

**Town of Rotterdam
Planning Commission
December 6, 2022**

Approval of the Summary of Minutes November 15, 2022

Workshop (7:00pm)

Waiver(s)

1. **Titan Valley Development Inc. – 2780 Hamburg Street.** The applicant requests a Waiver of Site Plan review to modify a previously approved Site Plan/Special Use Permit dated May 4, 2021 to allow for changes to the access and parking layout for “The Palazzo” restaurant formally Joe’s Pizza.

Agenda (7:30pm):

1. **Whispering Pines Senior Living District – 2200 Helderberg Avenue.** The applicant requests a Waiver of Site Plan review to allow for the construction of (1) model cottage home (Unit 89) for marketing purposes only in the Village at Whispering Pines.
2. **My Three Sons Home Building LLC – 102 Old Mill Lane.** Sketch Site Plan review to construct a two story ±4,900 square foot building addition with offices and storage units onto an existing ±3,840 square foot 6 bay storage building (former car wash) on a ±0.879 acre parcel. Engineer: ABD Engineers, LLP.
3. **ELP Rotterdam Solar LLC – Sandborn Road & Crawford Road.** Sketch/Preliminary Site Plan/Special Use Permit review for the placement of a 20 MW solar facility on 150 acres of 450-acre site. Engineer: Environmental Design & Research.
4. **Town of Rotterdam – Code Amendment.** Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code of the Town of Rotterdam in regards to a 12 month moratorium on Solar Farms and Solar Power Plants.

DPW Comments
December 6, 2022

Workshop (7:00pm)

Waiver(s)

1. **Titan Valley Development Inc. – 2780 Hamburg Street.** The applicant requests a Waiver of Site Plan review to modify a previously approved Site Plan/Special Use Permit dated May 4, 2021 to allow for changes to the access and parking layout for “The Palazzo” restaurant formally Joe’s Pizza.
 1. Applicant could not come to an agreement regarding the shared parking with the adjacent property. Site plan has been modified to allow for full movement access to the property.
 2. See attached letter dated November 9, 2022 outlining the conditions of approval and modifications requested by the applicant to the access and parking.
 3. Approvals are contingent upon compliance with all NYS Building and Fire Codes.
 4. Applicant must obtain a Fire Inspection and/or Building Permit and be issued a Certificate of Occupancy from the Building Inspector/Code Enforcement Officer prior to operation.
 5. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
 6. Owner/applicant shall install Knox box for emergency personnel. Please contact Fire District #3 for specifications.
 7. All previous conditions of approval as stated in Resolution Nos. PC24-2021 and PC25-2021 dated May 4, 2021 shall apply.



HERSHBERG
&
HERSHBERG

Consulting
Engineers

Land Surveyors

Land Planners

18 Locust Street
Albany, New York 12203
(518) 459-3096
FAX (518) 459-5683
E-Mail Address:
hhershberg@aol.com

BY E-Mail pcomenzo@rotterdamny.org

November 9, 2022

Mr. Peter Comenzo
Senior Planner
Town of Rotterdam
11 Sunrise Boulevard
Rotterdam, New York 12306

Dear Mr. Comenzo:

**RE: 2780 Hamburg Street
H & H File No. 2020-0315**

The following is a point-by-point response, where required, to each item contained in the conditions of approval from the Planning Commission Chairman, Resolution Number PC24-2021 dated May 4th 2021. The original conditions from the resolution are shown *italicized*. Our responses are in **bold** type.

1. *Town Board approved a Change of Zone to include property in the Main Street Neighborhood Center Overlay Zoning District (MS/NC) on April 28, 2021. Applicant is electing to proceed under the MS/NC Overlay Zoning District regulations. Prior to Chairman's signature, applicant shall submit formal written election required under the MS/NC Overlay Zoning District regulations.* **No modification to this condition is requested**
2. *A Negative Declaration was issued by the Rotterdam Town Board on April 28, 2021. Project was circulated to involved/interested agencies on March 25, 2021.* **No modification to this condition is requested**
3. *Final Fees Due:*

<i>Site Plan</i>	<i>\$150.00</i>
<i>Special Use Permit</i>	<i>\$500.00</i>
<i>Advertising</i>	<i>\$ 88.92</i>
<i>Total</i>	<i>\$738.92</i>

No modification to this condition is requested
4. *Approval is conditioned upon applicant addressing all Rotterdam DPW and TDE comments and full and final approval of the DPW.* **No modification to this condition is requested**
5. *Because this is a redevelopment of an existing site with existing buildings, certain design guidelines under the MS/NC Overlay Zoning District may not be satisfied. Approval is conditioned on Building Inspector making a determination that such design guidelines that are not satisfied are inapplicable or otherwise not required. In the event the Building Inspector determines that such design guidelines are applicable and must be satisfied, applicant shall obtain waivers and/or variances, as necessary.* **No modification to this condition is requested**

FOUNDER
Ben B. Hershberg, P.E., L.S.
(1901-2002)

PARTNERS
Daniel R. Hershberg, P.E., L.S.
Francis G. McCloskey, L.S.
Nicholas J. Daniels, P.E.

6. *Southern driveway across point should not be utilized for two-way traffic. Parking layout is not conducive to this access and circulation will be difficult. Add "Do Not Enter" signage and pavement markings indicating one-way. The applicant must receive Highway Work Permits from the NYS DOT for entryway work and elimination of curb cut onto Hamburg Street. Copies of all correspondence with the NYSDOT should be provided to the Town. The applicant requests a modification to this condition as the northerly existing curb cut shall be closed and the existing curb cut accessing the site will be maintained. The applicant has no control over the existing curb cut to the south of the property*
7. *Prior to Chairman's signature, parking, access, and utility easements and maintenance agreement with Lands N/F of Shree Sai Hate Inc. (Parcel #59.14-15-17.11) shall be executed. Copy of proposed easements and maintenance agreement must be submitted to the Town DPW for review prior to execution and, upon execution, shall be filed with Schenectady County and a copy provided to the Town prior to the Chairman's signature. Note book/page on final site plan maps for signature. The applicant requests a modification to this condition as no reasonable financial agreement can be made with the adjoining property.*
8. *Both buildings have been connected to sanitary sewer. Septic tank and drywells shall be properly abandoned prior to completing site plan and paving work. No modification to this condition is requested*
9. *Old pylon sign interferes with parking area and circulation in front of building and must be removed. New signage, if any, shall require further review of the Planning Commission either through site plan amendment or waiver of site plan. No modification to this condition is requested*
10. *Handicap parking and signage must provide for van accessible access isle. Residential building is not handicap accessible. Spot should be swapped with striped access space and isle provided to commercial establishment. No modification to this condition is requested*
11. *The northerly 2 parking spaces in the rear corner appear to be located within 10' of the residentially developed properties and do not meet town code. These must be eliminated. No modification to this condition is requested*
12. *Detail lighting for rear parking on final site plan map for signature. Fixtures must meet new energy code and height off posts shall be no taller than 12' to reduce lighting impacts to adjoining neighbors. No modification to this condition is requested*
13. *Additional pedestrian scale lighting shall be added in the area of the existing 3-unit apartment building and shown on final site plan. No modification to this condition is requested*
14. *Prior to the issuance of a certificate of occupancy, all NYSDOT improvements on Hamburg Street shall be completed to the satisfaction of the Town and NYSDOT. No modification to this condition is requested*
15. *Add note to plan: "One water meter shall be installed on the service connection. Final type and location to be approved by DPW." No modification to this condition is requested*
16. *Add note to plan: "Owner/applicant shall install Knox Box for emergency personnel. Check with Fire District #3 for specifications." No modification to this condition is requested*
17. *Add note to plan: "Sign permits shall be obtained for the proposed project identification signage. Any pylon or monument signage shall require site plan amendment or waiver of*

site plan by the Planning Commission." **No modification to this condition is requested**

18. *Add note to plan: "Landscaped areas around commercial building shall contain a sprinkler system."* **No modification to this condition is requested**
19. *Add note to plan: "Landscaping shall be maintained in perpetuity and dead/dying plant materials shall be replace in-kind."* **No modification to this condition is requested**
20. *Add note to plan: "No stockpiling or burying of construction debris, slash, stumps, or construction material is permitted."* **No modification to this condition is requested**
21. *Final approval is contingent upon the applicant receiving permits (site development and building) from the DPW Building Inspector.* **No modification to this condition is requested**
22. *Final approval is contingent upon Town DPW Water Department review and approval of the proposed water supply for the project and the issuance of permits to connect to municipal water.* **No modification to this condition is requested**
23. *Prior to the issuance of Site Development and/or Building Permit(s) by the Town of Rotterdam, the applicant shall attend a pre-construction meeting with the Building Inspector and DPW staff to confirm the completion of the above stated conditions.* **No modification to this condition is requested**
24. *The applicant shall obtain the consent of the adjoining property owner, Lands N/F SHREE SAI HOTEL, Inc., Parcel No. 54.14-15-17.11 before commencing any work on the adjoining property.* **The applicant requests a modification to this condition as no reasonable financial agreement can be made with the adjoining property.**

If you require any additional information, please contact me at your convenience.

Sincerely yours,
HERSHBERG & HERSHBERG



William K. Mafrici, IE

Enclosures

pc: Joe Citone

File/win/billy/200315pc02.doc

**DPW Comments
December 6, 2022**

Agenda (7:30pm):

- 1. Whispering Pines Senior Living District – 2200 Helderberg Avenue.** The applicant requests a Waiver of Site Plan review to allow for the construction of (1) model cottage home (Unit 89) for marketing purposes only in the Village at Whispering Pines.
 1. Approvals are contingent upon compliance with all NYS Building and Fire Codes.
 2. Applicant must obtain a Fire Inspection and/or Building Permit and be issued a Certificate of Occupancy from the Building Inspector/Code Enforcement Officer prior to operation.
 - * 3. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
 4. All previous conditions of approval as stated in Resolution Nos. PC 33-2020 and PC34-2020 dated July 9, 2020 shall apply.
 5. The model cottage home shall be utilized for marketing purposes only and shall not be occupied for residential use.
 6. The model cottage home (Unit 89) shall be connected to municipal sanitary sewer and on-site septic properly abandoned prior to any sale or residential occupancy of the cottage homes.

WHITEMAN
OSTERMAN
& HANNA LLP

Attorneys at Law
www.woh.com

One Commerce Plaza
Albany, New York 12260
518.487.7600 phone
518.487.7777 fax

RECEIVED

NOV 29 2022

TOWN OF ROTTERDAM
PUBLIC WORKS

Terresa M. Bakner
Partner
518.487.7615 phone
tbakner@woh.com

November 29, 2022

Via Email and Federal Express

Chairman Thomas Yuille and
Town of Rotterdam Planning Commission Members
Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, New York 12306

Attn: Peter Comenzo, Town of Rotterdam Planner

***Re: Whispering Pines Senior Project—Site Plan Waiver Application for One
Cottage Model Home***

Dear Chairman Yuille and Planning Commission Members:

On behalf of my client Lecce Senior Living LLC, the owner of the Whispering Pines Senior Project, I am requesting that the enclosed completed form requesting a site plan waiver be placed on the Town of Rotterdam Planning Board agenda for its meeting on December 6, 2022. The purpose of the site plan waiver is to allow the construction of one cottage, unit 89 as a model home. The model home will be unconnected to the on-site sewer and water which is under construction and will be used solely for marketing purposes. The attached drawing is marked to show the cottage that is being proposed to be constructed as the model cottage. A building permit application was submitted previously to the Town Building Department.

Mr. Lecce will be present at the Planning Commission meeting on December 6, 2022 to go over the milestones in the Project that have been met and to discuss the conditions of the approvals issued by the Planning Commission for the Project. A copy of the resolutions of approval of phase 1B are also enclosed with this site plan waiver request for ease of review.

The golf course has been modified, the clubhouse has been rebuilt, and the grading of the site and roadway for phase 1B has been completed. The installation of the on-site sewer and water

systems are proceeding. It is our understanding that the Town's public sewer project is in process and may be close to 50% complete. Moreover, the Planning Commission has been in the process, with the advice of its TDE, of reviewing phase 2 of the Project, i.e. the senior apartments. It appears that the review process is substantially complete with only a few review comments remaining open.

The purpose of the proposed model cottage construction is to show prospective purchasers the quality of construction to assist purchasers to visualize the cottage that they are considering buying. It is anticipated that the model cottage will remain a model until the end of the construction of the cottages for marketing purposes. The model cottage will be connected to sewer and water once the systems are completed, inspected and their use approved by the Town representatives.

If you have any questions or require any further information before the meeting on December 6, 2022, please do not hesitate to contact Mr. Lecce or me.

Very truly yours,

/s/ Terresa M. Bakner

Terresa M. Bakner

Enclosures



Town of Rotterdam
Waiver of Site Plan Review Application

The following applicant requests a Waiver of Site Plan Review. The following documentation is required for Planning Commission review:

1. Copy of Deed and/or executed lease agreement or contract to purchase.
2. Copy of Site Plan that identifies:
 - All structures on site.
 - All parking areas on site (parking spaces 9' x 18').
 - Handicap parking and accessibility as required by New York State Building Code.
 - Interior floor plan of usable area by applicant
 - Proposed site improvements including parking, structural additions, landscaping and other pertinent information as identified in Section 270-132 of Town Code.
3. On a separate sheet of paper provide a descriptive narrative of use and activity occurring on the site including but not limited to:
 - Number of employees
 - Exact nature of business, hours of operation and expected customers to the site.
4. A completed Commercial or Residential Building Permit Application and/or Fire Inspection Application.
5. \$75.00 application fee (cash or check – payable to the Town of Rotterdam). Fee in lieu of parkland for residential developments: \$600 per dwelling unit.

PRESENT OWNER(S): Lecce Senior Living LLC

APPLICANT(S): Lecce Senior Living LLC

MAILING ADDRESS: 40 British American Boulevard

CITY: Latham STATE: NY ZIP: 12110

DAYTIME TELEPHONE: 518-782-1929 (FAX) 518-782-3429

PROJECT ADDRESS: Helderberg Avenue

APPLICANT IDENTIFIED AS: ☒ Owner ☐ Lessee ☐ Contract Vendee

REQUEST: To grant site plan review waiver to allow the construction of a model cottage – see letter of 11.29.22

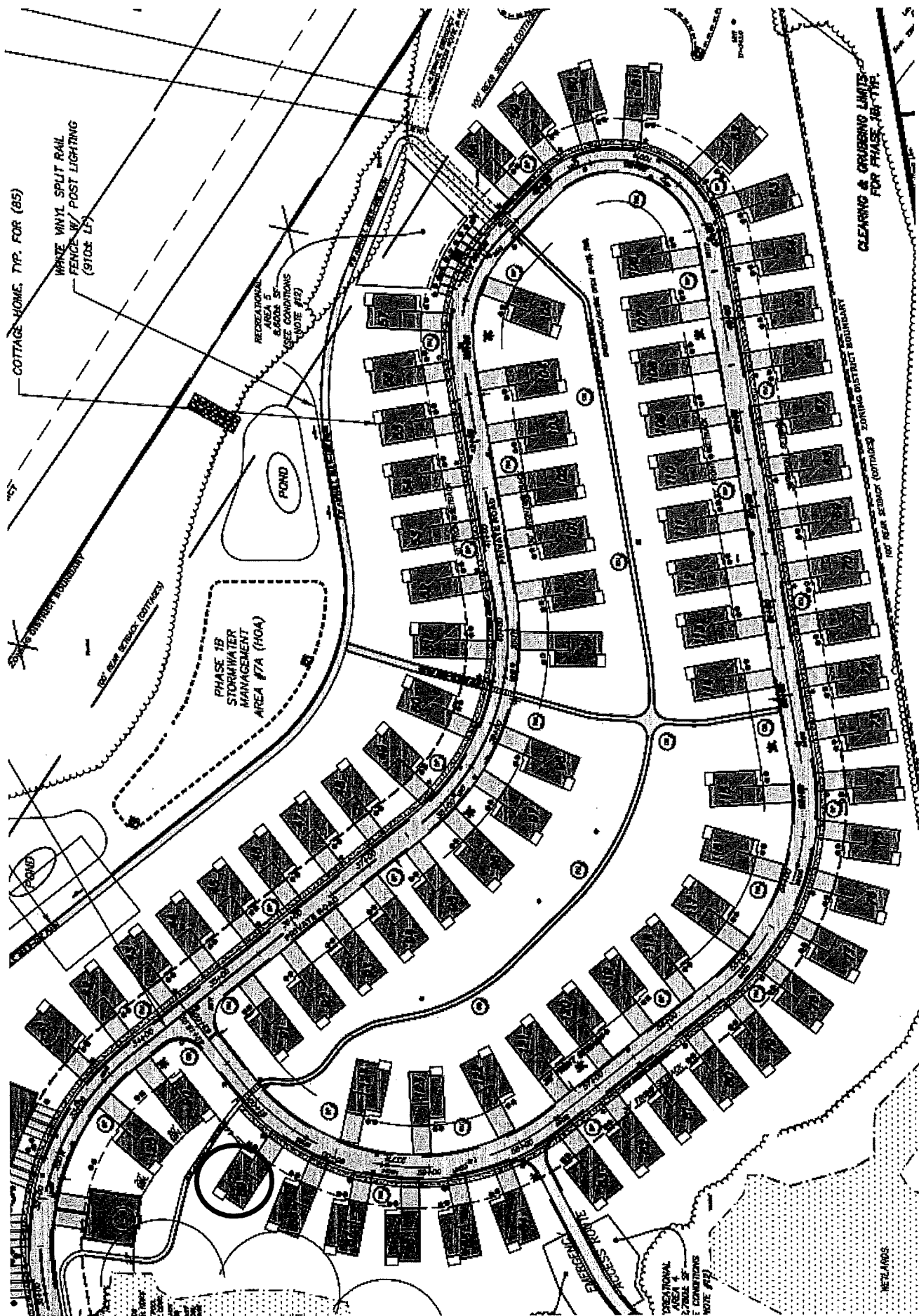
By signing the application, it is understood by the applicant that he/she must fully comply with the Town Code and obtain any required permits.

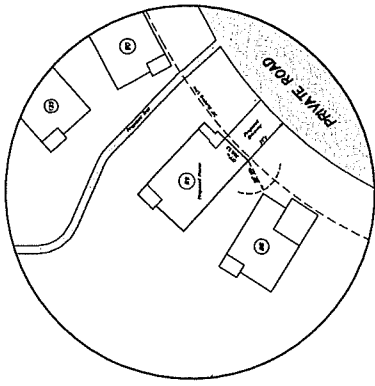
SIGNATURE OF APPLICANT [Signature] DATE 11/29/2022

* The Planning Commission meets on the first and third Tuesday of each month. All pertinent information and fee(s) must be submitted to the Planning Commission Office at least ten (10) days prior to the meeting.

** All businesses located in the Town of Rotterdam must receive Planning Commission approval and a Certificate of Compliance issued by Building Inspector prior to occupancy.

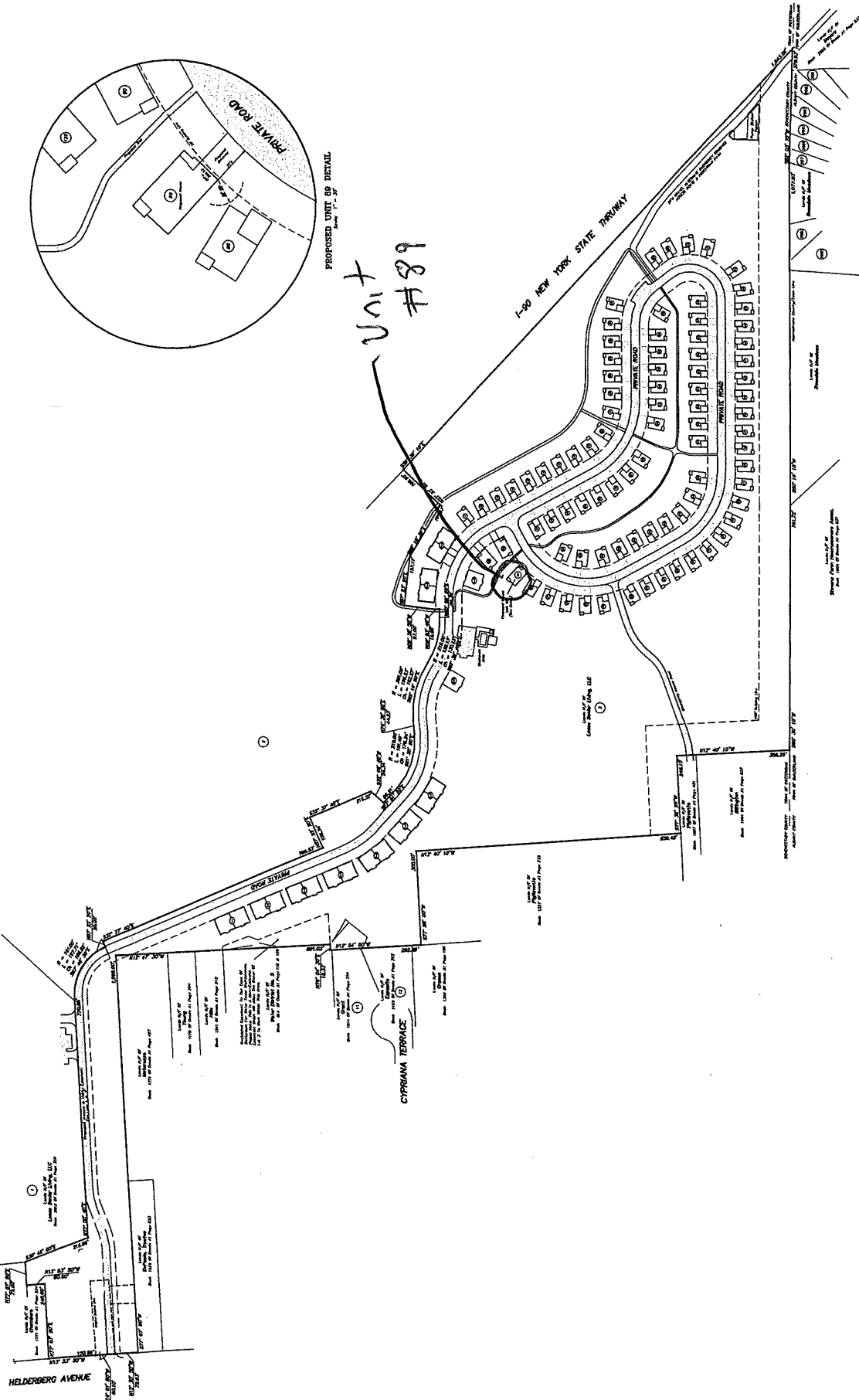
09.27.18





PROPOSED UNIT 89 DETAIL

Unit #89



PROPOSED PLOT PLAN
UNIT 89
VILLAGES AT WILSON'S PINES
SENIOR DISTRICT LIVING

Gilbert VanGuilder
Land Surveyor, PLLC
 Professional Land Surveyors
 908 Boulevard
 Raleigh, NC 27605
 Telephone: (919) 385-0854
 gvan@landsurveyors.com

DATE OF SURVEY: 11-11-11
 DATE OF PLOT PLAN: 11-11-11
 SCALE: 1" = 100'

"NOT TO SCALE, P.L.S. VERIFY"

THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE SURVEYOR TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED AND TO MAKE ANY NECESSARY CORRECTIONS. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED OR THE RESULTS OF ANY CONSTRUCTION BASED THEREON.

