

TOWN OF WARWICK PLANNING BOARD

May 3, 2023

Members present: Chairman, Benjamin Astorino
Dennis McConnell, Bo Kennedy,
John MacDonald, Rich Purcell, Alt.
Laura Barca, HDR Engineering
Liz Axelson, CPL Planner
John Bollenbach, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, May 3, 2023 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Review of Submitted Maps:

Capozza Four Corners Road NY LLC

Application for Site Plan Approval and Special Use Permit for the construction and use of a community scale solar generation facility of 3.0 megawatt (MW AC), situated on tax parcel S 23 B 1 L 17; project located on the southern side of Ridge Road 900 feet east of Four Corners Road (200 Ridge Rd.), in the RU zone, of the Town of Warwick. Previously discussed at the 11/16/22- Planning Board Meeting and PB declared Intent To Be Lead Agency.

Representing the Applicant: Jackie Basile, Applicant from NY Solar/Lightstar.

The following review comments submitted by HDR:

No.	Date	Comment	Status
1	03/06/23	Planning Board to discuss SEQRA. Meagen Stone: The Planning Board had declared this application as a Type I Action. The Planning Board had authorized the circulation for Lead Agency. At this time, we don't recommend any further SEQR Action at this time. Mr. Astorino: Thank you. I understand that we are still under review for numerous issues. Is that correct? Meagen Stone: Correct.	Statement.

No.	Date	Comment	Status
2	03/06/23	<p>Applicant to discuss project.</p> <p>Jackie Basile: We are proposing a community solar project in the Town of Warwick. We have done a site walk of the property. It is a proposed 3.0 megawatt (MW AC).</p> <p>Mr. Astorino: You have a Jurisdictional Determination (JD) from the ACOE. Our Planning Board’s Professional are still currently reviewing the information that was brought forth to us including some visuals.</p> <p>Jackie Basile: Correct.</p> <p>Mr. Astorino: To the public that is here this evening for this project. There will be a public hearing or numerous public hearings on this application further down the road. At this time, we do not know that yet. We are right now at the point reviewing the information that has been brought before us. There are quite a few comments from the Planning Board’s Professionals that the Applicant is working on addressing. As they get addressed, it could generate additional comments or they could be satisfied to our Professionals and to the Planning Board, which we verify to the Town Code. We are in the process of reviewing this application. We don’t have answers this evening. That is why this application is not a public hearing this evening. We have approximately 75 comments from the Professionals to go through with the Board. If the Board, Professional and the Applicant have any questions on any of these comments, we could go over them. If not, we would state these comments for the record.</p> <p>Mr. McConnell: In the description of the project on the agenda, it states a community scale solar generation facility. What is meant by that choice of language?</p> <p>Jackie Basile: Community solar projects are generally a point of interconnection with the local utility lines. We feed to your local utility company which is Orange & Rockland Utilities. We sell our energy to O&R Utilities which in turns provides a discount for energy for subscribers that have O&R service.</p> <p>Mr. McConnell: What would be the next step down? Just for an example, I have solar panels on my house. Do we go to that from a community thing and there is nothing in between?</p> <p>Jackie Basile: Commercial properties such as Amazon Warehouses have their own solar panels.</p>	Statement.

No.	Date	Comment	Status
		<p>Usually like community solar projects make it easier for people who want to seek a benefit financially from energy from solar, but don't need to put them on a house. You wouldn't have to pay a lot of money to put them on your roof.</p> <p>Mr. Astorino: How many megawatts do you propose on this site? I know that the description on the agenda states 3.0 megawatts. Is that what it is?</p> <p>Jackie Basile: Yes. It is proposed for 3.0 megawatts. There is an additional capacity of 5.0 MW AC that O&R could give us. Because of the size and constraints of the property that we are on, we could only use less.</p> <p>Mr. Astorino: Your panels could only produce a maximum of 3.0 MW. Is that correct?</p> <p>Jackie Basile: Correct.</p> <p>John MacDonald: Do you have a ballpark of how many people buy into these from the community that are in position where they want to put them on a house but they can't because it is not feasible because of the shading and etc...? Do you keep track of that?</p> <p>Jackie Basile: I do not have that number. I believe that we had provided in our application the numbers of actual houses that we could provide electricity for.</p> <p>John MacDonald: A customer who is buying into it is because there are too many trees covering it.</p> <p>Jackie Basile: Right.</p> <p>John MacDonald: Ok.</p> <p>Mr. Astorino: You are not soliciting from residents. This is going to O&R Utilities to the grid.</p> <p>Jackie Basile: Right.</p> <p>Mr. Astorino: If you are an O&R customer it doesn't matter what. They are drawing juice. They are not generating in front of a sub-station. My idea of a community solar is that 20 residents would buy off of you.</p> <p>Jackie Basile: No. Residents that have O&R Utilities as their utility would go through O&R to sign up.</p>	

