

# T. G. MILLER, P. C.

E N G I N E E R S   A N D   S U R V E Y O R S

605 W. State Street | Ithaca, NY 14850 | phone 607-272-6477 | fax 607-273-6322 | www.tgmillerpc.com

October 7, 2024  
Ray Burger, Director of Planning  
Town of Dryden  
93 E. Main Street, Dryden, NY 13053

Re: Delaware River Solar  
30 Morris Road Solar Facility

Dear Ray,

I have reviewed the revised application materials provided digitally to us on September 10, 2024 along with the applicants response to comments letter also dated September 10, 2024. I have outlined additional information we recommend be provided or revised by the Applicant before commencing the environmental review.

## Operations and Maintenance Plan

1. 5/21/24 TGM Comment: Provide a maintenance schedule for the rain garden on the site. Coordinate with Town attorney for O&M Agreement.

*6/11/24 PWGC Response: Post-construction maintenance for the proposed rain gardens is included as Section 4.4 of the revised Stormwater Pollution Prevention Plan (SWPPP), and Drainage System Operation, Maintenance and Management Inspection Checklist is included as Appendix I in the SWPPP. The revised SWPPP is enclosed. The applicant will coordinate with the Town Attorney for O&M Agreement.*

6/27/24 TGM Comment: Please provide a copy of the O&M Agreement if required based on SWPPP comments below.

*7/11/24 PWGC Response: As the application process progresses, the applicant will work with the Town to develop an Operations and Maintenance Agreement.*

7/19/24 TGM Comment: Comment addressed. Please provide the O&M Agreement to the Town once complete.

**10/7/2024 TGM Comment: Coordinate O&M agreement with Town attorney and record with county clerk.**

## Decommissioning Plan

1. Complete
2. 6/27/24 TGM Comment: What financial mechanism will be used to ensure funds are available for decommissioning? Provide stamped cost estimate by NYS Profession Engineer and compare with NSYSERD decommission recommendations. Will inflation and adjustment values be used?

*7/11/24 PWGC Response: A financial security bond will be provided by the applicant on the NYSERDA recommendations and will be adjusted annually at a 2% escalator to account for inflation. See enclosed bond value estimate. Additionally, see enclosed NYSERDA Guidebook "Decommissioning Solar Panel Systems" dated 2023 which was utilized to produce the bond value estimate. As the site plan process progresses, a NYS PE stamped cost estimate will be provided. It is*

David A. Herrick, P.E.  
Frank L. Santelli, P.E.  
Owen B. Barden, P.E.

Donald M. Harner, P.E.  
LEED A.P., C.P.E.S.C.

Lee Dresser, L.S.  
Darrin A. Brock, L.S.  
Jacqueline L. Dresser, L.S.

our understanding from the meeting held on June 28, 2024, that this could be provided at a later date. PWGC has included an unstamped version of said cost estimate for Town review.

**7/19/24 TGM Comment: The cost estimate seems reasonable. Please update and provide the Town with a NYS PE stamped cost estimate once the site plan is finalized.**

**10/7/2024 TGM Comment: Provide stamped estimate and review final bond with Town attorney.**

3. Completed

#### Visual Assessment

1. Completed

2. Completed

3. Completed

4. 6/27/24 TGM Comment: Has NYSEG reviewed the point of interconnection? Provide additional details to clarify number of poles and any pole mounted equipment that will be necessary. Consider providing an elevation view from the transition point from below ground to above ground connection point to mitigate any potential visual impact.

*7/11/24 PWGC Response: The point of interconnection (POI) located along the north side of the proposed access road on Morris Road has been modified to connect to and upgrade existing infrastructure located along W. Malloryville Road. This proposed location reduces visual impact by eliminating the need for additional tree clearing or new pole installation along Morris Road to the west of the proposed access road. NYSEG has been informed of the POI change and an updated layout has been provided. If required, the applicant will provide a photo-simulation of the transition point from the below ground to above ground connection point. However, it was the applicant's understanding that moving the pole farm further into the access road was satisfactory to the Town Planning Board to reduce visual impact.*

7/19/2024 TGM Comment: Provide additional detail for upgrade to existing NYSEG infrastructure. Will additional poles be required outside project limits? Show full extents of NYSEG upgrade. Suggest providing an elevation view of the interconnect (PCC) location.

**10/7/2024 TGM Comment: Repeat comment. Graphically shows limits of NYSEG upgrade along W. Malloryville Road to show work associated off-site.**

#### SWPPP

1. Completed

2. 6/27/24 TGM Comment: Review routing of the time of concentration between the existing conditions and proposed conditions.

