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July 03, 2024

Town of Marlborough
Planning Board
21 Milton Turnpike, Suite 200
Milton, NY 12547

Attn: Chris Brand, Planning Board Chair

**RE: ELP MARLBOROUGH SOLAR
335 BINGHAM ROAD, TOWN OF MARLBOROUGH, NEW YORK
TAX MAP ID: 108.3-3-21
TECHNICAL REVIEW COMMENTS – RESPONSE LETTER #2
C&A # 4996.26**

Dear Chair Brand:

Thank you for your time and attention at the April 15, 2024, Planning Board meeting in relation to the Site Plan Review Application that was submitted for ELP Marlborough Solar, located at 335 Bingham Road. Crawford & Associates Engineering (C&A) is in receipt of a comment letter dated April 23, 2024 from the Town's consultant, Patrick J. Hines, MHE Engineering, D.P.C. We have reviewed the comments from MHE and offer responses herein for the Board's consideration. Please see original comments from MHE below in **bold**, C&A responses in *italics*.

- 1. Section 155-32.2D(2) Submission of written proof from the local utility company acknowledging that the solar energy facility will be interconnected to the utility grid.**

Please see enclosed Interconnection Agreement between the Applicant and Central Hudson.

- 2. The proposed is proposed as a Special Use requiring Public Hearing upon a determination of a complete application.**

Comment noted.

- 3. A Stormwater Pollution Prevention Plan must be prepared for the site.**

It is anticipated that an Erosion & Sediment Control Only SWPPP will be prepared and a SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001, will be obtained prior to issue of Building Permit and commencement of construction. The Applicant will provide a

draft SWPPP to the Board for review.

4. **The proposed solar project must follow the DEC Solar Panel Guidance and the Maryland Department of Environment Stormwater Design Guidance for solar installations (as required by the NYSDEC). The proposed solar panels are not parallel to the contours, therefore the solar panels are considered an impervious surface based on guidance received in NYSDEC workshops. SWPPP must address the location of the solar panels on slopes greater than 10% and not parallel to the contours.**

The proposed solar panel layout has been revised to a fixed tilt configuration, located generally parallel to the contours as described in the NYSDEC Solar Panel Guidance and associated memo.

5. **The 8 ft. height fencing height proposed, where a minimum fence height is 7 feet.**

Comment noted.

6. **A Decommissioning Plan has been submitted for the project. No cost estimate for the decommissioning is included in the plans.**

The Decommissioning Plan includes a cost estimate of \$113,414, based on VC Renewables' standard solar decommissioning cost calculation methodology. Please see decommissioning cost estimate breakdown for review.

7. **Decommissioning security must be posted as a condition of approval. Decommissioning security must be in a form acceptable to the Town Attorney and Town Board.**

As described in the Decommissioning Plan, it is proposed to provide decommissioning security to the Town in the form of either cash, letter of credit, bond, or a combination thereof, to cover the performance of decommissioning the facility at the end of the project's life.

8. **The Central Hudson report identifies multiple mitigations required to permit the connection to their system.**

Comment noted.

9. **Fire Department comments for the battery storage and access with the solar system should be received. Additional information regarding the battery storage must be provided see 155-32.2D(8)(c).**

The Applicant reached out to Chief Troncillo on April 1, 2024 via email and received email correspondence on the same day. In addition, the Applicant emailed Chief Troncillo on April 15, 2024, responding to questions and sharing information pertaining to the site plans, O&M Plan, and NYS Inter Agency Fire Safety Working Group Recommendations. The Applicant will continue to coordinate with the Marlborough Fire Department as needed.

The proposed battery storage equipment cutsheet has been provided within the prior application materials. Proposed Site Plan Note #14 has been added to the site plans to satisfy the requirement identified in 155-32.2D(8)(c). Proposed Site Plan Note #14 reads, "Solar storage batteries, if any, must be placed in a secure container or enclosure meeting the requirements of the New York State

Building Code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town of Marlborough and other applicable laws and regulations.”

- 10. The project is a Type I Action under SEQRA. Coordinated review is required. The Planning Board should consider its Intent for Lead Agency and authorizing circulation of a Notice of Intent for Lead Agency.**

Comment noted.

- 11. Ulster County Planning comments are required. Project should be transmitted to the Town of Newburgh when circulated to Ulster County Planning.**

Comment noted.

- 12. The Planning Board should discuss whether a visual assessment is required. Photo simulation or line of sight drawings could be requested of the applicant.**

Please see enclosed line of sight drawings as requested. Additional renderings / visual simulations will be provided to the Board for review, as requested.

- 13. The applicants have identified that they have submitted the project to OPRHP via the CRIS System. Please provide the submission token number such that SEQRA coordination can be undertaken without issues with OPRHP issuing additional consultation report numbers.**

The CRIS Submission Token is 9QLAQSU9SVQV. OPRHP issued an Effect Finding Letter on April 09, 2024 stating that is it opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project. A copy of the letter from OPRHP is enclosed.

- 14. In compliance with the regulations regarding screening the applicants have identified that two rows of existing orchard vegetation to remain around the perimeter of the project. The Planning Board should evaluate the proposed screening utilizing existing Apple trees, which are deciduous in nature and spaced a distance apart.**

The Applicant has prepared a Landscaping Plan, prepared by a Landscape Architect, for review. The Landscaping Plan incorporates supplemental vegetation, including evergreens and ornamental shrubs.

- 15. We are awaiting submission of an actual survey of the property boundaries and topography.**

Please see enclosed survey by Control Point Associates, Inc., stamped by Patricia Brooks, L.S., including property boundaries and topography. The LIDAR topography was field verified by Control Point Associates, Inc. and measured benchmarks have been identified.

- 16. The Planning Board's attention is called to the requirement for the six above ground utility poles emanating from the proposed access drive. After the six utility poles project will utilize underground electric.**

Comment noted.

If you have any questions regarding the information above, please feel free to contact me at (518) 828-2700 x1138.

Sincerely,
Crawford & Associates
Engineering & Land Surveying, P.C.



Christopher J. Knox, PE
Project Manager II

Cc: Chris Brand, Planning Board Chair (cbrand@marlboroughny.us)
Jen Flynn, Planning Board Secretary (marlboroughplanning@marlboroughny.us)

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