No.	Date	Comment	Status
		<p>Mr. McConnell: It is an economic event between O&R and the entity that is in front of us that is going to build and operate the facility. It is a contractual relationship there. To make it advantageous or to incentivize O&R the State is giving them whatever but is requiring them to offer different sources of electricity. You are filling a need that they have because they have customers clambering for, they don't want electricity generated from coal plants. Or, they don't want nuclear if they could help it. You are offering them an option.</p> <p>Jackie Basile: Right. It is a discounted option. You could choose your source generally but you could subscribe to actual community solar projects.</p> <p>Mr. McConnell: Right.</p> <p>Mr. Astorino: Basically, for us I think the wording in the description of the project is a little confusing. I thought that community was that residents could buy into this and get it directly. That is not the case with this. Now we understand the process.</p> <p>Mr. McConnell: The technology of doing that for them to direct their production to your house and to John's house would be a difficult problem to overcome.</p> <p>Jackie Basile: Right.</p> <p>Mr. McConnell: Instead, they put it into the grid.</p> <p>Mr. Astorino: Let go through a few of these comments just for the sheer fact that we have some residents here this evening that have some concerns. To the residents in the audience, these comments that we have this evening are draft comments. Once they are in the record, you could FOIL them. As I had said earlier, many of the comments are technical comments that we are going through to review the information that is brought forth to us. I just want everyone to understand that we are just in the review stage at this point.</p>	

No.	Date	Comment	Status
3	03/06/23	Conservation Board – no comments received	Statement.
4	03/06/23	Architectural Review Board – no comments received	Statement.
5	03/06/23	<p>OC Planning Department – 11/15/22 advisory comments for herbicides, agricultural integration plan, emergency services, sediment and erosion control, and decommissioning</p> <p>Mr. Astorino: We will discuss that as we go through the process.</p>	Statement.
6	03/06/23	TW Building Department – 11/08/22 no violations	Statement.
7	05/03/23	<p>NYSDEC: The wetlands crossing may require a 401 Water Qualification Certificate.</p> <p>Mr. Astorino: You will work with Laura Barca on that. We will need that.</p>	Incomplete.
8	05/03/23	<p>The USACE Jurisdictional Determination Letter, dated 01/24/20 is provided as Exhibit 7 in the 04/04/23 response to GreenPlan comments, prepared by EDR.</p> <p>Mr. Astorino: That is the Jurisdictional Determination letter that takes the wetland crossing. Laura, how long is that valid for?</p> <p>Laura Barca: It is valid for 10 years.</p> <p>Mr. Astorino: At this point we have approximately 77 technical, SWPPP and stormwater comments that have to be addressed. These comments still need to be reviewed and addressed. Do any Board members or Professionals have any comments on the engineering comments? Let the record show no further comments from the Board and Professionals. We will list Comment #9 through Comment #77 for the record. We will also list CPL Memo of SEQRA comments dated 4/28/23 for the record.</p>	Incomplete.
9	05/03/23	In the EDR 04/04/23 response to GreenPlan’s comments, on Page 35 of 81 the lease area is shown to include the large wooded area; Applicant to clarify why the lease area includes this wooded area.	Incomplete.

No.	Date	Comment	Status
10	05/03/23	In the EDR 04/04/23 response to GreenPlan's comments, on Page 67 of 81 the wetland crossing shows removal of trees in lieu of using the existing crossing between the two fields; Applicant to clarify why the existing crossing is not being used.	Incomplete.
11	03/06/23	PB to determine if a site inspection is desired. The PB may request that markers as tall as the proposed panels be located to show the height and locations of the panels.	Complete. 01/21/23
12	03/06/23	Applicant to clarify if project is a large-scale solar project (greater than 40,000-sf) or a commercial large-scale project; see §164-22 for definitions.	Complete. 05/03/23 project is approximately 13 acres
13	03/06/23	Service capacity letters must be submitted.	Incomplete.
14	03/06/23	Sheet 1: please add a bulk table with the zoning requirements for installing solar panels on this property [i.e., §164-40M, §164-42G, §164-46J(127)].	Incomplete.
15	03/06/23 05/03/23	Applicant to adhere to setback requirements from internal roads for fencing/solar panels in accordance with §164-46J(127). Applicant to clarify if the proposed project complies with the code requirements listed in §164-46J(127).	Incomplete.
16	03/06/23	Add scales to location map on cover sheet.	Complete. 05/03/23 Scale added to cover page
17	03/06/23 05/03/23	Include copy of tax map per site plan checklist. Applicant mistakenly lists Attachment #2 as the EAF and Maps. Attachment #2 is the Interconnection Agreement.	Incomplete.
18	03/06/23	Include tax map section, block, and lot numbers on plan.	Complete. 05/03/23
19	03/06/23 05/03/23	Provide match lines for applicable plan views. Applicant has provided match lines for Sheets C-201 C-202. Please edit scale so that the legend does not obscure the easternmost portion of the property	Incomplete.
20	05/03/23	On sheet C-200, Applicant to edit "Proposed 16' Limited use pervious haul road" call out to no overlap other callouts.	Incomplete.
21	03/06/23 05/03/23	Applicant to clarify how the four-step process [§164-41.1E(3)] was used to site the locations for the solar panels. The planning board understands that the Applicant is not proposing a cluster subdivision, but the Code requires a solar application to follow the preservation of resources in a similar manner as a cluster subdivision. Applicant to provide the requested information.	Incomplete.
22	03/06/23	Applicant to submit documentation (drawings, separate reports, etc.) to comply with §164-42G Large-scale solar energy installations.	Incomplete.

