

Certified Sanborn® Map Report

09/30/20

Site Name:

Proposed PV Array
2621 NY-5S
Fultonville, NY 12072
EDR Inquiry # 6211168.3

Client Name:

EBI Consulting
21 B Street
Burlington, MA 01803
Contact: API User



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Certified Sanborn Results:

Certification # 384D-4501-BC33

PO # NA

Project 1120005197

UNMAPPED PROPERTY

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Sanborn® Library search results

Certification #: 384D-4501-BC33

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- Library of Congress
- University Publications of America
- EDR Private Collection

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Proposed PV Array

2621 NY-5S
Fultonville, NY 12072

Inquiry Number: 6211168.5
October 01, 2020

The EDR-City Directory Image Report

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Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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EXECUTIVE SUMMARY

DESCRIPTION

Environmental Data Resources, Inc.'s (EDR) City Directory Report is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's City Directory Report includes a search of available city directory data at 5 year intervals.

RECORD SOURCES

EDR's Digital Archive combines historical directory listings from sources such as Cole Information and Dun & Bradstreet. These standard sources of property information complement and enhance each other to provide a more comprehensive report.

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Data by

infoUSA[®]

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RESEARCH SUMMARY

The following research sources were consulted in the preparation of this report. A check mark indicates where information was identified in the source and provided in this report.

<u>Year</u>	<u>Target Street</u>	<u>Cross Street</u>	<u>Source</u>
2014	<input type="checkbox"/>	<input type="checkbox"/>	EDR Digital Archive
2010	<input checked="" type="checkbox"/>	<input type="checkbox"/>	EDR Digital Archive
2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	EDR Digital Archive
2000	<input type="checkbox"/>	<input type="checkbox"/>	EDR Digital Archive
1995	<input type="checkbox"/>	<input type="checkbox"/>	EDR Digital Archive
1992	<input type="checkbox"/>	<input type="checkbox"/>	EDR Digital Archive

FINDINGS

TARGET PROPERTY STREET

2621 NY-5S
Fultonville, NY 12072

<u>Year</u>	<u>CD Image</u>	<u>Source</u>
-------------	-----------------	---------------

STATE HIGHWAY 55

2010	pg A1	EDR Digital Archive
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STATE HWY 55

2014	-	EDR Digital Archive	Street not listed in Source
2005	pg A2	EDR Digital Archive	
2000	-	EDR Digital Archive	Street not listed in Source
1995	-	EDR Digital Archive	Street not listed in Source
1992	-	EDR Digital Archive	Street not listed in Source

FINDINGS

CROSS STREETS

No Cross Streets Identified

City Directory Images

STATE HIGHWAY 55 2010

1375 VALLEY VIEW MINI MART INC



-

STATE HWY 55 2005

2561 DOBBS, MICHAEL R

Appendix G

Analytical Results

**No documents have been associated
with this appendix.**

Appendix H

Portions of Previous Reports

**No documents have been associated
with this appendix.**

Appendix I

Terminology

TERMINOLOGY

The following provides definitions and descriptions of certain terms that may be used in this report. Italics indicate terms that are defined by ASTM Standard Practice E 1527-13. The Standard Practice should be referenced for further detail related definitions or additional explanation regarding the meaning of terms.

Recognized environmental condition (REC): The presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: 1) due to any release to the environment, 2) under conditions indicative of a release to the environment; or 3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions.

De minimis conditions: Conditions that generally do not present threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis are not recognized environmental conditions or controlled recognized conditions.

Historical recognized environmental condition(s) (HREC): A past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted residential use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). Before calling the past release a historical recognized environmental condition, the environmental professional must determine whether the past release is a recognized environmental condition at the time of the Phase I Environmental Site Assessment is conducted (for example, if there has been a change in the regulatory criteria). If the EP considers the past release to be a recognized environmental condition at the time of the Phase I ESA, the condition shall be included in the conclusions section of the report as a recognized environmental condition,

Controlled recognized environmental condition(s) (CREC): A recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by the regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). A condition considered by the environmental professional to be a controlled recognized condition shall be listed in the findings section of the Phase I Environmental Site Assessment report, and as a recognized environmental condition in the conclusions section of the Phase I Environmental Site Assessment report. NOTE: A condition identified as a controlled recognized environmental condition does not imply that the environmental professional has evaluated or confirmed the adequacy, implementation, or continued effectiveness of the required control that has been, or is intended to be, implemented.

Material threat: A physically observable or obvious threat which is reasonably likely to lead to a release that, in the opinion of the environmental professional, is threatening and might result in impact to public health or the environment. An example might include an aboveground storage tank that contains a hazardous substance and which shows evidence of damage such that it may cause or contribute to tank integrity failure with a release of contents to the environment.

Material impact to public health or environment: A substantial risk of harm to public health or the environment resulting from the presence or likely presence of an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property. An example might include a release of a hazardous substance in concentrations exceeding applicable governmental agency standards under conditions that could reasonably and foreseeably result in substantial exposure to humans or

substantial damage to natural resources. The risk of that exposure or damage would represent a material impact to public health or environment.

