

March 27, 2023

Bruce Flower
Chairman
Town of Wappinger Falls Planning Board
20 Middlebush Road
Wappingers Falls, NY 12590

RE: Response to CPL's March 2, 2023 Comments to the Myers Corners Solar Applicant Package

Chairman Flower:

The Applicant for Old Myers Solar (Project) received a letter containing review comments from CPL on March 3, 2023 regarding the Project's Special Use Permit, Site Plan, and associated documents. This letter, provided as Attachment A, was dated March 2, 2023 and submitted by Jon Bodendorf, P.E. to the Town of Wappinger Planning Board. Following are the Applicant's responses to CPL's comments. For clarity, CPL's comments are copied in ***Bold Italics***, while the Applicant's responses appear in plain text.

Comments

1. ***Contact DCDPW for review and approval of the proposed work within the County right-of-way and provide all correspondence. A Highway Work Permit will be required. Based on an email sent by DCDPW to the Town, it appears that they find the location of the proposed access to be acceptable; however, they are looking for the first 40' to be paved to the County's standard of 6" subbase and 4" of asphalt.***

The site plans have been revised (Rev1 dated 03/22/2023) to show a 40-ft paved driveway apron. A pavement build-up detail has been added to sheet C-400 in accordance with the County's standard. The stormwater calculations have been updated in the SWPPP (cover dated March 2023) to account for this increase in impervious area, as well as the sizing of the infiltration trench shown in the civil drawings. Both the revised site plans and SWPPP were provided to the Town Board on March 27, 2023 as supplement to this Response.

2. ***Provide all correspondence received from the NYSOPRHP in response to the submitted Consultation Letter dated 07/06/2022.***

All correspondence from OPRHP has been shared via brief comments on the State's Cultural Resource Information System (CRIS) platform; no emails or letters have yet been received.

- a. ***There is a reference to a 07/12/2022 letter received from NYSOPRHP however it does not appear to be provided with this submission.***

This date corresponds to a CRIS entry, as noted in the preceding bullet, stating "no archaeological concerns" and that "No archaeological survey is warranted", but noting that "[OPRHP's] evaluation of the historic significant of all buildings/structures/districts within or adjacent to your project area" was incomplete. A screenshot image from the CRIS platform is provided as Attachment A to this Response. The Applicant continues to cooperate with SHPO to supply any further information, surveys, or evaluations, and a copy of the OPRHP's clearance letter will be provided to the Town upon receipt.

3. ***Provide all correspondence received from the NYSDEC in response to the submitted Consultation Letter dated 12/20/2022.***

To be provided in next submission.

4. ***Per the determination identified within the Wetland and Stream Delineation Report, please contact USACE and the NYSDEC to review potential impacts to the surrounding wetlands and stream and any required permitting. Provide all correspondence once in receipt.***

The Applicant solicited comments from the NYSDEC in a 12/20/2022 jurisdictional determination request letter, and the State's response would normally list any concerns relating to state-mapped wetland or waterbodies. A response has not yet been received, but as there are no wetlands, state-mapped or otherwise, overlapping the Facility Area, the Applicant does not anticipate any material comments (i.e., requiring further study, consultation, or permitting) relating to wetlands. Consultation with the USACE is not required for the same reason.

5. ***Provide tree clearing restriction notes to abide by NYSDEC Indiana Bat Regulations on the Site Plan and within the SWPPP.***

A note has been added to the Site Plan (Rev1 dated 03/22/2023) and SWPPP (cover dated March 2023) that states all tree clearing for the project will occur between November 1 and March 31.

6. ***Please consult with the Planning Board to determine if Planning Board review will be needed at the time of Decommissioning. The outcome of these discussions should be identified in the Decommissioning & Site Restoration Plan.***

The Applicant will be attending all Planning Board meetings that host this Project on the docket, and any comments raised by the Planning Board regarding the proposed Decommissioning Plan will be considered and resolved as appropriate.

7. ***It seems that the decommissioning activities as described will exceed 1 acre of disturbance, please revise section 2.1, paragraph 2 of the Decommissioning Plan to indicate that prior to any earth disturbance:***

- a. ***The Town of Wappinger Building Department and Town Engineer must be contacted for coordination and any required permitting.***

This note has been included in paragraph 2 of the revised Decommissioning Plan (cover dated March 2023). This document was provided to the Town Board on March 27, 2023 as supplement to this Response.

- b. ***Coverage under a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity and preparation of a SWPPP is required.***

This note has been included in paragraph 2 of the revised Decommissioning Plan (cover dated March 2023). This document was provided to the Town Board on March 27, 2023 as supplement to this Response.

