, our comments are directed primarily toward compliance with zoning requirements with a number of issues noted for further consideration as a site plan detail are developed.*

The applicant provided responses to our previous comments which assisted with our review of the revised plans. Previous comments which are still applicable are repeated below.

1. Zoning –

- a) Use – *Applicant proposes construction of a 10-megawatt (AC) solar energy facility consisting of ground-mounted solar photovoltaic (PV) modules/panels switchgear, transformers, underground and aerial power lines for the interconnection to the electrical distribution system. We believe this meets the definition of a large solar energy system under the Code and may be considered a principal use in all zoning districts subject to major site plan approval by the Planning Board and special permit approval by the Town Board [§97-55E].*

(Informational). **No response needed.**

- b) Subdivision - The plan shows the subdivision of the parcel into two (2) lots each with its own array. We understand the purpose of the subdivision is to comply with Public Service Commission requirements relative to the maximum system size on a lot. We understand the maximum system size is 5-megawatts (AC) which results in a 10-megawatt (AC) maximum from this site. *(Informational)*. **No response needed.**
- c) Special Permit – In order to ensure the compatibility of uses with surrounding properties, the Town Code permits certain uses only upon issuance of a special permit. Prior to granting or denying a major project special permit, specific criteria listed in the Code [§97-73] which includes nuisances (e.g., noises, dust and odors), traffic and emergency service access are to be considered. The applicant submitted a revised Project Narratives addressing visual & noise, drainage, wastewater and water services. In addition, we recommend the applicant address the following special permit criteria:

- The Code requires the applicant to confirm the project will not cause significant traffic congestion or overload existing roads [§97-73A(3)]. In accordance with our request, the applicant has calculated approximate traffic volumes during construction. The applicant indicates a maximum of four (4) trips per day and identified two (2) potential delivery routes: Cheechunk Road from the south and Philipsburg Road from the north. Both roads are weight restricted [§89-19] except for local delivery. Due to horizontal alignment concerns along Philipsburg Road, we recommend all tractor trailers access the site via Cheechunk Road. **Understood and agreed.**

In accordance with our request, the applicant provided information regarding sight distances for the proposed driveways which was forwarded to the Town Traffic Consultant for review. The Town Traffic Consultant recommended the plans be revised to include the sight triangles and the applicant commit to trimming vegetation within these areas to maximize sight distances. The applicant should provide confirmation of northbound stopping sight distance of 330-feet (it appears that only 255-feet is available due to existing road geometry). If the applicant is unable to provide 330-feet, left turns into the southerly driveway should be prohibited. Consider eliminating the southerly driveway in favor of a common driveway unless prohibited by the Code. A field analysis was performed on March 23, 2022 to confirm the LOS distance in both directions from both access drives. A 330' measurement was taped off together with photos from the points of origin. In summary, the 330' LOS was available in all directions. A map and images are included in this submission.

- The Code requires the site be accessible to fire, police and other emergency vehicles [§97-73A(4)]. The plan shows two (2) access points from Owens Road and a (20-foot wide) driveway with turnouts. It appears the proposed turnarounds conform with the minimum length of the NYS Fire Code (i.e. 70-feet) and should be dimensioned. **Dimensions have been added to the plan set, see Sheet C-4.2.**
- d) Public Hearing – This is a major site plan; a public hearing is required for site plan [§97-76F] and subdivision [§83-22K] approvals. Since a public hearing is also required in connection with the special permit to be reviewed by the Town Board and variances to be reviewed by the ZBA, we suggest you discuss with Attorney Naughton whether a joint hearing is feasible. **Understood and agreed.**