General risk of enforcement action: The likelihood that an environmental condition would be subject to enforcement action if brought to the attention of appropriate governmental agencies. If the circumstances suggest an enforcement action would be more likely than not, then the condition is considered a general risk of enforcement action.

Data failure: A failure to achieve the historical research objectives, even after reviewing the standard historical sources that are reasonably ascertainable and likely to be useful. Data failure is one type of data gap.

Data gap: A lack of or inability to obtain information required by this practice despite good faith efforts by the environmental professional to gather such information. Data gaps may result from incompleteness in any of the activities required by this practice, including, but not limited to site reconnaissance (for example, an inability to conduct the site visit), and interviews (for example, an inability to interview the key site manager, regulatory officials, etc.).

Appendix M

Wetland Delineation



October 27, 2020

Mr. Steve Long
Project Developer
PV Engineers, DPC/Borrogo Solar Systems, Inc.
30 Century Hill Drive, Suite 301
Latham, NY 12110

**Re: Wetland Delineation Report
2621 New York State Route 5S
Hamlet of Fultonville, Montgomery County, NY**

Dear Mr. Long:

In accordance with our Scope of Services, Shumaker Consulting Engineering & Land Surveying, D.P.C. (SCE) performed a wetland investigation of the 47.1-acre parcel located at 2621 NYS Rte. 5S, Hamlet of Fultonville, Montgomery County, NY. This investigation and delineation were completed on behalf of PV Engineers, DPC/Borrogo Solar Systems, Inc on October 15th, 2020. The intent of the visit was to identify and delineate the boundaries of Wetlands and Waters of the United States (WOTUS), as well as determine the 100-foot adjacent area of any New York State Department of Environmental Conservation (NYSDEC) mapped wetlands, and determine ordinary high water (OHW) for the streams located within the confines of the project site.

The surveyed parcels consisted of approximately 47.1 acres and is herein referred to as the Site. The Site is accessed from the south side of NYS Rte. 5S and continues approximately 0.47 mile south. The tax lot consists of a flag lot and a narrow strip of land that significantly widens approximately 0.25 mile south of Rte. 5S. The Site consists of a single-family residential building and accessory structure at the northern portions, followed by an access road leading to fallow, mowed agricultural fields. Several areas of undeveloped woodlands are present on the periphery of the property as well as within some interior portions. A perennial stream is present at the northeastern portions of the property. No wetlands were identified or mapped as a result of this delineation. Photographs of the site and figures depicting the photo locations (Figures 1) are attached. The survey area is adjoined by agricultural fields, shrub and forested lands, and residential properties.

Prior to the field survey effort, several sources were consulted to obtain background information. These sources include: the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper (ERM), the National Wetlands Inventory (NWI) Map published by the United States Fish and Wildlife Service (USFWS), the Montgomery County Soil Survey Map, Federal Emergency Management Agency (FEMA) floodplain mapping and aerial photography.

The ERM was consulted in order to determine the potential presence of state-regulated wetlands at the site. Based upon a review of the ERM, no state-regulated wetlands were identified within or proximate to the site. In addition, NWI mapping also revealed no potential federally protected wetlands on the site. One 876-182 class C mapped stream was listed by the ERM mapper (see Figure 1). This stream (Stream 1) briefly dips into the northeastern portions of the site.

Stream 1 is a perennial stream that originates off-site east of the property and flows approximately 667 linear feet on-site, exiting the project limits at the northeastern portions where it continues to flow north (see Figure 1). The stream varies from 15-to-30 feet wide and three-to-24 inches deep along its length. The substrate is composed of silt, pebbles, cobbles, and sparse leaf litter. Minimal sediment was noted in the majority of the stream. Small pockets of sandy silt were observed within the stream limits. Stream 1 is considered a Water of the United States (WOTUS) and is anticipated to be under the jurisdiction of the USACE as an (a)(8) water.

As the stream is classified as a Class C mapped streams, it is not currently subject to Article 15 of the New York State Environmental Conservation Law (ECL). This same stream continues north towards the Mohawk River, just to the east of the project boundary.

It should be noted that a drainage channel was observed within the wooded west-central portions of the site. This area drains from a higher elevation (south) to lower (north). Flow within this drainage channel was noted to be ephemeral and therefore not under the jurisdiction of the USACE or NYSDEC. The flow continues as ephemeral sheet flow east to Stream 1. Additional drainage channels found onsite are also considered ephemeral.

The county soil survey shows that the site contains the following mapped soils: Cut and fill land (CFL), Fredon silt loam (Fr), Howard gravelly silt loam, three-to-eight percent slopes (HrB), Howard gravelly silt loam, 15-to-25 percent slopes (HrD), Howard soils, very steep (HTF), Lansing silt loam three-to-eight percent slopes (LaB), Lansing silt loam, eight-to-15 percent slopes (LaC), Lansing silt loam (LaD), Palmyra gravelly silt loam eight-to-15 percent slopes (PmC), Phelps gravelly loam, three-to-eight percent slopes (PpB), Plainfield loamy sand, and three-to-ten percent slopes (Psb). Soil map units Fr, HrB, LaB, and PpB are classified as Prime Farmland. Soil map units LaC and PmC are classified as Farmland of statewide importance.