8. ***The Decommissioning Plan under section 2.2 states; "native topsoil stockpile and preserved during construction of the facility will be re-used for site restoration...". Soil stockpiles should not be present on site from the time of construction of the solar array to the time of decommissioning, which is expected to be 30 years or more, please clarify this statement.***

This sentence has been removed from section 2.2 to avoid confusion. A note has been added to sheets C-201 and C-202 of the civil drawings (Rev1 dated 03/22/2023) that states following initial

site stabilization, excess material from the temporary stockpile locations will be spread evenly within the array area and stabilized with seed and mulch.

9. ***The proposed limit of disturbance exceeds 1 acre and will trigger the requirement for coverage under a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity. A SWPPP has been provided with this submission and a full detailed review will be completed, please see the following preliminary comments:***

- a. ***The digital file provided with this submission was corrupted, please provide a corrected version for our records.***

A corrected version of the SWPPP (cover dated March 2023) was provided to the Town Board on March 27, 2023 as supplement to this Response.

- b. ***Please review the NYSDEC Memorandum, Subject: Solar Panel Construction Stormwater Permitting/SWPPP Guidance, Dated 04/05/2018. The SWPPP and Site Plan must follow all requirements outlined within this Memorandum as well as the current General Permit.***

Both the revised SWPPP and Site Plan are compliant with the NYSDEC memo.

- c. ***Please review all appendices for completeness and revise as necessary.***

Appendices within the revised SWPPP (cover dated March 2023) have been reviewed for completeness and revised as necessary.

- d. ***Provide NYSOPRHP clearance letter within the SWPPP.***

The NYSOPRHP clearance letter will be included in Appendix E of the SWPPP once received.

10. ***The Cover Sheet should be revised to include the Tax Parcel Grid Number.***

The Cover Sheet has been revised to include the Tax Parcel Grid Number.

11. ***The following comments apply to the proposed access driveway:***

- a. ***Provide dimensional labels for the width and turnaround area.***

Dimensional labels have been added as shown on the detail on sheet C-401 of the civil plans (Rev1 dated 03/22/2023).

- b. ***Please consult with the New Hackensack Fire Company on the required pull off distance from the from the edge of the pavement to the proposed gated entrance and label on the plan.***

The Applicant will consult with New Hackensack Fire Company.

- c. ***Please provide a vehicle turning movement detail for fire access, consult with New Hackensack Fire Company.***

A vehicle turning movement detail for fire access has been provided on sheet C-401 of the civil plans (Rev1 dated 03/22/2023).

- d. Please confirm the use of a Knox Box instead of a Knox Padlock with the New Hackensack Fire Company.**

To be confirmed with New Hackensack Fire Department.

- e. Revise the construction detail as necessary based on the above comments.**

The detail and plan references will be updated if deemed necessary during coordination with the New Hackensack Fire Department.

- 12. There are concerns with the placement of solar panels on steep slopes towards the north end of the site. There is potential for stormwater runoff impacts in these areas, especially where the panels are arranged perpendicular to the elevation contours.**

- a. Consideration should be given to adjusting the array layout in these areas.**

The grading has been revised at the north end of the site so that slopes do not exceed 10% within the fenced area. This was achieved while giving preference to natural drainage patterns and was developed to promote sheet flow over vegetated areas. Erosion resulting from the panel drip-edges is typically a construction-phase issue until sufficient permanent vegetation is established. To account for this, the design proposes the use of biodegradable erosion control blankets on re-graded slope areas.

- b. The grading along the northern boundary should be extended to decrease the proposed slope and provide distance for stormwater sheet flow to dissipate and prevent channelized erosion issues.**

Grading in this area has been revised.

- c. The use of permanent stormwater practices may be necessary to control any offsite stormwater discharge and prevent concentrated erosion or flow offsite.**

Grading was developed to promote sheet flow over vegetated areas and will not cause an adverse impact on downgradient receptors. Once permanent vegetation is achieved the risk of erosion will be mitigated. Erosion control blankets are proposed to provide initial stabilization until permanent vegetation is established.

- 13. Provide a match line on the Site Grading and Drainage Plans.**

A match line has been provided on these plans (Rev1 dated 03/22/2023).

- 14. A Phasing Plan with construction sequencing notes must be provided that shows no single phase will exceed 5 acres of disturbance at one time.**

An Earth Disturbance Phasing Plan has been added as sheet G-04 (Rev1 dated 03/22/2023), and additional "Project Construction Sequencing Notes" are included on sheet G-02 of the civil plans. As proposed, the major phases of earth disturbance will be the clearing and grubbing phase, and initial site work to construct the proposed site access road and perform limited array grading. The remainder of array construction will require very little traditional earth disturbance, with the major components being limited to trenching and vehicle tracking. Those phases of the project will not result in greater than 5-acres of exposed soils at any given time.