DPW Comments
December 6, 2022

2. **My Three Sons Home Building LLC – 102 Old Mill Lane.** Sketch Site Plan review to construct a two story $\pm 4,900$ square foot building addition with offices and storage units onto an existing $\pm 3,840$ square foot 6 bay storage building (former car wash) on a ± 0.879 acre parcel. Engineer: ABD Engineers, LLP.
1. Existing oil/water separator needs to be decommissioned, removed, and backfilled.
 2. Provide building elevations and floor plan. Parking may be an issue.
 3. Existing outdoor storage of vehicles and material is not secured or permitted. If the applicant wishes to utilize the property for outdoor storage, fencing should be proposed to screen the area.

SEQR Requirement: 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission should declare lead agency.

Involved/Interested Agencies

Schenectady County Economic Development and Planning
Schenectady County Department of Health
New York State Department of Environmental Conservation – Region #4
New York State Department of Transportation
Rotterdam Highway Department
Fire District #6

**All requested information shall be provided and must be filled out in ink or typed
for photocopying purposes**

PART III

SPECIAL USE PERMIT/SITE PLAN APPLICATION

General Information

Legal Owner's Name: My 3 Sons Home Building, LLC

Mailing Address: 102 Old Mill Road

City: Schenectady State: NY Zip: 12306

Daytime Phone: 518-470-7707 Fax: _____

If applicant is not the owner, include the written owner authorization form below (See Part IV) designating the contact to serve as representative.

Owner's Designated Contact: My 3 Sons Home Building, LLC

Mailing Address: 102 Old Mill Road

City: Schenectady State: NY Zip: 12306

Daytime Phone: 518-470-7707 Fax: _____

Project/Proposal Site Area (Acres or sq. ft.): 0.87± acres

Assessor Tax Parcel No.(s) of Proposal Site: 48.13-2-29

Adjacent Area Owned or Controlled (Acres or sq. ft.): N/A

Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: _____

Street Address of Proposed Site (if any):

102 Old Mill Lane, Rotterdam, NY 12306

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others):

102 Old Mill Lane is currently being utilized as office/warehouse. Previously used for carwash facility. Has existing water and on-site septic.

Existing Zoning Classification: I-1

School District: Schalmont Fire District: 6

Water Supply Rotterdam

LEGAL INFORMATION

Location of Proposal Site (General description by which direction and how far from roads and intersections and other community features):

Near the intersection of Burdeck Street and Old Mill Road just northeast of Mariaville Road.

Name of public road (s) providing access: Old Mill Road

Width of property fronting on public road: 380± Feet

I have attached a legal description of the proposed site:	☒	yes	☐	no
I have attached a deed of the proposed site:	☒	yes	☐	no
I have attached a lease agreement of the proposed site (if applicable):	☐	yes	☐	no

Purpose for the requested site plan approval (and special use permit if applicable):

Expand existing facility for office/warehouse use.

Is the proposed use to be temporary or permanent? If temporary, please explain:

Permanent

FILL OUT FOR SPECIAL USE PERMIT APPROVAL ONLY (§ 270-167)

(Failure to answer all of these questions completely may result in denial of the special use permit)

- (1) Is the establishment, maintenance or operation of the special use detrimental to or endanger the public health, safety, morals, convenience or general welfare? If not, please explain:

N/A

- (2) Is the special use injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and does it substantially diminish and impair property values within the neighborhood? If not, please explain:

N/A

- (3) Does the establishment of the special use impede the normal and orderly development and improvement of the surrounding property? If not, please explain:

N/A

- (4) Have adequate utilities, access roads, drainage and/or necessary facilities been or are being provided? If yes, please explain:

N/A

- (5) Have adequate measures been or will be taken to provide ingress or egress as to minimize traffic congestion in the public street? If yes, please explain:

N/A

If you have any additional comments, please attach them on a separate sheet of paper.

PART IV

SURVEYOR/ARCHITECT/ENGINEER VERIFICATION

I, the undersigned, a licensed land surveyor, architect, and/or engineer, have completed the information requested. The legal description has been prepared by me or under my supervision in accordance with the requirements of the Town of Rotterdam regulations and the laws of the State of New York.

Signed: _____

Date: November 10, 2022

Address: 411 Union Street, Schenectady, NY 12305

Phone: 518-377-0315

FAX: 518-377-0379

License Number: 94676



PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE

PART IV

LEGAL OWNER SIGNATURE

(Signature of legal owner(s) or representative(s) as authorized by legal owner)

I, the undersigned, swear or affirm under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

I further swear or affirm that I (we) (am)(are) the owner(s) of record of the area proposed for the previously identified land use action, or, if not the owner(s), attached herewith is written permission from the owner(s) authorizing my actions on his or her behalf.

Name: Robert Jasenski Date: November 10, 2022

Address: 102 Old Mill Lane, Schenectady, NY

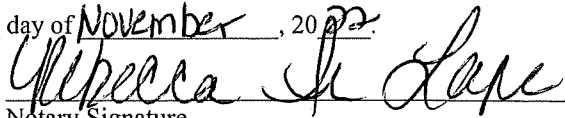
Zip: 12306 Phone: 518-470-7707


Signature of Applicant or Representative Date: November 25, 2022

Signature of Applicant or Representative Date

Notary
(For Part IV Above)

STATE OF NEW YORK) ss:
COUNTY OF SCHENECTADY)

SUBSCRIBED AND SWORN to me this 25 day of November, 2022.
NOTARY SEAL 
Notary Signature

REBECCA ANN LAPE
Notary Public, State of New York
Qualified in Schenectady County
Reg. # 01LA6261166
My Commission Expires 05/07/2024

Notary Public in and for the State of New York
My appointment expires: May 07, 2024

PART V

(To be completed by the Public Works Department)

Date Submitted: _____ Staff: _____

Total Fees: _____ Receipt #: _____

File #: _____ Complete Application: _____

Short Environmental Assessment Form

Part 1 - Project Information

RECEIVED

NOV 28 2022

TOWN OF ROTTERDAM
PUBLIC WORKS

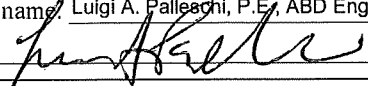
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Redevelopment Site for Office/Storage including building addition			
Project Location (describe, and attach a location map): 102 Old Mill Lane, Rotterdam, NY 12306			
Brief Description of Proposed Action: Redevelopment of an existing building and expansion for office/storage space. Building, pavement, curb cuts and utilities will remain the same. Other site improvements will include additional curb cut, building addition, sidewalks, and landscaping. An area variance is required for side setback as proposed.			
Name of Applicant or Sponsor: Robert Jasenski		Telephone: 518-858-3508	
		E-Mail:	
Address: 102 Old Mill Road			
City/PO: Schenectady		State: NY	Zip Code: 12306
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Planning Commission, Site plan, Zoning Board of Appeals, and Building Permit		NO ☐	YES ☒
3.a. Total acreage of the site of the proposed action?		0.87 acres	
b. Total acreage to be physically disturbed?		0.25± acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.87 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO ☐	YES ☒	N/A ☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☐	YES ☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Private on-site septic system	NO ☒	YES ☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☒	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☐	☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☒	YES ☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☒	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐	
16. Is the project site located in the 100 year flood plain?	NO ☒	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☒ NO ☐ YES	NO ☐	YES ☒	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ On-site storm basins	☐ NO ☒ YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO ☒	YES ☐
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Luigi A. Palleschi, P.E., ABD Engineers, LLP</u> Date: <u>November 10, 2022</u> Signature: <u></u>		

DPW Comments
December 6, 2022

- 3. ELP Rotterdam Solar LLC – Sandborn Road & Crawford Road.** Sketch/Preliminary Site Plan/Special Use Permit review for the placement of a 20 MW solar facility on 150 acres of 450-acre site. Engineer: Environmental Design & Research.
1. See comment letter from the Town Designated Engineer dated November 14, 2022.
 2. See submittal from East Light Partners dated November 25, 2022.

DPW Comments from September 6, 2022

1. Property has roadway frontage on Crawford Road and will need to provide access from this roadway for construction, maintenance, and emergency access. This project is too large for only one vehicular access point.
2. Visual buffering will need to be further addressed during the site plan review process. TDE to provide input to Planning Commission as to what should be provided to the Town as part of their review.
3. Acoustical analysis will need to be addressed for the proposed substation located near the lands N/F of Quinn located at 807 Sandborn Road. TDE to provide input to Planning Commission as to what should be provided to the Town as part of their review.
4. Applicant will need to coordinate early in the process with the Town and Fire District #4 to address emergency access and training in case of fire.
5. Wetlands exist on the property. Applicant will need to coordinate with ACOE and complete any necessary field work and/or verifications prior to winter or project review will not be able to continue until Spring 2023.
6. Property is in a potential archeologically sensitive area. Applicant needs to consult with the Office of Archeological & Historical Preservation and provide documentation from them that there are no impacts.

DPW Comments from August 16, 2021

1. Only a portion of Sandborn Road is a Town roadway. Roadway is steep and very difficult to maintain. Applicant should coordinate with Town DPW, Highway Superintendent, and Town Designated Engineer to discuss use, access, and possible remediation.
2. The Planning Commission should authorize the Chairman to enter into an agreement with a TDE to assist in the review of this proposal.

ELP Rotterdam Solar LLC
Sandborn Road & Crawford Road
December 6, 2022
Page 2

SEQR Requirement: 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission declared its intent to be lead agency on August 16, 2021. Application and materials were circulated on September 7, 2022.

Involved/Interested Agencies

Schenectady County Economic Development and Planning
Schenectady County Department of Health
Schenectady County Department of Public Works
New York State Department of Environmental Conservation – Region #4
United States Department of Army, Corps of Engineers
Rotterdam Highway Department
Rotterdam Police Department
Metropolplex Development Authority/Schenectady County IDA
Fire District #4
Schalmont School District
Pattersonville/Princetown – 239nn
NYS Energy Research & Development

Lisa Gallo

From: Michael Brown
Sent: Friday, September 9, 2022 2:47 PM
To: Lisa Gallo
Subject: Re: ELP Rotterdam Solar - Sandborn and Crawford SEQR

Received, thank you.

I have no questions or concerns.

Mike

Chief Michael Brown
Rotterdam Police Department
101 Princetown Road
Rotterdam, NY 12306
Office: 518-355-7739
Fax: 518-355-9270
Email: mbrown@rotterdamny.org

RECEIVED
SEP 09 2022
TOWN OF ROTTERDAM
PUBLIC WORKS

From: Lisa Gallo <lgallo@rotterdamny.org>
Sent: Friday, September 9, 2022 12:14 PM
To: Michael Brown <mbrown@rotterdamny.org>
Cc: Renee Komazenski <rkomazenski@rotterdamny.org>
Subject: ELP Rotterdam Solar - Sandborn and Crawford SEQR

Good afternoon Chief Brown,

Please see attached information for the subject listed above. If you have any comments, please respond in 30 days.

Usually I mail these but ran out of hard copies.

Have a great day!

Lisa Gallo
Senior Department of Public Works Specialist
Department of Public Works
1100 Sunrise Boulevard
Schenectady, NY 12306
518-355-7575 Ext. 334
lgallo@rotterdamny.org

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 9-13-22
Case No. R-17-22
Returned 10-25-22

FROM: ☐ Legislative Body
☐ Zoning Board of Appeals
☒ Planning Board

Municipality:
Town of Rotterdam

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5539

Received
Schenectady County

ACTION: ☐ Zoning Code/Law Amendment
☐ Zoning Map Amendment
☐ Subdivision Review
☒ Site Plan Review

☒ Special Permit
☐ Use Variance
☐ Area Variance
☐ Other (specify) _____

SEP 13 2022

Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: October 4, 2022

SUBJECT: Site Plan/Special Use Permit review for the placement of a 20 MW solar facility on 150 acres of 450-acre site.
Engineer: Environmental Design & Research.

RECEIVED

OCT 28 2022

REQUIRED ENCLOSURES: 1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

TOWN OF ROTTERDAM
PUBLIC WORKS

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:

- ☐ the boundary of any city, village or town;
- ☐ the boundary of any existing or proposed County or State park or other recreation area;
- ☐ the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
- ☐ the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
- ☐ the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
- ☐ the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Peter Comenzo

Title: Sr. Planner

Address: 1100 Sunrise Boulevard Schenectady, NY 12306

E-mail: pcomenzo@rotterdamny.org

Phone: 518-355-7575 Ext 338


Signature

Date: 9 8 22



PLANNING & ZONING COORDINATION REFERRAL

Case No. R-17-22

Applicant ELP Rotterdam Solar

Referring Officer Peter Comenzo

Municipality Rotterdam

Considerations: Regarding a 450 acre vacant site, requesting site plan approval and a special use permit to construct a 20 MW solar facility on approximately 150 acres of the site. The site is bounded by Sandborn Road on the north, Rynex Corners Road (CR 97) to the west and Crawford Road to the south. Access is proposed via Sandborn Road.

RECOMMENDATION

Receipt of zoning referral is acknowledged on September 13, 2022. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

☐ *Approve of the proposal.

☒ Defer to local consideration (No significant county-wide or inter-community impact)

☐ Modify/Conditionally Approve. Conditions:

☒ Advisory Note:

The applicant should provide a view shed analysis from any nearby sensitive locations such as single family homes and surrounding road network. The access plan should be reviewed by the local fire chief for emergency vehicle access. Consideration should be given to providing a second access point. The County Department of Engineering and Public Works should be consulted regarding construction vehicle access with any work within the County Highway r-o-w requiring a highway access work permit. Consideration should be given to providing a wildlife gap at the bottom of the fencing. The applicant and town should be aware that the County has now adopted a resolution reciting its "ongoing intent" to require a PILOT for solar projects in lieu of responding to each individual owner or developer within 60 days of pre-construction notice and the County intends to continually require a PILOT for solar energy system projects.

☐ Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

10/19/22
Date

Ray Gillen
Ray Gillen, Commissioner
Economic Development and Planning

RECEIVED

NOV 15 2022

TOWN OF ROTTERDAM
PUBLIC WORKS

Colliers

Engineering
& Design

Memorandum

To: Peter Comenzo, Senior Planner – Town of Rotterdam
From: Daniel Farnan, PE, CPESC, CPSWQ
Date: November 14, 2022
Subject: ELP Rotterdam Solar – **Initial Application Completeness Review**
Project No.: CED: 21002349G - 003

On August 17, 2021, East Light Partners (ELP herein) submitted a Site Plan/Special Use Permit Application for a 20 MW AC Solar Facility proposed to be located on Tax Parcels 19.-3-11.11, 19.-3-2-15, 19.2-16, and 19.2-20. The initial application was submitted prior to having a completed *system impact study* from involved utility companies and state agencies. The *system impact study* was completed in 2022 and a second project submittal was received on August 26, 2022. The most current version of the following documents was reviewed. Please note, original versions of the documents were not reviewed if they were revised in 2022. In addition, our office met with the applicant and conducted a limited field visit to the site in early October 2022.

- Cover Letters - 2021-08-17 & 2022-08-26
- Part I, II & III of Site Plan-Special Use Permit Application - 2021-08-17
- Amended Part III of Site Plan-Special Use Permit Application - 2022-08-26
- SEQR Full EAF - 2022-08-26
- Small Generating Facility Application - 2021-08-17
- One-Line Diagram - 2021-08-17
- NYSEDA Solar Basics - 2021-08-17
- Jurisdictional Inquiry Email from NYSDEC - 2021-08-17
- Photos of Existing Site Conditions - 2021-08-17
- Site Plans for Town Review - 2022-08-26
- Decommissioning Plan - 2022-08-26
- Noise Analysis- 2022-08-26
- Site Renderings- 2022-08-26
- Draft SWPPP - 2022-08-26

The following is a completeness review of the application and our comments for the applicant:

General Comments:

1. Although we understand that normal terminology refers to projects of this size as "20 MW", please revise and resubmit all application material to state "19.99 MW" per the output value

awarded in the project's *system impact study*. Or provide data and/or official explanations if the system output is in fact 20.00 MW or greater.

2. When reviewing historic aerial imagery of the site from 1952 to present day we confirm the site was almost fully farmed until about 1986. Aerial imagery from 1995 shows all former farm fields except two on the northern most section of parcel 19-3-11.11 were allowed to lay dormant. We estimate 70-80% of parcel 19-3-11.11 has been dormant for approximately 30-years or greater allowing for revegetation. As such, we recommend the application submit information from a qualify professional inventorying the site's land cover. In particular, what areas qualify as "woodland", and where such lands are contiguous throughout the property. Then recalculate proposed woodland clearing limits. Alter the SWPPP as needed.
3. The project proposes a number of solar components to be placed within wetland areas. While this may be permitted by NYSDEC/US Army Corps of Engineers (as applicable), §270-153.C(2) of Town code states that solar development shall avoid lands with the highest ecological values, including wetlands. The same provision of code also mentions contiguous areas of forest.
4. We understand the applicant's preliminary submittal may not contain all items required for review of a Solar Farm as their design consultants await initial agency feedback. However, the following items will be required for review, when ready:
 - a. Documentation of Access -§270-153.B(3) - Usually represented by a "Lease line" for the area to be leased by solar developer. If the developer will own the parcels but does not currently own them, please provide a letter of intent to purchase the properties.
 - b. Documentation of Utility Notification - §270-153.B(6) - Typically a copy of the Coordinated Electric System Impact Review (CESIR), Standard Contract to Interconnect, or other correspondence demonstrating the utility's intent to allow interconnection for the proposed solar facility. We understand the project was approved by NYSEDA and documented on their website. We are looking for a document from the utility company confirming permission to interconnect.
 - c. Copy of the Joint Application to NYSDEC/US Army Corps of Engineers, and other correspondence from those agencies regarding permitting required for wetland disturbances or stream crossings. Please note, the Site Plans must list area of disturbance to wetlands for the proposed access road crossings and any other qualifying disturbance. §270-167.C(2)
5. We are concerned with single point of access to the site being located on Sandborn Road. The road is narrow enough to possibly be classified as one-lane. The amount of delivery trucks that will need to visit the site will greatly exceed what we believe to be normal truck traffic for the road. The applicant should explore other means of site access for construction that could

also be used at time of decommissioning. If the only point of access remains on Sandborn Road, the Town should require the applicant to submit the following:

- a. Estimated construction traffic trips and vehicle types that will access the site.
- b. A maintenance and protection of traffic plan unique to the parameters of Sandborn Road (i.e. not just typical details). Flaggers may be needed when deliveries are made.
- c. Means of warning and protecting local traffic during deliveries, specifically if a delivery truck occupies the entire lane while local traffic attempts to navigate the road.
- d. Noise restrictions for tractor trailers leaving the site, specifically No Engine Braking and No Jake Brake down the hill.
- e. Turning analysis for delivery and construction vehicles from County Route 97 (Rynex) onto Sanborn, navigating curves on Sanborn Rd., and entering/exiting the site entrance.
- f. Documentation that assures sight distances are met, especially for County Route 97 (Rynex) and Sanborn Road intersections.
- g. A plan for any damages to the road caused by construction traffic.

Application:

1. Please combine all parts of application (1, 2 & 3) into a single signed document and resubmit with signature and date.
2. Per the Town of Rotterdam's Site Plan/Special Use Permit application, Part I.1.b.2, please submit a legal description and/or deed to the properties.
3. Please revise Part II Section A to select applicable items on Site Plans. If an item is truly not applicable, please indicate with an "N/A".
4. Please revise Part II Section B. Items 2, 12, 13 & 14 apply to this project.
5. In Part III of the application, it appears ELP Rotterdam Solar, LLC has an option to purchase agreement but is not yet the legal owner of all properties in this application. The applicant will need to indicate actual landowner as "Legal Owner" and may list ELP Rotterdam Solar, LLC as the "Owner's Designated Contact".

