

June, 10th 2021

Town of Glen Planning Board
7 Erie Street
Fultonville, NY 12072
ATTN: Tim Reilly

**RE: Town of Glen
Borrego Solar Project #: 67-1901**

This is a revised comment response letter from the previous version sent on 05/13/2021. Minor revisions were made after discussing the SWPPP and stormwater design strategy with Douglas Cole and his team. Updated responses are within the SWPPP section in **bold characters**.

Douglas P. Cole, KB Group of NY, Inc. dba PRIME AE Group of NY (04/15/21)

Glare Study

1. Review of the Glare Study demonstrates that this proposed project will pose limited to insignificant glare impact to motor vehicles and residents due to existing vegetation. However, it appears that some of the screening vegetation is on lands owned by others, not under the control of Borrego. So how does the applicant propose to ensure the screenings will remain in place for the life of the project?

Response: Glare study identified potential for glare only for 6 months (Apr-Sept) out of the year, and for a minimal average time of 25 minutes per day. The vegetation around the border of our property will be maintained during the summer months to provide necessary screening. Additionally, as the glare points out receptors are approximately ¼ mile away from the system. At that distance, regardless of vegetation, the system will take up only a tiny fraction of a person's view if looking directly at it.

FEAF-Part 1

1. All prior comments have been addressed.

Response: Noted.

Site Use Permit Plans

1. We find the signage plan to be acceptable.

Response: Noted.

2. We have been advised that a Visual Assessment will be provided at the public hearing for comment.

Response: Correct, Visual Assessment was provided at the public hearing.

3. C-3.0: The location of the motion sensor light should be shown on the plans.

Response: The motion sensor light location is now shown on sheet C-3.0.

4. C-3.0/C-4.0: All proposed work should be labeled as such, for example all culverts, dissipation areas, buffer zones, etc.

Response: All proposed work will be labeled in sheets C-3.0/C-4.0.

5. C-4.0: It appears grading will take place along the proposed access road. The proposed contour notation should be added to the legend.

Response: Proposed contour notation will be added to plans legend.

6. C-4.0: Certain line types used in drawings do not seem to have been added to the legend associated with each drawing they are presented in. These include but are not limited to proposed tree line, bold dash-dot-dot line, LV line, MV line, line at the Northern end of site between the existing houses, bold dots (as seen on steep incline to the east of proposed access road), existing and proposed topography, stationing, and culverts.

Response: Line types will be added in drawings legend.

7. C-5.1: It is understood that a riparian zone will be utilized for managing stormwater for this project. It is understood that no construction will take place to create the riparian zone, however a general detail should be provided in the plans to show the existing properties of the area that will be utilized as such.

Response: A riparian buffer detail will be added to sheet C-5.1.

8. Comment by the local fire department should be considered prior to start of work. We received a copy of email correspondence on April 14, 2021 from Greg Gibbons (Borrego) to the Glen FD asking for comments prior to the public hearing.

Response: Noted.

SWPPP

1. The SWPPP states the acreage of the project to be 47.6 acres but the pre and post development stormwater runoff characteristics of the site show that the total acreage of the

site is actually 51.54 acres. It is suspected to be that the areas contributing flows to the project site are slightly outside of the property bounds, but this should be clarified, if this is the case.

Response: The drainage areas are correct. The 51.54 acres incorporates the total area of the array and disturbances up to the center line of the Ravine Creek. Some of the Ravine Creek is off of the subject property. This established the drainage area and tributary areas to the POA at the intersection of NYS Route 5S.

2. A Riparian buffer is the green infrastructure method of runoff reduction technique proposed to meet some of the stormwater requirements for this project, therefore it will be necessary to ensure this area will not be developed for the lifetime of the solar facility. How can the owner/operator guarantee this as a portion of the riparian buffer area is located outside of the parcel boundaries owned by the owner/operator? The NYS Stormwater Design Manual mentions conservation easements are acceptable.

Response: The riparian buffer is an area within the leased area that will remain undisturbed until the solar facility is decommissioned. The typical maintenance for a riparian buffer is not to disturb or place debris within the buffer area. The maintenance agreement will specify this as well as the property owner's restriction in doing the same. As discussed, the area outside of the control of the property is inaccessible to the adjacent property owners due to the Ravine Creek (NYSDEC controlled creek) topography. Additionally, the abutting property owners have longstanding walking trails to the east side of the creek and would not disturb that area.

3. The riparian zone appears to merge with the Class C stream on the adjoining property – is there truly 150' of riparian surface at this point?

Response: Yes, there is over 150' of riparian surface for the vast majority of the roadway. It is our opinion that the buffer being provided for the pervious surface (gravel drive) is more than sufficient to meet water quality needs.

4. NYSDEC stormwater management handbook states that riparian zones should avoid being developed along steep slopes, yet the riparian zone proposed at the north eastern end of the site and at other locations along the proposed zone show steep inclines. How does the owner/operator plan on mitigating this incline?