This wetland delineation effort resulted in the identification of no wetlands. The lack of wetlands at the subject property was determined based on the absence of hydric soil indicators, hydrophytic vegetation, and wetland hydrology indicators.

A Jurisdictional Determination (JD) would need to be requested from the USACE if development is pursued. Discharges of dredged or fill material into Waters of the United States (i.e. jurisdictional wetlands and streams) for the construction of land-based renewable energy production facilities, including attendant features would need to be authorized by a Nationwide Permit (NWP).

If you have any questions or require additional information, please do not hesitate to contact Markku McGlynn in our Albany Office or at mmcglynn@shumakerengineering.com.

Very truly yours,

**SHUMAKER CONSULTING ENGINEERING
& LAND SURVEYING, D.P.C.**

A handwritten signature in black ink that reads "R Marino". The signature is written in a cursive, flowing style.

Raymond Marino
Environmental Scientist II

RJM/

Enclosures

- Site Location Map and Stream Overview Map
- Project Site Photo Sheet



Legend	
	Drainage Features
	NWI Wetlands
	Ephemeral Flow Drainage Area
	Stream
	Photograph Location
	NYSDEC Wetlands
	Project Boundary

**FIGURE 1
SITE LOCATION MAP**

2621 NY-5S
Fultonville, New York
Montgomery County

0 550 1,100 Feet

1 inch = 549.835533 feet
1:6,598

County Coverage: Montgomery Client Name: Borrego Solar Systems, Inc.



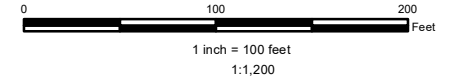
Stream 1
Class C - 876-182

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend	
	Drainage Features
	Ephemeral Flow Drainage Area
	Stream
	NWI Wetlands
	NYSDEC Wetlands
	Project Boundary

FIGURE 2
STREAM OVERVIEW MAP

2621 NY-5S
Fultonville, New York
Montgomery County



County Coverage: Montgomery

Client Name: Borrego Solar Systems, Inc.



PHOTOGRAPHS

Project Name & Job Number: 2621 NYS Rte. 5S – 14393.87

Project Address(es): 2621 NYS Rte. 5S, Hamlet of Fultonville, Montgomery County, NY

Photo Number: 1

Photo Date: October 15, 2020

Photo Location: 2621 NYS Rte. 5S, Fultonville, Montgomery County, NY

Direction Facing: South

Photo Description: The mowed fields at the southern portions of the property



Photo Number: 2

Photo Date: October 15, 2020

Photo Location: 2621 NYS Rte. 5S, Fultonville, Montgomery County, NY

Direction Facing: West

Photo Description: Eastern portions of the site proximate to the border of the fields and wooded areas.



Photo Number: 3

Photo Date: October 15, 2020

Photo Location: 2621 NYS Rte. 5S, Fultonville, Montgomery County, NY

Direction Facing: East

Photo Description: Representative photo of the wooded portions of the site.



Photo Number: 4

Photo Date: October 15, 2020

Photo Location: 2621 NYS Rte. 5S, Fultonville, Montgomery County, NY

Direction Facing: South

Photo Description: The drainage channel at the central portions of the subject property (non-jurisdictional).



Photo Number: 5

Photo Date: October 15, 2020

Photo Location: 2621 NYS Rte. 5S, Fultonville, Montgomery County, NY

Direction Facing: East

Photo Description: The on-site portions of the stream located at the northeastern portions of the site.

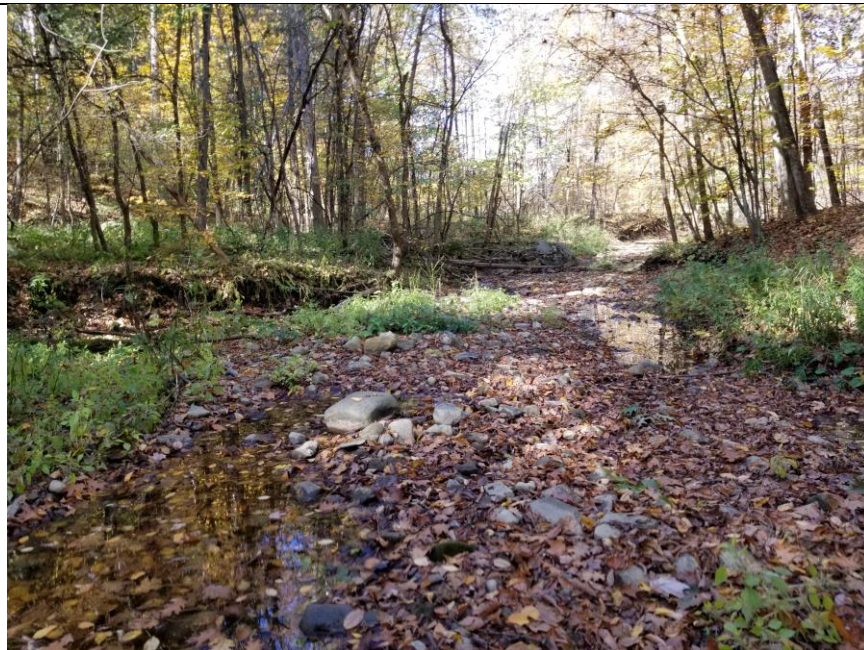


Photo Number: 6

Photo Date: October 15, 2020

Photo Location: 2621 NYS Rte. 5S, Fultonville, Montgomery County, NY

Direction Facing: West

Photo Description: The fields at the northern portions of the subject property.