- a. The erosion and sediment control plans should be prepared in a manner that reflects the phasing plan.**

Erosion and sediment controls have been prepared such that the measures are effective for all phases of construction.

- b. Please provide a note that indicates a NYS Licensed Land Surveyor must identify the LOD prior to the start of construction within the construction sequencing notes.**

This note has been added to the Earth Disturbance Phasing Plan, sheet G-04 of the civil plans (Rev1 dated 03/22/2023).

- 15. As indicated in prior comments, it does not seem practical to store topsoil for an extended period of time. The following additional comments apply:**

- a. The stockpile located directly adjacent to Myers Corners Road at the front of the site is of concern relating to visual impacts. Additionally, this location appears to conflict with the location of the proposed visual mitigation planting.**

Stockpiles are temporary for construction and following initial site stabilization, excess material will be spread evenly within array area and stabilized with seed and mulch. Permanent stockpiles are no longer proposed.

- b. The northern proposed topsoil stockpile will restrict access around the perimeter of the site, please review.**

Stockpiles are temporary for construction and following initial site stabilization, excess material will be spread evenly within array area and stabilized with seed and mulch. Permanent stockpiles are no longer proposed.

- c. Stockpiles will need to be permanently stabilized with vegetation grown, please provide a note indicating this.**

Stockpiles are temporary for construction and following initial site stabilization, excess material will be spread evenly within array area and stabilized with seed and mulch. Permanent stockpiles are no longer proposed.

- 16. Provide a double row of silt fencing at the 100' wetland buffer and area of steep slopes on the north end of the site.**

A double row of silt fencing has been added to this location as shown on sheet C-202 of the civil drawings (Rev1 dated 03/22/2023).

- 17. Please adjust the silt fencing locations to run parallel to the existing and proposed elevation contours.**

Silt fencing follows proposed contours where practical. In some instances, silt fence is used to demarcate the limit of work and therefore limited runs of silt fence may run perpendicular to the existing contour.

- 18. Please clarify the size of the wooden posts for the perimeter security fence on the detail.**

The notes have been updated on detail 1 of sheet C-400 of the civil drawings (Rev1 dated 03/22/2023) to indicate that the wooden posts are 4-inches.

19. Provide decompaction practice and soil restoration notes.

Decompaction practice and soil restoration notes have been added to sheet G-02 of the civil drawings (Rev1 dated 03/22/2023).

Thank you for your consideration of this Response.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Jason Dickey", with a stylized flourish at the end.

R. Jason Dickey
Senior Project Manager – TRC Companies
rdickey@trccompanies.com

cc: Bea Ogunti (Town of Wappinger), Sam Bailly (Lightstar), Ben Aparo (Lightstar), Tom Daniels, P.E. (TRC), John Capello (J&G)

ATTACHMENT A

SCREEN CAPTURE IMAGE OF CRIS COMMUNICATINOS WITH OPRHP

View and/or Address a Response

Project 22PR04592: Lightstar Renewables, Old Meyer Solar Project/2MW/10 Acres of 38 Acre Parcel (DHG1SOLRMNGE)

[View Project](#)

Please accept the following information below as the consolidated response from NYS SHPO for the above referenced submission.

Review Responses

Reviewer	Review Type	Response
Jessica Schreyer	Archaeology	No archaeological concerns. No archaeological survey is warranted.
Chelsea Towers	Survey and Evaluation	In order for SHPO to complete our evaluation of the historic significance of all buildings/structures/districts within or adjacent to your project area, we need further information. Please review the specific information request(s) below and click the Process button to respond to each request.

Information Requests

Process	Status	Reviewer	Review Type	Request Type	Request Entity	Request Item	Request Description
	Information Requested	Chelsea Towers	Survey and Evaluation	Request a New Attachment, Photo, or Survey for this Consultation Project		Attachment	In order for us to respond to your request for a SEQRA review, we ask that you provide us with the contact name, mailing address, and email of the Lead Agency contact; a valid email address is critical, if available, and if you have not already done so, please upload the EAF. If your project will have state or federal involvement, such as a DEC or DOT permit, we ask that you identify the appropriate agencies and provide us with your contacts at those agencies. In that case we will conduct a Section 14.09 or Section 106 review. Contact Chelsea Towers at chelsea.towers@parks.ny.gov with any questions. Thank you.

Attachments

Attachment	Reviewer	Review Type	Type	Name	Description
No Attachment Records					