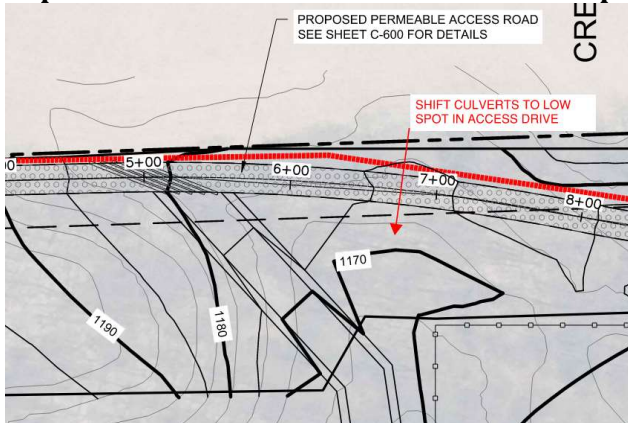
*7/11/24 PWGC Response: The time of concentration between the existing conditions and proposed conditions has been revised and is included in the Stormwater Pollution Prevention Plan (SWPPP). The routing of the TOC for the proposed conditions is based on the change in grade for the property (existing was a combination of wooded hills and grassed pastures; proposed gradual 10% slope). This TOC has been reviewed and confirmed (shown on Sheets C-603 & C-604).*

7/19/24 TGM Comment: The time of concentration should be calculated from the hydraulically most distant point of a watershed. The time of concentration shown on the C-603 begins is in the middle of a much larger watershed that extends up to Morris/W Malloryville Rd. Please provide a drawing of the watershed boundaries, areas, and update time of concentration flow path and

calculations. Alternatively, review use of diversion swales or adjusting location of practices to treat impervious surfaces.

*9/10/24 PWGC Response: A grassed waterway and five (5) 24" CMP culverts have been added north of the project area in order to divert stormwater from offsite to the existing wetlands onsite and away from the proposed rain gardens, therefore the time of concentration has remained the same to focus on the disturbed areas for pre-construction and post construction flows.*

**10/7/24 TGM Comment: Provide offsite watershed delineation. Consider shifting the five culverts south to the apparent low point in the access drive. Consider routing off-site stormwater through the site similar to the existing conditions without the use of a channelized diversion swale. Offsite stormwater could be dispersed through the proposed water bars while maintain a similar flow path. Consider moving rain gardens to capture impervious surface and not route the entire project area through these practices.**



1. Complete
2. 6/27/24 TGM Comment: Clarify why hydrologic soil group (HSG) A was selected for soil types of Phelps gravelly silt loam (PhB) and Fredon silt loam (FdB) which are both listed as B/D.

*7/11/24 PWGC Response: Hydrologic soil groups (HSGs) were identified based on test pits performed by PWGC. The soil boring results are indicated Sheet B-001 and the soil boring locations are indicated on the Conceptual Site*

*Layout Plan (see Sheet C-101) (see enclosed). PWGC utilized HSG-A for the stormwater calculations as HSG-A would require the greatest volume of RRv to be provided through stormwater controls. Though portions of the site have varying HSG-A was chosen for uniformity.*

7/19/24 TGM Comment: In the site plans and HydroCAD calculations 11.04 acres of soil in the preconstruction watershed is classified as row crop, HSG D. In the post construction watershed 0 acres are classified as HSG D. Please explain how the HSG changed from pre to post construction. Additionally, if existing land use is agriculture, the curve number for the pre-developed condition must be modelled as "meadow" not row crop per Section 4.5 of the New York State Design Manual. Please adjust runoff calculations accordingly.

9/10/24 PWGC Response: The hydrologic soil group (HSG) ratings included in the pre- and post-construction conditions (Appendix D of the SWPPP) have been revised for consistency. Additionally, cover types have been broken down into specific areas relating to their HSG ratings. Lastly, the curve number for the pre-developed condition has been modeled as meadow, rather than row crop, per Section 4.5 of the New York State Design Manual. Runoff calculations have been adjusted accordingly.

**10/7/24 TGM Comment: Please clarify how there are 2.9 acres of HSG D soil in the pre-construction model and only 2.19 acres of HSG D soil in the post construction model. Adjust stormwater models as needed.**

3-15 Completed

16. 7/18/24 TGM Comment: Please provide a rain garden detail with a cross-section. Additionally, the rain gardens need to be modeled in the HydroCAD calculations.

*9/10/24 PWGC Response: Cross sections for each rain garden and a rain garden detail have been provided on sheet C-201 of the Site Plans. The rain gardens have also been included in the HydroCAD calculations.*

**10/7/24 TGM Comment: Consider shifting the rain gardens to be immediately downgrade of the inverter pads. If this location is chosen, the rain gardens can be sized based on the smaller drainage area (inverter pad). Provide rain garden sizing calculations in the SWPPP. Provide infiltration testing for Rain Gardens as required per Appendix D in the NYS DEC Stormwater Design Manual. Alternatively, consider use of underdrains. Review allowed ponding depth within a rain garden.**

17. 10/7/24 TGM Comment: Adjust sheet flow lengths for both pre- and post-development conditions to be consistent with the stormwater design manual Section 4.5.