- e) Stream Corridor & Reservoir Watershed Overlay – The purpose of the Stream Corridor & Reservoir Watershed Overlay (SC) district is to protect water quality, scenic resources and reduce the risk of flood damage. The SC district extends 150 feet from the mean high-water line of the Walkkill River and any stream or stream segment shown within the SC district on the Overlay District Map. The Walkkill River (identified on the plan as an existing stream) forms a portion of the southwesterly parcel boundary. Site plan approval may only be granted if the Board finds, with appropriate conditions, the proposed: (1) will not result in degradation of scenic character and will be aesthetically compatible with its surroundings and (2) will not result in erosion or surface water pollution from surface or subsurface runoff [paraphrased from Code §97-26B(3)]. SC Overlay District has been shown on the plan; all proposed improvements are located outside the district. **No response needed.**
- f) Scenic Road Corridor Overlay – The purpose of the Scenic Road Corridor Overlay (SR) District is to protect the Town’s scenic and rural character. The SR District extends 500-feet from the right-of-way of a portion of Owens Road. The SR Overlay District has been shown on the plan and a portion of the Lot No. 1 array and fence encroach within the district. The applicant has requested a waiver from the SR District requirements which we suggest you discuss with Attorney Naughton. Additionally, we have the following comments:
- Site plan approval may only be granted if the Board finds, with appropriate conditions (paraphrase from Code): (1) no degradation of the scenic character and/or aesthetically compatible with surroundings; (2) minimal removal of native vegetation; (3) minimal visibility of structures from the road to the greatest extent practical; and (4) compliance with the landscaping, architecture, and fence requirements. In response to discussions during your February 3, 2022 meeting, the applicant provided potential visibility of structures within the SR District (Sheet C-6.0). The cross section appears to indicate existing vegetation will screen the arrays. We suggest you discuss this with the applicant and perhaps request a stakeout for field review. **Understood and agree to discuss further.**
- g) Floodplain & Ponding Area Overlay - The purpose of the Floodplain & Ponding Area Overlay (FP) district is to protect human life, prevent material losses and reduce the cost to the public of rescue and relief efforts caused by unwise occupancy of areas subject to floods and ponding [§97-25]. The FP district is defined on the National Flood Insurance Mapping Program Flood Insurance Rate Maps (FIRM) as "A" ("Special Flood Hazard Areas") Zones for the one-hundred-year floodplain. The Flood Insurance Rate Map dated August 3, 2009 shows a portion of the parcel along the southwesterly side of the parcel within the Special Flood Hazard Area. We understand no improvements are proposed within the floodplain and understand your findings will indicate such. **No response needed.**
- h) Dimensional Regulations – The applicant has provided Zoning Summary Tables for each proposed lot (Table) on the Layout and Materials Plan, Sheet No. C-3.0, listing the required and provided (i.e., proposed) dimensions established by the Code. We have the following comments:
- Road Frontage - The Table indicates the lot width required is 100-feet and the proposed lot width is 1,1019.4-feet for Lot No.1 and 260.6-feet for Lot No. 2. We understand this is intended to reference the minimum road frontage since the Code does not include a lot width requirement. Although both lots comply, the Table should be revised to correspond with the Town Code (i.e., revise “lot width” to “road frontage”). **The table has been revised accordingly.**

- Setbacks – The Table indicates the front, side and rear yards required are 100-feet and the minimum proposed setback is 46-feet (for Lot No. 1). The Layout and Materials Plan, Sheet No. C-3.0, graphically depicts multiple modules for the Lot No.1 array encroaching into the required setback toward the northeast and the minimum setback to be 42-feet. This will require an area variance as indicated in the Table. The Table should be revised to identify the largest variance to be requested (i.e., 42-feet). **The table has been revised accordingly.**
 - Fencing – The Code requires all fencing greater than four (4) feet in height to be located 80-feet from all property lines [§97-55F(12)(d)]. The Table indicates the fence setback required is 80-feet and the minimum proposed setback is 25-feet (for Lot No. 1). The Layout and Materials Plan, Sheet No. C-3.0, graphically depicts a portion of the Lot No. 1 fence setback approximately 19-feet (by scale). This will require an area variance as indicated in the Table. The Table should be revised to identify the largest variance to be requested (i.e., 19-feet). **The table has been revised accordingly.**
 - Lot Coverage – The Table indicates the maximum lot coverage permitted is 50%. It appears the requirement referenced by the applicant (i.e., §97-55D(3)(h) applies to “solar and photovoltaic energy systems as accessory uses/structures on preserved farmland, commercial farms and other farms” and is not applicable to this application. This requirement should be deleted from the Table for consistency. **The table has been revised accordingly.**
- i) Supplementary Regulations – Development of wind and solar energy systems requires compliance with the supplementary regulations listed under §97-55 (paraphrased below in underlined italics):
1. The installation of any solar or photovoltaic energy system, including any accessory equipment, shall be outside any land area exhibiting sensitive environmental characteristics such as freshwater wetlands, one-hundred-year flood hazard areas, severe topography (slopes more than 15%), stream corridors, wetland transition areas, habitats for endangered, rare, or threatened species, historic and/or culturally significant areas. Systems shall not be within any conservation easement or conservation deed restricted area.