Photo Number: 7

Photo Date: October 15, 2020

Photo Location: 2621 NYS Rte. 5S, Fultonville, Montgomery County, NY

Direction Facing: South

Photo Description: The access path connecting the northern portions of the site to the southern portions.



Photo Number: 8

Photo Date: October 15, 2020

Photo Location: 2621 NYS Rte. 5S, Fultonville, Montgomery County, NY

Direction Facing: East

Photo Description: NYS Rte. 5S adjoining the subject property.



Appendix N

NYS OPRHP Letter



Parks, Recreation and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

ARCHAEOLOGY COMMENTS

Phase IA/IB Archaeological Survey Recommendation
Project: Glen Solar Project/7.09 MW/22 of 45.7 Acres
PR#: 20PR08105
Date: 2/18/2021

Your project is in an archaeologically sensitive location. Therefore, the State Historic Preservation Office/Office of Parks, Recreation and Historic Preservation (SHPO/OPRHP) recommends a Phase IA/IB archaeological survey for components of the project that will involve ground disturbance, unless substantial prior ground disturbance can be documented. A Phase IA/IB survey is designed to determine the presence or absence of archaeological sites or other cultural resources in the project's Area of Potential Effects (APE).

SHPO/OPRHP does not typically recommend Phase IB subsurface testing of the entire APE for a solar facility. However, for this project, we ARE recommending subsurface archaeological testing of the entire area of the solar facility, due to the potential at that location for a substantial Native American archaeological site(s) with numerous sensitive archaeological features.

If you consider the entire project area to be disturbed, documentation of the disturbance will need to be reviewed by SHPO/OPRHP. Examples of disturbance include mining activities and multiple episodes of building construction and demolition. Documentation of ground disturbance typically consists of soil bore logs, photos, or previous project plans. Agricultural activity is not considered to be substantial ground disturbance.

Please note that in areas with alluvial soils or fill archaeological deposits may exist below the depth of superficial disturbances such as pavement or even deeper disturbances, depending on the thickness of the alluvium or fill. Evaluation of the possible impact of prior disturbance on archaeological sites must consider the depth of potentially culture-bearing deposits and the depth of planned disturbance by the proposed project.

Our office does not conduct archaeological surveys. A 36 CFR 61 qualified archaeologist should be retained to conduct the Phase IA/IB survey.

Please also be aware that a Section 233 permit from the New York State Education Department (SED) may be necessary before archaeological fieldwork is conducted on State-owned land. If any portion of the project includes the lands of New York State, you should contact the SED before initiating survey activities. The SED contact is Christina Rieth and she can be reached at (518) 402-5975 or christina.rieth@nysed.gov. Section 233 permits are not required for projects on private land.

If you have any questions concerning archaeology, please contact Jessica Schreyer at Jessica.Schreyer@parks.ny.gov.

New York State Historic Preservation Office

Guidelines for Solar Facility Development Cultural Resources Survey Work

(7-30-2020)

The New York State Office of Parks, Recreation and Historic Preservation's Division for Historic Preservation ("Division") has established the following guidance for the assessment of historic and cultural resources associated with the development of ground-mounted solar facility projects in New York State.

Visual Impact Area for Historic Resources

Establish a project Zone of Visual Impact ("ZVI") as follows:

1. Solar arrays covering less than 20-acres.
 - a. Documentation* of all properties that are 50-years of age or older immediately adjacent to or within the project boundary.
2. Solar arrays covering 20 to 50-acres.
 - a. Complete a GIS analysis of areas that will have positive visibility of the solar field based upon topography only (do not factor in vegetation).
 - b. A survey** of all properties 50-years old or older within one-half mile of the solar array ZVI should be completed by a 36 CFR 61 qualified consultant.
3. Solar arrays covering 50 to 100-acres.
 - a. Complete a GIS analysis of areas that will have positive visibility of the solar field based upon topography only (do not factor in vegetation).
 - b. A survey** of all properties 50-years old or older within 1-mile of the solar array ZVI should be completed by a 36 CFR 61 qualified consultant.
4. Solar arrays covering 100 acres or more.
 - a. Complete a GIS analysis of areas that will have positive visibility of the solar field based upon topography only (do not factor in vegetation).
 - b. A survey** of all properties 50 years old or older within 2-miles of the solar array ZVI should be completed by a 36 CFR 61 qualified consultant.
 - c. Identification of any New York State and/or National Register listed property or district or National Historic Landmark within 5-miles of project ZVI.