SEQRA Full EAF

1. Part 1.C.2.b: The property is located within Schenectady County Aquifer Protection Zone IV; the Tributary Watershed Zone; therefore, the requirements of the Schenectady County Intermunicipal Watershed Rules and Regulations may apply.

2. Part 1.D.1.b.b. – Please note, acreage to be physically disturbed is not confirmed on Site Plans or within the SWPPP.
3. Part 1.D.1.g – List the total number of panels or structures which are being quantified with dimensions (“<15, 3, & 9”) on this item.
4. Part 1.D.2.b – Jurisdictional Determination (full or preliminary) of all on-site wetlands is recommended prior to SEQR determination.
5. Part 1.D.2.f. – Other solar development projects in the Town have indicated equipment and trucks used during construction. Given the size of this project it would be warranted to revise the section to include construction data.
6. Part 1.D.2.l – Duration of “operations” would be 24-hr each day of the week after the facility begins generating electricity.
7. Part 1.D.2.m – Insufficient data on operational noise for the facility and substation has been submitted. Data should compare ambient to operational decibels (DbA) levels. In particular, the substation noise generation should be studied to determine if “no long-term noise impact” is an appropriate response for the current design. Further, we anticipate the racking motors would be synchronized and entire facility will act as a whole. At night, the entire facility may rotate from evening tilt to morning tilt. Noise from this reset of panels should be studied.
8. Part 1.D.2.n – Will the control house within proposed substation have any outdoor lighting? Even if used only when a maintenance crew has to access the site at night?
9. Part 1.E.1.b – More data should be submitted confirming “Forested” a.k.a. *woodlands*, and “Meadows, grasslands or brushlands” areas. See above General Comment #2. Further, the application is showing 0.35 acres of wetland loss. Does this account for loss due to panels being installed within wetlands (unless USACE permits say otherwise)? Will any wetland mitigation be required if over 0.1 acre of wetland loss?
10. Part 1.E.2.a – How was depth to bedrock determined, and is it uniform across the entire site?
11. Part 1.E.2.h – Please make sure the stream indicated as “876-111” is depicted on Site Plans.
12. Part 1.E.3.b – Although the site appears to not have had any agricultural activity in the past 5 years, we note that soils rated as “Farmland of statewide importance” exist onsite per the Web Soil Survey.
6. Part 1.E.3.g – At a recent Planning Commission meeting, the applicant mentioned they received a letter of No Effect from SHPO. That letter was not within documents CED received. Please forward a copy.
13. Part 1.E.3. – Parks and other publicly accessible scenic or aesthetic resources do exist within 5-miles of the site. The Plotter Kill Preserve and Moccasin Kill Sanctuary are within 2-3 miles

of the site. Please review all nearby resources with 5-miles that may be present and list them, regardless of if the site can or cannot be seen from those resources.

Site Plans

1. General

- a. Most plans are scaled 1" =50' or 100' while the Town Code §270-132.A.(1) specifies a scale of 1" =40' or less shall be used. We recommend the applicant officially request a wavier from this requirement if the Planning Commission deems the plans are legible at current scales. Otherwise, please provide site plans per code requirements.

2. Cover Sheet

- a. Please include a signature space for Planning Commission Chairman per Site Plan Application, Section B.2 requirements.
- b. Please place a note on the cover stating "Development must meet all NYS Building and Fire Codes" Chairman per Site Plan Application, Section B.13 requirements

3. Sheet G-002

- a. Erosion & Sediment Control Notes - Please note, a 5-acre wavier will be needed before building permit application and MS4 sign off. This may become a condition of Planning Commission approval.
- b. § 270-153 requires a "Qualified Solar Installer" be used for the construction of this facility. We recommend including a note stating *"The Contractor shall be on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP)"*

4. Sheet C-000

- a. Please list Parcel Numbers or Tax map numbers for project properties shown on this plan.

5. Sheets C-001 through C-004

- a. Please revise the gray solid hatch for areas to be cleared so the underlying aerial image is viewable.
- b. While visiting the site in September, our office noticed "Private Property" signs near the end of Sandborn Road before the project's proposed entrance location. Please provide deeded evidence or a stamped survey showing an official "Right of Way" on Sanborn Road. Otherwise, please provide necessary proposed easements that would allow access rights to the site for both the solar operator, the utility, and for the Town to access for emergency services.

- c. Notes on Construction within Waters of US – Notes 1 & 2 - Who will monitor construction activities to assure the contractor follows these guidelines?
 - d. Notes on Construction within Waters of US – Note 3 - § 270-153.C (10) requires all wiring to be located underground. Please make clear to the Planning Commission, and on the plans, where wires will be supported on a racking system instead of underground. Applicant will need to request a waiver from § 270-153.C (10).
 - e. Notes on Restoration within Waters of US – What will happen in these wetland areas for mowing and other maintenance? Wetland seed mixes are usually planted in areas not meant to be periodically mowed. Plants may also grow to heights that interfere with panels at their start and end of day tilts.
 - f. Notes on Restoration within Waters of US – Will wetland permits allow for mowing in wetland areas?
 - g. On Sheet C-003 (and C-103), who is the owner of the underground fiber optic utility? Is there an easement for that utility? Does it need to be relocated for construction?
 - h. On Sheet C-004, The LOD line around proposed substation should be extended to the limits of vegetation on the utility transmission corridor. We anticipate this vegetation will be cleared for the wires leaving the H-Frame to point of interconnect.
 - i. On Sheet C-004, should the LOD line be farther away from the proposed substation, sufficient to avoid a mature height (60-80 ft) tree from falling on the facility?
6. Sheets C-101 to 104
- a. Access roads to the site needs to meet dimensional requirements and other portions of current NYS Fire Code, section 503 and applicable appendices.
 - b. Please provide a Knox-Box or other similar method of entry for Emergency Fire Services at the Main Gate Access. Provide detail in plans.
 - c. Please provide a detail for the proposed wetland crossing culvert which includes stream geometry, elevations, culvert size, headwalls (if used), inlet/outlet protection, and other data needed to meet USACE and/or NYSDEC permitting requirements. This comment is applicable to all instances of crossings on the project.
 - d. Proposed landscaping near lands N/F of Galvin and Carter are located in wetland. This disturbance to wetlands may not be permitted under the same Nationwide permit as solar installations. Further, will proposed plantings survive in wetland soil conditions?
 - e. Per § 270-132.A.(7), Please provide road profiles for all gravel roads to be installed for this project. We recommend these grading plans and profiles meet code § 270-132 for scales of 1" = 40' or less unless a waiver is granted.

- f. Construction staging areas for substation is outside the limits of clearing and disturbance. Please revise on all necessary sheets and in applicable calculations.
- g. Underground wires to substation from solar site will require clearing and should be within clearing and disturbance lines. Please revise on all necessary sheets and in applicable calculations.
- h. Please label the total area within the proposed fence on the plans.

7. Sheet C-201 to 204

- a. The gray hatch for areas "to be graded" needs to be defined. Per § 270-132.A.(7), cuts and fills must be defined for a Site Plan.
- b. Please provide a slope exhibit showing areas of 0-15%, 15-25% and 25% or greater slopes for the site. The SWPPP and Erosion Control Plans will need to address any special stabilization methods needed for disturbed soils on steep slopes. Other regulations of Town Code § 270-215 may apply for developed areas of 15% and greater. We note, there appears to be areas of 15% or greater slopes where some of the panels will be located. The slope exhibit may be separate from the site plan set and does not need to appear on the Grading Plans.
- c. There is a compost filter sock located in wooded areas to remain on the northern slope, sheet C-201. Is this intended? Will it disturb the area?
- d. What is the slope of embankment on the access road into the site? Assure those side slopes are protected for erosion & sediment.
- e. Please indicate the total area of disturbance, in acres or square feet, for the whole project.
- f. Will the laydown area be cleared of topsoil and graded with a gravel pad as is typical for other solar developments? This area will need to be studied for any changes in stormwater runoff that requires temporary sediment traps or other methods of erosion, sediment, and runoff management.
- g. Soil restoration methods per NYSDEC recommendations will be required for the laydown area and full solar facility when construction is complete. Otherwise, all disturbed areas must be changed by one level the post-construction hydrologic soil group (HSG) to a less permeable group than the original condition per Section 5.1.6 of DEC's Stormwater Management Design Manual.

8. Sheet C-601

- a. The site fencing details show 8-ft height and the project's cover letter indicated 7-ft fencing would be used. Please clarify and request a waiver if fencing does not meet § 270-153.C.(4).

9. Sheet C-603

- a. Buffer Planning Detail calls for pollinator seed mixes. Will these work in wetland areas where some buffers are proposed? Are gaps in the proposed plantings intentional, or should buffering completely block view of the site?

10. Sheet C-604

- a. What is the depth of temporary subbase proposed to be placed on top of the pervious access road?
- b. Width is labeled at 20' max. Planview shows 15'. Ultimately, the road width needs to meet NYS Fire Code. Revise as needed.
- c. Please provide more information on the tracker racking details and equipment pad foundations. Typical details are satisfactory.

SWPPP

- 1. Total land disturbance is not listed in the SWPPP or on the draft NOI. Please provide.
- 2. Where applicable in the SWPPP, please specifically indicate that a copy of all SWPPP inspections shall be sent to: "Mary Barrie – Town of Rotterdam MS4 Office" during construction.
- 3. The project is proposing to disturb more than 5-acres of land at one time and will request a wavier from NYSDEC. Typically, the NYSDEC will review the wavier proposal and SWPPP documents, then discuss alterations to the SWPPP as needed. Please copy the Town on all correspondence with the NYSDEC so the MS4 office can have it on record. Gaining the 5-acre wavier should become a condition of final approval for the project.
- 4. Based on prior solar projects approved in the Town we understand the NYSDEC permits use of a pervious access road, which hydraulically mimics the Hydrologic Soil Group of underlying soils. Based on that understanding, please address the following:
 - a. The access road into the site appears to be proposed partially on a fill section. We assume fill soils will be from borrow on the site. On-site soils are mostly HSG-D. Per the NYS Stormwater Design Manual, when an HSG-D is compacted and no deep ripping occurs, the area is to be treated as impervious. We do not expect a road fill section to be deep ripped to preserve structural integrity of compaction. Please model the area accordingly.
 - b. The permeable road will be covered with subbase gravel during construction. This will effectively make the road impervious during all of construction. Please model

accordingly (temporary basins, etc.) so there are no runoff issues downstream during construction.

- c. If the subbase clogs the underlying pervious stone, repairs will be required before the MS4 will sign off on the Notice of Termination for GP-0-20-001 permit coverage.
 - d. Will construction traffic over compact the entire road section (temp subbase and pervious stone)? If so, the entire road (not just the fill section mentioned above) would need to be removed and underlying soils decompacted?
5. Revise the first sentence of Section 6.2 if the intent is to obtain a 5-acre waiver from NYSDEC. Written permission needs to come from NYSDEC first.
 6. If the project obtains a 5-acre waiver, the SWPPP will need to be revised to contain all items under section 6.2a. At that time, the SWPPP should be reviewed again by our office so we can advise the Town's MS4 Office prior to issuance of a building permit.
 7. Section 6.3 mentions deed covenants for O&M. Please advise on what these covenants will say.
 8. Section 8.1 states the substation stormwater management controls will not be completed until final design efforts. This needs to be designed as part of the Site Plan and SWPPP review. Please provide.
 9. We believe all landcovers in HydroCAD should be considered "Good". The "Fair" classifications used do not appear applicable to the conditions we observed during an early October site visit. Please revise, or document factors that would allow the "Fair" classifications.
 10. Watershed P-1 should be divided into sub-watersheds. The Design Point POA-1 does not capture all of the water draining through P-1 as currently delineated.
 11. We will defer Water Quantity calculation review until the landcover classifications are updated.
 12. What is the spacing between solar panels? Is it greater than the total width of panels when they are mid-tilt (0 degrees)?
 13. Indicate the source of rainfall values used in HydroCAD in the Stormwater Management memo.
 14. Output from HydroCAD show a loss of approximately 62.1AC of woods between Pre & Post. This conflicts with the reported 55.8 AC of wood clearing indicated on site plans. Please revise all documents as required.
 15. Post-Construction Operation & Maintenance Manual does not include sufficient information on long term requirements. Please revise.

Decommissioning Plan

1. Why is the site's expected life only 20 years? Other solar projects in the Town have 25-year life spans with multiple 10-year extension options.
2. Decommissioning Plan states the site will be returned to its "original state". Does this included reforestation for mature forest that will be cut?
3. The Decommissioning Plan should be reviewed by a Licensed Professional Engineer with solar experience, who can verify the plan and costs are accurate, per NYSERDA's "Decommissioning Solar Panel Systems" document, section 1.2. Please provide a letter from a NYS licensed engineer verifying their review of the plan and costs.
4. The Decommissioning Plan does not appear to consider the removal of the substation. How is this to be handled? This must be included in the cost & discussion.
5. Excluding 2021 and 2022, inflation since 1990 has averaged higher than 2%. Given the current economic conditions of the past two years, and historical averages, assuming a 2% inflation rate in the Decommissioning Plan is not appropriate. Please revise.
6. The decommissioning cost of \$446,690 seems low for a facility of this size. Please provide an itemized cost breakdown for how the decommissioning value was determined.
7. Costs must consider prevailing wage labor rates if the Town needs to execute the bond to decommission the site. Please show this is met in unit pricing for the decommissioning cost.
8. The cost appears to take credit for a salvage value. However, section 2 of the plan states materials will be "disposed of at an appropriate waste" or salvaged. If materials cannot be salvaged, all disposal costs must be considered in the event Town needs to execute the bond to decommission the site and cannot salvage all the materials.

Additional Comments Related to the Project

1. Wetland Buffer Disturbance - Under Special Use Permit the project may disturb wetland buffers and wetland areas provided all conditions of § 270-167.C are met. Please note requirements of § 270-167.C(2).
2. The applicant will need to demonstrate adequate turning radius are provided at intersections of the proposed access road for trucking deliveries and emergency vehicles.
3. In accordance with § 270-153.B(1) please submit cut-sheet specifications for the following, as applicable: solar panels, inverters, transformers, tracker motors, racking/foundations, and other electrical equipment. Alternatively, this information can be provided as details on plans. It is understood the materials may change prior to construction. Providing the equipment used as the basis for electrical design/sizing will be sufficient.

4. Will an Operation and Maintenance Plan for the overall site be submitted?
5. Please submit information on glare from the project.
6. Visual simulations from residential properties that may be impacted should be submitted. We advise the applicant discuss vantage point selection with the Planning Commission before performing the study. Show both pre and post (simulated) conditions all visuals submitted.



East Light Partners

RECEIVED

Planning Commission
Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, NY 12306

NOV 28 2022

TOWN OF ROTTERDAM
PUBLIC WORKS

Re: Special Use Permit and Site Plan Review Application for ELP Rotterdam Solar

November 25, 2022

Mr. Yuille,

As a follow up to the planning commission meeting in September 2022, please find enclosed ten (10) copies of the following materials:

- A letter with exhibits addressing the comments received from the public at the September meeting
- A letter with attachments responding to the Town Engineer's review letter

If you have any questions, please do not hesitate to reach us by email at wbliss@eastlightpartners.com and wdewolf@eastlightpartners.com or by phone at 415-948-4288 and 646-239-1102.

Sincerely,

Will Bliss and Wendy De Wolf
ELP Rotterdam Solar LLC



East Light Partners

RECEIVED

NOV 28 2022

TOWN OF ROTTERDAM
PUBLIC WORKS

Planning Commission
Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, NY 12306

Re: Special Use Permit and Site Plan Review Application for ELP Rotterdam Solar

November 25, 2022

Mr. Yuille,

At the Planning Commission Meeting on September 6, 2022, several neighbors to our proposed project provided comments about the development. Below is a summary of the comments we received from the project's neighbors, along with a discussion of how we are addressing their comments in our permit application.

1. Neighbors expressed concern about the visual impact of the proposed project

Following the September meeting, we developed a visibility map (Exhibit 1), which shows where the project will potentially be visible in yellow. The mapping indicates that the visual impact of the project will be minimal.

We do acknowledge that 378 Sandborn Road will be most directly impacted visually by the project. We can further minimize the visibility of the project through robust vegetative screening and a slatted fence design (Exhibit 2).

2. Neighbors suggested that local fire departments are not prepared to manage this solar facility

East Light is engaging with Energy Response Solutions, a company that provides electrical safety education, consultation services, and safety codes and standards development for the fire service community. We will work with Energy Response Solutions to develop a comprehensive Emergency Response Plan for the project, which will be provided to the Planning Commission. We are also coordinating with Energy Response Solutions to schedule a Fire Training Safety Course for the local Rotterdam fire departments.

3. Neighbors expressed concern that the solar farm would affect their property values

It is a common misconception that ground mounted solar farms decrease nearby property values. There are many studies that have analyzed ground-mounted solar projects throughout the country and there is no conclusive data that suggests solar projects decrease home values. Please refer to information included in Exhibit 3.

4. Neighbors expressed concern with stormwater runoff from the development

As part of the project's design and engineering process, extensive stormwater analysis for pre- and post-construction stormwater conditions was performed. The project has been designed to follow the NYSDEC guidelines on stormwater management for solar facilities. The project submitted a preliminary SWPPP to the Planning Commission, which indicates how the project will effectively manage stormwater on the site. The SWPPP has been rigorously reviewed by the Town's Engineer, Colliers Engineering. The project will continue to work with Colliers Engineering to respond to their comments and finalize an acceptable SWPPP for the project.

5. Neighbors expressed concern about construction vehicles accessing the property from Sandborn Road

The project is actively pursuing two alternative road options. One option would use the existing Tower Road off of Crawford Road. The second option would be building out an access road from Rynex Corners Road. If we are able to obtain the required easements for Tower Road, that will be our first choice.

6. Neighbors questioned whether the project would meet the Town's woodlands clearing restriction

The project has been designed to comply with the Town's woodland clearing restriction. As noted in the Colliers engineering review letter, historic aerial imagery of the site indicates that the site was fully cleared and actively farmed until the late 1980s. Most of the site is overgrown fields, rather than mature forest areas. We are engaging a biologist to evaluate the vegetation on the property and empirically define the woodland areas. This way, we can be confident that we are accurately complying with the Town Code. The remaining ~300 acres that we are not utilizing for solar will be maintained as undeveloped areas.

7. Neighbors expressed concern with the size of the project

While the project is larger than a community solar project, it is on the small side for utility-scale projects. These days, utility-scale solar projects typically span hundreds of acres and involve several landowners. Given the shape and topography of the property, this project will be far set back from most neighbors and have less of a visual impact than a standard community solar project. We have designed the system to minimize disturbance and manage stormwater, as is reasonable for a project that has a larger footprint.

8. Neighbors inquired if the project would interfere with airport flight paths

Standing less than the height of a typical house or building, solar panels rarely interfere with airport activities. We have submitted the project for review by the FAA.

9. Neighbors expressed concern about cancer-causing EMF radiation from the facility

EMFs are produced by all appliances that use electricity. Only high-frequency EMFs, such as x-rays and gamma rays, are considered ionizing radiation that can damage cells. Sources of extremely low frequency EMFs, including power lines, solar panels, and household electronics,

are non-ionizing radiation and do not cause damage to cells. In this way, the solar facility will not produce EMFs that have health impacts. For further information, please refer to this article from the National Cancer Institute: <https://www.cancer.gov/about-cancer/causes-prevention/risk/radiation/electromagnetic-fields-fact-sheet>.

10. Neighbors expressed concern that the project would result in increased wind in the area

While the project will remove some trees, sufficient buffer would be maintained to continue as wind blockage for the area.

11. Neighbors expressed concern that the project would impact wildlife and bats

The project submitted a jurisdictional inquiry request to the NYSDEC in 2021, as part of the project's preliminary desktop environmental review (Exhibit 4). The NYSDEC's response indicated that "we have reviewed the available information in the New York Natural Heritage Program database on known occurrences of rare or state-listed animals and plants, significant communities and other significant habitats. No records of known occurrences were found in the immediate vicinity of the project/site." Similarly, the long-form EAF did not generate any species or wildlife concerns for the project site.

In response to the Town's lead agency coordination letter, the NYSDEC submitted a letter to Mr. Comenzo in September 2022 (Exhibit 5). The letter stated that "While no specific habitat was identified on the subject parcel, the northern long-eared bat may be found in virtually any county in New York State. Although this project site falls outside of the currently-recognized occupied habitat for this federally-threatened species, the DEC recommends that removal of any trees greater than 3 inches in diameter at breast height (dbh) take place between November 1st and March 31st each year, if possible, in order to avoid a potential threat to bats. We are happy to comply with this clearing restriction for the project to mitigate any potential impacts to bats.

Like any property development, the solar facility will change the existing conditions on the site. This solar project, however, involves less than one third of the entire property area and the remaining ~300 acres of the property will be maintained as they are. In this way, the impact is to existing wildlife resources is minimized.

12. Neighbors inquired whether solar panels are considered toxic waste

Typical silicon solar panels, like the ones we are using on our property, are not considered hazardous waste by the EPA or the NYSDEC. Other forms of solar panels that contain cadmium (which our panels do not) may be considered hazardous materials. Please refer to this discussion on end-of-life solar panels from the EPA: <https://www.epa.gov/hw/end-life-solar-panels-regulations-and-management#Are%20Solar%20Panels%20Hazardous%20Waste?>.