The plans show two (2) areas of wetland disturbance (areas are not quantified) to construct the driveway to access Lot No. 2. The applicant's February 16, 2022 correspondence indicates they are seeking permits for these disturbances. We continue to recommend the applicant provide information on the wetland delineation, quantify the areas of wetland disturbance and obtain a jurisdiction determination. The applicant provided a copy of their October 12, 2021 Wetland Delineation Report and indicated they have discuss the project with ACOE including wetland mitigation. During your November 18, 2021 meeting you advised the applicant of the 2009 delineation which indicated both ACOE and NYSDEC wetlands. We recommend the applicant review information available from the Building Department and provide confirmation the wetlands are no longer under NYSDEC jurisdiction. Additionally, the applicant should address whether there are any habitats for endangered, rare, or threatened species or historic and/or culturally significant areas. In connection with the residential subdivision, a Phase I Cultural Resources Survey was conducted in 2007 and a supplemental Phase IB was performed in 2012. We recommend the applicant confirm the solar facilities are outside any areas identified by the prior survey. **The prior wetland survey has been confirmed and/or updated indicating there are not NYSDEC Jurisdictional wetlands on the property. The wetlands are under the jurisdiction of the ACOE. A wetland**

mitigation plan has been prepared and is under review by the ACOE.

2. Any proposal for a wind, solar or photovoltaic energy system shall conform to the provisions of §97-47, "Protection and Regulation of Agriculture," and Chapter 53, Clearing and Grading Control).

We suggest your action include a requirement to comply with these Code provisions. The Code also requires conformance with the following:

- Any trees and/or shrubs to be removed or topped to accommodate the installation of a solar or photovoltaic energy system shall be accompanied by a site plan identifying the location, size and species of trees to be removed or topped and demonstrating the need to remove or top the trees. **The tree removal plan has been updated and revised to show only the trees to be removed or topped. See Sheets C-2.1, C-2.2 and C-2.3**
- Solar energy systems shall be designed so tree removal is not required to the greatest extent practical. Where trees are to be removed the Planning Board may require replacement trees on the subject property at up to a one-to-one ratio, depending upon the consideration of environmental factors and the good judgment of the authority having jurisdiction.

The applicant has provided a Tree Clearing Plan, Sheet No. C-2.0, graphically identifying areas to be cleared (cutting and stumping) and topped (cutting) to eliminate panel shading. Additionally, the applicant provided a Tree Survey (performed by North Country Ecological Services, Inc.) which indicated the removal of 1,897 individual trees six (6) inch DBH or larger. The Tree Survey included a Tree Clearing Plan which identified the location, size and species. Consistent with discussions during your February 3, 2022 meeting, the tree survey identifies invasive tree species (i.e., tree of heaven) within the clear limits. The plans identify the location of a tree planting mitigation area at the rear of the site. The applicant should provide information regarding the proposed plantings in this area for your consideration. **Saratoga Associates has provided additional details in a report and mitigation plan included in this submission for your consideration and approvals.**

- The installation of any solar energy system shall respect the landscaping and trees within any conservation easement or deed restricted area or within any required buffer area so that there is no damage or harm to the plant materials within those areas.