No.	Date	Comment	Status
23	03/06/23 05/03/23	Sheet C-101 includes the adjacent neighbors but not necessarily the neighbors within 300-ft. Applicant to confirm list is complete. The lots within 300-ft must show the current property owners, as well as the Section Block and Lot for each parcel.	Incomplete.
24	03/06/23	Applicant to submit documentation to comply with §164-46J (53), (81), (97), (127), (131-137), & (154).	Incomplete.
25	03/06/23	§164-46.J(53) requires compliance with the Town of Warwick Design Standards, which for this project likely only relates to landscaping.	Incomplete.
26	03/06/23	Applicant shall clarify on the plans, compliance with the Town of Warwick Performance Standards (§164-46.J(81)). A note shall be added to the plan.	Incomplete.
27	03/06/23	Per §164-46.J(97) additional screening is required; Applicant to update plans to show compliance.	Incomplete.
28	05/03/23	Applicant to submit visual impact assessment to show compliance with Town of Warwick Code §164-47.1.F (Ridgeline Overlay District).	Incomplete.
29	03/06/23 05/03/23	Applicant to coordinate with the local fire department. Knox box model number and detail must be added to the plan. Also, a site contingency plan should be added as notes on the plan. Applicant to verify if the plans have been submitted to and/or if a site inspection has taken place with the Town Fire Department.	Incomplete.
30	03/06/23	The proposed entrance must show adequate sight distance (§A168 Appendix F).	Incomplete.
31	03/06/23 05/03/23	The design of the access roads is noted as being for emergency access, as well. These access roads will need to conform to NYS Building Code and Town Fire Department requirements. The plans must be submitted to the Town of Warwick Building Department and the Warwick Fire Department for review. Applicant to verify if the plans have been submitted to and/or if a site inspection has taken place with the Town Fire Department.	Incomplete.
32	03/06/23	The Existing Power Over Head (POH) is shown on the drawings, but it needs to be identified as an easement or right-of-way, the beneficiary, etc.	Incomplete.
33	03/06/23 05/03/23	Applicant to clarify the number of utility poles to be used and if underground connections can be made. Similar previous solar applications have made this connection underground, as the Town of Warwick requires all new utilities to be underground. Applicant is requested to update plans.	Incomplete.

No.	Date	Comment	Status
34	03/06/23 05/03/23	Clarify use of underground electric conduits/add line type to legend. Line type for Underground Electric is provided. Overhead electric line type on drawing does not match legend. Applicant to review.	Incomplete.
35	05/03/23	Applicant to provide the electrical one-line diagram.	Incomplete.
36	05/03/23	Applicant to update the drawings to show the number of inverters and transformers referenced in the decommission plan cost analysis.	Incomplete.
37	05/03/23	Applicant to provide detailed electrical drawings for review. Drawing set does not include electrical plans.	Incomplete.
38	03/06/23	Applicant to clarify on the plans where the direct connection to a utility is located and how that connection will be made.	Complete. 05/03/23 Sheet C-200 Callout showing the point of interconnection to the existing 13.2 kV Distribution line on East Ridge Road.
39	03/06/23	Applicant to clarify how panels will be installed and if soil testing is required prior to installation. Applicant to provide soil boring and test pit results.	Incomplete.
40	03/06/23	Applicant to provide Decommissioning Plan if large-scale solar panel project is without energy for 180 days in accordance with §164-42G(9). The Decommissioning Plan shall include a schedule for completion after O&R has determined that the electricity has been turned off.	Incomplete.
41	03/06/23 05/03/23	A stormwater plan in compliance with Town of Warwick Town Code (§164-47.10 Stormwater Management) and NYSDEC (SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001) requirements shall be submitted. Applicant to update drawings, and appendices in SWPPP to be most current set	Incomplete.
42	03/06/23 05/03/23	Stormwater disturbance is generally limited to no more than five acres at any given time subject to seeking a waiver per GP-0-20-001 D.3. Applicant to clarify this. The 3/24/23 response letter indicates that no more than 5 acres will be disturbed at one time, but the total area of disturbance is ~15.85 acres. The NOI provided indicates that this is not a phased project. Please confirm how 5 acres or less will be disturbed without phasing	Incomplete.
43	03/06/23	Concrete Washout is located within 100 feet of drainage swale. Relocate to be at least 100 feet from drainage swales, storm drain inlets, wetlands, streams and any other surface waters. Shown on C-201 and C-202.	Complete. 05/03/23 Sheet C-202 Concrete washout located moved to more than 100-ft away from drainage features