13. Neighbors expressed concern that the project company is a "shell company"

In order to utilize federal tax credits in their financing, solar projects need to be developed under their own limited liability company. East Light Partners PBC, the company that is developing the solar project, is the manager of the limited liability company.

14. Neighbors inquired about what would occur if the solar project went bankrupt

With most of the capital required for a solar project allocated during construction, solar projects need to operate for their entire lifetime to be economically viable. The project will provide a financial security to the Town, which the Town can use to decommission the facility in the event that the facility becomes inactive and the owner is not available to take the facility down.

15. Neighbors expressed concern about potential noise from the facility

A noise analysis of the solar system was submitted to the Planning Commission as part of the project's application (Exhibit 6). At the request of the Town's Engineer, we are working on a noise analysis of the interconnection equipment, which we will submit to the Planning Commission as well.

16. Neighbors inquired about whether we had reached out to the NYSDEC about wetlands

We have engaged both the NYSDEC and the ACOE to evaluate the wetlands on the site. The wetlands on the site have been delineated and the data has been submitted to both regulatory agencies. A site visit is scheduled in November to review the wetlands delineation with the ACOE and NYSDEC. In the jurisdictional inquiry response (Exhibit 4), the NYSDEC confirmed that "according to available GIS data, no state-regulated wetlands or streams are mapped in the vicinity of the proposed project."

17. Neighbors inquired about whether the solar farm would be prone to lightning strikes

As the transmission lines running through the property and nearby telecommunications towers are far taller than the solar panels, a lightning strike would be directed at the transmission lines or telecommunication towers, rather than the solar system. The transmission lines are typically equipped with a lightning protection system. The solar system is grounded electrically, in the rare event that it might be struck by lightning.

18. Neighbors suggested that the highest point on this property might be a landmark

The State Office for Parks, Recreation, and Historic Preservation reviewed this project and confirmed in a letter (Exhibit 7) that "the proposed project will have No Adverse Impact to historic and cultural resources."

19. Neighbors inquired if the project would provide local benefits

The project will provide several local benefits, including:

- a. A local reliable sustainable energy source, which will feed nearby substations which power homes and businesses in Rotterdam and neighboring communities
- b. Long term tax payment commitments
- c. Local well-paying union construction jobs

East Light is partnering with a neighboring Schenectady organization, called the Social Enterprise and Training (SEAT) Center, which provides education and workforce experiences for disadvantaged youths in the County. East Light is working with the SEAT Center to develop a pilot program in solar construction training. ELP Rotterdam Solar would aim to have students from the pilot program train on the project's construction site, creating a local workforce development opportunity for the Schenectady County disadvantaged youth.

We understand that, if built, our project will be a long-term member of the community and it is important that our neighbors provide their input on the design. We have made a concerted effort to work with all neighboring residents who have contacted us. We look forward to continuing to work with the community on this project.

If you have any questions, please do not hesitate to reach us by email at wbliss@eastlightpartners.com and wdewolf@eastlightpartners.com or by phone at 781-718-9137 and 646-239-1102.

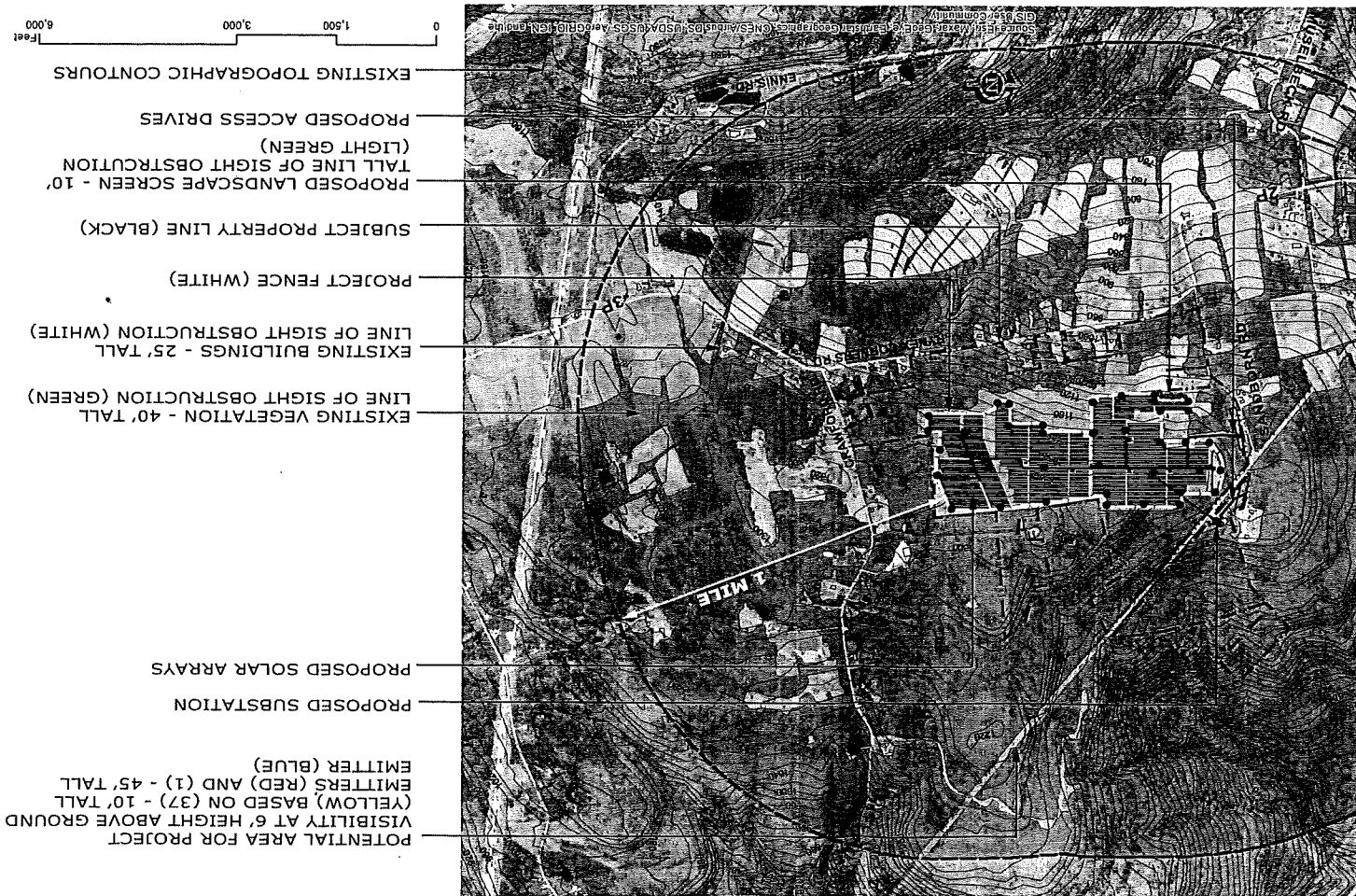
Sincerely,

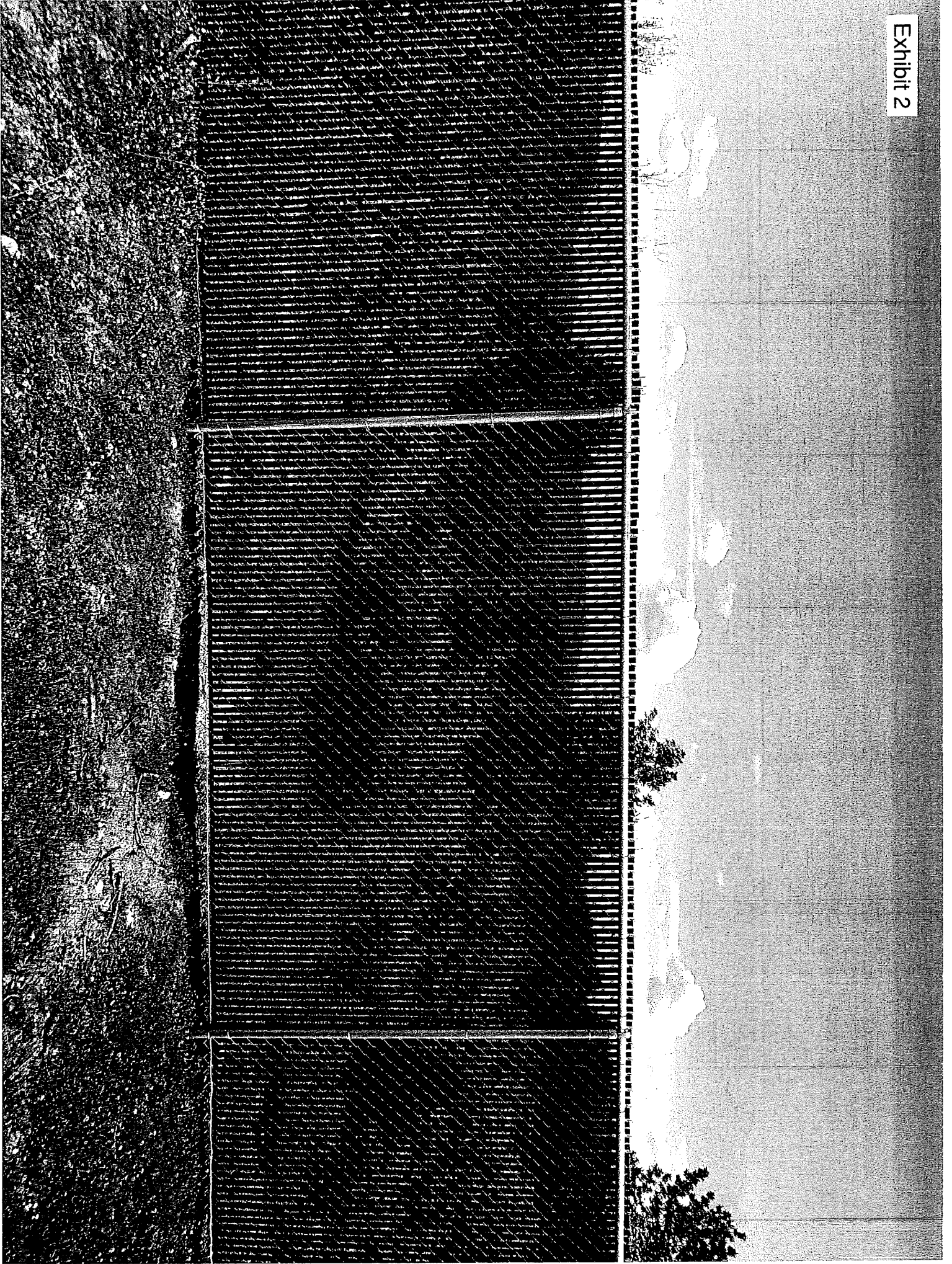
Wendy De Wolf and Will Bliss
East Light Partners PBC

ELP ROTTERDAM SOLAR PROJECT

VISIBILITY MAP

THIS MAP IS BASED ON CURRENT INFORMATION AS OF THIS DATE AND IS SUBJECT TO CHANGE
9/26/22
Visual Environmental





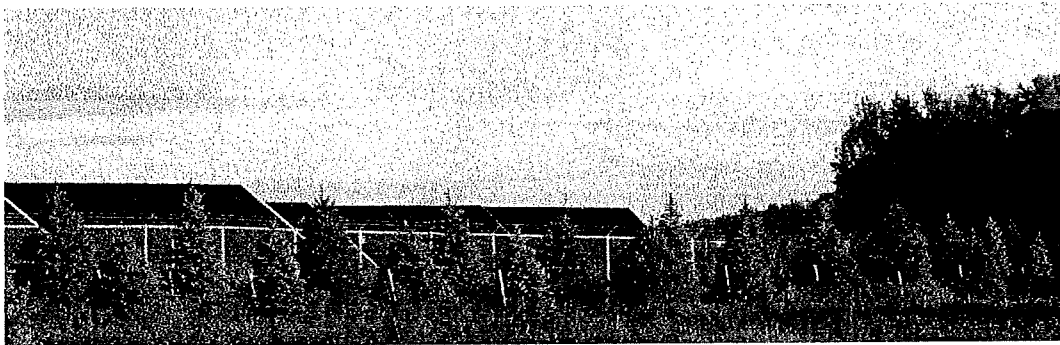
Solar and Property Value



Correcting the Myth that Solar Harms Property Value

It is a common misconception that ground mounted solar farms decrease nearby property values.

- Examining property value in states across the United States demonstrates that large-scale solar arrays often have no measurable impact on the value of adjacent properties, and in some cases may even have positive effects.
- Proximity to solar farms does not deter the sales of agricultural or residential land.
- Large solar projects have similar characteristics to a greenhouse or single-story residence. Usually no more than 10 feet high, solar farms are often enclosed by fencing and/or landscaping to minimize visual impacts.



Vegetative screening will grow to obscure panels from the road and nearby homes, when desired.
Photo Credit: Borrego Solar

The Numbers

- A study conducted across Illinois determined that the value of properties within one mile *increased* by an average of 2 percent after the installation of a solar farm.¹
- An examination of 5 counties in Indiana indicated that upon completion of a solar farm, properties within 2 miles were an average of 2 percent *more* valuable compared to their value prior to installation.²
- An appraisal study spanning from North Carolina to Tennessee shows that properties adjoining solar farms match the value of similar properties that do not adjoin solar farms within 1 percent.³

Paired Sale Analysis: Solar Farms and Adjoining Land

	Potentially Impacted by Solar Farm	Adjusted Median Price Per SF
Control Area Sales (5)	No: Not adjoining solar farm	\$79.95
Adjoining Property 10 (Test Area)	Yes: Solar Farm was completed by the sale date	\$82.42
Difference		3.09%

Various studies have shown that solar can potentially have a positive impact on adjoining property value. The above table references one of many in a report written by CohnReznick.⁴

¹ Kirkland, Richard C. *Grandy Solar Impact Study*. Kirkland Appraisals, 25 Feb. 2016, kirklandappraisals.com.

² Lines, Andrew. "Property Impact Study: Solar Farms in Illinois." *McLeanCounty.gov*, Nexia International, 7 Aug. 2018.

³ McGarr, Patricia. *Property Value Impact Study*. Cohn Reznick LLP Valuation Advisory Services, 2 May 2018.

Solar and Property Value



Harmony with Nearby Residential and Agricultural Property

1. **Appearance:** Large solar projects have similar characteristics to a greenhouse or single-story residence. Usually no more than 10 feet high, solar farms are often enclosed by fencing and/or landscaping to minimize visual impacts.
2. **Noise:** Solar projects are effectively silent. Tracking motors and inverters may produce an ambient hum that is not typically audible from outside the enclosure.
3. **Odor:** Solar projects do not produce any byproduct or odor.
4. **Traffic:** Solar projects do not attract high volumes of additional traffic as they do not require frequent maintenance after installation.
5. **Hazardous Material:** PV modules are constructed with the solar cells laminated into polymers and the minute amounts of heavy metals used in some panels cannot mix with water or vaporize into the air. Even in the case of module breakage, there is little to no risk of chemicals releasing into the environment.⁵



A ground-mounted solar system sited in a rural area.

Credit: Blattner

⁵ "Clean Energy Results, Questions and Answers, Ground Mounted Solar Photovoltaic Systems." Energy Center, June 2015.
<http://www.mass.gov/eea/docs/doer/renewables/solar/solar-pv-guide.pdf>

Exhibit 4

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4
1130 North Westcott Road, Schenectady, NY 12306-2014
P: (518) 357-2069 | F: (518) 357-2460
www.dec.ny.gov

Transmitted electronically to: wbliss@eastlightpartners.com

August 11, 2021

Will Bliss, Director of Project Engineer
East Light Partners
552 Massachusetts Ave #201
Cambridge, MA 02139

Re: Jurisdictional Inquiry Response
ELP Stuyvesant Solar (20 MWac)
Off Sandborn Road
Town of Rotterdam, Schenectady County

Dear Mr. Bliss:

Thank you for contacting the New York State Department of Environmental Conservation (the DEC or Department) about the property located at off Sandborn Road in the Town of Rotterdam (42°36'41.8"N 74°19'28.4"W). We understand that a 20-MWac solar farm is proposed on the subject property.

A review of NYS protected resources near or within the project site was performed using existing GIS data (see NYS Resources Map). Please note that jurisdictional maps are meant to provide approximate sizes and locations of resources. Actual field conditions may vary from those depicted on the maps.

Possible DEC Permitting Requirements

The following provides a preliminary summary of permits that may be required from the DEC for the project based on the results of the protected resources review and project information submitted with your correspondence.

General information on streams and the permitting process can be located on our website at www.dec.ny.gov/permits/6042.html

Freshwater Wetlands & Protected Streams

According to available GIS data, no state-regulated wetlands or streams are mapped in the vicinity of the proposed project.

Threatened or Endangered Species and/or Habitats

We have reviewed the available information in the New York Natural Heritage Program database on known occurrences of rare or state-listed animals and plants, significant communities and other significant habitats. No records of known occurrences were found in the (immediate) vicinity of the project/site.

Section 401 Water Quality Certification

Work within certain wetlands and other waters of the United States may require a permit from the U.S. Army Corps of Engineers (USACE). If this project requires a Section 404 Permit (Individual or Nationwide Permit) from the U.S. Army Corps of Engineers (USACE), then a Section 401 Water Quality Certification may be required from the Department. The DEC recommends you contact the USACE directly regarding federal wetlands and waters of the U.S. regulatory jurisdictions and permitting requirements. The USACE NY District regulatory program for this area is handled out of the USACE Upstate Regulatory Field Office in Watervliet NY. The Regulatory Field Office general email address is cenan.rfo@usace.army.mil and the general phone number is (518) 266-6351.

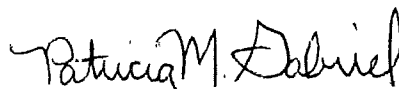
Please refer to this DEC website link <http://www.dec.ny.gov/permits/6546.html> for more information on Water Quality Certifications, including state procedures instituted in response to new USEPA rules.

Stormwater State Pollutant Discharge Eliminations System (SPDES) Permit for Construction Activities

Any project which results in a disturbance of one acre or more of land, must be in compliance with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities. Information regarding the SPDES General Permit for Stormwater Discharges can be found on the Department's website at <http://www.dec.ny.gov/chemical/8468.html>.

Please feel free to contact me by e-mail at trish.gabriel@dec.ny.gov or by telephone at (518) 357-2445 if you have any questions.

Sincerely,

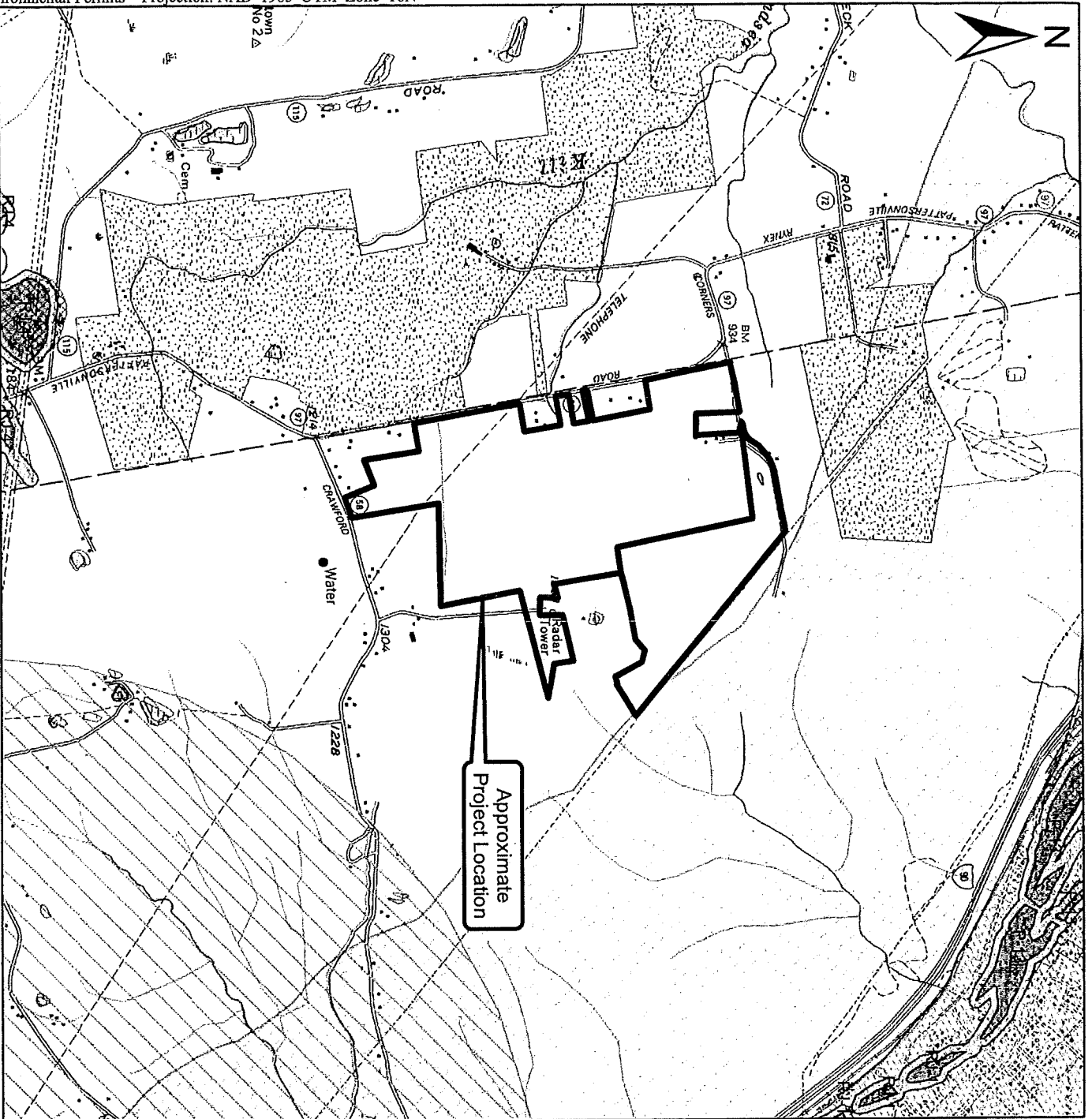


Patricia M. Gabriel
Environmental Analyst



Department of
Environmental
Conservation

Disclaimer: This map was prepared by Region 4 NYSDEC Division of Environmental Permits using the most current data available. It is deemed accurate but is not guaranteed. NYSDEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data. This map may contain information that is considered sensitive and therefore the distribution of this map is strictly prohibited. Additional resources may be present but not depicted on this map.