The plans show several existing permanent easements as well as rights-of-way and clearing in the vicinity of the northeasterly and southwesterly parcel boundaries. The applicant has provided portions of a title report for this parcel and has confirmed there are no restrictions on clearing. **No response needed.**

- Any tree clearing shall be justified with emphasis on development of previously cleared areas and any proposed clearing not to exceed an area more than 50% of the subject property's size. Clearing shall be minimized and limited to the area necessary for site access and the installation and operation of solar panels and related equipment. Natural vegetation shall be maintained to the greatest extent practicable.

The applicant has provided a Tree Clearing Plan, Sheet No. C-2.0, quantifying the total clearing on Lot No. 1 as 3.48-acres and total clearing on Lot No. 2 as 16.39-

acres which corresponds with 12.6% and 16.5% respectively.

- Once constructed, ground cover below the solar energy system must be restored with low-maintenance, drought-resistant, native, non-fertilizer dependent flora or other protective low-maintenance surface as the Planning Board may approve. Additionally, the Code prohibits the use of stone beneath solar panels and requires a seed mixture of native, noninvasive, shade tolerate grasses.

The plans include a Seeding Specifications Table indicating a northeast pollinator mix between and under the solar panels. **No response needed.**

3. The design of a solar energy system shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment.

The applicant provided equipment catalog cutsheets showing some system components. Additionally, the plans include information on the arrangement and scale of equipment on each equipment pad. We recommend the plan be revised to identify each component (i.e., provide description of abbreviations). **This information is not typical at this time in the design of the system and will be provided in future submissions.**

4. Wind and solar energy systems and any associated structures shall not be used for displaying any advertising or signage, except for reasonable identification of the operator of the system and appropriate warning signs, with phone numbers for ESO/emergency contacts all not to exceed, in aggregate, four square feet in area per 100 lineal feet of running perimeter. All signs shall be affixed to equipment unless otherwise authorized by the approving authority.

The Vehicle Gate Detail, Sheet No. C-5.0, shows the location of the owner and emergency contact information placard/sign on the fence. We recommend, as a condition of your action, the applicant install warning signs and an emergency contact sign for ESO use. The applicant has now provided an Electrical Placard Detail Sheet (Sheet No. E-6.0). Since these placards pertain to Building Code compliance, we recommend removal from the site plan set. **The plans have been updated and Sheet E-6.0 has been removed from the plans set.**

5. The installation of a clearly visible warning sign concerning voltage must be placed at the base of all area mounted transformers and substations.

The plans include a detail on the Signage Plan, Sheet No. C-3.2, and we recommend you confirm this detail meets National Electric Code requirements with Building Inspector Halloran. **Understood and agreed. A discussion with Mr. Halloran has not taken place to date and be confirmed.**

6. All solar and wind energy systems shall be designed and located in order to prevent any unabated reflective glare toward any inhabited buildings on adjacent properties as well as adjacent roadways with sufficient studies submitted to confirm this has been mitigated to the extent practicable.

The applicant has provided a study which evaluates the potential for glare from seven (7) surrounding residential properties and along Owens Road. We have the following comments:

- The Glare Study was last revised in December 2021. The project layout and design

has been updated since that time. The applicant should identify changes since then so you may confirm the study is still applicable. **The Glare Study has been revised accordingly.**