No.	Date	Comment	Status
44	03/06/23	Provide dimension for minimum cover of culverts. Detail 4, C-201/C-202, on C-400.	Complete. 05/03/23
45	03/06/23	Revise Detail 6/C-201/202 to include callout for 6" additional berm height at both ends of flow diffuser on C-400.	Complete. 05/03/23
46	03/06/23	Revise Detail 1/C-201/202 to show 18" minimum height of filter as per blue book. Located on G-03.	Complete. 05/03/23
47	03/06/23	Revise Note 9 in Detail 3/C-201/202 to reference the current General Permit number on sheet G-03.	Complete. 05/03/23
48	03/06/23	Provide dimension for Callout #4 on Detail 7/C-201-202 on G-03.	Complete. 05/03/23
49	03/06/23 05/03/23	Confirm proposed impervious area. Currently calling out ~480 SF in SWPPP narrative, but on measuring the pads this number is off. Impervious total called out in SWPPP narrative (Page 13) still states 480SF of the disturbed area will be impervious. From measuring the drawings this seems to be closer to ~555 SF without including the new road apron. Applicant to confirm Impervious Area.	Incomplete.
50	03/06/23	Clarify use and show location of compost filter sock on plans.	Complete. 05/03/23
51	03/06/23	The proposed grading for the access roads must be shown; steeper areas (areas of approximately 10% grade or greater) should have a profile prepared.	Incomplete.
52	03/06/23 05/03/23	Emergency Vehicle Turning Exhibit suggests truck path may go off road. Confirm there is ample space to allow for vehicle turn-around. Applicant to confirm with a truck turning diagram for the largest truck that would be onsite.	Incomplete.
53	03/06/23	A lighting plan in compliance with §164-43.4 Lighting shall be submitted.	Complete. 05/03/23 No lighting proposed.
54	03/06/23 05/03/23	Any proposed signage shall follow §164-43.1 and must be shown on the drawings. If no signage is proposed, then a note must be added to the plans.	Incomplete.
55	03/06/23	Applicant to comply with signage requirements adjacent to utility meters per §164-42G(8).	Complete. 05/03/23 Sheet C-200 Emergency disconnect
56	03/06/23 05/03/23	Applicant to provide structural drawings and structural calculations for the PV tracker system, for the tracker foundation / pile system, and for all solar PV auxiliary equipment foundations. This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.	Incomplete.
57	03/06/23	Applicant to provide project geotechnical engineering report that was used to design all foundations for this project.	Complete. 05/03/23 Geotech Report in Attachment 5

No.	Date	Comment	Status
58	05/03/23	The Geotechnical Report in Attachment 5 and written by Partner Assessment Corporation, March 18, 2022, does not address frost jacking or the appropriate frost depth to use for the solar racking foundations. Please provide frost depth and frost jacking and freeze stress that is to be used in the solar racking foundation design.	Incomplete.
59	03/06/23 05/03/23	Applicant to provide project corrosion assessment engineering report that was used to design the steel piles and shows the expected corrosion rate for the project. This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.	Incomplete.
60	03/06/23	Applicant to provide Special Inspection Program including how the tracker piles will be inspected during construction.	Incomplete.
61	03/06/23 05/03/23	The complete electrical design drawing should be included in the next submittal. This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.	Incomplete.
62	03/06/23	Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”	Incomplete.
63	03/06/23	The declaration information for the Agricultural Notes must be added to the plans.	Incomplete.
64	03/06/23 05/03/23	Surveyor to sign and seal final plans. The survey must be incorporated into the plan set.	Incomplete.
65	03/06/23	Surveyor to certify that iron rods have been set at all property corners.	Incomplete.
66	03/06/23	Applicant to clarify if there is a power purchase agreement (PPA) with the utilities. Please provide the signed PPA from the utility company.	Incomplete.
67	03/06/23	Since this application requires the approval for a special use, Planning Board to consider making the approval/permit renewable through the building department every year with proof of current ownership of the facility, confirmation that the current owner assumes the decommissioning obligations, & general status report of the operation of the facility. Please add a note to the plan.	Incomplete.
68	03/06/23 05/03/23	Applicant to confirm that Orange & Rockland is aware of project and if any upgrades are required (e.g., lines, substation, etc.). The fully executed copy of this agreement should be submitted during the planning board process.	Incomplete.

