

April 28, 2023

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

RE: Response to CPL's April 20, 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 20, 2023 regarding the Project's Special Use Permit, Site Plan, and associated documents. This letter, provided as Attachment A, was dated April 20, 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. Response to prior Comment No. 1 and plan revisions are noted. Please DCDPW review and approval of the proposed driveway apron is required, please provide all correspondence. A Highway Work Permit will be required, please provide a note on the site plan that indicated this requirement prior to work taking place within the County ROW.***

Comment noted. The Applicant has initiated consultation with the DCDPW and will provide approval and correspondence upon receipt.

- 2. Response to prior Comment No. 2 is noted. Please provide the NYSOPRHP clearance letter upon receipt as indicated.***

The Applicant will provide documentation requested upon receipt.

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

The Applicant will provide documentation requested upon receipt.

- 4. Response to prior Comment No. 4 is noted, please provide the NYS DEC's response when available. The provided response seems to contradict the information provided in section 6.0 Conclusion of the Wetland and Stream Delineation Report. The final paragraph includes a recommendation to consult with both USACE and the NYSDEC to verify the findings presented within the report. Provide all correspondence once in receipt.***

The Applicant will provide NYSDEC's response letter upon receipt.

- 5. 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 intends to discuss with the Planning Board at the next scheduled meeting. Section 3.0 – Permitting Requirements for Decommissioning of the Decommission Plan indicates the intent to coordinate with the Town of Wappinger at the time of Decommissioning;

however, the plan can be updated as requested if specific details or required coordination is provided by the Planning Board.

6. The following comments apply to the proposed access driveway:

- a. Please consult with the New Hackensack Fire Company on the required pull off distance from the edge of the pavement to the proposed gated entrance and label on the plan. There is a dimensional label of 29' shown but it is unclear what this is representative of.**

The Applicant has initiated consultation with the New Hackensack Fire Company and will provide documentation of their review and comments as applicable. The distance from Myers Corners Road to the proposed vehicle gate is approximately 64', which is sufficient to allow a larger fire apparatus to safely pull off the public travel way and open the gate. Width of access is such that a second apparatus could stage on the access drive as well. As requested, the Applicant will complete consultation with the Fire Company.

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

The Applicant has initiated consultation with the New Hackensack Fire Company and will provide documentation upon receipt.

- c. Revise the construction detail as necessary based on the**

Detail will be updated as necessary upon completion of consultation with the Fire Company.

7. Response to prior Comment No. 14 and provided Phasing Plan is noted. Based on the nature of the project construction and projected limited disturbance from the actual panel installation please revise note 1 on the phasing plan notes to indicate that the overall disturbance area may not exceed 5 acres at any time throughout construction. Please also provide this note on both sheets C-201 and C-202.

A note has been added to the drawing sheets as requested.

8. Based on the response to prior Comment No. 17, orange construction fencing should be used to demarcate the LOW where the silt is shown running perpendicular to the elevation contours. When silt fence is installed perpendicular to a contour it creates channelized flow along the fence line and can cause erosion.

Silt fence alignment has been adjusted as requested.

9. Please expand the provided decompaction practice and soil restoration notes to indicate a proposed method for physical decompaction of the soil. This office has witnessed problems with soil restoration and grass growth at similar type solar farm projects in the past. It seems that during construction the soil between the panel arrays becomes compacted from frequent construction vehicle traffic and requires a decompaction effort in order to allow grass to properly establish roots and sufficiently grow.

The Decompaction Practice and Soil Restoration notes included on sheet G-02 provide a performance standard for decompaction that requires compaction testing be performed to ensure soil density in disturbed and restored areas matches that of unaffected areas outside of the proposed limits of disturbance. As the effectiveness of decomposition will be quantitative, the Applicant respectfully request that means and methods of decompaction be left to the

discretion of the contractor. Furthermore, due to the project's dual-use agricultural nature the eventual decompaction method can be coordinated with specifics of proposed agricultural use.

10. Provide NYSOPRHP clearance letter within the SWPPP.

The NYSOPRHP clearance letter will be added to the final version of the SWPPP when received.

11. Please adjust drawing scale on Pre and Post Subcatchment plans; measurements seem to check at scale 1"=100', not at scale shown.

Graphical scale bare has been corrected.

12. The pre-condition hydrologic analysis results from HydroCAD were only provided for the 100-yr storm. Please include backup for the pre condition 1-yr and 10-yr events in the final report.

It appears there was an error in plotting the PDF version of the HydroCAD model. Back-up for all design storm events have been added to the updated version of the SWPPP.

13. The provided NOI requires minor edits such as SWPPP preparers certs, and identification of responsibly entity for long-term operations & maintenance.

Comment noted. The NOI provided is preliminary and will be updated prior to submission once the Project design is finalized and all responsible entities are known.

14. MS4 Concurrence form needs to be completed.

Comment noted. The MS4 concurrence form has been completed and included in the latest version of the SWPPP.

15. Boring Logs/Mapping – not provided; this may be useful to determine depth of water table and bedrock; a high water table or bedrock may impact the functioning of the infiltration trench on site.

Preliminary geotechnical investigations have been completed and the associated report is attached for reference. Additional investigations and assessment will be completed prior to construction as the design progresses and racking solutions are selected.

16. The SWPPP is to contain a section to address project phasing to ensure that the 5- acre limit of concurrent disturbance is not exceeded at any point. Alternatively, the Applicant may request a waiver from the MS4 to relax this condition with the requisite increase in inspection frequency, etc.

Additional language has been added to the SWPPP to clarify the Applicant's intent in ensure active disturbance remains below the 5-acre threshold.

17. The plans (G-04) identify a 3.55 and 3.35 acre disturbance phase, but not the larger 13.8 acre limit of disturbance. Please clarify.

The intent of the phasing plan provided on sheet G-04 is to show the major phases of ground disturbance which consist of clearing and grubbing, site grading, and access road construction. Construction of the remaining portions of the project will require limited ground disturbance, consisting of pile driving, pole installation, fence installation, and trenching for underground electric lines. This work will all occur within the overall 13.8-acre limit of disturbance but will not approach the 5-acre threshold for active disturbance and therefore is not shown on the phasing plan.

18. Slopes above 5% and below 10% are to include a level spreader/energy dissipator. A detail should be included in the drawing set and indicated on the grading plan where appropriate.

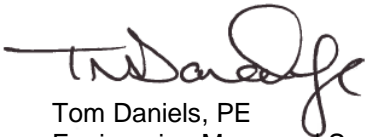
The proposed array is a single-axis tracker system that rotates throughout the day following the path of the sun and therefore does not have a persistent drip edge like a traditional fixed tilt system. As such, installation of level spreaders/energy dissipators as outlined in Maryland's "Stormwater Design Guidance – Solar Panel Installations" referenced in NYSDEC's April 6, 2018 "Solar Panel Construction Stormwater Permitting/SWPPP Guidance" memo is not applicable. Exclusion of this detail will also assist in the project's proposed agricultural dual use.

19. Will there be any perimeter roads installed to facilitate access to the arrays? If so, these are to be shown and considered in the hydraulic model.

A vegetated maintenance path is identified on the drawings and will be space reserved for vehicle access throughout operation and maintenance of the electrical equipment. Formal perimeter roads are not necessary for the maintenance and operation of a facility of this nature.

Thank you for your consideration of this Response.

Respectfully,



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cc: Bea Ogunti (Town of Wappinger), Kyle McAdam (Lightstar), Ben Aparo (Lightstar), Jason Dickey. (TRC), John Capello (J&G)