- *The Glare Study discusses FAA Solar Policy however, the study did not include an analysis of the arrays on air traffic. The study should be revised to address any potential impact to air traffic at Randall Airport (1.5 miles from site), Garnett Health Medical Center (1.5 mile from site) and Phillipsburg Landing Heliport (1.0 mile from site). **The Glare Study has been revised accordingly.***
 - *The Glare Study assumes all proposed panels are surfaced with a anti- reflective coating. Applicant to confirm. **This is confirmed.***
 - *The Glare Study narrative indicated Receptor 10 is located west of the project. Applicant to confirm this is a typographical error since no Receptor 10 was shown on the figures or included in the analysis. **This is confirmed as a typographical error. It has been changed to refer to Receptor 7.***
 - *The Glare Study indicates forest cover will screen the solar panels from four (4) of the seven (7) receptors and Owens Road. This cover consists of two (2) significant buffers which are identified in the Glare Study (Figure No. 6). We recommend ground level confirmation of these buffers be provided since they appear to be deciduous, and the applicant should show these buffers on the Tree Clearing Plan. We recommend you require a deed restriction or other mechanism to ensure these buffers will be preserved. **While there are some deciduous trees, the buffer is thick enough to obstruct the view due to woody components of vegetation.***
 - *The Glare Study indicates existing vegetation will mitigate glare from Receptor 6 located east of Owens Road. The applicant should revise the Glare Study to identify the site 1 driveway access since this driveway will require partial removal of the buffer which may impact Receptor 6. **Site 1 and 2 driveways are shown in the report figures. Since the westerly viewpoint from Receptor 6 is askew from the angle of the driveway entrance, it is not possible that they would see glare from the portion of the array that is to the west.***
7. Lighting of the pertinent structures shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded from abutting properties.

*The plans have been revised to include a Stand Alone Light Mounting Detail indicating lighting will be mounted on a strut, directed downward and shielded from abutting properties. We recommend the plans be revised to identify the location of the proposed lights, direction and indicate the maximum lighting height. **The plans have been revised accordingly, see Sheet C-4.2.***

8. When a new driveway or road is required for access to the wind, solar or photovoltaic systems, the surface shall be either pervious pavement or gravel and shall be the minimum width to accommodate maintenance as well as emergency vehicles.

The plan indicates two (2) new gravel access driveways from Owens Road will be provided. The southern access driveway to Lot No. 1 is approximately 635 linear feet long. The northern access driveway to Lot No. 2 is approximately 1,580 linear feet long. The road profile indicates a maximum slope of 10.2%. The maximum grade for fire apparatus access roads is 10%; the plan should be revised to comply and include vertical curve design data so angles of approach and departure may be verified. The plan now includes a turnoff for the northern access driveway and should be revised to include

*dimensions. Additionally, we note the driveway access will require approval from the Highway Superintendent (see comment below). **The road profile has been revised to show 10% or less gradient along the access drives. It is also understood and agreed to acquire approval from the Highway Superintendent.***

9. All wind and solar energy system installations must be securely fenced. Fencing may be chain-link or other suitable fence acceptable to the Planning Board and consistent with this chapter. **No response needed.**

See §97-55(F)(12) below.

10. All wind, solar and photovoltaic energy system installations must be performed by a qualified installer, and, prior to operation, the electrical connections must be inspected by the Town or other appropriate electrical inspection agency, as determined by the Town. In addition, any interconnection to the public utility grid must be inspected by the appropriate public utility. (a) All power lines from a wind, solar or photovoltaic energy system to onsite interconnection equipment shall be located underground and installed by a certified professional and must meet all applicable national, state, and local electrical codes. (b) The installation of any energy system shall conform to the National Electric Code. (c) Wind, solar and photovoltaic energy systems that connect to the electric utility grid shall comply with Article 7 of the New York State Public Service Law and Section 68 if the plant is to generate more than 80 mw of energy as required by the electric utility servicing the property and (d) Systems shall be installed by a qualified installer as listed on the NYSERDA Approved Installers list with a North American Board of Certified Energy Practitioners (NABCEP) certified installer.

We suggest you make these requirements a condition of your action. **Understood.**

11. When batteries are included as part of the wind, solar or photovoltaic energy system, the batteries require a charge controller and must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention Code when in use, and, when no longer used, the batteries shall be disposed of in accordance with the laws and regulations of Orange County and other applicable laws and regulations. Unless practically infeasible, the energy system shall be connected to the energy grid in lieu of stand-alone systems relying upon batteries to store excess power.