Response: There are some slopes that have been included in the zone that are considered steep for quantifying a riparian buffer. Since there is no impervious surface draining to the proposed buffer in the northeast corner of the site, it has been removed from the proposal. The remainder of the buffer area has enough flat area between the road and the creek to meet the buffer criteria.

5. Section 3.5 should include more information regarding the need and development of the proposed swales, level spreaders, sheet flow buffers and stone dissipation zones as shown in

the plans. This information should discuss how these methods comply with the NYSDEC stormwater management handbook.

Response: This section has been revised accordingly.

6. Spill Prevention and Control Plan section should include the NYSDEC spill hotline phone number.

Response: This information has been added.

7. NOI will need to be updated prior to submission to DEC to include:

Response: Since the NOI will be formally filed as an eNOI, the signature pages and specifics noted below will be completed at that time and attached as PDF's.

- a. Owner/Operator Information:
- i. Owner/Operator first and last name
 - ii. Contact phone number.
 - iii. Contact email address.
 - iv. Federal Tax ID number

Response: Information has been added.

- b. Project Site Information
- i. Project site name
 - ii. Project site address

Response: Information has been added.

- c. Question 4: Existing impervious area to be disturbed should be revised – existing impervious area of the site is listed to only be 0.59 acres in the FEAF Part 1

Response: Existing impervious area has been revised.

- d. Question 4: Future impervious area within disturbed area should be revised as the future impervious area identified in the FEAF is 1.52 acres.

Response: Future impervious area within disturbed area has been revised.

- e. Question 6: Percentage of Hydrologic Soil Groups may have to be revised when acreage of site is revised to match the 47.6 acres outlined in the FEAF and elsewhere.

Response: The acreage is correct for the NOI as it included the entire drainage area for the points of analysis.

- f. Question 7: Project is said to be phased in the SWPPP but said to not be phased in NOI - this should be revised to be consistent.

Response: The project is not phased, once started it will be completed.

- g. Question 8: Anticipated start and end date of project should be included.

Response: Anticipated dates have been included.

- h. SWPPP Preparer Certification: signature and date

- i. *Response: Since the NOI will be formally filed as an eNOI, the signature pages for Owner/Operator and SWPPP Preparer will be completed at that time and attached as PDF's.*

- j. Question 26: Vegetative measures to include seeding and topsoiling.

Response: Question 26 has been revised to include measures.

- k. Question 27: Planning Practices should not include driveway reduction.

Response: Question 27 has been revised.

- l. Question 40: DEC permit needs to be selected.

Response: There are no permits, NONE has been selected.

- m. Question 41: If federal waters are on site as indicated by FEAF, ACOE should be notified and may require a permit.

Response: There is no disturbance of WOTUS and there would not be permissible to notify ACOE. It should also be noted that they should notified during the SEQRA coordinator review process.

- n. Owner/Operator Certification

Response: Owner/Operator Certification will be included.

8. Water Quality Volume Calculations should be updated so the impervious area and total area of the site are consistent with all project materials.

Response: Water Quality Volume Calculations will be updated as needed for consistency.

Decommissioning Plan

1. The Decommissioning Estimate/Plan provided contains more Estimate than Plan. To be considered a complete Plan, there should be more description of the project in an introduction

section, a written scope of the decommissioning work required, and language about establishing the decommissioning fund, in addition to the cost estimates that are already in the Plan.

Response: The Decommissioning Estimate/Plan (attached) has been updated with content requested.

2. The decommissioning future value of \$237,740.56 is in the typical range we see for this size facility.

Response: Noted.

Conditions of Approval

1. Prior to the issuance of site development and/or building permits by the Town of Glen, the applicant shall:
 - a. Receive TDE approval of the final Stormwater Pollution Prevention Plan (SWPPP).
 - b. Obtain a SPDES General Permit for Stormwater Discharges from Construction Activity from the New York State Department of Environmental Conservation (NYSDEC GP-0-15-002).

Response: Noted

2. Decommissioning surety to be agreed upon by all parties and provided by owner. Surety to be provided under written agreement with the Town.

Response: Noted

3. Decommissioning Cost Estimate to be revised every 5 years by N.Y.S. Licensed P.E.

Response: Noted

4. Phase 1A/1B Archeological Survey must be completed by a qualified archeologist and presented to New York State Office of Parks, Recreation and Historic Preservation to evaluate and give approval of work before work may begin. This may require revising answer E.3.e in the Full Environmental Assessment Form.

Response: Archeological Survey was performed by Hartgen. Results will be provided once SHPO provides final determination.

5. Completion of SWPPP inspections and reporting during construction by a Qualified Inspector.

Response: Noted

Please feel free to contact me if you have any further questions.



Sincerely,
Borrego Solar Inc.

A handwritten signature in black ink, appearing to read "G. Gibbons".

Gregory Gibbons, P.E.
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