

January 15, 2020

Mr. Frank Alessandrini, Chairman
Town of Schaghticoke Planning Board
290 Northline Drive
Melrose, NY 12121

**Re: Herrington Solar Farm Special Use Permit and Site Plan Review
LE Project No. – 79302**

Dear Mr. Alessandrini:

Lansing Engineering (LE) has reviewed the Conceptual Application Package for the above referenced project prepared by Environmental Design Partnership, LLP; which included the following information:

- Conceptual Application dated September 13, 2019
 - Site Plans
 - Planning Board Application
 - Agricultural Data Statement
 - Full Environmental Assessment Form Part I (FEAF)
- Visual Impact Assessment (VIA) Report dated October 23, 2019
 - Report Text
 - Report Figures

The proposed action involves approval of a Site Plan and Special Use Permit by the Planning Board for the development of a 7.5 MW Solar Array on a 144.4 acres parcel located along Bracken Road. The project is proposed in a Residential Agricultural (RA) zoning district where the proposed use is permitted after the issuance of a Special Use Permit and Site Plan Review by the Planning Board in accordance with a zoning amendment identified as Local Law No. 1 of 2017 enacted by the Schaghticoke Town Board.

Based upon our review of the above information and input received at the Planning Board's Public Hearing on January 8, 2020, we offer the following initial comments:

State Environmental Quality Review

1. Pursuant to Part 617 of NYS Environmental Conservation Law, the project appears to be a Type I Action. It is my understanding that coordinated review was initiated in late 2019 by the Planning Board requesting that the Planning Board be designated as the Lead Agency. Since more than 30 days had passed since the mailing of the notifications, the Planning Board accepted Lead Agency status at the January 8, 2020 meeting.
2. Comments on the FEAF:
 - a. Section D.1.b: The total area to be physically disturbed would appear to be more than the "less than 1 acre" identified. The proposed site driveway is 3,500 feet long by say 20 feet wide (15' plus shoulders all gravel) which would be 1.6 acres. The site plan also identifies several new drives and pad sites. Based on the existing site grades, it would appear some grading will be required which should also be taken into account. This should be quantified, verified and the FEAF revised accordingly.
 - b. Section D.1.e: The anticipated period of construction should be identified
 - c. Section D.1.f: New residential uses are not proposed so that question should be "no"

- d. Section D.1.g: The approximate area of the overall array is identified. Since the soil disturbance area is identified as limited to only the support poles, we request a ballpark approximation of the total number of panels (and therefore poles) expected in the array so that an assessment of the overall soil disturbance may be noted.
 - e. Section D.2.b: Wetland disturbance is expected but no estimated quantity on the disturbance is provided. We request an approximation be included based on the concept plan.
 - f. Section D.2.e: It would appear that the site disturbance will exceed 1 acre. The numbers should be verified and question answer modified if necessary. In addition, it appears that the onsite wetlands and streams currently flow offsite to adjacent properties. As such, unless these will be blocked it appears that runoff will continue to flow to adjacent properties and the answer to question e.iii should be revised to yes and additional information provided.
 - g. Section E.1.b: The chart should include the area of wetlands on the site (current, after completion and changed) as estimated or verified by the pending delineation.
3. Based upon our review of the site plans and FEAF, we have prepared the attached draft Part 2 of the FEAF for the Board's consideration. We recommend that the applicant provide additional information for any item for which a "moderate to large impact may occur" was identified; plus any items noted below. The additional information should be submitted in narrative form as an FEAF expanded Part 3. This will provide clarification and documentation to allow the Board to make a fully informed Determination of Significance pursuant to SEQR. Specific areas we recommend to be addressed include:
- a. Section 1-Impact on Land: Construction on slopes of 15% or greater; extent to which site grading will be required.
 - b. Section 3-Impacts on Surface Water: Construction within or adjoining freshwater wetland; soil erosion or stormwater discharges; affecting water quality downstream
 - c. Section 7-Impacts on Plants and Animals: General discussion on specifics (for example: the vegetative undergrowth should be pollinating plants); to justify that no or only small impacts are expected.
 - d. Section 8- Impact on Agricultural Resources: Impacts on soil groups 1 through 4; conversion of more than 2.5 acres of agricultural land in an Ag District
 - e. Section 9-Impact on Aesthetic Resources: Visibility from publically accessible vantage points, travel routes and adjoining residential properties
 - f. Section 14-Impact on Energy: discuss the positive impacts to the grid
 - g. Section 15-Impact on Noise, Odor and Light: Construction noise duration; potential for glare

Public Hearing

4. Based on the public presentation, comments and our review of the Visual Impact Assessment (VIA), we offer the following suggestions to be included in the VIA and EAF Part 3:
 - a. Additional vantage points to address the visual impacts to the existing neighbors to the north and northeast of the project site.
 - b. Include photo examples of existing completed projects; both aerial and ground level to provide better understanding of the proposed conditions
 - c. Address the glare potential question.
 - d. Update the photo simulations of the proposed screening techniques to reflect the changes discussed at the meeting.
 - e. Include a discussion and visual exhibits of the impact of the pole configuration along Route 40 and Bracken Road discussed at the meeting.
5. Provide information to address fire safety and emergency services issues related to the use; including potential hazards from the operations, mitigation measures and best practices.

6. As also noted in the FEAF Part 2, potential impact of the overall project and the fencing on wildlife and vegetation.
7. Include a summary plan for decommissioning including the estimated bond amount in accordance with Local Law No. 1 of 2017.

General Comments

8. As a point of further clarification on comment 2.d above regarding the extent of soil disturbance expected, it should be noted that solar facilities are considered temporary in nature and are not classified by DEC or Army Corps as land uses that disturb the land. These agencies have determined that solar facilities are consistent with a natural use of the land and considered as conservation tools because the natural state of the land is preserved. The Planning Board Attorney will provide additional detail on this position under separate cover.
9. The applicant should document compliance with the general performance standards for a Special Use Permit as outlined in Section VI.A of the Zoning Code as well as the specific performance standards for Solar Farms outlined in Local Law No. 1 of 2017 (which is incorporated into the Code as Section VI.B.29). In general, the conceptual site plans appear to be progressing in compliance with these performance standards.
10. Provide a general discussion of the stormwater pollution prevention plan (SWPPP) and compliance with the NYSDEC Phase II Stormwater Regulations. This will provide guidance for the specific requirements for final site plan review.
11. The proposed connection to the grid is located near the intersection of Bracken Road and Route 40. The applicant should explain why the connection is not made to the National Grid transmission line which crosses the site to address the public comment.
12. Further clarification of the quantity of wetlands on the site, the amount of disturbance expected and the process and timing of the approvals that will be undertaken.
13. We have no additional comments on the conceptual site plans at this time. As more detailed engineering plans (grading, drainage, building features, etc.) are developed, additional review will be completed.

In summary, once the applicant has submitted the additional information requested pursuant to SEQR, we will provide a follow up review, summary and recommendation with regard to a SEQR Determination of Significance.

Should you have any questions or require anything further, please do not hesitate to contact me at 518-899-5243 x 103 or mjb@lansingengineering.com.

Sincerely,

LANSING ENGINEERING, PC



Michael J. Bianchino, Senior Engineer

Cc: Peter G. Barber; Owen Speulstra, PE