No.	Date	Comment	Status
69	03/06/23	Applicant to confirm who is responsible to file the Interconnection Application. Applicant to provide a copy of the signed Interconnection Service Agreement.	Incomplete.
70	03/06/23	Applicant to submit a copy of the lease/buy agreement between Lightstar and the landowner.	Complete. 05/03/23 Attachment #10
71	03/06/23 05/03/23	Applicant to confirm the submittal timing for the detailed design, including civil, structural, and electrical drawings (i.e., permit drawings). The detailed design will also include the inverter type and circuit configuration for a pad-mounted system. This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.	Incomplete.
72	03/06/23	Applicant to provide Landscape Bond cost estimate and three-year cash bond.	Incomplete.
73	03/06/23	Applicant to provide Performance Bond for site inspection fees.	Incomplete.
74	03/06/23	Applicant to provide Decommissioning Report to the satisfaction of the Planning Board Engineer/ Attorney.	Incomplete.
75	03/06/23	Applicant to provide Decommissioning Bond to the satisfaction of the Planning Board Attorney/ Engineer.	Incomplete.
76	03/06/23	The PILOT agreement must be submitted to and accepted by the Town Board.	Incomplete.
77	03/06/23	Payment of all fees.	Incomplete.

MEMORANDUM

Date: April 28, 2023

To: Chairman Ben Astorino and Town of Warwick Planning Board

From: Liz Axelson, AICP, Senior Planner
Meagen Stone, Planner

RE: Capozza Solar Site Plan & SUP
Four Corners Road Solar
Warwick, NY 10990
Section 23, Block 1, Lot 17
Project: R23.00030.02

We have reviewed the materials listed at the end of this memorandum according to pertinent requirements and standards of the Code of the Town of Warwick, primarily Chapter 164, Zoning. Based on our review we offer the following comments:

General Comments:

1. This project was initially reviewed by J Theodore Fink, Jr., GreenPlan in a memorandum to the Planning Board dated November 7, 2022. The comments herein provide follow up comments based on the initial review.
2. The proposed action is the development of the 55.4-acre site to construct a commercial large scale solar energy installation requiring site plan approval and a special use permit. The project would involve 16.06 acres of land disturbance on a 39.5-acre area of the 55.4-acre site. The Applicant's response states that "No further development is proposed or anticipated on the remainder of the Project Site."
3. This property is located within the following Town of Warwick Zoning districts and Overlay Zoning Districts:
 - a. Rural (RU) district;
 - b. Agricultural Protection Overlay (AP-O);
 - c. Ridgeline Overlay (RL-O 1); and
 - d. Biodiversity Conservation Overlay (BC-O).
4. We defer to the Planning Board's Engineer regarding code review.
5. Please refer to the comments below. Although the submittal provides additional information about the proposed action, the application is incomplete. Therefore, no Planning Board action is recommended at this time. A submittal should be prepared to address the comments herein. I may have additional comments when more detailed information is provided.

SEQR Comments:

1. At the regular Planning Board meeting On November 16, 2022, the Board adopted a resolution determining that the proposal is a Type I Action as per the New York State Environmental Quality Review Act (SEQRA) regulations, sections 617.4 and 617.5, subsections, declared their intent to act as Lead Agency and authorized circulation of a lead agency request letter to all other involved agencies.
2. GreenPlan's 11/7/22 comment 3. a. noted the need for the submitted agricultural data statement to be forwarded to affected farms in the statement. Please provide documentation that this procedural step has been completed.
3. GreenPlan's 11/7/22 comment 3. b. notes that a class "A" trout stream runs through the site." Please refer to the plan comments below. We note that the Applicant's response refers to the prepared Stormwater Pollution Prevention Plan (SWPPP). We defer to the Planning Board's Consulting Engineer regarding review of the SWPPP.
4. GreenPlan's 11/7/22 comment 3. c. notes the proximity of State Wetland WR-25, yet the letter from NYSDEC Division of Environmental Permits letter dated March 30, 2023 states that "The project site is not within a New York State protected Freshwater Wetland." However, there is a large wetland area identified as Wetland A, which plan sheet C-100 Existing Conditions Plan, notes is under the jurisdiction of the United

States Army Corp of Engineers (US ACE). Please refer to Zoning section 164-47.7 regarding Conservation Easements. Given that the western side, nearly one third of the area of site, is located in the Biodiversity Conservation Overlay (BC-O), it is recommended that a Conservation Easement be considered for this side of the project site.

5. GreenPlan's 11/7/22 comment 3. d. notes the presence of species of concern in the site such as the Bog Turtle and Indiana bat and others. The letter from NYSDEC Division of Environmental Permits letter dated March 30, 2023:
 - a. "concur that the proposed project will not have direct adverse impacts to either Bog turtle or its associated habitat"; and
 - b. "Due to the small scale of the proposed tree removal (0.25 acre area), the Department has determined that removal of the trees during the active season, in this area for this project, is not expected to result in an adverse impact and no additional review or study is required, and an Article 11 Incidental Take Permit is not required".
6. GreenPlan's 11/7/22 comment 3. e. notes that state records do not identify any "significant forests", "significant nature communities", of "significant biodiversity areas" on the project site. However, the Town of Warwick has established the environmentally protective overlay districts listed above, including the Biodiversity Conservation Overlay district.
7. GreenPlan's 11/7/22 comment 4 acknowledges the February 14, signoff from the New York State Office of Parks Recreation and Historic Preservation (NYS OPRHP).
8. GreenPlan's 11/7/22 comment 5 acknowledges the landscaping plan intended to screen the project from off site public views, noting further consideration of adequacy of the proposed screening would be evaluated when the application is determined to be complete.
9. Please refer to the Plan Comments below that relate to areas of potential environmental impact and corresponding recommended development practices and mitigation.