NYS RESOURCES MAP

ELP ROTTERDAM SOLAR PROPOSED 20 MW SOLAR FARM

Off Sandborn Road

Tax ID 19-2-20 & 19-3-11.11

Town of Rotterdam

Schenectady County

August 31, 2020



1 inch equals 2,000 feet

Legend

- Class 1 Freshwater Wetland
- Class 2 Freshwater Wetland
- Class 3 Freshwater Wetland
- Class 4 Freshwater Wetland
- Regulated Adjacent Area Boundary
- Dead Restrictions
- Non-protected Streams (C and D)
- Water Quality Classifications (Polygon)
- National Wetlands Inventory
- Estuarine and Marine Wetland
- Estuarine and Marine Deepwater
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Other Resources
- Archaeologically Sensitive Area
- National/State Register Site
- State Historic Site or Historic Park
- Primary Aquifers
- Agricultural Districts
- Local Waterfront Revitalization Program
- Coastal Management Area Boundaries
- Critical Environmental Areas
- Potential EIS area
- Scenic Areas of Statewide Significance
- State Park
- Wetland/Aquatic Community
- Upland/Terrestrial Community
- S1S2_Mussel_Streams_2_24_17
- Mussel_T_and_E_Streams
- T&E (except fish)
- Freshwater Mussels
- Fish

Exhibit 5

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4
1130 North Westcott Road, Schenectady, NY 12306-2014
P: (518) 357-2069 | F: (518) 357-2460
www.dec.ny.gov

Transmitted electronically to: pcomenzo@rotterdamny.org

September 16, 2022

Planning Commission
Attn: Peter Comenzo, Senior Planner
1100 Sunrise Blvd
Rotterdam, NY 12306

Re: Lead Agency Coordination Response
ELP Rotterdam Solar LLC
Sandborn Road and Crawford Road
Town of Rotterdam, Schenectady County

Dear Peter Comenzo,

This letter responds to your correspondence of August 26, 2022, regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The New York State Department of Environmental Conservation (DEC) has the following interest in this project:

Name of Action: ELP Rotterdam Solar
DEC Contact Person: Kate Kornak,
SEQR Classification: ☒ Type I
DEC Position: Based on the information provided:

☒ DEC has no objection to your agency assuming lead agency status for this action.

****The DEC must be notified immediately if the project/proposed action scope changes, or the EAF is revised.***

Possible DEC Permits:

Section 401 Water Quality Certification – If this project will impact federally-regulated wetlands or waterbodies, which require a Section 404 Permit (Individual or Nationwide Permit) from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification may be required from the DEC.

SPDES General Permit for Stormwater Discharges from Construction Activity – If this project will disturb one acre of land or more, the applicant must comply with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities.

Article 15 Protection of Waters Permit

Multiple streams are located on the subject parcel. An Article 15 Protection of Waters Permit, pursuant to 6 NYCRR Part 608 is required for any disturbance to the bed and banks of a protected stream or for a project involving excavation or fill below the mean high water level in a Class C stream, which is considered navigable.

Article 23, Title 27, Mined Land Reclamation Permit – If more than 750 cubic yards of material will be excavated over a twelve-month period and the material is to be removed from the site, a Mined Land Reclamation Permit may be required. This includes pond construction projects if the excavated material will be removed from the project site.

Part 360 Solid Waste Approval - Based on the information provided it appears the project may require an approval from the Division of Materials Management for use of material that may be regulated as a solid waste. In order to determine the type of approval required, or whether a Beneficial Use Determination is appropriate, project plans should be submitted for the DEC's review.

Additional Comments:

The project appears to be located within an area of potential historical or archeological significance. If approvals/permits are ultimately needed from the DEC, we may need to consult with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) in order to better evaluate this project's impact on these resources. You may wish to inform the applicant/project sponsor of this potential requirement.

To initiate consultation with OPRHP, please visit their project submission website known as CRIS at <https://cris.parks.ny.gov/>. Please add [analyst name] at [analyst email address] to the list of contacts for your project.

The information available in the New York Natural Heritage Program database regarding known occurrences of rare or state-listed animals and plants, significant communities and other significant habitats has been reviewed. No records of known occurrences were found in the (immediate) vicinity of the project/site. However, the absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which

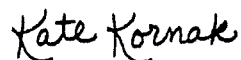
indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

While no specific habitat was identified on the subject parcel, the northern long-eared bat may be found in virtually any county in New York State. Although this project site falls outside of the currently-recognized occupied habitat for this federally-threatened species, the DEC recommends that removal of any trees greater than 3 inches in diameter at breast height (dbh) take place between November 1st and March 31st each year, if possible, in order to avoid a potential threat to bats. Further, if this project involves any federal funding and/or federal permitting, consultation with the United States Fish & Wildlife Service (USFWS) New York Field Office in Cortland, New York, is required in order to determine if there are any further federal requirements with regard to the Northern long-eared bat.

Enclosed is a copy of the DEC's jurisdictional map for your reference. Please note that the map is intended to provide an idea as to the approximate size and location of resources; actual field conditions may vary from those depicted on the map. The project area is outlined in (insert color).

Please feel free to contact me by telephone at (518) 357-2459 or by e-mail at kate.kornak@dec.ny.gov if you have any questions.

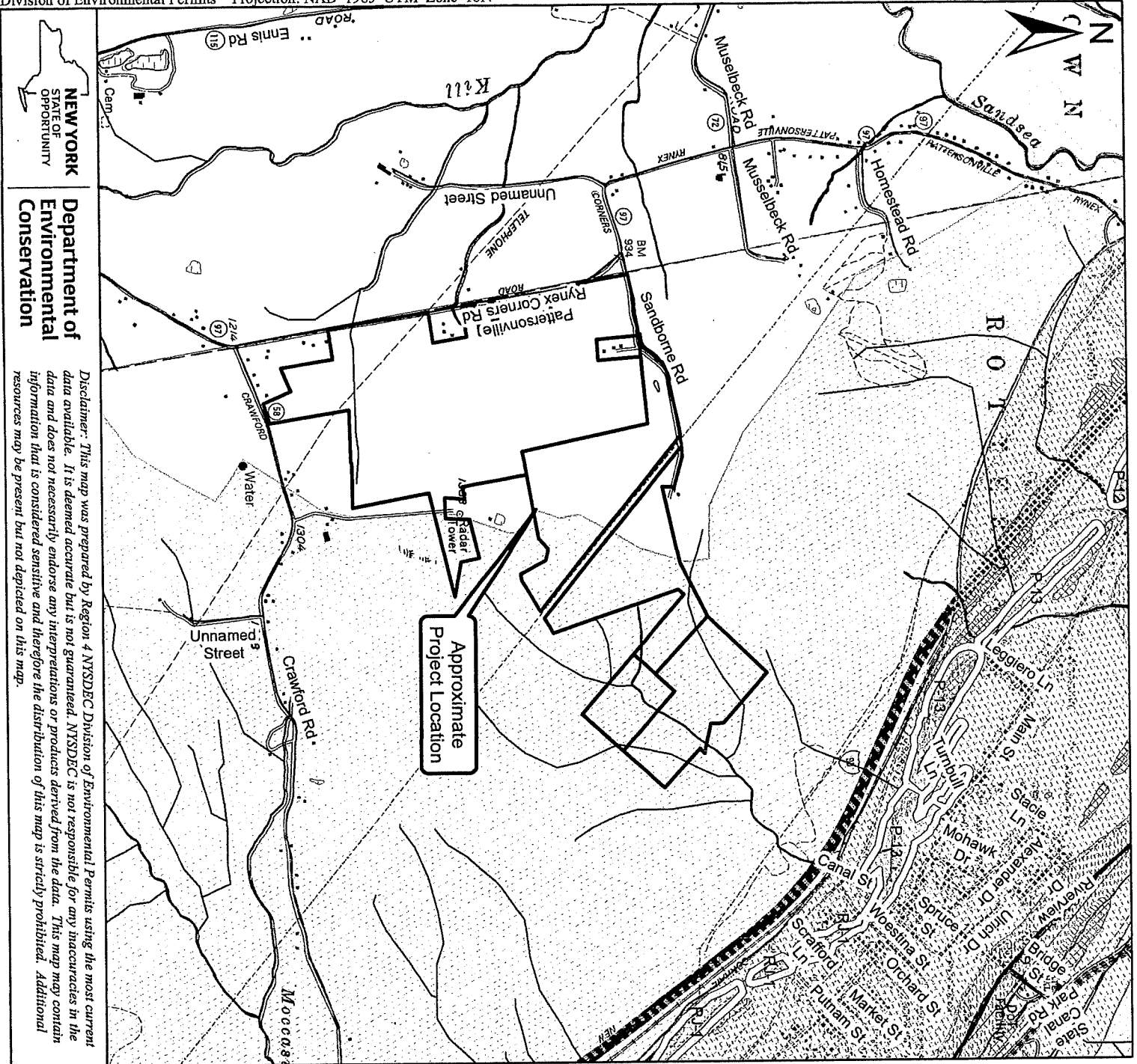
Sincerely,



Kate Kornak
Regional Permit Administrator

Encl: Jurisdictional Map

ecc: wdewolf@eastlightpartners.com , epennacchia@nycap.rr.com



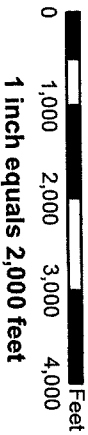
NEW YORK
STATE OF
OPPORTUNITY

Department of
Environmental
Conservation

Disclaimer: This map was prepared by Region 4 NYSDEC Division of Environmental Permits using the most current data available. It is deemed accurate but is not guaranteed. NYSDEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data. This map may contain information that is considered sensitive and therefore the distribution of this map is strictly prohibited. Additional resources may be present, but not depicted on this map.

NYS RESOURCES MAP

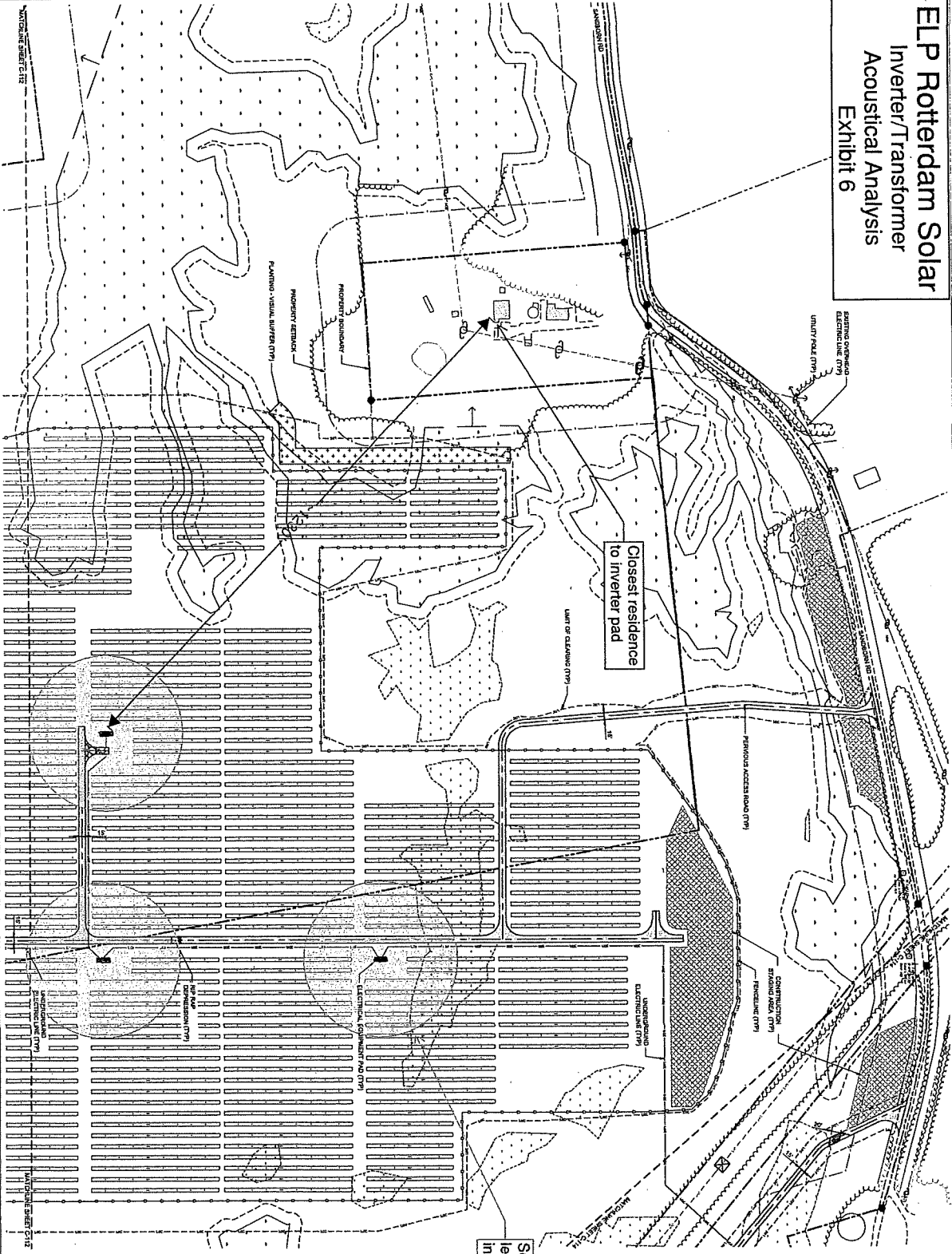
ELP Rotterdam Solar LLC
Sandborn Rd and Crawford Rd
Town of Rotterdam
Schenectady County



Legend

- Freshwater Wetland Class 1
- Freshwater Wetland Class 2
- Freshwater Wetland Class 3
- Freshwater Wetland Class 4
- Freshwater Wetland Separation Line
- Freshwater Wetland (linear)
- Unprotected Streams
- Protected Streams
- EPA Sole Source Aquifers
- Archeological Sensitivity
- Agricultural Districts
- Potential EJ Area
- Threatened or Endangered Mussels
- S1 or S2 Freshwater Mussels
- EPA Sole Source Aquifers
- Aquifers, Primary
- Agricultural Districts
- All E&T species, except fish
- Listed Rare Animal
- Unlisted Rare Animal
- Animal Concentration Area
- BBA_Grassland_Birds_ET
- Critical Environmental Areas

ELP Rotterdam Solar Inverter/Transformer Acoustical Analysis Exhibit 6



SITE PLAN LEGI	
SYMBOL	ITEM
[Pattern]	PERMITS
[Pattern]	PERMITS
[Pattern]	PERMITS
[Pattern]	PERMITS
[Pattern]	PERMITS

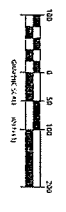
East Light Partners

EDR
a better environment

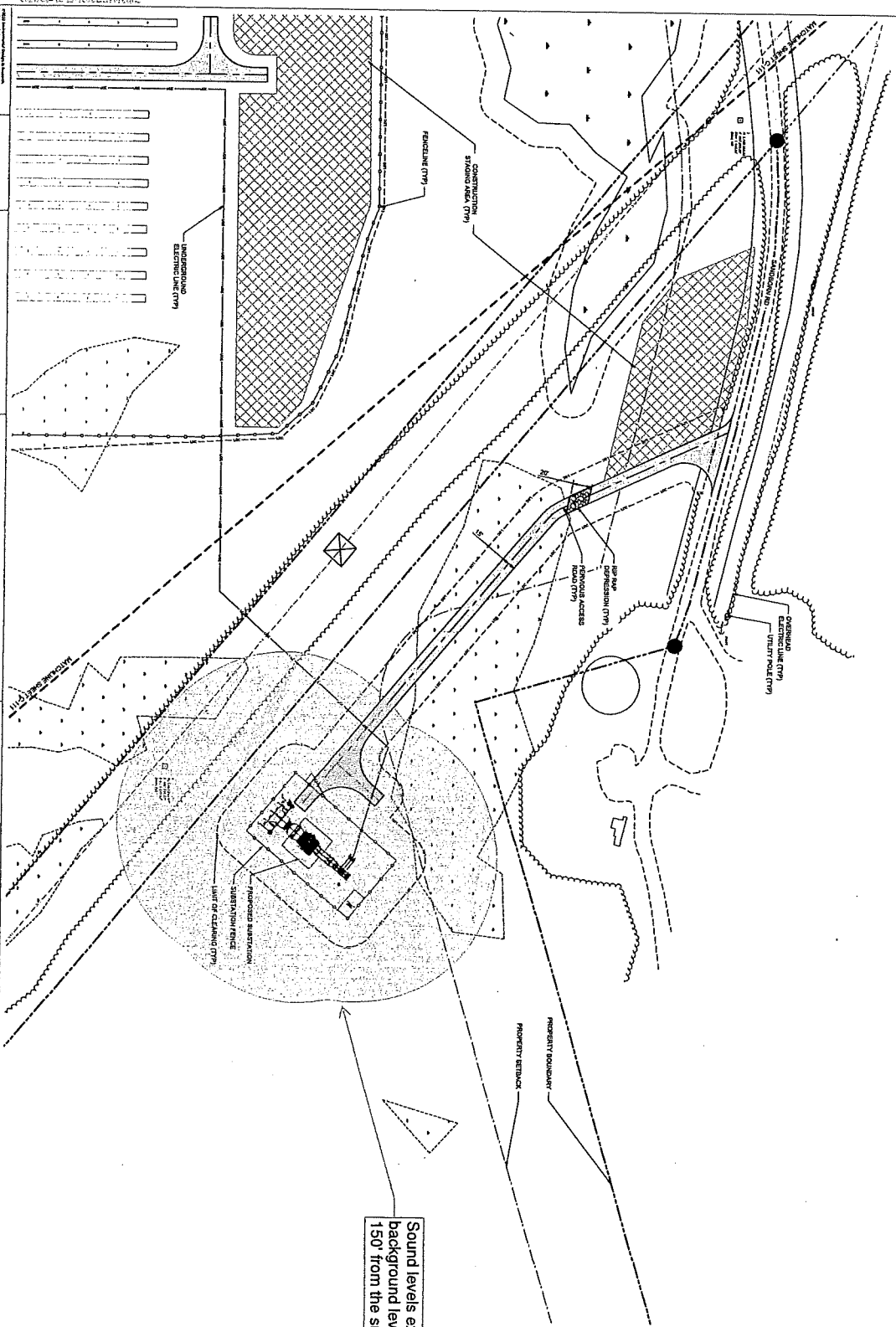
Environmental
Design & Research,
10000 Highway 100, Suite 100
P.O. Box 100
P. 315.471.0688

PROJECT TITLE: ROTTERDAM SOLAR	
PROJECT LOCATION: ROTTERDAM SOLAR, TOWN OF ROTTERDAM, SHERBROOKE COUNTY, NEW YORK	
CLIENT: EAST LIGHT PARTNERS	
DRAWING TITLE: SITE PLAN	
DATE: 10/1/2010	BY: [Signature]
SCALE: 1" = 100'	CHECKED: [Signature]
PROJECT NO: 10000	APPROVED: [Signature]
DATE: 10/1/2010	BY: [Signature]
SCALE: 1" = 100'	CHECKED: [Signature]
PROJECT NO: 10000	APPROVED: [Signature]

**FOR
MUNICIPAL
REVIEW**
NOT FOR CONSTRUCTION



SITE PLAN LEGEND	
EXISTING	EXISTING
PROPOSED	PROPOSED
PERVIOUS	PERVIOUS
FACELINE	FACELINE
UNDERGROUND	UNDERGROUND
PLANNING	PLANNING



FOR MUNICIPAL REVIEW
 NOT FOR CONSTRUCTION

East Light Partners

EDR

Environmental Design & Research

211 Thompson Avenue, Suite 200
 Hudson, NY 12534
 P: 315.471.0688

ROTTERDAM SOLAR

PROJECT LOCATION: ROTTERDAM SOLAR, TOWN OF ROTTERDAM, CATTARAUGUS COUNTY, NEW YORK

DRAWING TITLE: SITE PLAN

NO.	DATE	DESCRIPTION	BY	CHK.
1		ISSUED FOR PERMIT		
2		CONSTRUCTION PERMIT		
3				
4				
5				
6				
7				
8				
9				
10				

Exhibit 7



Parks, Recreation, and Historic Preservation

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

August 25, 2021

Will Bliss
Director Project Engineering
ELP Rotterdam Solar LLC
552 Massachusetts Avenue, Suite 201
Cambridge, MA 02139

Re: DEC
ELP Rotterdam Solar/20 MW/119 of 138 Acres
Town of Rotterdam, Schenectady County, NY
20PR04950

Dear Will Bliss:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

We note that 717 Crawford Road is eligible for listing in the State and National Registers of Historic Places. 717 Crawford Road is potentially within the visual APE of the proposed solar installation. We understand that the proposed project will include installation of a 20 MW ground mount solar generating facility on two parcels: 19.-3-11.11 and 19.-2-20.