**Documentation will include digital images of main building(s) and outbuilding(s), street address, map location, and date of construction (if known).*

*** The determined distance of survey from the solar field is for those areas that fall within the ZVI as established by the GIS analysis only. Qualified (36 CFR 61) consultants are required to document only those properties that in their professional opinion may meet the National Register criteria.*

Historic Resources Survey

1. The survey will initially identify all properties (buildings, structures, sites, historic districts) within the ZVIs defined above that were previously determined eligible for inclusion in or are already listed in the New York State and National Registers of Historic Places using the Division's Cultural Resource Information System (CRIS).
2. The Division's Survey/National Register Unit Staff will assess eligibility for all newly identified properties as well as properties recorded in previous survey efforts whose integrity has changed significantly since the original determination.
3. For documentation of buildings in Category 1 above (less than 20-acres), the Division will assess submitted building information for eligibility directly. While a full Survey Report is not required for projects of this scale, documentation must include, at a minimum, clear digital images taken from ground level and showing the front and sides of the main building and any associated outbuildings; address and map location; and date of construction (if known).
4. For survey of Visual Impact Area Categories 2, 3 & 4 above (greater than 20 acres), the following process will apply:
 - a. Surveyor needs to be 36 CFR 61 qualified to make determinations of National Register eligibility.
 - b. Surveyor will submit the proposed ZVI and Methodology/Survey Work Plan to CRIS prior to undertaking any survey field work.
 - c. Upon approval of the ZVI and Methodology/Survey Work Plan, the project surveyor will be given access to the Trekker mobile survey application for the survey field work.

- d. Upon completion of the field work the surveyor will submit the digital Trekker survey forms for review by Survey/National Register Unit Staff.
- e. The final steps in the survey process will be to submit a pdf of the Historic Resources Survey Report and a separate Annotated Properties List in Excel via CRIS. The standalone Excel spreadsheet is to include the following fields: property name (if any); address; municipality; county; USN (if any); current NRHP status; current/proposed NRHP criteria/recommended area(s) of significance; integrity; recommended NRHP status; and a primary image.

Appendix O

NYSDOT

New York State Department of Transportation

Commercial Access Highway Work Permit Application and Checklist

INSTRUCTIONS FOR USE

The PERM 33-COM Application and Checklist is used to apply for a Commercial Access Highway Work Permit. It is designed to provide applicants with step-by-step design guidance and other information needed to generate a complete and accurate plan submission at each stage of the permit review process. A complete and accurate plan submission will allow NYSDOT to review and approve the permit more quickly.

Applicants should complete the required section(s) of this application/checklist at each of the three stages of the review process, and it should be submitted along with plans to the appropriate Regional Permit Coordinator (RPC). The RPC will review the plan submission and notify the applicant when the submission is complete and ready to move into the next stage of review, or may respond with comments and recommendations that the applicant must address before resubmitting.

Contact information for Regional Permit Coordinators can be found at [Regional Permit Coordinators](#).

Any exceptions to the standards or requirements identified here must be noted in the comments section, with any justification attached. The checklist must be printed and signed, and submitted with plans. It is recommended that applicants save the document on their computer to be updated with each submission.

Stage 1:	Initial Proposal Review	Questions 1.1 to 1.7	Pages 3-6
Stage 2:	Design Review	Questions 2.1 to 2.14	Pages 7-15
Stage 3:	Final Submission Review	Questions 3.1 to 3.10	Pages 16-19

EXPEDITED REVIEW FOR A COMMERCIAL ACCESS HIGHWAY WORK PERMIT

If your proposed commercial access project meets certain criteria, an Expedited Review of the application may be available. Go to www.dot.ny.gov/permits-expeditedreview to find out if your project meets the criteria necessary to be processed as an Expedited Review. If your project meets these criteria, contact the [Regional Permit Coordinator](#) for further guidance on developing your submission.

Review Stage <i>Applicant to check one</i>	Date Submitted <i>Applicant to identify date</i>	Date Received <i>NYSDOT to identify date</i>
<input checked="" type="checkbox"/> Initial Proposal Review	04/02/21	
<input type="checkbox"/> Design Review		
<input type="checkbox"/> Final Submission		

- OR -

<input type="checkbox"/> Expedited Review		
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RESPONSIBILITIES OF PERMITTEE PURSUANT TO HIGHWAY WORK PERMIT

NOTE: FAILURE TO OBTAIN A PERMIT OR FAILURE TO COMPLY WITH THE TERMS OF A PERMIT MAY RESULT IN THE DEPARTMENT HALTING THE ACTIVITY FOR WHICH A PERMIT IS REQUIRED UNTIL A PERMIT HAS BEEN OBTAINED, OR UNTIL ADEQUATE CORRECTIONS HAVE BEEN MADE.

1. LIMITATIONS ON USE: The specific site identified in this Highway Work Permit, and only that site identified, will be available for use by Permittee only for the purpose stated in this Permit and only on the date(s) and for the duration designated in this permit. This Permit does not authorize any infringement of federal, state or local laws or regulations, is limited to the extent of the authority of NYSDOT and is transferable and assignable only with the written consent of the Commissioner of Transportation. The Commissioner reserves the right to modify fees and to revoke or annul the Permit at any time, at his/her discretion without a hearing or the necessity of showing cause.

