

October 18, 2018

Mr. Chris Brand, Chairman
Town of Marlborough Planning Board
21 Milton Turnpike
Milton, NY 12547

*Re: Milton Turnpike Solar Farm – Site Plan and Special Use Permit Application
132 Milton Turnpike, Parcel # 103.1-1-33.1
Response to Planning Board Comments
Job # 51711.03*

Dear Mr. Brand:

The Applicant, Marlborough Solar, LLC appeared before your Board at its meeting on October 15, 2018, at which time the Board heard comments from the Town-Designated Engineer, McGoey, Hauser and Edsall Consulting Engineers D.P.C. (MHW). Below is a point-by-point response to each of the comments received:

1. *comment - The project is located on a site which is currently zoned R-1 and is subject to a zone change being reviewed and approved by the Town Board. The zone change will have to be completed prior to any Planning Board Final Action.*

Response: This comment is noted. As discussed at the meeting, the zoning change is underway and will be completed before final action is taken by the Board.

2. *comment - Project requires approval from the Ulster County Department of DPW for the access road.*

Response: This comment is noted. Additionally, there was a comment from the Board regarding site distances from the proposed driveway. As measured, the sight distances exceed the minimums required by the American Association of State Highway Transportation Officials standards. An application will be sent to the Ulster County DPW on or around October 19, 2018. The sight distances will be reviewed by the County, and the applicant will address concerns regarding sight distances if the County find cause for concern.

3. *comment - It is requested the Applicant confer with the Jurisdictional Fire Department and Code Enforcement Officer with regard to the proposed 15 foot wide access drive. New York State Fire Code Appendix D identifies Fire Access Roads as being a minimum 20 foot width.*

Response: This proposed facility most closely meets the definition of a Group U occupancy in accordance with the New York State Building Code:

Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy.

Per the New York State Fire Code, Fire Apparatus Access Roads are not required for Group U occupancies. That said, the applicant considers safe operation of the facility to be of paramount concern and will confer with Milton Engine Company No. 1 to review the proposed access.

4. *comment - The Applicants are requested to consider putting a gate in the vicinity of the Milton Turnpike access drive to restrict access to the rear of the parcel, this will limit unauthorized access to the site and potential dumping issues.*

Response: A gate will be placed across the access drive approximately 50 feet from the edge of pavement. The applicant will confer with the land owner on an appropriate gate style, and this information will be forwarded to the Board upon completion.

5. *comment - Details of the interconnect with the utilities should be provided. Contract with the utility to accept the power should be provided.*

Response: Interconnection details and a copy of the agreement with Central Hudson Gas & Electric are enclosed herein and represent Attachments G and H, respectively, for this application.

6. *comment - The Applicant's representative are requested to identify how de-compaction of the laydown area will be undertaken if stumps are not to be removed.*

Response: The stumps in the laydown area will be removed, and the laydown area will be decompacted in accordance with the methods described in the project SWPPP.

7. *comment - The project identifies ground disturbance to 12.9+/- acres. A Stormwater Pollution Prevention Plan has been submitted, which is under review by this office.*

Response: This comment is noted.

8. *comment - The town may wish to identify to the operator that a pilot agreement will be required. Ron Blass's input on the request for a pilot agreement for solar projects should be Received.*

Response: The applicant looks forward to negotiating a fair and equitable PILOT agreement in line with guidance set forth by NYSERDA. Nexamp will provide an official Notice of Intent (NOI) to the Town Assessor, Marlboro Central School District, and Ulster County.

9. *comment - The EAF page 213C2a should be checked "Yes".*

Response: The EAF has been corrected as noted. Additionally, the EAF has been updated to correct two other mistakes. Section D.1.l. has been corrected to show maximum hours of operation of 7:00AM to 7:00PM during construction. Section D.1.n. has been corrected to indicate that lighting is not proposed for this facility. We expect these to be the only changes necessary prior to forwarding the EAF to County Planning for comment.

10. *comment - The Applicant's representative are requested to address whether any substantial re-grading of the surface topography is proposed.*

Response: The only site grading required will be as needed to develop the driveway and associated stormwater treatment. No grading in the array is necessary.

11. *comment - The Planning Board is requested to evaluate the visual impacts of the project based on local knowledge. If site is visible from area roadways or other high vantage points a visual assessment should be provided.*

Response: The proposed array sits no closer than 70 feet from any property line. Furthermore, the minimum remaining vegetative buffer after tree removal will be 25 feet satisfying the zoning requirement. Portions of the array may be visible from Milton Turnpike if looking up the proposed driveway or up the driveway at 132 Milton Turnpike. However, this is unlikely to cause an impact as this would only be observed by motorists driving by the site. The site improvements are unlikely to be seen by stationary receptors due to topographical and vegetative obstructions in the area.

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Our understanding is that the Board will forward the updated EAF to County Planning for comment. We would appreciate placement on the agenda for the November 19, 2018 meeting. If you have any questions or need further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'N. V.', with a horizontal line extending to the right.

Nicholas Vamvas
Project Engineer

Enclosures: Attachment D: FEAF Part 1, updated October 18, 2018
Attachment G: Interconnection Details
Attachment H: Contract for Interconnection

cc: Michael Cucchiara, Marlborough Solar LLC