Based on this review, it is the opinion of the SHPO that the proposed project will have No Adverse impact to historic and cultural resources. In addition, there are no archaeological concerns associated with this project.

If you have any questions, I can be reached at (518) 268-2164.

Sincerely,

A handwritten signature in black ink, appearing to read "Weston Davey".

Weston Davey
Historic Site Restoration Coordinator
Weston.davey@parks.ny.gov



East Light Partners

Planning Board
Town of Rotterdam
1100 Sunrise Blvd
Rotterdam, NY 12306

RECEIVED
NOV 28 2022
TOWN OF ROTTERDAM
PUBLIC WORKS

Re: Initial Application Completeness Review for ELP Rotterdam Solar

November 25, 2022

Mr. Comenzo,

Please find below ELP Rotterdam Solar's comments in response to the initial engineering review memo from Mr. Daniel Farnan, dated November 14, 2022.

General Comments:

1. Although we understand that normal terminology refers to projects of this size as "20 MW", please revise and resubmit all application material to state "19.99 MW" per the output value awarded in the project's *system impact study*. Or provide data and/or official explanations if the system output is in fact 20.00 MW or greater.

The project is a 20 MW (AC) project. A copy of the NYISO System Impact Study Scope has been provided as Attachment 1, verifying the project's size.

2. When reviewing historic aerial imagery of the site from 1952 to present day we confirm the site was almost fully farmed until about 1986. Aerial imagery from 1995 shows all former farm fields except two on the northern most section of parcel 19-3-11.11 were allowed to lay dormant. We estimate 70-80% of parcel 19-3-11.11 has been dormant for approximately 30- years or greater allowing for revegetation. As such, we recommend the application submit information from a qualify professional inventorying the site's land cover. In particular, what areas qualify as "woodland", and where such lands are contiguous throughout the property. Then recalculate proposed woodland clearing limits. Alter the SWPPP as needed.

We have contracted with OSPA Engineering Services, PC to define and evaluate the woodlands on the site. Their evaluation will at a minimum include some of the following criteria: average tree diameter, average tree age, year area was last observed as cleared, and overall existing vegetation species and size. OSPA will review the language in the local law, review site aerial imagery, and conduct site visits to perform a tree survey to develop locations of tree stands that should be considered woodlands. A memo will be prepared and submitted to the Planning Board describing the results of the desktop review and field survey.

3. **The project proposes a number of solar components to be placed within wetland areas. While this may be permitted by NYSDEC/US Army Corps of Engineers (as applicable), §270-153.C(2) of Town code states that solar development shall avoid lands with the highest ecological values, including wetlands. The same provision of code also mentions contiguous areas of forest.**

We understand that the project will require a special use permit from the planning commission to locate solar panels in the wetland areas.

The project specifically avoids lands which are considered by the Town of Rotterdam and NYSDEC to be of high ecological value. The Town of Rotterdam has published maps as part of its most recent updates to its comprehensive plan outlining environmental resources. The project site avoids all Town mapped resources. The project also initiated jurisdictional inquiries with the NYSDEC in August 2020 and updated the inquiry in August 2021 to determine potential environmental impacts to state resources. NYSDEC confirmed there are no mapped freshwater wetlands and streams in the vicinity of the site, no threatened or endangered species or habitats located in the vicinity of the site, and no critical environmental areas nearby. Furthermore, the NYSDEC reaffirmed this in their lead agency coordination response. The NYSDEC JD Inquiry Response and Lead Agency Coordination Responses have been previously submitted.

4. **We understand the applicant's preliminary submittal may not contain all items required for review of a Solar Farm as their design consultants await initial agency feedback. However, the following items will be required for review, when ready:**

- a. **Documentation of Access—§270-153.B(3) - Usually represented by a "Leaseline" for the area to be leased by solar developer. If the developer will own the parcels but does not currently own them, please provide a letter of intent to purchase the properties.**

A Notice of Option to Purchase Real Property was attached to the special use permit application and included in the original submission on August 17, 2021.

- b. **Documentation of Utility Notification - §270-153.B(6) – Typically a copy of the Coordinated Electric System Impact Review (CESIR), Standard Contract to Interconnect, or other correspondence demonstrating the utility's intent to allow interconnection for the proposed solar facility. We understand the project was approved by NYSERDA and documented on their website. We are looking for a document from the utility company confirming permission to interconnect.**

A copy of the NYISO Small Generator Interconnection Request form was included in the original submission on August 17, 2021. Since the project is proposed to interconnect to the transmission

network, the project's interconnection process is governed by the NYISO tariff rather than the NYSSIR. In this way, a CESIR study is not applicable to this project. The project has completed its System Impact Study and will be part of the upcoming 2023 NYISO Class Year Study. A copy of the executed System Impact Study Scope has been attached to this letter as Attachment 1.

- c. Copy of the Joint Application to NYSDEC/US Army Corps of Engineers, and other correspondence from those agencies regarding permitting required for wetland disturbances or stream crossings. Please note, the Site Plans must list area of disturbance to wetlands for the proposed access road crossings and any other qualifying disturbance. §270-167.C(2)**

A site walk with NYSDEC/US Army Corps of Engineers (USACE) was performed on November 22, 2022. The project plans to submit a Joint Application and Pre-Construction Notice to NYSDEC/USACE in early 2023. A copy of the application can be provided to the Planning Commission once it is available. All access road crossing and other qualifying disturbances will be included in the updated Site Plans. We typically wait until after a site visit is conducted with the NYSDEC and USACE to include these disturbances on the Site Plans.

- 5. We are concerned with single point of access to the site being located on Sandborn Road. The road is narrow enough to possibly be classified as one-lane. The amount of delivery trucks that will need to visit the site will greatly exceed what we believe to be normal truck traffic for the road. The applicant should explore other means of site access for construction that could also be used at time of decommissioning. If the only point of access remains on Sandborn Road, the Town should require the applicant to submit the following:**
 - a. Estimated construction traffic trips and vehicle types that will access the site.**
 - b. A maintenance and protection of traffic plan unique to the parameters of Sandborn Road (i.e. not just typical details). Flaggers may be needed when deliveries are made.**
 - c. Means of warning and protecting local traffic during deliveries, specifically if a delivery truck occupies the entire lane while local traffic attempts to navigate the road.**
 - d. Noise restrictions for tractor trailers leaving the site, specifically No Engine Braking and No Jake Brake down the hill.**
 - e. Turning analysis for delivery and construction vehicles from County Route 97 (Rynex) onto Sanborn, navigating curves on Sanborn Rd., and entering/exiting the site entrance.**
 - f. Documentation that assures sight distances are met, especially for**

County Route 97 (Rynex) and Sanborn Road intersections.

- g. A plan for any damages to the road caused by construction traffic.**

We are currently exploring alternate points of access to the site and plan to discuss these alternatives at the upcoming December 6th Planning Commission meeting. If the final point of access remains on Sandborn Road, we will plan to submit additional details related to construction traffic.

Application:

- 1. Please combine all parts of application (1, 2 & 3) into a single signed document and resubmit with signature and date.**

Mr. Comenzo had previously requested we complete a separate Part III for the wetlands Special Use Permit application. The Special Use Permit Application will be updated (as described below) and combined into a single file.

- 2. Per the Town of Rotterdam's Site Plan/Special Use Permit application, Part I.1.b.2, please submit a legal description and/or deed to the properties.**

A copy of the deed information will be provided.

- 3. Please revise Part II Section A to select applicable items on Site Plans. If an item is truly not applicable, please indicate with an "N/A".**

The form only allows you to check the box. All unchecked boxes are assumed to be N/A.

- 4. Please revise Part II Section B. Items 2, 12, 13 & 14 apply to this project.**

Noted. An updated Special Use Permit Application will be submitted incorporating these changes.

- 5. In Part III of the application, it appears ELP Rotterdam Solar, LLC has an option to purchase agreement but is not yet the legal owner of all properties in this application. The applicant will need to indicate actual landowner as "Legal Owner" and may list ELP Rotterdam Solar, LLC as the "Owner's Designated Contact".**

Noted. An updated Special Use Permit Application will be submitted incorporating these changes.

SEQRA Full EAF:

- 1. Part 1.C.2.b: The property is located within Schenectady County Aquifer Protection Zone IV; the Tributary Watershed Zone; therefore, the requirements of the Schenectady County Intermunicipal Watershed Rules and Regulations may apply.**

Noted.

- 2. Part 1.D.1.b.b. – Please note, acreage to be physically disturbed is not confirmed on Site Plans or within the SWPPP.**

Noted. The Site Plans and SWPPP will be updated to also include the proposed acreage to be physically disturbed.

- 3. Part 1.D.1.g – List the total number of panels or structures which are being quantified with dimensions (“<15, 3, & 9”) on this item.**

Noted. The total number of panels will be included in the updated EAF.

- 4. Part 1.D.2.b – Jurisdictional Determination (full or preliminary) of all on-site wetlands is recommended prior to SEQR determination.**

As noted above, a site walk with NYSDEC/US Army Corps of Engineers (USACE) was performed on November 22, 2022. USACE agreed with the delineation presented by our consultants and either a request for a preliminary JD or a Pre-Construction Notice will be submitted to USACE.

- 5. Part 1.D.2.f. – Other solar development projects in the Town have indicated equipment and trucks used during construction. Given the size of this project it would be warranted to revise the section to include construction data.**

The EAF will be revised to include construction data.

- 6. Part 1.D.2.l – Duration of “operations” would be 24-hr each day of the week after the facility begins generating electricity.**

This question is typically focused on identifying “projects that are likely to produce noise, odors, lighting, traffic or other adverse impacts during the night time” as they “may be more impacting than those that operate during regular business hours.”¹ Given that the project does not “operate” at night, it doesn’t seem appropriate to designate the project as “operational” 24-hours a day, however, we are open to revising this to address any specific concerns Colliers might have. If the primary concern is related to noise, a noise study is planned and will be provided to the Planning Commission.

- 7. Part 1.D.2.m – Insufficient data on operational noise for the facility and substation has been submitted. Data should compare ambient to operational decibels (DbA) levels. In particular, the substation noise generation should be studied to determine if “no long-term noise impact” is an appropriate response for the current design. Further, we anticipate the racking motors would be synchronized and entire facility will act as a whole. At night, the**

¹ EAF Workbook (<https://www.dec.ny.gov/permits/91660.html>)

entire facility may rotate from evening tilt to morning tilt. Noise from this reset of panels should be studied.

A noise study will be provided to study the operational noise for the facility.

- 8. Part 1.D.2.n – Will the control house within proposed substation have any outdoor lighting? Even if used only when a maintenance crew has to access the site at night?**

Typically, there is a light installed above the door of the control house and a few lights within the substation fence, however, these lights are kept off at all times. Routine maintenance will never be performed at night. These lights are only installed in case of an emergency so that crews have the ability to turn them on if they need to access the site at night.

- 9. Part 1.E.1.b – More data should be submitted confirming “Forested” a.k.a. woodlands, and “Meadows, grasslands or brushlands” areas. See above General Comment #2. Further, the application is showing 0.35 acres of wetland loss. Does this account for loss due to panels being installed within wetlands (unless USACE permits say otherwise)? Will any wetland mitigation be required if over 0.1 acre of wetland loss?**

This section will be revised based on feedback from OSPA Engineering Services, PC. The 0.35 acres of wetland impact is based on the proposed disturbance from the access road. This does not account for impact due to panels being installed within wetlands as USACE does not consider this to be disturbance when a driven pile technique is used. Wetland mitigation is typically required over 0.1 acres of wetland impact, however, this will be determined during the Joint Application/PCN process. There are available in-lieu fee programs in the area if the project is required to mitigate for wetland impact.

- 10. Part 1.E.2.a – How was depth to bedrock determined, and is it uniform across the entire site?**

The depth to bedrock was based on data from the USDA Web Soil Survey. An approximate bedrock depth was calculated based on the results across parcels where the array is proposed. The results vary across the site, however, this is typical given the size of the project site.

- 11. Part 1.E.2.h – Please make sure the stream indicated as “876-111” is depicted on Site Plans.**

All field delineated streams will be clearly identified on the updated Site Plans.

- 12. Part 1.E.3.b – Although the site appears to not have had any agricultural activity in the past 5 years, we note that soils rated as “Farmland of statewide importance” exist onsite per the Web Soil Survey.**

For this question the EAF Workbook states “[i]f no part of the parcel has land currently used

or recently used in agriculture (crops, pastures, and woodlands), then move on to question E.3c.”² Although there are soils rated as “farmland of statewide importance” the question asks whether there are agricultural lands consisting of highly productive soils. Given the property has not been farmed since 1986, there are no prime soils, and there are no Mineral Soil Groups 1-4 present, we do not believe it is appropriate to classify the property as having “agricultural lands consisting of highly productive soils.”

- 13. Part 1.E.3.g – At a recent Planning Commission meeting, the applicant mentioned they received a letter of No Effect from SHPO. That letter was not within documents CED received. Please forward a copy.**

A copy of the “no-effect” letter from OPRHP has been provided in our response to neighbor comments letter as Exhibit 7.

- 14. Part 1.E.3. – Parks and other publicly accessible scenic or aesthetic resources do exist within 5-miles of the site. The Plotter Kill Preserve and Moccasin Kill Sanctuary are within 2-3 miles of the site. Please review all nearby resources with 5-miles that may be present and list them, regardless of if the site can or cannot be seen from those resources.**

The EAF will be updated to include the Plotter Kill Preserve and Moccasin Kill Sanctuary as nearby designated resources. No other resources appeared on the Town of Rotterdam’s Parks, Recreation, and Historic Resources map. Additional research will be conducted to confirm if there are other resources within 5-miles of the site in neighboring Towns.

Site Plans

1. General

- a. Most plans are scaled 1” =50’ or 100’ while the Town Code §270-132.A.(1) specifies a scale of 1” =40’ or less shall be used. We recommend the applicant officially request a wavier from this requirement if the Planning Commission deems the plans are legible at current scales. Otherwise, please provide site plans per code requirements.

We will confirm with Mr. Comenzo and the Planning Commission whether the current scales used in the Site Plans are acceptable. If needed, scales can be adjusted based on feedback from Mr. Comenzo and the Planning Commission.

2. Cover Sheet

² EAF Workbook (<https://www.dec.ny.gov/permits/91675.html>)

- a. **Please include a signature space for Planning Commission Chairman per Site Plan Application, Section B.2 requirements.**

This will be added to the updated Site Plans.

- b. **Please place a note on the cover stating “Development must meet all NYS Building and Fire Codes” Chairman per Site Plan Application, Section B.13 requirements.**

This note will be added to the updated Site Plans.

3. Sheet G-002

- a. **Erosion & Sediment Control Notes - Please note, a 5-acre waiver will be needed before building permit application and MS4 sign off. This may become a condition of Planning Commission approval.**

Noted.

- b. **§ 270-153 requires a “Qualified Solar Installer” be used for the construction of this facility. We recommend including a note stating “The Contractor shall be on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP)”**

This will be added to the updated Site Plans.

4. Sheet C-000

- a. **Please list Parcel Numbers or Tax map numbers for project properties shown on this plan.**

This will be added to the updated Site Plans.

5. Sheets C-001 through C-004

- a. **Please revise the gray solid hatch for areas to be cleared so the underlying aerial image is viewable.**

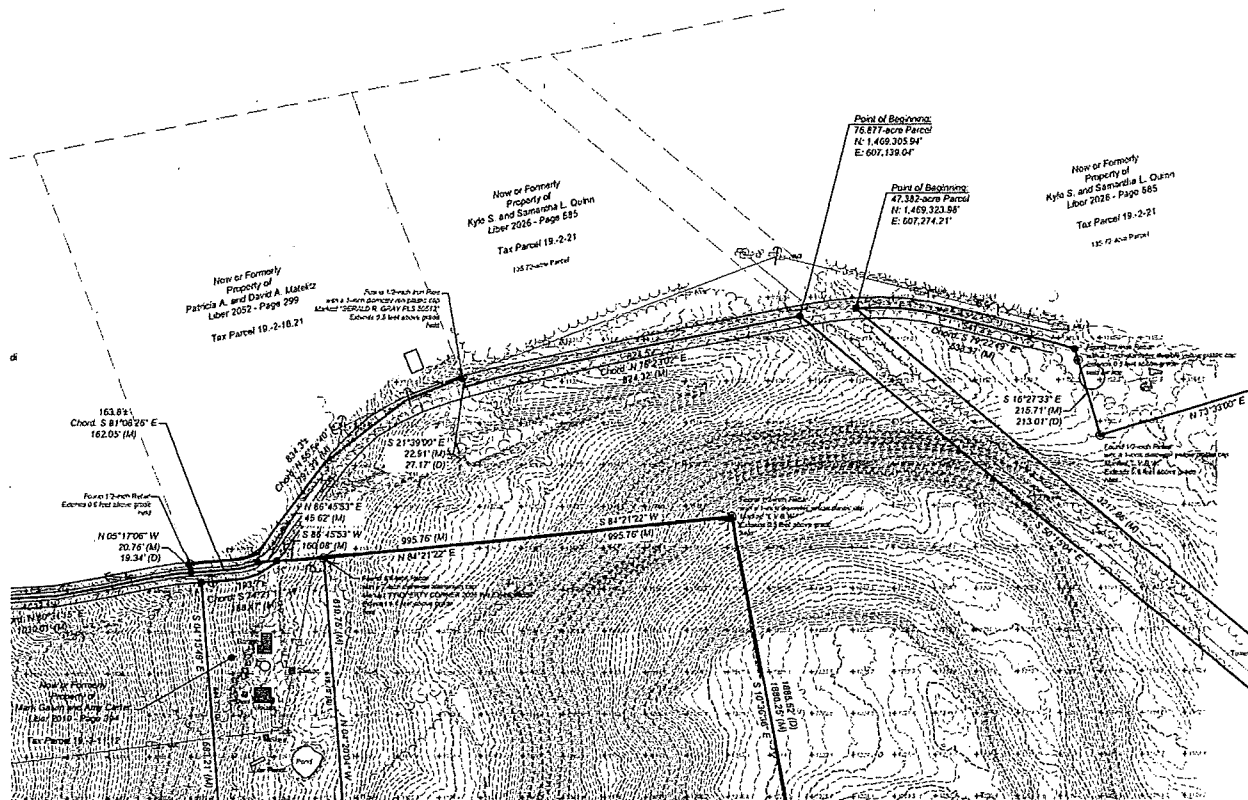
The gray solid hatch will be revised with an alternative hatch that is not solid in the updated Site Plans.

- b. **While visiting the site in September, our office noticed “Private Property” signs near the end of Sandborn Road before the project’s proposed entrance location. Please provide deeded evidence or a stamped survey showing an official “Right of Way” on Sanborn Road. Otherwise, please provide necessary proposed easements that would**

allow access rights to the site for both the solar operator, the utility, and for the Town to access for emergency services.

A survey of the property has been conducted including a review of all relevant deed information of nearby properties. The snip of the survey below illustrates that the property line extends to the centerline of the private road.

Figure 1 Section of ELP Rotterdam Solar Boundary Survey



No easements are required to access either Sandborn Road or the private road east of Sandborn Road. Full deed information will be provided electronically, however, in an effort to limit the amount of printing we have not included the deed information as an attachment to this letter.

- c. Notes on Construction within Waters of US – Notes 1 & 2 - Who will monitor construction activities to assure the contractor follows these guidelines?

Construction activities are typically monitored by the Town's building department.

- d. Notes on Construction within Waters of US – Note 3 - § 270-153.C (10) requires all wiring to be located underground. Please make clear to the Planning Commission, and on the plans, where wires will be supported

on a racking system instead of underground. Applicant will need to request a waiver from § 270-153.C (10).

Note 3 is referring to larger wiring coming out of the combiner boxes, and this also typically is not detailed on a permitting plan set (there will likely be >100 combiner boxes on site), however, details of wire management techniques will be added to the updated Site Plans. All larger MV cables running between the equipment pads are planned to be located underground and are shown on the drawings. If there are specific locations where wiring needs to be located above ground (in wetland areas) this will be specifically noted on the updated Site Plans.

- e. Notes on Restoration within Waters of US – What will happen in these wetland areas for mowing and other maintenance? Wetland seed mixes are usually planted in areas not meant to be periodically mowed. Plants may also grow to heights that interfere with panels at their start and end of day tilts.**

Wetland seed mixes would be planted as described in the Restoration Notes. Mowing is allowed because there is no disturbance to the root structure of the wetlands. Mowing is scheduled during dry periods to avoid any rutting within USACE jurisdictional wetlands. This will be clarified in the Operations and Maintenance Plan and a note can be added to the updated Site Plans.

- f. Notes on Restoration within Waters of US – Will wetland permits allow for mowing in wetland areas?**

Yes, mowing does not disturb the root structure and is permitted within USACE regulated wetlands.

- g. On Sheet C-003 (and C-103), who is the owner of the underground fiber optic utility? Is there an easement for that utility? Does it need to be relocated for construction?**

Our surveyor has not identified a recorded easement for the underground fiber optic line. The fiber optic line is currently being shown as a precautionary measure as it appeared on publicly available NYS GIS data. A note will be added to C-103 instructing the contractor to confirm if the fiber optic line exists. Currently, the fiber optic line only overlaps with a few proposed panel racks and should be easy to relocate if needed.

