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MEMORANDUM

<i>To:</i>	Bruce M. Flower, Chairman And the Town of Wappinger Planning Board	<i>Date:</i>	3/16/2023
<i>From:</i>	Malcolm M. Simpson	<i>Project:</i>	189 Myers Corners Road Solar
<i>cc:</i>	James Horan, Barbara Roberti, Bea Ogunti		
<i>Subject:</i>	189 Myers Corners Road Solar Project Plan Review Tax Lot 6258-03-376432		

As requested, we reviewed the application made by Old Myers NY, LLC, (the “Applicant”) for Site Plan and Special Permit Approval.

The Property

The subject property is a 37.08-acre lot located at 189 Myers Corners Road, is designated as tax lot 6258-03-376432 on the Town of Wappinger tax maps and is located within the R-80 Residential District (the “Subject Property” or “Site”).

The Proposal

The Applicant is proposing to develop a 13.8 acre area of the 37.08 acre parcel with a 2 megawatt alternating current solar farm, the design of which would allow for the agricultural use of the same 13.8 acre area (Proposal or Proposed Action).

Submission

The Applicant has submitted for review an Application for Special Use Permit form dated 2/3/23; an Application for Site Plan Approval form dated 2/3/23; a cover letter prepared by Lightstar dated 2/3/23; an Agricultural Data Statement form; an Full Environmental Statement form with multiple attachments dated 2/3/23; a Decommissioning and Site Restoration Plan prepared by TRC dated January 2023; a letter from the Federal Aviation Administration dated 7/25/22; a tree clearing memorandum prepared by TRC and dated 3/15/23; and the following site plan (14 sheets) generally entitled “Old Myers Solar Project” prepared by TRC dated February 2023:

1. G-01 CIVIL COVER SHEET

2. G-02 GENERAL NOTES & LEGEND
3. G-03 EROSION CONTROL NOTES & DETAILS
4. C-100 EXISTING CONDITIONS & SITE PREPARATION PLAN
5. C-200 OVERALL SITE LAYOUT PLAN
6. C-201 SITE GRADING & DRAINAGE PLAN - SOUTH
7. C-202 SITE GRADING & DRAINAGE PLAN - NORTH
8. C-400 CIVIL CONSTRUCTION DETAILS
9. L-100 OVERALL LANDSCAPE PLAN
10. L-101 LANDSCAPE PLAN - ENLARGED
11. L-102 LANDSCAPE NOTES & DETAILS
12. L-103 LANDSCAPE PLANTING TEMPLATE & SCHEDULES
13. SW-100 PRE-DEVELOPMENT SUBCATCHMENT PLAN
14. SW-200 POST-DEVELOPMENT SUBCATCHMENT PLAN

TREE CLEARING MEMORANDUM REVIEW

The Applicant has provided a tree clearing memorandum in which they have identified approximately 1.4 acres of collective area distributed throughout the Site that they are seeking the Planning Boards permission to clear ahead of the March 31 NYSDEC tree clearing deadline. We find the tree clearing memorandum to satisfy the requirements of Section 240-93.1 that are within our purview and defer to the Town Engineer, and ultimately, the Planning Board regarding the appropriateness of the Applicants request.

PREVIOUS REVIEW COMMENTS

1. **History.** The narrative states that the Application has been before the Town Board for approximately a year going through the SEQRA process and a rezoning process. It is our understanding that the SEQRA process has concluded. The Applicant should include the SEQRA documentation and a historical narrative detailing key dates in that process in their next submission.
2. **Special Permit.** Below we have identified the elements of the Wappinger Code pertaining to the Solar Farm Special Permit. The Applicant should address each item.
 - a. **§240-36.3 G.**
 - i. Are the solar panels proposed to be considered ‘on-farm equipment’ in accordance with the guidance of the New York State Department of Agriculture and Markets? Is the Subject Property within a New York State Agricultural District?

- ii. Explain how the Proposed Action is designed to minimize impacts to the most productive agricultural soils on the property.

b. §240-57.

- i. What is the surface area of the proposed solar panels equate to collectively? Does it exceed 10% of the lot area?
- ii. Are there power or communication lines running between banks of solar panels and nearby electric substations or other buildings being proposed? Are those lines proposed to be buried or above ground?
- iii. Is there interconnection with an electric public utility proposed? Can you provide evidence of consent by the utility for the connection?
- iv. What is the collective surface area of the foundations for the proposed solar panels? Does it exceed 15% of the lot area?
- v. Describe the existing screening between any proposed solar panels within 100' of a residential zone and the residential zone they abut.
- vi. Does the Proposed Action fall within the viewshed of the Hudson River?
- vii. Does the height of the proposed solar panels exceed 15 feet?
- viii. Describe the compliance of the Proposed Action with Section 1204.4 of the 2020 Fire Code which states that 'a clear, brush-free are of 10 feet shall be required for ground-mounted photovoltaic arrays.

- 3. **Wetlands.** It appears that there are solar arrays proposed within the wetland buffer. This will require a Town wetland disturbance permit.