2. CONDITIONS OF USE: NYSDOT makes no affirmation that the state-owned site used for the work has been designed, constructed, or maintained for the purpose of the conduct of the work. The Permittee assumes full responsibility for planning and conducting a safe and orderly project that does not expose workers or the public to any unreasonable hazards and that involves a minimal disruption of the normal uses of the state and local highway systems. **It shall be the sole obligation of the Permittee to determine whether the site is suitable for the purpose of safely conducting the work.** The Permittee assumes all responsibility for assuring that the use of the highway/property conforms to applicable requirements of law, including, but not limited to those set forth herein. Permittee agrees to assure compliance with New York State Labor Law, industrial regulations and OSHA regulations and to assure the safety of all workers who will be engaged to do the permitted work.

3. INSURANCE COVERAGE: Permittee must have the insurance that is required for the type and extent of the work being performed. To comply with this requirement, an applicant must furnish the Department with one of the following (For further information, see Section 3.17, or go to www.dot.ny.gov/permits-insurance):

- A completed **Certificate of Insurance** evidencing the required types and limits of insurance coverage, with the New York State Department of Transportation named as an additional insured on the commercial general liability policy. An industry standard ACORD 25 form (with ACORD 855 New York Construction Certificate of Liability Insurance Addendum) is acceptable evidence of the required coverage. Certificate Holder should be indicated as New York State Department of Transportation, with the address of the issuing regional office.
- Municipalities, Public Utilities, Transportation Corporations, Public Service Corporations and Railroads may provide a fully executed **Undertaking Agreement** as an alternative to providing the insurance certificate.

4. COMPENSATION AND DISABILITY INSURANCE COVERAGE: Permittee is required to have compensation insurance and disability coverage as noted in the provisions of the Worker's Compensation Law and Acts amendatory thereof for the entire period of the permit, or the permit will be invalid. Applicant must provide proof of coverage (Form C-105.2, U-26.3 or SI-12 for Worker's Compensation, and DB-120.1 or DB-155 for Disability Benefits), or provide proof of exemption from this requirement (Form CE-200).

5. INDEMNIFICATION: Permittee agrees that, in addition to any protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations; whether undertaken by Permittee's own forces or by contractor or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT and their agents from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of any claim, including but not limited to claims for personal injuries, property damage or wrongful death and/or environmental claims, in any way associated with the Permittee's activities or operations, no matter how caused.

6. NOTIFICATION: The following should be notified at the appropriate time as shown below:

- Commissioner of Transportation, through the NYSDOT regional office, one week prior to commencing work.
- Area gas distributors, 72 hours prior to any blasting.
- Utility companies with facilities in work areas, before starting work (in accordance with Industrial Code 53).
- Permission from utility company must be obtained before commencing work affecting the utilities' facilities.
- NYSDOT regional signal maintenance shop, 3 days prior to starting work (traffic signal work).
- NYSDOT regional office, at conclusion of work, and return original copy of permit to Resident Engineer.

7. SITE CARE AND RESTORATION: A bond, deposit (bank cashier's check), or a Letter of Credit, in an amount designated by the Department of Transportation, may be required before a permit is issued, in order to guarantee restoration of the site to its original condition. A fully executed Undertaking Agreement may be accepted as an alternative security, where applicable.

If the Department is obliged to restore the site to its original condition, the costs to the Department will be deducted from the amount of the Permittee's deposit at the conclusion of the work. Costs in excess of the bond/deposit on file will be billed directly to the Permittee. If Permittee posts a Letter of Credit, the Department may elect to have a contractor restore the site, and issue a draft drawn against the Letter of Credit as payment.

Anyone working within state highway right-of-way will wear high visibility apparel and hard hat meeting ANSI Class 2 requirements.

No unnecessary obstruction is to be left on the pavement or the state highway right-of-way, or in such a position as to block warning signs during non-working hours.

No work shall be done to obstruct drainage or divert creeks, water courses or sluices onto the state highway right-of-way.

All false work must be removed and all excavations must be filled in and restored to the satisfaction of the Resident Engineer or his designee.

8. COSTS INCURRED BY ISSUANCE OF THIS PERMIT: All costs beyond the limits of any liability insurance, surety deposits, etc. are the responsibility of the Permittee. The State shall be held free of any costs incurred by the issuance of this permit, direct or indirect.

9. SUBMITTING WORK PLANS: The applicant will submit work plans and/or a map as required by the Department. This shall include such details as measurements of driveways with relation to nearest property corner, positions of guys supporting poles and a schedule of the number of poles and feet of excavation necessary for completion of the work on the State right-of-way. A description of the proposed method of construction will be included.

Plan work with future adjustments in mind, as any relocation, replacement or removal of the installation authorized by this permit and made necessary by future highway maintenance, reconstruction or new construction, will be the responsibility of the Permittee.

Driveway plans should be prepared in accordance with NYSDOT POLICY AND STANDARDS FOR ENTRANCES TO STATE HIGHWAYS.

The Permittee must coordinate the work with any State construction being conducted.

10. TRAFFIC MAINTENANCE: A plan detailing how the Permittee intends to maintain and protect traffic shall be submitted with work plans. Traffic shall be maintained on the highway in a safe manner during working and non-working hours until construction is completed. The Permittee is responsible for traffic protection and maintenance, including adequate use of signs, barriers, and flag persons during working and non-working hours until construction is completed. All sketches will be stamped with "MAINTENANCE OF TRAFFIC SHALL BE IN CONFORMANCE WITH THE NATIONAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES."

