



# Crawford & Associates Engineering & Land Surveying, PC

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November 22, 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 #5  
C&A # 4996.26**

Dear Chair Brand:

Thank you for your time and attention at the November 4, 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 October 30, 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. The plans have been revised to depict a location of a proposed dry hydrant located off of Bingham Road. Comments from the jurisdiction Fire Department should be received.**

*Our office has been in contact with Chief Mike Troncillito via phone and email and has received his request for a 6" NH female swivel connection at the dry hydrant. Detail E/C-501 has been revised to include Note #7, specifying the connection as requested. It is our understanding that Chief Troncillito is satisfied with the plans, as indicated by the enclosed email correspondence.*

- 2. In response to the Lead Agency circulation the DEC identified that the wetland regulations are proposed to change in January 2025. Wetlands on the site are currently not NYSDEC protected however, DEC warns of potential jurisdiction under Article 24 in 2025.**

*Comment noted.*

3. This office and the Planning Board members had concerns regarding the use of orchard trees in the buffer area. Visual simulations shows the orchard trees in a maintained condition. Additional visual simulations have been provided from the rear of the residential property on Bingham Road. The applicants have identified that the orchard trees used for screening purposes will be maintained by the owner of the project and kept pruned and disease free as necessary to remain the health of the trees. The proposed conditions shows Evergreen trees planted. The time frame for the Evergreen trees in the simulation should be identified. The Evergreen trees are at a height significantly above the orchard trees.

*The site plans have been revised to remove the existing orchard vegetation to the east of the solar array and associated fenced area, as requested by the Planning Board at the November 4<sup>th</sup> meeting.*

*As noted in the bottom right corner of the Visual Simulation, the proposed trees are illustrated at approximately 5 years growth. In addition, the proposed white pines are modeled at 18'-25' tall. This assumes 2'-3' growth per year.*

4. In response to previous comments the project has identified compliance with NYSDEC 5 April 2018, guidance and Associated Maryland Department of Environment Guidance. Level spreaders have been incorporated within the proposed panel area at a 100-foot maximum spacing to support maintaining sheet flow of the stormwater runoff.

*Comment noted.*

5. The applicant's representative have provided a noise analysis regarding the solar facility. The noise analysis shows compliance with the Town of Marlborough Zoning Code 105-3. The minimum distance to a property line from the noise sources is 533 feet. Noted that any receptors are located beyond the property boundaries.

*The Noise Assessment has been revised per the request of the Planning Board, as discussed at the November 4<sup>th</sup> Planning Board meeting. The revised Noise Assessment continues to document compliance with the Town of Marlborough Zoning Code 105-3.*

6. A revised SWPPP should be provided. Discussing the use of level spreaders currently proposed.

*The revised SWPPP is included within this submission.*

7. The SWPPP and plans identified limits of disturbance of 21.91 acres. This disturbance will occur in less than 5-acre increments. A phasing plan for the limits of disturbance has been incorporated into the plan set.

*Comment noted.*

8. The SWPPP contains time of year limitations for various work activities. Strict compliance with these shall be required. Compliance with all time of year erosion and sediment control activities should be documented in weekly reports. Soil restoration techniques identified in Section H of the SWPPP are an important part of the SWPPP and must be undertaken for all disturbed compacted area.

*Comment noted. The project shall comply with the SWPPP and all associated inspections and documentation.*

9. **Ground mounted solar energy systems are a special use under Code Section 155-32.2I(3) Special Use Standards.**

*Comment noted. The Applicant has worked with the Town, its consultants, and abutters to ensure that the project meets the Town of Marlborough Zoning Code Special Use Permit Standards and includes satisfactory mitigation measures for a well-planned and beneficial project. Thus, the Applicant requests that the Board grant a Special Use Permit in accordance with Town of Marlborough Zoning Code.*

10. **A decommissioning plan must be approved by the Planning Board and Town Board. The Operations and Maintenance Plan should be incorporated to any approvals by reference. Compliance with the Operation and Maintenance Plan throughout the life of the facility is required. Security for the decommissioning plan shall be in a form acceptable to the Town Attorney should be addressed.**

*A Decommissioning Plan and Operation and Maintenance Plan were previously submitted to the Planning Board for approval. 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 acceptable to the Town Attorney.*

It is our understanding that this response letter in combination with the previous response letters, have addressed all technical review comments. 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](mailto:cbrand@marlboroughny.us))  
Jen Flynn, Planning Board Secretary ([marlboroughplanning@marlboroughny.us](mailto:marlboroughplanning@marlboroughny.us))