- h. On Sheet C-004, The LOD line around proposed substation should be extended to the limits of vegetation on the utility transmission corridor. We anticipate this vegetation will be cleared for the wires leaving the H-Frame to point of interconnect.**

The LOD line will be adjusted on the updated Site Plans.

- i. **On Sheet C-004, should the LOD line be farther away from the proposed substation, sufficient to avoid a mature height (60-80 ft) tree from falling on the facility?**

Currently 30 feet is proposed to be cleared around the outside of the substation fence in all directions. If there are individual trees beyond 30 feet that appear unstable or contain branches that are likely to fall onto the substation these will be selectively removed. However, we do not believe additional clear cutting is required beyond 30 feet.

6. Sheets C-101 to 104

- a. **Access roads to the site needs to meet dimensional requirements and other portions of current NYS Fire Code, section 503 and applicable appendices.**

All access roads to the site will be designed to meet the NYS Fire Code.

- b. **Please provide a Knox-Box or other similar method of entry for Emergency Fire Services at the Main Gate Access. Provide detail in plans.**

A Knox-Box will be provided unless the Pattersonville Fire District prefers another method of entry. We are still waiting on feedback from the Pattersonville Fire District but assuming they request a Knox-Box, this will be added to the Site Plans.

- c. **Please provide a detail for the proposed wetland crossing culvert which includes stream geometry, elevations, culvert size, headwalls (if used), inlet/outlet protection, and other data needed to meet USACE and/or NYSDEC permitting requirements. This comment is applicable to all instances of crossings on the project.**

Detailed wetland crossings will be provided in the updated Site Plans. Since the access road location has not yet been finalized, we have not started to develop the wetland crossing details. These drawings are also required as part of the Joint Application to NYSDEC/USACE and will be developed and incorporated into the updated Site Plans once we submit a Joint Application.

- d. **Proposed landscaping near lands N/F of Galvin and Carter are located in wetland. This disturbance to wetlands may not be permitted under the same Nationwide permit as solar installations. Further, will proposed plantings survive in wetland soil conditions?**

We are currently updating the proposed landscaping near the Galvin/Carter residence. We plan to shift the plantings to be located outside of the wetlands.

- e. **Per § 270-132.A.(7), Please provide road profiles for all gravel roads to**

be installed for this project. We recommend these grading plans and profiles meet code § 270-132 for scales of 1" = 40' or less unless a waiver is granted.

Road profiles will be provided once we have finalized the location of the access road. As we noted above, we are exploring a few alternate points of access and want to finalize the road location prior to developing full profile drawings

- f. **Construction staging areas for substation is outside the limits of clearing and disturbance. Please revise on all necessary sheets and in applicable calculations.**

There will not be a separate construction staging area for the construction of the substation. This will be removed in the updated Site Plans.

- g. **Underground wires to substation from solar site will require clearing and should be within clearing and disturbance lines. Please revise on all necessary sheets and in applicable calculations.**

The updated Site Plans will include all required clearing activities associated with the underground wires to the substation.

- h. **Please label the total area within the proposed fence on the plans.**

This will be added to the updated Site Plans.

7. Sheet C-201 to 204

- a. **The gray hatch for areas "to be graded" needs to be defined. Per § 270-132.A.(7), cuts and fills must be defined for a Site Plan.**

The gray hatch will be updated so that it is a different pattern and not a solid hatch.

- b. **Please provide a slope exhibit showing areas of 0-15%, 15-25% and 25% or greater slopes for the site. The SWPPP and Erosion Control Plans will need to address any special stabilization methods needed for disturbed soils on steep slopes. Other regulations of Town Code § 270-215 may apply for developed areas of 15% and greater. We note, there appears to be areas of 15% or greater slopes where some of the panels will be located. The slope exhibit may be separate from the site plan set and does not need to appear on the Grading Plans.**

A slope exhibit can be provided if needed. In general, panels have been located in areas with <15% slopes. The majority of the grading on site will entail filling in holes where there are small areas where the slope is >15%. Additional details will be provided to further illustrate the Grading Plans.

- c. **There is a compost filter sock located in wooded areas to remain on the northern slope, sheet C-201. Is this intended? Will it disturb the area?**

The compost filter sock is designed to decompose at the end of construction. C-602 contains a Compost Filter Sock Detail and an appropriate compost filter sock will be selected based on the duration of the construction.

- d. **What is the slope of embankment on the access road into the site? Assure those side slopes are protected for erosion & sediment.**

The current access road has been designed to be less than a 10% slope. EDR provided grading details for the section of the access road into the site and also has checked the profiles to ensure appropriate side slopes have been designed.

- e. **Please indicate the total area of disturbance, in acres or square feet, for the whole project.**

The total area of disturbance will be recalculated and presented in the updated Site Plans. The proposed area of disturbance in the previous submission was approximately 99 acres.

- f. **Will the laydown area be cleared of topsoil and graded with a gravel pad as is typical for other solar developments? This area will need to be studied for any changes in stormwater runoff that requires temporary sediment traps or other methods of erosion, sediment, and runoff management.**

The laydown areas will be stabilized as shown in the Stabilized Construction Stage Area Detail on C-601. EDR will consider changes in stormwater runoff due to laydown areas once the final staging locations are finalized. The LOD on the updated Site Plans will incorporate these changes accordingly.

- g. **Soil restoration methods per NYSDEC recommendations will be required for the laydown area and full solar facility when construction is complete. Otherwise, all disturbed areas must be changed by one level the post-construction hydrologic soil group (HSG) to a less permeable group than the original condition per Section 5.1.6 of DEC's Stormwater Management Design Manual.**

All areas will be restored back to existing conditions or better. If any areas become heavily compacted, scarification will be required prior to seed/mulch/etc per NYSDEC recommendations.

8. Sheet C-601

- a. **The site fencing details show 8-ft height and the project's cover letter indicated 7-ft fencing would be used. Please clarify and request a**

wavier if fencing does not meet § 270-153.C.(4).

Mr. Comenzo recommended we propose a 7-ft high fence, which differs from the code requirement of 8.5-ft. We ask that Mr. Comenzo confirm what height the board prefers and we will update the Site Plans accordingly.

9. Sheet C-603

- a. Buffer Planning Detail calls for pollinator seed mixes. Will these work in wetland areas where some buffers are proposed? Are gaps in the proposed plantings intentional, or should buffering completely block view of the site?**

Pollinator seed mixes will be proposed in all areas outside the wetland areas. Wetland seed mixes will be proposed within wetland areas. Some gaps can help the buffer plantings look more naturalized, however, if the board prefers there be no gaps we can propose additional plantings.

10. Sheet C-604

- a. What is the depth of temporary subbase proposed to be placed on top of the pervious access road?**

The depth of the temporary subbase is 4" as shown in the Pervious Access Road – 0% to 10% Slopes Detail.

- b. Width is labeled at 20' max. Planview shows 15'. Ultimately, the road width needs to meet NYS Fire Code. Revise as needed.**

The updated Site Plans will show a width of 20' for access roads. NYS Fire Code calls for a minimum width of 20'.

- c. Please provide more information on the tracker racking details and equipment pad foundations. Typical details are satisfactory.**

Additional details will be provided in the updated Site Plans.

SWPPP

- 1. Total land disturbance is not listed in the SWPPP or on the draft NOI. Please provide.**

This will be added to the updated SWPPP.

- 2. Where applicable in the SWPPP, please specifically indicate that a copy of all SWPPP inspections shall be sent to: "Mary Barrie – Town of Rotterdam MS4 Office" during construction.**

This will be added to the updated SWPPP.

3. The project is proposing to disturb more than 5-acres of land at one time and will request a waiver from NYSDEC. Typically, the NYSDEC will review the waiver proposal and SWPPP documents, then discuss alterations to the SWPPP as needed. Please copy the Town on all correspondence with the NYSDEC so the MS4 office can have it on record. Gaining the 5-acre waiver should become a condition of final approval for the project.

Noted.

4. Based on prior solar projects approved in the Town we understand the NYSDEC permits use of a pervious access road, which hydraulically mimics the Hydrologic Soil Group of underlying soils. Based on that understanding, please address the following:

- a. The access road into the site appears to be proposed partially on a fill section. We assume fill soils will be from borrow on the site. On-site soils are mostly HSG-D. Per the NYS Stormwater Design Manual, when an HSG-D is compacted and no deep ripping occurs, the area is to be treated as impervious. We do not expect a road fill section to be deep ripped to preserve structural integrity of compaction. Please model the area accordingly.

Noted.

- b. The permeable road will be covered with subbase gravel during construction. This will effectively make the road impervious during all of construction. Please model accordingly (temporary basins, etc.) so there are no runoff issues downstream during construction.

Noted.

- c. If the subbase clogs the underlying pervious stone, repairs will be required before the MS4 will sign off on the Notice of Termination for GP-0-20-001 permit coverage.

Noted.

- d. Will construction traffic over compact the entire road section (temp subbase and pervious stone)? If so, the entire road (not just the fill section mentioned above) would need to be removed and underlying soils decompacted?

The temporary subbase and geotextile are designed to protect the permanent pervious access road from sedimentation and compaction. In our experience the gravel fill material (50:50

Mix of NYSDOT No. 3 and No. 4 Stone) is large enough to avoid being compacted when a geotextile and subbase layer is placed overtop as shown in the Pervious Access Road – 0% to 10% Slopes Detail on C-604.

5. **Revise the first sentence of Section 6.2 if the intent is to obtain a 5-acre waiver from NYSDEC. Written permission needs to come from NYSDEC first.**

This will be revised in the updated SWPPP.

6. **If the project obtains a 5-acre waiver, the SWPPP will need to be revised to contain all items under section 6.2a. At that time, the SWPPP should be reviewed again by our office so we can advise the Town's MS4 Office prior to issuance of a building permit.**

Noted.

7. **Section 6.3 mentions deed covenants for O&M. Please advise on what these covenants will say.**

ELP Rotterdam Solar LLC will purchase the property and have full access rights to the property. Therefore, no deed covenants are needed.

8. **Section 8.1 states the substation stormwater management controls will not be completed until final design efforts. This needs to be designed as part of the Site Plan and SWPPP review. Please provide.**

EDR is planning to utilize a design which allows stormwater to infiltrate into the substation. This design has been implemented on previous projects and has been approved by NYSDEC. Additional details will be provided in the updated Site Plans.

9. **We believe all landcovers in HydroCAD should be considered "Good". The "Fair" classifications used do not appear applicable to the conditions we observed during an early October site visit. Please revise, or document factors that would allow the "Fair" classifications.**

The HydroCAD model will be updated to indicate "good" condition. The current model notes "fair" condition in pre and post construction, therefore there will be no negative peak flow impact in changing both to "good".

10. **Watershed P-1 should be divided into sub-watersheds. The Design Point POA-1 does not capture all of the water draining through P-1 as currently delineated.**

Everything in Watershed P-1 ends up flowing to the same location. We will divide into sub watersheds and combine them at a POA where both meet.

11. **We will defer Water Quantity calculation review until the landcover**

classifications are updated.

Noted.

- 12. What is the spacing between solar panels? Is it greater than the total width of panels when they are mid-tilt (0 degrees)?**

The spacing between the panels is 16'1" and the width of the panels is 7'11". Yes, it is more than double the spacing when the panels are parallel to the ground.

- 13. Indicate the source of rainfall values used in HydroCAD in the Stormwater Management memo.**

EDR used the Cornell Website Extreme Precipitation Data.

- 14. Output from HydroCAD show a loss of approximately 62.1 AC of woods between Pre & Post. This conflicts with the reported 55.8 AC of wood clearing indicated on site plans. Please revise all documents as required.**

These values will be properly coordinated in the updated SWPPP and Site Plans.

- 15. Post-Construction Operation & Maintenance Manual does not include sufficient information on long term requirements. Please revise.**

An Operation and Maintenance Plan is being developed for the project.

Decommissioning Plan

- 1. Why is the site's expected life only 20 years? Other solar projects in the Town have 25-year life spans with multiple 10-year extension options.**

Community solar projects fall under the VDER tariff which is a 25-year program, whereas utility scale projects are awarded 20-year contracts with NYSERDA. For this reason, it is assumed the base expected life of the project would be 20 years.

- 2. Decommissioning Plan states the site will be returned to its "original state". Does this included reforestation for mature forest that will be cut?**

The project site will be reseeded and allowed to "rewild." Over time, the natural state of the property will return to be a variety of habitat types including a mix of fields, scrub-shrub vegetation, and mature forests.

- 3. The Decommissioning Plan should be reviewed by a Licensed Professional Engineer with solar experience, who can verify the plan and costs are accurate, per NYSERDA's "Decommissioning Solar Panel Systems" document, section 1.2. Please provide a letter from a NYS licensed engineer verifying their review of the plan and costs.**

A revised Decommissioning Plan, which will be reviewed by a NYS licensed engineer, will be provided.

4. **The Decommissioning Plan does not appear to consider the removal of the substation. How is this to be handled? This must be included in the cost & discussion.**

The Decommissioning Plan does consider the removal of the substation, however, this will more clearly be broken out as a separate line item in the revised Decommissioning Plan.

5. **Excluding 2021 and 2022, inflation since 1990 has averaged higher than 2%. Given the current economic conditions of the past two years, and historical averages, assuming a 2% inflation rate in the Decommissioning Plan is not appropriate. Please revise.**

From 1990-2022 the average inflation rate has been 2.6%. We have revised the annual inflation rate to be 2.6%

6. **The decommissioning cost of \$446,690 seems low for a facility of this size. Please provide an itemized cost breakdown for how the decommissioning value was determined.**

An itemized cost breakdown will be provided in the revised Decommissioning Plan.

7. **Costs must consider prevailing wage labor rates if the Town needs to execute the bond to decommission the site. Please show this is met in unit pricing for the decommissioning cost.**

Prevailing wage labor rates have been assumed in the Decommissioning Plan.

8. **The cost appears to take credit for a salvage value. However, section 2 of the plan states materials will be “disposed of at an appropriate waste” or salvaged. If materials cannot be salvaged, all disposal costs must be considered in the event Town needs to execute the bond to decommission the site and cannot salvage all the materials.**

The previous Decommissioning Plan assumed that approximately 25% of the raw materials on site would be able to be salvaged. All remaining material would be disposed of or recycled.

Additional Comments Related to the Project

1. **Wetland Buffer Disturbance – Under Special Use Permit the project may disturb wetland buffers and wetland areas provided all conditions of § 270-167.C are met. Please note requirements of § 270-167.C(2).**

Noted.

2. **The applicant will need to demonstrate adequate turning radius are provided at intersections of the proposed access road for trucking deliveries and emergency vehicles.**

Access roads were designed utilizing vehicle tracking AutoCAD Civil 3D for a SU-40 Single Unit Truck which is approximately 40' in length. To provide additional clarity, EDR will add radius labels to site plans.

3. **In accordance with § 270-153.B(1) please submit cut-sheet specifications for the following, as applicable: solar panels, inverters, transformers, tracker motors, racking/foundations, and other electrical equipment. Alternatively, this information can be provided as details on plans. It is understood the materials may change prior to construction. Providing the equipment used as the basis for electrical design/sizing will be sufficient.**

Equipment cut-sheets will be provided.

4. **Will an Operation and Maintenance Plan for the overall site be submitted?**

Yes, we plan to submit an Operation and Maintenance Plan for the project.

5. **Please submit information on glare from the project.**

We have performed a glare analysis for the project. The analysis confirmed no glare was found for any neighboring properties. The analysis has been attached as Attachment 2.

6. **Visual simulations from residential properties that may be impacted should be submitted. We advise the applicant discuss vantage point selection with the Planning Commission before performing the study. Show both pre and post (simulated) conditions all visuals submitted.**

We will present an overall visibility map to the Planning Commission on December 6th and will review with them where they consider visual simulations from residential properties are appropriate.

If you have any questions, please do not hesitate to reach us by email at wbliss@eastlightpartners.com and wdewolf@eastlightpartners.com or by phone at 781-718-9137 and 646-239-1102.

Sincerely,

Will Bliss and Wendy DeWolf
ELP Rotterdam Solar LLC

ATTACHMENTS

Attachment 1: NYISO System Impact Study Scope

Attachment 2: Forgesolar Glare Analysis

02/19/2021

Small Generating Facility - Interconnection System Impact Study Scope

Queue #1038 : *ELP Rotterdam Solar Project*

1. Purpose

The purpose of this Interconnection System Impact Study (“SIS”) or the (“Study”) is to evaluate the impact of the proposed interconnection ELP Rotterdam Solar (the “Project”) which is being developed by ELP Rotterdam Solar LLC (the “Developer”) to the New York State Transmission System (“NYSTS”). The Study will be performed in accordance with Attachment Z of the NYISO Open Access Transmission Tariff (“OATT”).

The proposed point of interconnection (“POI”) will be the National Grid’s Rotterdam-Maple Ave 115 kV line #10. The POI will be located at approximately 4.38 miles from the Rotterdam Substation, 10.7 miles from Maple Ave Substation.

The Connecting Transmission Owner (“CTO”) is National Grid (“NG”).

The Project will be located in Rotterdam, NY.

The Project, as proposed, is a photovoltaic plant, consisting of eight (8) Sungrow 3150U inverters. It is expected to have a maximum potential generating capacity of 20 MW during summer and winter periods.¹

The Project has a proposed In-Service Date of **10/2022**, Initial Synchronization Date of **11/2022** and Commercial Operation Date of **12/2022**.

The Study will assess the impact of the Project on the base case power system including potentially Affected Systems. It will provide a list of the facilities (CTO Attachment Facilities and System Upgrade Facilities) required to reliably interconnect the Project, and non-binding good faith estimates of cost and time to construct those facilities.

The Study will be conducted in accordance with the Applicable Reliability Standards.

2. Interconnection Plan

The Study will include a description of the proposed facilities and the conceptual design of the interconnection to the system representation. The description will include a breaker one-line diagram depicting the proposed facilities and their integration with the existing facilities.

¹ For temperature sensitive output projects, the MW values represent the Maximum Summer Peak Net Output that can be achieved between 85 and 95F, and the Maximum Winter Peak Net Output that can be achieved between 10 and 35F.

3. Study Period

The study will be based on the updated NYISO Class Year 2019 ATBA base cases (“Base Cases”) that have the 2019 FERC-715 2024 system. The Study will be conducted using the steady state, stability, and short circuit Base Cases provided by the NYISO, and will include the representation of proposed projects that have already been cost allocated, up to and including Class Year 2017 (as listed in Appendix A of this scope).

4. Study Area

The Study will identify and evaluate the impact of the Project on the 115kV and above portions of the NYSTS in the in the following New York load zones: **Zone F (Capital)** that are most likely to be affected by the Project. The Study will also evaluate the impact of the Project on the local system (115kV and below) in the electrical proximity to the POI.

5. Base Case Conditions

The impact of the proposed Project will be evaluated for **summer peak and light** load cases for the following base case conditions, and as specified under the subsequent sections of this Scope:

Case 1 - Base Case without the Project. The Base Cases will include the baseline system and the proposed projects listed in Appendix A of this scope. The short circuit Base Case will model all the projects as in-service. The steady state Base Case will normally model all projects as in-service and at full output, but may model some projects as out-of-service or less than full output as necessary to establish a feasible base dispatch. Generation will be dispatched in accordance with the NYISO Minimum Interconnection Standard.²

Case 1a - Sensitivity Case without the Project. Case 1 including nearby projects listed in Appendix C of this scope modeled as in-service and at full output. Generation will be dispatched in accordance with the NYISO Minimum Interconnection Standard.

Case 2 - Case 1 with the Project and nearby proposed projects listed in Appendix B modeled in-service. The Project and the other nearby project will be modeled as in-service at full output. Unit and facility reactive resources for the Project will be represented. Generation will be re-dispatched in the steady state case, as needed, in accordance with the NYISO Minimum Interconnection Standard.

Case 2a - Case 1a with the Project and nearby proposed projects listed in Appendix B modeled in-service. The Project and the other nearby project will be modeled as in-service at full output. Unit and facility reactive resources for the Project will be represented. Generation will be re-dispatched

² As defined in the NYISO Transmission Expansion and Interconnection Manual (NYISO TEI Manual).

in the steady state case, as needed, in accordance with the NYISO Minimum Interconnection Standard.

6. Analysis

Thermal, voltage, stability and short circuit analyses will be conducted to assess the performance of the base system conditions within the Study Area, with and without the Project, in accordance with Applicable Reliability Standards, guidelines and study practices. Modifications to Base Cases, during analyses, will be documented in the Study Report.

6.1 Steady State Analyses: N-0 and N-1

Thermal and voltage steady state analyses, using PSS/E or a comparable load flow program, will be conducted for **summer peak and light** load cases, pre-contingency and also for relevant Design Criteria Contingencies conditions, and will be limited to the Study Area.

Thermal limits will be assessed under both Normal Criteria and Emergency Criteria, using normal ratings pre-contingency and applicable post-contingency ratings (e.g., Long-Term-Emergency, LTE, ratings or Short-Term-Emergency, STE, ratings).

Voltage limits will be assessed, pre and post contingency, using the applicable voltage limits.

6.2 Short Circuit Analysis

Short circuit analysis will be performed, using ASPEN, to evaluate the impact of the Project on system protection and adequacy of existing circuit breakers, other fault current interrupting devices, and related equipment. All Project impacts of 100 A or more will be identified.

This analysis will be performed in accordance with the NYISO Guideline for Fault Current Assessment (Attachment I of the NYISO Transmission Expansion and Interconnection Manual), and in accordance with Connecting Transmission Owner and Affected System(s) criteria, to the extent such criteria are recognized as Applicable Reliability Standards.