Full Environmental Assessment Form Comments:

10. In Full EAF Part A., update the "Brief description of the Proposed Action" to state that it is a commercial large scale solar energy system.
11. Revise Full EAF Part B., or refer to and provided narrative and/or a table of approvals, to address the following:
 - a. Corresponding to row a., indicate "Yes" and note acceptance or approval of the Decommissioning Plan and performance bond by the Town Board, in consultation with the Planning Board's Consulting Engineer; and
 - b. Corresponding to row d., indicate "Yes" and note review by the Town's Conservation Board and Architectural Review Board; and

- c. Even though it is not an approval, the referral to the Orange County Planning Department should be noted in row e.
12. The response to question C.2 c., should be marked "Yes". The response should identify the 3 overlay districts listed in the general comments above.
 13. Revise the response to question D., D.1 a., to refer to a commercial large scale solar energy system.
 14. Revise the response to question D., D.1 b. a., to correctly indicate that the total acreage of the site is 55.4 acres as is indicated in the site plan set and survey. Correct other responses in the Full EAF accordingly (question D. 2. e. and possibly others).
 15. Revise the response to question D.1 g. i. to provide the number of structures.
 16. Revise the response to question D.1 g. ii. by adding description based on and referring to detail 7/C-201/202, "Typical Single-Axis Tracker Array Detail" on plan sheet C-400. The height shown on this detail is seventeen feet (17'), yet the Full EAF response states 9.6'. It is suggested that the response to the EAF question refer to a narrative providing an explanation about the variations in height related to the operation of the solar energy system. The narrative should also describe that the dimensions pertain to a single mounted solar panel, would indicate the total number of panels proposed and explain that variations in panel height are due to changes in panel tilt as part of system operation.
 17. We note that Engineering review may result in the need for stormwater management practices. We defer to the Planning Board's Consulting Engineer. EAF question D. 1. h., should be revised as needed. If necessary, stormwater management practices may involve impoundment of water.
 18. Regarding the response to EAF question D. 2. e., indicating 0.01 acres of impervious, this is inconsistent with the Dimensional Standards Bulk Table on sheet G-01, the cover sheet of the site plan set, which indicates 29% lot coverage. Since 29% of 55.4 acres is 16.06 acres of coverage, the response to D. 2. e. should also be 16.06 acres. Please revise the response to this question. It is assumed this coverage value is considered in the SWPPP.
 19. Please refer to the Code Chapter 100A, section 100A-3 Prohibited noises, subsection 100A-3, F., regarding construction and revise the hours of operation during construction in the response to EAF question D. 2. I. I, accordingly. Per the code, construction would be limited to 7 AM to 7 PM Monday through Saturday or 9 AM to 7 PM Sunday and holidays.
 20. In response to D. 2. Q., describe any pest control methods.
 21. Refer to the comment above about EAF question D. 2. e., noting 29% or 16+ acres of coverage. The responses to question E. 1. b. should be reexamined and possible revised.
 22. Given water surface area on the site, the response to EAF question E. 2. d. regarding depth to water table should be explained.
 23. In the response to question E. 2. e., check the poorly drained box.

24. Given the site's location in the Agricultural Protection and Ridgeline Overlay zoning districts, the response to question E. 3. h. should be "Yes". Both sets of code provisions have language concerning scenic and aesthetic characteristics of these land areas.
25. Responses should be added to E. 3. h., I through iii.

Plan Comments:

The plan comments below focus on creating plans that identify the environmental and other resources of the site and surroundings, clearly depict the proposed action and demonstrate the extent of impacts and corresponding mitigation.