18. 10/7/24 TGM Comment: It appears access to the western field will be truncated with the installation on the solar farm. Please clarify or show graphically how access to the field will be maintained.

#### General Comments

1. 5/21/24 TGM Comment: Please provide the following documents

- a. Complete
- b. Complete
- c. Notice of Ground Disturbance Form

*7/11/24 PWGC Response: Notice of Ground Disturbance is enclosed.*

**7/19/24 TGM Comment: Provided, but impervious area does not match plans or HydroCAD calculations. Please revise. It shows 0.02 acres plans show 0.05 acres.**

**10/7/2024 TGM Comment: Repeat comment.**

- d. Complete
- e. Wetland Delineation Report?

*7/11/24 PWGC: The updated wetlands boundary is shown on the latest site plans. Once a survey is completed and the delineation is verified by the NYSDEC, a final wetland survey and report will be provided.*

**7/19/24 TGM Comment: Provide wetland delineation report when finalized.**

**10/7/2024 TGM Comment: Repeat comment.**

- f. Glare Assessment Survey

*6/11/24 PWGC Response: Regarding the Glare Assessment Survey, a Federal Aviation Administration (FAA) Notice of Criteria Tool, as well as the Panel Specifications, which indicates the proposed solar panels will have anti-glare coating, is enclosed.*

6/27/24 TGM Comment: Incorporate a commitment and requirement to mitigate glare, if any, that is realized from within the existing residential structures that immediately adjoin or are in close proximity to the solar array property boundary. This would require the applicant to install additional vegetative screening of the species and height needed at appropriate line-of-sight locations to intercept the glare. The term of this condition should be at least five years following the date the arrays are fully operational.

*7/11/24 PWGC Response: As noted in PWGC's prior comment letter, the solar panels would be equipped with an anti-glare coating and the Federal Aviation Administration (FAA) notice of criteria tool indicates that the proposed project does not require any notice. Should any glare occur following full operations of the proposed solar facility, additional mitigation measures will be discussed by the applicant with the Town of Dryden.*

**7/19/24 TGM Comment: Review with Town/Planning board. Consider providing condition for glare mitigation as outlined above.**

**10/7/2024 TGM Comment: Repeat comment.**

2. 6/27/24 TGM Comment: Recommend that the applicant consult with NYS Agriculture and Markets regarding land grading activities within an agricultural district, including prime farmlands and highly productive soils. Trenching for underground electric cables or conduits shall follow the NYS Department of Agriculture and Markets "Minimum Construction Standards for Water/Sewer Transmission Mains Located Wholly or Partially in an Agricultural District". Also refer to "Department of Agriculture and Markets Guidelines for Agricultural Mitigation for Solar Energy Projects".

*7/11/24 PWGC Response: PWGC Response: The applicant would consult with NSYDAM as part of submitting the Notice of Intent (NOI) to disturb farmland on a site located with an agricultural district. As indicated on the Prime Soils Impact Map (see Sheet C-501), the proposed action would disturb 3.26± acres of Soil Group 2 (see enclosed). The NYSDAM requires mitigation measures when disturbing more than 10 acres of prime farmland. As such, mitigation measures would not be necessary. However, upon implementation for the proposed action. Topsoil will be stripped and stockpiled for potential future reuse following decommissioning of the solar facility. Additionally, it is noted that while the Guidelines for Agricultural Mitigation for Solar Energy Projects notes electric conduits buried 48 inches or greater can be abandoned in place, the applicant proposes to remove all buried utilities so as not to impact any potential future agricultural use. See the electrical trench detail on Sheet C-600 (Site Details) of the enclosed plans. Please note that the proposed electrical cables would be less than eight-inches outer-diameter.*

*Regarding the electric cables, electrical wiring connections would be positioned on the solar panels via cable trays so they can easily be replaced as needed. The Layout Technical Review plan includes the location of the proposed cable trays (see enclosed).*

**7/19/24 TGM Comment: Is the design intent to stockpile topsoil until the solar facility is decommissioned? If so, I would suggest the topsoil be replaced after final grading is complete to provide adequate growing media. Note on plans to strip, store, and reinstall topsoil.**

**10/7/2024 TGM Comment: Repeat comment.**

3. Complete
4. 6/27/24 TGM Comment: Provide coordinated electric system interconnect review letter from NYSEG. Is the intent to cover the NSYEG line extension under the project SEQR or will this be done separately. Please clarify what public interest documents are required for the NYSEG

extension along Morris Rd. Recommend provide map or additional information as to what extent may be needed for NYSEG upgrades to accommodate the proposed project.