The applicant has confirmed in their December 16, 2021 correspondence no battery systems are proposed as part of this facility. **No response needed.**

12. Landscaped vegetative screening shall be required, as well as fencing as may be determined appropriate by the Planning Board, between any ground-mounted solar collectors or any ground-mounted equipment for any energy system and adjacent properties and streets in accordance with the following: (a) The overall purpose of the landscaped screening is to obscure or substantially buffer the view of the solar energy system year-round; (b) The landscaped screening shall be comprised of a minimum of one evergreen tree, at least six feet high at time of planting, plus two supplemental shrubs, all planted within each 10 linear feet of the area to be screened or such other equivalent and appropriate landscape solution as is acceptable to the Planning Board; (c) Existing vegetation may be used to satisfy all or a portion of the required landscaped screening; (d) Fencing shall provide security protection for the facility and may also provide screening of the facility for visual protection of neighboring properties. Fencing shall satisfy all NEC requirements as needed and may be a maximum of eight feet in height, unless otherwise required by the NEC [see § 97-55F(9)].

The plan shows conceptual locations of proposed plantings and indicate species, density and location of plantings to be finalized by a landscape architect. During your February 3, 2022 meeting you requested updated renderings which the applicant has indicated are forthcoming. Since screening of adjacent properties will likely be a primary concern during the public hearing, we continue to recommend the applicant submit the final landscaping plans and renderings of the screening prior to scheduling a public hearing. The applicant has proposed an eight (8) foot tall wooden slat (stockade) privacy fence along the northeasterly boundary of Lot No. 1. As requested, the applicant has provided cross sections which appear to indicate the proposed landscaping and privacy fence will provide minimal screening of the solar modulate racking (see Cross Sections, Sheet No. C-6.0). We discussed screening with the applicant during the March 3, 2022 staff meeting and suggest the applicant consider additional landscaping closer to the proposed racking and perhaps an earth berm to increase the elevation of the landscaping in an effort to increase screening.

As discussed during your February 3, 2022 meeting the applicant has replaced the chain-link fence with an eight (8) foot woven wire agricultural fence. In accordance with your prior practice, we recommend the applicant provide areas for wildlife to pass. **Understood. Areas for wildlife passage have been added to the plans.**

13. If a solar energy system ceases to perform its originally intended function for more than 12 consecutive months or construction is not completed within 18 months of final site plan approval, the property owner shall remove the equipment and facilities and restore the property to its original condition unless he can show to the satisfaction of the Building Inspector good cause as to why this time should be extended and then only to a maximum extension of an additional 45 calendar days. To secure such removal, the developer shall post a decommissioning cash bond with the Town in an amount to be established by the Town Board upon recommendation from the Town Engineer.

We recommend this be a condition of your action. **Understood.**

14. A copy of the manual shall be provided to the Building Department and Fire Department when the applicant requests a building permit be issued.

We recommend this be a condition of your action. **Understood**

15. Solar energy systems shall be designed to sustain wind loads up to 110 miles per hour (mph) and snow loads of 50 pounds per square foot (psf) unless more stringent requirements are mandated by other regulatory agencies.

We recommend your action include a requirement for this information to be submitted and reviewed to our satisfaction prior to the issuance of a Building Permit. **Understood.**

16. The site is outside the Scenic Road Corridor Overlay District Code and the Code requires a visual impact assessment including a viewshed analyses, before and after graphical representations and alternative designs and colors.

A portion of the site is within the Scenic Reservoir Corridor. During your February 3, 2022 meeting, the applicant reviewed a Viewshed Analysis which shows site visibility from several vantage points based on existing topography views of the project as viewed from Owens Road. At that time, you requested the Viewshed Analysis be revised to: (1) consider leaf-off conditions due to the proposed deciduous trees; (2) provide updated simulations from the driveways which incorporate the specific number of utility poles anticipated; and (3) provide an analysis from existing residential dwellings. We understand the updated analysis is forthcoming. **Visual simulation have been**

updated as noted above and are included in this submission.