26. Revise the plan set to add the Town of Warwick Standard Map Notes corresponding to the Overlay Zoning Districts in which the project site is located:
 - a. Agricultural Notes, as the site is in the AP-O;
 - b. Ridgeline Overlay Notes, as site is in the RL-O 1; and
 - c. Biodiversity Conservation Notes, as site is in the BC-O.
27. Provide a decommissioning plan sheet, prepared by an engineer, as part of the overall plan set prepared in accordance with Code Section 164-42. G. (9). An example of a decommissioning plan sheet can be provided if needed. The decommissioning plan sheet should fully depict the scope of all aspects of decommissioning, as described in the submitted TRC Decommissioning & Site Restoration Plan report dated March 2023, including:
 - a. dismantling, demolition, removal of all equipment;
 - b. indication of improvements to remain or to be removed and reclaimed;
 - c. delineation of the limits of all related dismantling, demolition, and removal activities and/or disturbance;
 - d. measures for protection of wetlands, streams, habitat or wooded areas or other natural features during decommissioning activities;
 - e. the extent of site restoration and stabilization; and
 - f. all corresponding details, specifications, and notation, etc.
28. While I defer to the Planning Board Attorney and Engineer, it is recommended that the salvage value should not be included in the "Amount of Decommissioning Assurance"; and that the salvage value should not be included in the decommissioning cost analysis and decommissioning estimate.
29. Add values in acres to the Dimensional Standards Bulk Table on plan sheet G-02. For example, corresponding to the rows for maximum coverages, the value of 29 percent (%) of provided lot coverage overall and coverage with solar should also be expressed as 16 acres of the 55.4-acre site.
30. In response to GreenPlan's 11/7/22 comment 3. a., the Applicant's representative indicates that "a native wildflower pollinator vegetative cover within the solar array areas", which would "provide meadow habitat for small wildlife and bird species". The native wildflower pollinator vegetative cover is also noted in the Applicant's response to GreenPlan's comment 3. d. Revise plan sheet L-100 to demonstrate how the previously stated vegetative cover objectives will be implemented including plan specifications and details. Revise sheet L-200 to provide the proposed "native wildflower pollinator vegetative cover" seed mix to replace the "solar farm grass seed mixes".
31. In response to GreenPlan's 11/7/22 comment 3. b, regarding the on-site trout stream that is considered by NYSDEC to be a "threatened" priority waterbody, the Applicant's response refers to the Stormwater Pollution Prevention Plan (SWPPP). We

recommend the following plan revisions to highlight these natural features, permitting and mitigation:

- a. Label the New York State Class A Stream wherever it is shown;
 - b. Label the tributary of the Black Meadow Brook on all sheets where it is shown;
 - c. on sheets C-100, Existing Conditions; and C-200, C-201, and C-202, layout and grading/drainage plans, add notation corresponding to the Protection of Waters paragraphs on page 2 of the letter from NYSDEC Division of Environmental Permits letter dated March 30, 2023; and
 - d. Show and label any areas where “An article 15 Protection of Waters permit would be required for disturbances to the bed or banks of this waterbody” or a “401 Water Quality Certification” would be required; and
 - e. Show and label any corresponding mitigation.
32. Expand the Wetland and Stream Delineation Summary table on sheet C-100 to add the approximate acreage of each wetland or stream.
 33. Add the expanded Wetland and Stream Delineation Summary table to sheet C-101 Clearing and Tree Removal Plan and add the 2 areas of disturbance in square feet (SF).
 34. Add a note to describe the purpose of the fifty foot (50') setback on stream A.
 35. Clearly highlight and label the existing wooded area in the southern area of the site on existing conditions sheet C-100.
 36. Clearly highlight the existing wooded area in the southern area of the site and label it as “Existing Wooded Area to be Preserved” on:
 - a. Clearing & Tree Removal Plan sheet C-101;
 - b. Overall Site Layout Plan sheet C-200; and
 - c. Grading & Drainage Plan – South sheet C-202.
 37. GreenPlan’s 11/7/22 comment 3. d. notes that proposed fencing would have a 4 to 6 inch high gap below the chain link to allow wildlife movement. Acknowledge this with specific notation on plan sheets C-200, C-201, and C-202, layout and grading/drainage plans.
 38. Based on a brief review of the summary of the Geotechnical Report, we note that “stripping of all existing vegetation extending 5 feet from the edge of the pad” is recommended. We defer to the Planning Board’s Consulting Engineer for review of this report, yet not this may be a significant impact given the project’s location in the Biodiversity Conservation Overlay (BC-O).
 39. Upon submittal of revised plans and other application materials and documents, we may have additional comments.

If you have any questions, please do not hesitate to contact me at 845-686-2309, or e-mail at eaxelson@cplteam.com.

Materials Reviewed:

- Response Letter corresponding to the GreenPlan memorandum of November 7, 2023 prepared by from Andrew Mavian, AICP, EDR, dated April 4, 2023; with the following attachments:
 - Attachment 1, NYSDEC correspondence dated March 30, 2023;
 - Attachment 2, NYSDEC correspondence dated March 31, 2023;
 - Attachment 3, LaBella USACE joint application NWP 51 Non Reporting, including ...;
- Plans entitled Four Corners Solar Road Project, prepared by Thomas Daniels Jr, TRC, dated March 2023, including the following:
 - G01 Civil Cover Sheet;
 - G02 General Notes & Legend;
 - G03 Erosion Control Notes & Details;
 - C-100 Existing Conditions Plan;

- C-101 Clearing & Tree Removal Plan;
- C-200 Overall Site Layout Plan;
- C-201 Grading & Drainage Plan- North;
- C202 Grading & Drainage Plan- South;
- C-300 Site Access Profile Sheet;
- C-400 Civil Construction Details;
- L-100 Landscape Overall Site Plan;
- L-200 Landscape Details; and
- L-201 Landscape Details; and
- Response to Comment 17 ... to comply with Sec 164-42G Large-scale solar energy installations, preparer not indicated, undated;
- Orange County GIS map of parcels within a 300' buffer;
- Geotechnical Report, prepared by Matthew Marcus, PE and Siamak Koochak, PE, Partner, dated March 17, 2022;
- Decommissioning & Site Restoration Plan, prepared by Thomas Daniels, PE, TRC, dated March 2023; and
- Survey prepared by Todd Babcock, LS, CEE Environmental Engineering, Geology, Landscape Architecture & Land Surveying, PLLC, dated and signed November 16, 2021.