11. COST OF INSPECTION AND SUPERVISION: Prior to issuance of the Highway Work Permit, the Permittee may be required to sign an INSPECTION PAYMENT AGREEMENT FOR HIGHWAY WORK PERMITS (FORM PERM 50) agreeing to the payment of construction inspection charges, based on the number of work days involved. In certain cases, the Permittee may also be required to sign a PAYMENT AGREEMENT FOR HIGHWAY WORK PERMITS DESIGN REVIEW (FORM PERM 51) agreeing to design review charges, based on the number of work hours in which Department employees were engaged in design review activity.

12. SCOPE:

- Areas Covered:** Permits issued are for highways, bridges and culverts over which the New York State Department of Transportation has jurisdiction. (Local governments issue permits for highways under their jurisdiction.) Work locations must be approved by the Department.
- Maintenance:** Property owners having access to a state highway shall be fully responsible for the maintenance of their driveway in accordance with POLICY AND STANDARDS FOR ENTRANCES TO STATE HIGHWAYS.
- Work Commencement:** The Permittee shall have a copy of the permit available at the site during the construction period. Work should start within 30 days from validation date of permit or said permit may be revoked.

13. REPORTING ACCIDENTS: Permittee is required to report any accidents that occur during the course of the permit work to their insurance company, and to provide the Department with a copy of any such report.

14. COMPLETION OF PROJECT: Upon completion of the work within the State highway right-of-way authorized by the work permit, the person and his or its successors in interest shall be responsible for the maintenance and repair of such work or portion of such work as set forth within the Terms and Conditions of the Highway Work Permit.

Stage 1: Initial Proposal Review

In the Initial Proposal Review, an applicant should provide the following basic information about the proposed project concept and scope. A face-to-face meeting with the applicant is typically held during this review, and a representative of the impacted municipality is invited to attend. Your NYSDOT Regional Permit Coordinator can provide answers to any questions concerning the driveway design and the permit review process.

Complete questions 1.1 through 1.7 and submit this application/checklist, along with plans to the Regional Permit Coordinator. The Department will review the submission and respond with comments and recommendations that need to be addressed before continuing to Stages 2 (Design Review) and 3 (Final Submission).

1.1 Contact Information

A.	Name of Applicant <input type="text" value="Greg Gibbons, P.E."/>
	Number and Street (mailing address) <input type="text" value="30 Century Hill Drive Suite 301"/>
	City <input type="text" value="Latham"/> State <input type="text" value="NY"/> Zip Code <input type="text" value="12110"/>
	Daytime phone <input type="text" value="(315) 378-9567"/> E-mail address <input type="text" value="ggibbons@borregosolar.com"/>
B.	Name of Property Owner (if different) <input type="text" value="Jeffrey A. Lanfear"/> <input type="checkbox"/> Same as Applicant
	Number and Street (mailing address) <input type="text" value="3247 State Highway 30A"/>
	City <input type="text" value="Fultonville"/> State <input type="text" value="NY"/> Zip Code <input type="text" value="12072"/>
	Daytime phone <input type="text" value="(518) 527-0373"/> E-mail address <input type="text" value="N/A"/>
C.	Firm Name of Consultant (if applicable) <input type="text" value="Borrego Solar Systems, Inc"/> <input type="checkbox"/> Agent for Applicant
	Contact Name <input type="text" value="Greg Gibbons, P.E."/>
	Number and Street (mailing address) <input type="text" value="30 Century Hill Drive Suite 301"/>
	City <input type="text" value="Latham"/> State <input type="text" value="NY"/> Zip Code <input type="text" value="12110"/>
	Daytime phone <input type="text" value="(315) 378-9567"/> E-mail address <input type="text" value="ggibbons@borregosolar.com"/>

1.2 Property Location Information

Number and Street (include State Route Number)

City/Town/Village

Zip Code

Nearest Cross Street with Distance and Direction:

Between State Highway Reference Markers:

to

[NYSDOT Reference Marker Manual](#)

Approximate Latitude and Longitude of Proposed Driveway:

[Find Latitude and Longitude](#)

Comment:

1.3 Project Name and Brief Description of Proposed Work

Project or Development Name 2621 State Highway 5S Solar Project

State Highway Number 5S **Municipality** Fultonville (Town of Glen)

Brief Description of Proposed Work

5 MW AC Community Solar Facility. Two-way minor commercial driveway is proposed. Long-term access will consist of four or five trips annually for maintenance (equipment maintenance or mowing). The driveway is existing and currently shared with an abutting property and access will be maintained throughout and upon completion of the project. Minor revision to existing cable guide rail to widen driveway.

1.4 Anticipated Permit Type and Fees

Permit fees are payable at Final Submission (except 5a4).

MINOR COMMERCIAL: Less than 100 vehicles/hour entering volume and no anticipated mitigation on state highway:

- 5a2 Minor Commercial - Permit Fee \$550
- 5a2a Minor Commercial (Home Business) - Permit Fee \$100

MAJOR COMMERCIAL: 100 + vehicles/hour entering volume and/or anticipated mitigation on state highway:

- 5a3 Major Commercial (<100K sq. ft. GBA) - Permit Fee \$1,400
- 5a4 Major Commercial (100K sq. ft.+ GBA) - Permit Fee \$2,000
\$2,000 fee due at time of application, with balance of actual design review costs payable when billed.