17. A decommissioning plan must be submitted by the solar developer as part of the site plan and special permit applications. Although the agreement between the property owner and the company installing and operating the system may assign the decommissioning responsibilities to the company, the responsible party for the purposes of this code shall be the property owner. The decommissioning plan shall identify the anticipated life of the project, method and process for removing all components of the solar energy system and returning the site to its preexisting condition. It shall include an estimate of decommissioning costs. The decommissioning plan shall be initiated within the time frames provided in § 97-55F(13).

A decommissioning cost estimate/plan has been submitted. We will provide further comments prior to the Town Board's action on the estimate. **No response needed.**

18. An agreement with a utility for interconnection of the completed facility must be established and clearly documented within the site plan and special permit review.

In response to our request for the utility interconnection agreement and details of each interconnection the applicant has indicated the pole layout is represented on the plans. The plans appear to show each system with three (3) poles at the driveway. The applicant should confirm only three (3) poles are proposed and provide additional information (spacing, height, clearing, etc.) for your consideration. **At this point there will be four (4) poles at each driveway. The pole spacing, clearing limits and heights have been added to the plans.**

2. Site Plan –

- a) Access & Parking – The plan indicates two (2) driveway access points but does not address the connection with the Town road. The Code requires new driveways on Town roads, including the conversion of farm roads into residential driveways to require permission from the Town Superintendent of Highways [§97-52A]. The applicant has revised the plans to indicate sight distances to the northeast (toward Philipsburg Road) are approximately 1,000 feet and to the southwest (toward Cheechunk Road), from Lot No. 1, approximately 510- feet. We continue to recommend the applicant provide construction details so you may confirm compliance with the Code. The plan has been revised to identify two (2) laydown and parking areas. We note both areas are within the Lot No. 1 array and scale approximately 100-feet by 100-feet. The applicant should confirm these areas are practical in terms of location and sufficient in terms of total area. **It is understood and agreed to acquire approval from the Highway Superintendent for both access drives. The LOS distance has been confirmed from field measurements to meet or exceed the 330' minimum distance in all directions. The project narrative has been revised to include the field data and maps. Construction details will be provided to stay in compliance with the code.**
- b) Utilities – This is an unmanned installation. The applicant has advised no water and/or sewer service is required. **No response needed.**
- c) Stormwater – Per the NYSDEC SPDES General Permit for Construction Activities, soil disturbances greater than one acre requires a full Stormwater Pollution Prevention Plan (SWPPP). The applicant should quantify the area of disturbance and graphically delineate it on the Erosion Control Plan. Since the area exceeds one (1) acre we

*understand post construction stormwater management practices are required. The applicant has indicated the SWPPP will be submitted in the next submission. We recommend the SWPPP address the proposed culverts along northerly access driveway (the plans should include additional information including material, slope and trench conditions), the existing ditch shown to be removed and drainage longitudinally along the access driveways especially when installed in grading cuts. **Based on the existing grade, there are no driveway culverts needed for with access drive along or within the Owens Road right-of-way. The grade presently slopes away from the edge of pavement and will continue to be directed in the same manner. Also, a full SWPPP is being prepared and will be submitted in future submissions.***

d) Miscellaneous –

- Sign & Seal – Future plan submissions should be signed and sealed by the professional who prepared the plans. **Understood.**
 - Agricultural Data Statement – The project site is located within an agricultural district. Pursuant to the Code requirement, the applicant submitted an Agricultural Data Statement. The Code requires public hearings for major site plans to follow the provisions on agricultural data statements for special permits [§97-76F(1)] which requires the Secretary of the Planning Board to mail written notice of the application to the owners of the land as identified by the applicant in the agricultural data statement. **Understood and agreed. Is further information is needed or assistance in the mailing?**
 - Road Inventory – The applicant previously indicated a road inventory survey (i.e., road condition assessment) will be performed prior to construction and at the conclusion of construction to identify any damage caused by the proposed projects. We recommend you consider requiring this as a condition of your action. **Understood and agreed.**
3. SEQRA – During your February 3, 2022, meeting, you assumed Lead Agency status under SEQRA. The next action will be to review the Part 2 EAF. **No response needed.**