Additional Materials Received:

- Interconnection Agreement, signed by Wayne Banker, 3/24/23;
- Stormwater Pollution Prevention Plan (SWPPP), prepared by Thomas Daniels, PE, TRC, dated October 2022, revised March 2023;
- Orange and Rockland Utilities Coordinated Electric System Interconnect Review, Initial document dated 6/1/22; and
- Option and Ground Lease for Solar Energy System, signed by Giuseppe Capozza, Landlord and Tenant, dated 2/25/21.

Materials Previously Reviewed by GreenPlan

Please refer to the list of materials in the GreenPlan memorandum of November 7, 2023.

Mr. Astorino: Does the Board have anything else to add?

Mr. McConnell: We need more data.

Mr. Astorino: Jackie, you have your work cut out to get some material back to us. We would go from there once we get it.

Jackie Basile: Ok. Thank you.

Mr. Astorino: I want to make a note to the residents that are here this evening. Once a public hearing has been set and they will be on a Planning Board meeting for a public hearing, the residents located within 300 feet of the property will be notified in writing as per the Town Code.

Connie Sardo: You could also look at the Town's website. The agendas and minutes are posted on the website.

Mr. Astorino: At this point, they have some work to do to get back to us. Jackie, is handing out some business cards. It might not be a bad idea for any of the residents if you have any specific questions before a public hearing, to make a phone call to her. That would be up to you. It is not a recommendation by the Planning Board. The Planning Board would make the determination as we move forward.

Other Considerations:

1. Planning Board Minutes of 4/5/23 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 4/5/23.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes and 0-Nays.

2. **NY Hemp Source-WVLDC-Town of Warwick Lot Line Change** – Letter from Michael Sweeton, WVLDC dated 4/20/23 addressed to the Planning Board in regards to the NY Hemp Source-WVLDC-Town of Warwick Lot Line Change requesting “Re-Approval” of conditional Final Approval of a proposed lot line change, situated on tax parcels SBL #46-1-35, 39.21 & 39.22; parcels located on the southern side of John Hicks Drive 50 feet west of State School Road, in the OI zone, of the Town of Warwick. Conditional Final Approval was granted on 5/18/22. *The Applicant has stated that the Re-Approval is needed because the Town is working with NYS to clear deed issues for the lot line change.* The Re-Approval becomes effective on 5/18/23.

Mr. McConnell: John, do I understand correctly is that the issue here is not with this Board or with the Town but rather with the State approving the rules for changing the lot line?

Mr. Bollenbach: Yes.

Mr. McConnell: I believe what you had explained at the Work Session, the State had parameters for what the Town and the LDC could do with the property. This is a little bit different. That is why the delay. Is it because they are rewriting those rules at least for this case?

Mr. Bollenbach: They are reevaluating.

Mr. McConnell: They are reevaluating so that this could occur. It is not that they have a basic issue with what has been proposed. It is just they have to line up the rules with what is trying to be done.

Mr. Bollenbach: Correct.

Mr. McConnell: We are waiting on the State.

Mr. Bollenbach: Yes. It is in progress.

Mr. McConnell: Ok. Thank you.

Mr. MacDonald makes a motion on the NY Hemp Source-WVLDC-Town of Warwick Lot Line Change application, granting “**Re-Approval**” of conditional Final Approval of a proposed lot line change, situated on tax parcels S 46 B 1 L 35, 39.21 & 39.22; parcels located on the southern side of John Hicks Drive 50 feet west of State School Road, in the OI zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on 5/18/22.

The Re-Approval of Final Approval becomes effective on 5/18/23.

Seconded by Mr. McConnell. Motion carried; 5-Ayes and 0-Nays.

3. Planning Board to discuss canceling the 5/8/23-W.S. & 5-17-23-PB Meeting.

Mr. McConnell makes a motion to cancel the 5/8/23-W.S. & 5/17/23-PB Meeting.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes and 0-Nays.

Correspondences:

Mr. Astorino: Connie, do we have any correspondences this evening?

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

Mr. Astorino: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record. Let the record show no further comment.

Mr. McConnell makes a motion to adjourn the May 3, 2023 Planning Board Meeting.

Seconded by Mr. McConnell. Motion carried; 5-Ayes and 0-Nays.