SUBDIVISION STREET:

- 5a5 Permit Fee \$900

Comment:

1.5 Maps and Plans

The following maps and plan information should be submitted. Check all that are included with the Initial Proposal Review Submission:

- Location map with subject property identified (Google or Bing mapping is suitable)
- Tax map showing the subject parcel and all parcels immediately adjacent to it
- Survey of property (a plat is acceptable)
 - Right-of-way acquisition or donation is anticipated
- Available record plans
- Limits and legal description of any easements on the property, as well as on any adjacent parcels, must be clearly depicted on the submitted plans.
- Initial Proposal Plan (sketch)

It is recommended that this be shown on an aerial photo. The sketch should show the following, with labels:

- proposed driveways
- type of driveway (one-way or two-way)
- existing and proposed parking areas
- existing and proposed buildings
- dimensions for building offsets from property lines
- distances from proposed driveway(s) to any intersection within 1000 ft. (300 m)
- distances to any other driveways within 500 ft. (150 m)
- streets, roads and properties opposite the subject property

Comment:

1.6 Traffic Impacts		
A.	Briefly describe the type of development that will be served by the driveway(s): Community Solar Facility	Comment:
B.	Average Annual Daily Traffic (AADT) for the highway: 3,759 <i>AADT is available online through the NYS DOT Traffic Data Viewer.</i>	Comment:
C.	Posted speed on state highway where entrance will be placed: 55 mph	Comment:
D.	Number of one-way vehicular trips for the proposed driveway: AM Peak Hour: 8 : 00 a.m. to 9 : 00 a.m. AM Peak Volume: 3 PM Peak Hour: 5 : 00 p.m. to 6 : 00 p.m. PM Peak Volume: 3 If the proposed access is for retail use, please provide: Saturday Peak Hour: 12 : 00 a.m. to 12 : 00 p.m. Saturday Peak Volume: 0 <i>Trips generated should not be reduced by pass-by or other credits.</i>	Comment: Less than one for the solar site. The adjacent house will be the primary user. Proposed used is commercial.
E.	How was the number of vehicular trips determined? <input type="checkbox"/> Similar development history <input type="checkbox"/> ITE Trip Generation Manual <input checked="" type="checkbox"/> Estimate from a NYS Licensed Professional Engineer	Comment:
F.	Is a Traffic Impact Study (TIS) required? <input checked="" type="checkbox"/> A TIS is not required <input type="checkbox"/> A TIS is required, and is in progress <input type="checkbox"/> A TIS is required, and is attached <input type="checkbox"/> Not sure if a TIS is required, need more information <i>Guidance on how to determine if a Traffic Impact Study is needed, and what elements should be included, can be found at https://www.dot.ny.gov/CommercialHWP/traffic-impact.</i>	Comment:

1.7 Environmental Impact

A.	State Environmental Quality Review (SEQR) Lead Agency: <input type="text" value="Town of Glen Planning Board"/>	Comment: <input type="text"/>
B.	SEQR Type <i>Select one:</i> <input checked="" type="checkbox"/> Type I <input type="checkbox"/> Type II <input type="checkbox"/> Unlisted	Comment: <input type="text"/>
C.	SEQR Status: <i>SEQR (State Environmental Quality Review) documentation must be complete before a permit will be issued.</i> <input type="checkbox"/> The lead agency has not yet been notified of the action <input checked="" type="checkbox"/> The lead agency has been notified of the action and the SEQR process is underway <input type="checkbox"/> The SEQR process is complete and the lead agency has made a declaration (<i>Attach a copy of the determination, if available</i>) Highway Design Manual (HDM) Section 5A.2.1.3 – SEQRA Coordination	Comment: <input type="text"/>

ACKNOWLEDGMENT: I HEREBY REQUEST A HIGHWAY WORK PERMIT, AND DO ACKNOWLEDGE AND AGREE TO THE RESPONSIBILITIES OF PERMITTEE AND OTHER OBLIGATIONS SET FORTH IN THIS PERMIT AND WARRANT COMPLIANCE THEREWITH.

Gregory Gibbons

04/02/21

APPLICANT SIGNATURE

DATE

Gregory Gibbons, P.E.

PRINTED APPLICANT NAME



STOP HERE for an Initial Proposal Review Stage Submission

Print this application/checklist, sign above and submit along with plans to the Regional Permit Coordinator. Save this document on your computer to update for future stage submissions.

Appendix P

**Operations & Maintenance
Manual**

Stormwater Management Operations and Maintenance Manual

New York State DEC SPDES
General Permit 0-20-001

5,000 kW Solar Energy
Generating Facility

For Construction Activities at:

Address: 2621 Route 5S
Town of Glen
County of Montgomery, New York

SWPPP Prepared by:

PV Engineers, P.C.
c/o Borrego Solar Systems, Inc. 55
Technology Drive, Suite 102
Lowell, MA 01851
Dated: May 2022

Estimated Project Dates:

Project Start Date: FALL 2022
Project Completion Date: FALL 2023
SPDES Permit No: TBD