*7/11/24 PWGC Response: PWGC Response: The coordinated electric system interconnect review (CESIR) agreement is enclosed. As indicated above, the POI location has been modified and is proposed to connect off West Malloryville Road. This location effectively eliminates the need for proposed tree clearing or new pole installation along Morris Road to the west of the proposed access road. As the newly proposed POI would connect to and upgrade existing infrastructure, not requiring a complete new circuit build (as the previous POI did), it is respectfully submitted that it would not affect the SEQR process and the revised Part 1 EAF includes all necessary components of the action.*

**7/19/24 TGM Comment: Provide additional information for offsite improvements that are required for NYSEG infrastructure.**

**10/7/2024 TGM Comment: Repeat comment.**

5. 6/27/24 TGM Comment: Are additional NYSEG easements required? If so, show the location and required surface material.

*7/11/24 PWGC Response: The applicant will consult with NYSEG to see if any additional easements are required, and if so, it will be shown on the site plan. The confirmation of any required easements would be further defined by NYSEG as the process moves forward during the design stage.*

**7/19/24 TGM Comment: Easement to be acquired and shown as site plan progresses. Show locations of proposed easements on the maps.**

**10/7/2024 TGM Comment: Repeat comment.**

6. Complete
7. Complete
8. Complete
9. Complete
10. Complete
11. Complete
12. 6/27/24 TGM Comment: Review emergency access drive widths and need for turn around within fenced site area with Code Enforcement Officer and Fire Chief. Clarify emergency access drive width on the plans.

*7/11/24 PWGC Response: The Site Details (see Sheet C-600) includes a detail of the proposed gravel access road showing a minimum width of 8 feet, which is in compliance with the required emergency access drive width with the Town of Dryden Code Enforcement Officer and Fire Chief (see enclosed). The applicant can review the need for turn around within the fenced site area with the Code Enforcement Officer and Fire Chief.*

**7/19/24 TGM Comments: Please review the site plan with the Fire Chief for approval.**

**10/7/24 TGM Comment: Repeat comment.**

13. Complete
14. Complete
15. Complete

16. Complete

FEAF Part 1

1. Complete

2. Complete

3. Complete

4. Complete

5. 6/27/24 TGM Comment: Section E.1.b. Site and Setting of Proposed Action: Provide supporting land use/cover type maps with hatches and boundaries that show pre- and post-construction conditions.

*7/11/24 PWGC Response: Existing and Proposed Land Use Cover Maps have been prepared and are included in the enclosed site plans (see Sheets V-100 and V-101).*

**7/19/24 TGM Comment: impervious area does not match plans or HydroCAD calculations. Please revise. It shows 0.02 acres, plans show 0.05 acres.**

**10/7/24 TGM Comment: Repeat comment. Ensure HydroCAD, FEAF Part 1, Land disturbance form, SWPPP, etc. all match. Update all documents to be consistent with new areas of disturbance and impervious area.**

6. Complete

7. Complete

**List of Outstanding Items:**

1. Stormwater O&M Agreement (TGM Letter: Operation and Maintenance Plan, Comment 1)
2. Provide a wetland delineation study, as well as, a copy of the jurisdictional wetlands application to NYSDEC (TGM Letter: General Comments, Comment 1e).
3. Provide a written statement committing to glare mitigation for at least five years following full operations of the solar facility (TGM Letter: General Comments, Comment 1f & 6).
4. Provide a NYS PE stamped decommissioning cost estimate to the Town once the site plan is finalized (TGM Letter: Decommissioning Plan, Comment 2).
5. Provide correspondence with New York State Department of Agriculture and Markets (NYSDAM) for the disturbance of farmland (TGM Letter: General Comments, Comment 2).
6. Provide additional information for the offsite improvements that are required for NYSEG infrastructure, including property easements. Proposed easements to be shown in the site plans (TGM Letter: General Comments, Comments 4 & 5).
7. Provide an updated FEAF Part 1 that is consistent with the latest site plan (TGM Letter: FEAF Part 1, Comment 1).
8. Provide an updated Notice of Ground Disturbance form that is consistent with the latest site plan (TGM Letter: General Comments, Comment 1c).
9. Provide and updated SWPPP that addresses all SWPPP related comments (TGM Letter: SWPPP Comments, Comments 1-18).
10. Provide a draft MS4 Acceptance Form and the Letter of Acknowledgement to the Town once received from DEC (TGM Letter: General Comments, Comment 1d).
11. Provide correspondence from the Fire Chief and Code Enforcement, approving the site plan (TGM Letter: General Comments, Comment 12).
12. Provide a copy of the Agricultural Data Statement

If you have any questions, please feel free to call me at (607) 272-6477.

Respectfully,



Donald M. Harner, P.E.

Cc: J. Leifer, Supervisor