



Ray Burger, Director of Planning
Town of Dryden
93 E. Main Street
Dryden, NY 13053

October 20, 2017

Dear Ray,

Please find below for your review a response to the requests raised by T.G. Miller in their letter dated October 18, 2017 (attached hereto).

1. *View study is inconsistent with planting plan C150.*

We believe this comment relates to Viewshed #3 in Attachment H. We will revise the Viewshed #3 analysis to make the tree placement consistent with the screening to be placed along the access road. In addition, we will also revise Attachment L to make drawing C150 consistent with Viewshed #4 in Attachment H.

2. *Is a new access drive proposed on NYS Route 13? Plan 05.1 shows a drive to the AC disconnects. If so has DOT been contacted?*

The proposed access drive to the solar array will be from Ferguson Road (Town Road), utilizing an existing farm access road. The access drive shown on Plan 05-1 is a short access drive to the NYSEG installed utility poles and equipment at the interconnection point to the NYSEG electrical grid on NYS Route 13. This access road may be required by NYSEG for maintenance of their equipment. We will add this access drive on NYS Route 13 to Attachment L (Site Plan Set) so that Plan 05.1 and Attachment L match.

DRS did contact the NYS DOT Regional Permit Director Tina Crowley, and it was communicated that the access drive off NYS Route 13 would not pose a traffic concern or a safety concern to the NYS DOT as it is a limited use (maintenance with no high traffic generation) and not for public use. It was indicated to DRS that the Town of Dryden should review the plan and it would be a Town decision as to the proposed access drive. NYSEG would go through the standard utility permit with the NYS DOT for installation of their equipment.

3. *Are there NYSEG easements and private underground electric easements required for the electric feed from each proposed lot to the point of connection? Are there existing easement on the property that should be shown on the survey? Existing overhead electric easements?*

DRS entered into a lease agreement with the landowner of the proposed solar facility site which grants DRS rights to install an underground feed from the solar arrays to the NYSEG interconnection point. NYSEG easement and permit division will complete any utility easement required for the project with either project owner or landowner, as applicable.



There are existing NYSEG easements on the property which generally run with the existing NYSEG utility lines.

4. *Is there additional information on foundations for the racking system? It appears they are proposing a driven system as opposed to ground screws.*

The racking is to be pile driven into the ground. It is not expected that ground screws will be necessary. In either instance, there are no foundations for the racking system. Pile driven racking or ground screws would not materially impact ground disturbances.

5. *It doesn't appear they are applying any panel setbacks from the proposed lot lines. It would be helpful to have the lot lines and panels overlaid on the same map with setback dimensions shown from the proposed subdivision lines. FEAF Part 1 B.c has marked no ZBA. Is this correct?*

Based on discussions with the town, we did not include any setbacks between the two proposed subdivisions as it was our understanding that the law may be changed (possibly as soon as November) to eliminate set backs on adjacent properties on which the solar projects would be located. This would allow DRS to compact the system and allow for a greater setback from public roads. We will update the EAF to include the ZBA approval in the event the Town does not revise the existing zoning laws prior to this project being up for approval from the Town/Planning Boards.

6. *Is there a lease agreement for the site?*

Yes, there is an executed lease agreement with the project site landowner.

7. *It appears they are proposing a common drive. If so have they submitted a common drive agreement? The survey shows "shared access". Will emergency vehicle access be required?*

There is a single access drive from Ferguson Road that will allow access to both projects. We have not yet submitted a common drive agreement. Our assumption was that this would be pursued after we have final site plan and subdivision approval. If there is something we should be doing now, please let us know and we are happy to submit.

With regards to emergency vehicle access, please let us know if we should contact town emergency services (i.e. fire department) and what sort of feedback we should be requesting.

8. *How did the applicant complete the answer to questions E1-g and h on Part 1 with regards to hazardous waste/site contamination? Has a Phase 1 Environmental Site Assessment been completed or other documentation?*

Question E1-g and E1-h were answered based on NYSDEC Environmental Facilities Mapping, a search of the NYSDEC Environmental Remediation Site Database, and a search of the NYSDEC

Spill Database, as per the NYSDEC FEAF Workbook instructions. These show no remediation sites, spills, or active solid waste facilities in the vicinity of the project site. The FEAF responses have been revised to add this reference information. The search results and mapping have been added as Attachment B. Since the NYSDEC FEAF Workbook provides links to resources which are generally sufficient to respond to these questions, a Phase 1 ESA is generally completed at a later date.

9. *There are no maps or description outlining prime farmland but it is mentioned in Part 1 under Project Description. This analysis should be expanded.*

Question E.3.b of the FEAF asks whether agricultural lands consisting of highly productive soils are present. The NYSDEC FEAF Workbook instructs the Applicant to identify all soils that are prime, or farmland of statewide significance, or identified as being in mineral soil groups 1 to 4. The project area contains mostly the Erie channery silt loam, 3 to 8% slopes (EbB) soil type and the Langford channery silt loam, 2 to 8% slopes (LaB), which are both listed as farmland of statewide importance by the USDA Natural Resource Conservation Service (NRCS). A small area of Bath and Valois soils, 5 to 15% slopes (BgC) exists in the north portion of the site where electrical lines will be installed. This soil type is also listed as farmland of statewide importance. Therefore, the response to Question E.3.b is “yes” for the entire project area.

The Town’s solar energy systems law states that a ground-mounted large-scale solar energy system shall not be located in an area of prime farmland soils as identified by the USDA-NRCS or alternative available resource, unless approved by the Town Board in conjunction with the special use permit approval process, subject to criteria listed in subsection F.3. The USDA NRCS Farmland Classification designates map units as prime farmland, farmland of statewide importance, farmland of local importance, or farmland of unique importance. Prime farmland is defined as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. Soils of unique, statewide, or local importance are not considered prime farmland. Neither the Town’s solar energy system local law nor the Town’s zoning regulations provide a town definition for prime farmland. The Town solar energy system law specifically states “prime farmland”, and therefore, using the USDA NRCS definition of prime farmland, the project is not located over prime farmland. The FEAF Endnote 6 has been revised to add information regarding the classification of the farmland soil types.

10. *Landscaping appears to fall outside of proposed subdivision lot lines. Is there a separate maintenance agreement for plantings? Lots lines should be shown on all drawings.*

We do not currently have a separate maintenance agreement for the plantings but we can get one in place with the landowner to address this issue. We will update the plans to reflect all proposed lot lines. Please refer to the revised drawings C130 and C150.

11. *Is there a preference on chain link fence or agricultural fence? They are proposing 8 feet tall chain link fence.*



Our preference is chain link but if the Town would prefer an agricultural fence we can accommodate.

Please feel free to contact us with any other questions.

Sincerely,

Pete Dolgos