6.3 Stability Analysis

Stability analysis, using PSS/E v33, will be performed for **summer peak and light** load conditions to determine the impact of the Project on system performance within the Study Area. This analysis will evaluate the performance of the system for Design Criteria Contingencies and will address issues including, but not limited to, transient stability, dynamic stability (i.e., damping), critical clearing time, coordination of protection and control systems, and performance of any Special Protection Systems that may be affected.

These analyses will explicitly consider the voltage and frequency ride-through capabilities of the facility.

7. Modeling Assumptions

7.1 Phase angle regulators (“PARs”), switched shunts, and LTC transformers will be modeled as regulating pre-contingency and non-regulating post-contingency. The Study will use PAR schedules established by the NYISO in coordination with the neighboring ISOs through the NERC and NPCC base case development processes. PARs may be adjusted as necessary to relieve pre-contingency overloads.

7.2 SVC and FACTS devices will be set to zero pre-contingency and allowed to operate to full range post-contingency.

8. Evaluation and Identification of Upgrades

If the Study results indicate that the Project, as proposed, would result in violations of Applicable Reliability Standards, analyses will be performed to identify any System Upgrade Facilities or Distribution Upgrades (if applicable) that would be required to meet the NYISO Minimum Interconnection Standard. When such upgrades are identified, sufficient re-assessments (among those identified in this scope) should be performed in order to assure that the upgrades do not cause any adverse reliability impact on the Study Area.

9. Cost Estimates of Facilities and Time to Construct

A description of facilities (i.e., CTO Attachment Facilities and CTO and Affected Systems' System Upgrade Facilities, if any) required to interconnect the Project to the New York State Transmission System, or the Distribution System (if applicable), and non-binding good faith estimates of cost and time to construct those facilities, will be provided.

10. Report

The Study Report will document the summary of the results relevant to the project impacts, project description, project modeling, study assumptions, criteria and methodology, mitigation solutions and their impact assessment, and conclusions, for each of the study types identified in this scope.

Appendix A

List of Other Proposed Projects to be Modeled in the Base Case

Queue#1038: *ELP Rotterdam Solar Project*

Queue Pos.	Owner / Project Name	MW (S W)
349	Taylor Biomass Energy, LLC / Taylor Biomass	19.0 22.5
387	Cassadaga Wind, LLC / Cassadaga Wind	126 126
393	NRG Energy, Inc. / Berrians East Repower	508 584
396	Baron Winds, LLC / Baron Winds	300 300
421	EDP Renewables NA/Arkwright Summit	78.4 78.4
422	NextEra Energy Resources, LLC Eight Point Wind Energy Center	101.2 101.2
505	Ball Hill Wind Energy, LLC / Ball Hill Wind	100 100
545A	Empire State Line Alternative	N/A
543	Segment B Knickerbocker - Pleasant Valley 345 kV	N/A
556	Segment A Double Circuit	N/A

Appendix B

List of Nearby Projects to be included in the System Impact Study

Queue#1038: *ELP Rotterdam Solar Project*

Queue Pos.	Owner / Project Name	MW (S W)
1030	Boralex US Development/ NY109 Solar	20 20
806	SED NY Holdings LLC/ Limestone Solar	20 20

Appendix C

List of Nearby Projects to be Modeled in the Sensitivity Case

Queue#1038: *ELP Rotterdam Solar Project*

Queue Pos.	Owner / Project Name	MW (S W)
495	Mohawk Solar LLC/ Mohawk Solar	90.5 90.5
618	North Park Energy, LLC/ High River Solar	90 90
619	North Park Energy, LLC/ East Point Solar	50 50
682	Grissom Solar, LLC /Grissom Solar Project	20 20
748	Regan Solar, LLC/ Regan Solar (Grissom Solar II Project)	20 20
780	Hecate Energy Johnstown, LLC / Johnstown Solar	20 20

Agreed to by:

For the Connecting Transmission Owner:

Lauren Snyder

Name _____

Lauren Snyder

Digitally signed
by Lauren
Snyder
Date:
2021.02.23
23:47:36 -05'00'

02/24/2021

Signature _____ Date _____

FORGESOLAR GLARE ANALYSIS

Project: ELP Rotterdam Solar

A proposed 20 MWac solar project in Rotterdam, NY.

Site configuration: Untitled

Created 03 Oct, 2022

Updated 03 Oct, 2022

Time-step 1 minute

Timezone offset UTC-5

Site ID 77011.13575

Category 10 MW to 100 MW

DNI peaks at 1,000.0 W/m²

Ocular transmission coefficient 0.5

Pupil diameter 0.002 m

Eye focal length 0.017 m

Sun subtended angle 9.3 mrad

Methodology V2



Summary of Results No glare predicted

PV Array	Tilt °	Orient °	Annual Green Glare		Annual Yellow Glare		Energy kWh
			min	hr	min	hr	
PV array 1	SA tracking	SA tracking	0	0.0	0	0.0	-

Total annual glare received by each receptor; may include duplicate times of glare from multiple reflective surfaces.

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
OP 1	0	0.0	0	0.0
OP 2	0	0.0	0	0.0
OP 3	0	0.0	0	0.0
OP 4	0	0.0	0	0.0
OP 5	0	0.0	0	0.0
OP 6	0	0.0	0	0.0
OP 7	0	0.0	0	0.0
OP 8	0	0.0	0	0.0
OP 9	0	0.0	0	0.0
OP 10	0	0.0	0	0.0
OP 11	0	0.0	0	0.0
OP 12	0	0.0	0	0.0
OP 13	0	0.0	0	0.0

Receptor**Annual Green Glare****Annual Yellow Glare**

	min	hr	min	hr
OP 15	0	0.0	0	0.0
OP 16	0	0.0	0	0.0
OP 17	0	0.0	0	0.0
OP 18	0	0.0	0	0.0
OP 19	0	0.0	0	0.0
OP 20	0	0.0	0	0.0
OP 21	0	0.0	0	0.0
OP 22	0	0.0	0	0.0
OP 23	0	0.0	0	0.0
OP 24	0	0.0	0	0.0
OP 25	0	0.0	0	0.0
OP 26	0	0.0	0	0.0
OP 27	0	0.0	0	0.0
OP 28	0	0.0	0	0.0

Component Data

PV Arrays

Name: PV array 1

Axis tracking: Single-axis rotation

Backtracking: Shade-slope

Tracking axis orientation: 180.0°

Max tracking angle: 60.0°

Resting angle: 60.0°

Ground Coverage Ratio: 0.33

Rated power: -

Panel material: Smooth glass with AR coating

Reflectivity: Vary with sun

Slope error: correlate with material



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)	Height above ground (ft)	Total elevation (ft)
1	42.863314	-74.074676	1115.76	8.50	1124.26
2	42.862410	-74.074687	1117.59	8.50	1126.09
3	42.862418	-74.075180	1101.01	8.50	1109.51
4	42.861089	-74.075159	1098.68	8.50	1107.18
5	42.860735	-74.074987	1103.21	8.50	1111.71
6	42.860365	-74.074955	1102.52	8.50	1111.02
7	42.859500	-74.074493	1128.99	8.50	1137.49
8	42.859531	-74.073260	1176.57	8.50	1185.07
9	42.857329	-74.073099	1192.99	8.50	1201.49
10	42.857329	-74.073517	1183.82	8.50	1192.32
11	42.855835	-74.073506	1215.98	8.50	1224.48
12	42.855843	-74.074032	1200.60	8.50	1209.10
13	42.855906	-74.074343	1188.71	8.50	1197.21
14	42.855465	-74.074343	1190.57	8.50	1199.07
15	42.855438	-74.074048	1203.81	8.50	1212.31
16	42.855076	-74.073769	1214.16	8.50	1222.66
17	42.852528	-74.073753	1242.31	8.50	1250.81
18	42.852512	-74.072841	1274.06	8.50	1282.56
19	42.852842	-74.072841	1272.31	8.50	1280.81
20	42.853047	-74.072627	1279.01	8.50	1287.51
21	42.852992	-74.070234	1335.47	8.50	1343.97
22	42.853086	-74.069472	1359.51	8.50	1368.01
23	42.853527	-74.068485	1354.91	8.50	1363.41
24	42.854439	-74.068475	1349.01	8.50	1357.51
25	42.855430	-74.068636	1347.88	8.50	1356.38
26	42.856586	-74.068646	1351.68	8.50	1360.18
27	42.859134	-74.069290	1297.36	8.50	1305.86
28	42.859213	-74.068818	1322.37	8.50	1330.87
29	42.859441	-74.068475	1332.71	8.50	1341.21
30	42.862481	-74.068807	1265.55	8.50	1274.05
31	42.862457	-74.069397	1269.91	8.50	1278.41
32	42.863684	-74.069483	1254.67	8.50	1263.17
33	42.863990	-74.069698	1250.41	8.50	1258.91
34	42.864187	-74.070191	1252.95	8.50	1261.45
35	42.864163	-74.071618	1232.18	8.50	1240.68
36	42.863778	-74.072198	1230.31	8.50	1238.81
37	42.863644	-74.072455	1214.84	8.50	1223.34
38	42.862284	-74.072401	1190.37	8.50	1198.87
39	42.862268	-74.073850	1128.97	8.50	1137.47
40	42.863338	-74.073839	1136.95	8.50	1145.45

Discrete Observation Point Receptors

Name	ID	Latitude (°)	Longitude (°)	Elevation (ft)	Height (ft)
OP 1	1	42.865854	-74.068280	1163.83	7.00
OP 2	2	42.865846	-74.068301	1163.82	17.00
OP 3	3	42.865469	-74.074459	1116.68	7.00
OP 4	4	42.865437	-74.074449	1117.01	17.00
OP 5	5	42.863259	-74.075854	1091.85	7.00
OP 6	6	42.863243	-74.075886	1091.24	17.00
OP 7	7	42.864486	-74.077624	1041.75	7.00
OP 8	8	42.864493	-74.077635	1041.53	17.00
OP 9	9	42.860073	-74.077918	1012.84	7.00
OP 10	10	42.860109	-74.077912	1012.11	17.00
OP 11	11	42.859771	-74.077842	1012.58	7.00
OP 12	12	42.859775	-74.077848	1012.38	17.00
OP 13	13	42.859126	-74.077928	1015.41	7.00
OP 14	14	42.859122	-74.077928	1015.41	17.00
OP 15	15	42.857843	-74.077676	1034.00	7.00
OP 16	16	42.857831	-74.077676	1034.22	17.00
OP 17	17	42.856594	-74.076764	1078.02	7.00
OP 18	18	42.856586	-74.076759	1078.02	17.00
OP 19	19	42.851476	-74.076388	1157.63	7.00
OP 20	20	42.851480	-74.076382	1157.84	17.00
OP 21	21	42.850595	-74.076393	1169.94	7.00
OP 22	22	42.850606	-74.076377	1170.19	17.00
OP 23	23	42.849332	-74.073539	1257.54	7.00
OP 24	24	42.849320	-74.073539	1257.58	17.00
OP 25	25	42.849018	-74.074156	1250.98	7.00
OP 26	26	42.848998	-74.074167	1251.18	17.00
OP 27	27	42.850524	-74.068606	1306.76	7.00
OP 28	28	42.850548	-74.068596	1307.16	17.00

Glare Analysis Results

Summary of Results No glare predicted

PV Array	Tilt	Orient	Annual Green Glare		Annual Yellow Glare		Energy
	°	°	min	hr	min	hr	kWh
PV array 1	SA tracking	SA tracking	0	0.0	0	0.0	-

Total annual glare received by each receptor; may include duplicate times of glare from multiple reflective surfaces.

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
OP 1	0	0.0	0	0.0
OP 2	0	0.0	0	0.0
OP 3	0	0.0	0	0.0
OP 4	0	0.0	0	0.0
OP 5	0	0.0	0	0.0
OP 6	0	0.0	0	0.0
OP 7	0	0.0	0	0.0
OP 8	0	0.0	0	0.0
OP 9	0	0.0	0	0.0
OP 10	0	0.0	0	0.0
OP 11	0	0.0	0	0.0
OP 12	0	0.0	0	0.0
OP 13	0	0.0	0	0.0
OP 14	0	0.0	0	0.0
OP 15	0	0.0	0	0.0
OP 16	0	0.0	0	0.0
OP 17	0	0.0	0	0.0
OP 18	0	0.0	0	0.0
OP 19	0	0.0	0	0.0
OP 20	0	0.0	0	0.0
OP 21	0	0.0	0	0.0
OP 22	0	0.0	0	0.0
OP 23	0	0.0	0	0.0
OP 24	0	0.0	0	0.0
OP 25	0	0.0	0	0.0
OP 26	0	0.0	0	0.0
OP 27	0	0.0	0	0.0
OP 28	0	0.0	0	0.0

PV: PV array 1 **no glare found**

Receptor results ordered by category of glare

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
OP 1	0	0.0	0	0.0
OP 2	0	0.0	0	0.0
OP 3	0	0.0	0	0.0
OP 4	0	0.0	0	0.0
OP 5	0	0.0	0	0.0
OP 6	0	0.0	0	0.0
OP 7	0	0.0	0	0.0
OP 8	0	0.0	0	0.0
OP 9	0	0.0	0	0.0
OP 10	0	0.0	0	0.0
OP 11	0	0.0	0	0.0
OP 12	0	0.0	0	0.0
OP 13	0	0.0	0	0.0
OP 14	0	0.0	0	0.0
OP 15	0	0.0	0	0.0
OP 16	0	0.0	0	0.0
OP 17	0	0.0	0	0.0
OP 18	0	0.0	0	0.0
OP 19	0	0.0	0	0.0
OP 20	0	0.0	0	0.0
OP 21	0	0.0	0	0.0
OP 22	0	0.0	0	0.0
OP 23	0	0.0	0	0.0
OP 24	0	0.0	0	0.0
OP 25	0	0.0	0	0.0
OP 26	0	0.0	0	0.0
OP 27	0	0.0	0	0.0
OP 28	0	0.0	0	0.0

PV array 1 and OP 1

Receptor type: Observation Point
No glare found

PV array 1 and OP 2

Receptor type: Observation Point
No glare found

PV array 1 and OP 3

Receptor type: Observation Point
No glare found

PV array 1 and OP 5

Receptor type: Observation Point
No glare found

PV array 1 and OP 7

Receptor type: Observation Point
No glare found

PV array 1 and OP 9

Receptor type: Observation Point
No glare found

PV array 1 and OP 11

Receptor type: Observation Point
No glare found

PV array 1 and OP 13

Receptor type: Observation Point
No glare found

PV array 1 and OP 15

Receptor type: Observation Point
No glare found

PV array 1 and OP 17

Receptor type: Observation Point
No glare found

PV array 1 and OP 19

Receptor type: Observation Point
No glare found

PV array 1 and OP 21

Receptor type: Observation Point
No glare found

PV array 1 and OP 4

Receptor type: Observation Point
No glare found

PV array 1 and OP 6

Receptor type: Observation Point
No glare found

PV array 1 and OP 8

Receptor type: Observation Point
No glare found

PV array 1 and OP 10

Receptor type: Observation Point
No glare found

PV array 1 and OP 12

Receptor type: Observation Point
No glare found

PV array 1 and OP 14

Receptor type: Observation Point
No glare found

PV array 1 and OP 16

Receptor type: Observation Point
No glare found

PV array 1 and OP 18

Receptor type: Observation Point
No glare found

PV array 1 and OP 20

Receptor type: Observation Point
No glare found

PV array 1 and OP 22

Receptor type: Observation Point
No glare found

PV array 1 and OP 23

Receptor type: Observation Point
No glare found

PV array 1 and OP 24

Receptor type: Observation Point
No glare found

PV array 1 and OP 25

Receptor type: Observation Point
No glare found

PV array 1 and OP 26

Receptor type: Observation Point
No glare found

PV array 1 and OP 27

Receptor type: Observation Point
No glare found

PV array 1 and OP 28

Receptor type: Observation Point
No glare found

Assumptions

"Green" glare is glare with low potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.

"Yellow" glare is glare with potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.

Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.

The algorithm does not rigorously represent the detailed geometry of a system; detailed features such as gaps between modules, variable height of the PV array, and support structures may impact actual glare results. However, we have validated our models against several systems, including a PV array causing glare to the air-traffic control tower at Manchester-Boston Regional Airport and several sites in Albuquerque, and the tool accurately predicted the occurrence and intensity of glare at different times and days of the year.

Several V1 calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for large PV footprints. Additional analyses of array sub-sections can provide additional information on expected glare. This primarily affects V1 analyses of path receptors.

Random number computations are utilized by various steps of the annual hazard analysis algorithm. Predicted minutes of glare can vary between runs as a result. This limitation primarily affects analyses of Observation Point receptors, including ATCTs. Note that the SGHAT/ ForgeSolar methodology has always relied on an analytical, qualitative approach to accurately determine the overall hazard (i.e. green vs. yellow) of expected glare on an annual basis.

The analysis does not automatically consider obstacles (either man-made or natural) between the observation points and the prescribed solar installation that may obstruct observed glare, such as trees, hills, buildings, etc.

The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size. Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)

The variable direct normal irradiance (DNI) feature (if selected) scales the user-prescribed peak DNI using a typical clear-day irradiance profile. This profile has a lower DNI in the mornings and evenings and a maximum at solar noon. The scaling uses a clear-day irradiance profile based on a normalized time relative to sunrise, solar noon, and sunset, which are prescribed by a sun-position algorithm and the latitude and longitude obtained from Google maps. The actual DNI on any given day can be affected by cloud cover, atmospheric attenuation, and other environmental factors.

The ocular hazard predicted by the tool depends on a number of environmental, optical, and human factors, which can be uncertain. We provide input fields and typical ranges of values for these factors so that the user can vary these parameters to see if they have an impact on the results. The speed of SGHAT allows expedited sensitivity and parametric analyses.

The system output calculation is a DNI-based approximation that assumes clear, sunny skies year-round. It should not be used in place of more rigorous modeling methods.

Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid based on aggregated research data. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.

Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.

Refer to the Help page at www.forgesolar.com/help/ for assumptions and limitations not listed here.

Default glare analysis parameters and observer eye characteristics (for reference only):

- Analysis time interval: 1 minute
- Ocular transmission coefficient: 0.5
- Pupil diameter: 0.002 meters
- Eye focal length: 0.017 meters
- Sun subtended angle: 9.3 milliradians

DPW Comments
December 6, 2022

4. **Town of Rotterdam – Code Amendment.** Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code of the Town of Rotterdam in regards to a 12-month moratorium on Solar Farms and Solar Power Plants.
 1. The Town Board referred this matter to the Planning Commission for a report and recommendation on November 18, 2022.

RESOLUTION NO. 323.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Friday, November 18, 2022, at 6:00 p.m., the following resolution was duly adopted:

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. 10 OF 2022 AND SCHEDULING A PUBLIC HEARING THEREON

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by
Councilmember **CHRISTOU**,
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board recognizes the introduction of Introductory Local Law No. 10 of 2022 to establish a twelve (12) month moratorium on solar farms and solar power plants.

SECTION 2. The Town Board hereby determines that the proposed enactment of Local Law No. 10 of 2022 is a Type II action under the State Environmental Quality Review Act pursuant to 6 NYCRR § 617.5 (c) (36), and therefore no further SEQRA review is required.

SECTION 3. The Town Board hereby refers Introductory Local Law No. 10 of 2022 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 4. The Town Board hereby authorizes and directs the Senior Planner to refer Introductory Local Law No. 10 of 2022 to the Schenectady County Department of Economic Development & Planning pursuant to N.Y. General Municipal Law 239-m and to circulate such other notices as may be required by law.

SECTION 5. The Town Clerk of the Town of Rotterdam is hereby directed to publish in the official newspaper of the Town of Rotterdam not less than ten (10) days prior to the date designated for the public hearing provided for hereby the following notice:

TOWN OF ROTTERDAM NOTICE OF HEARING

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00 p.m. on the 14th day of December, 2022 for the following purpose:

For the enactment of Introductory Local Law No. 10 of 2022 relating to the establishment of a 12-month moratorium on solar farms and solar power plants.

**BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK**

DATED: November 18, 2022

Daily Gazette: Please publish once on November 30, 2022

Town Clerk Post

SECTION 6. This resolution shall become effective November 18, 2022.

DATED: November 18, 2022

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera (Absent)			
Dodson	X		
Mastroianni (Absent)			
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on November 18, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 21, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk



TOWN OF ROTTERDAM

INTRODUCTORY LOCAL LAW NO. 10 OF THE YEAR 2022

A LOCAL LAW TO ESTABLISH A 12-MONTH MORATORIUM ON SOLAR FARMS AND SOLAR POWER PLANTS

SECTION 1 - TITLE

This local law shall be referred to as “A Local Law to Establish a 12-Month Moratorium on Solar Farms and Solar Power Plants”.

SECTION 2 - PURPOSE

The Town of Rotterdam is currently engaged in a process to update its current Comprehensive Plan, which was adopted in 2001. The process to update the current Comprehensive Plan began in 2019, when a Comprehensive Plan Advisory Committee was established and a planning consultant was engaged. Since that time, the Comprehensive Plan Advisory Committee, with the assistance of the planning consultant and Town of Rotterdam staff, has worked on collecting data and input from a number of sources, including from the public, developing a draft vision, goals, and recommendations. The Comprehensive Plan Advisory Committee held a public hearing on the draft Comprehensive Plan Update and ultimately sent the draft Comprehensive Plan Update to the Town Board for commencement of the adoption process. The Town Board has conducted a public hearing on the draft Comprehensive Plan Update over the course of several months, at which it became clear that while residents supported the draft Comprehensive Plan Update, they were increasingly concerned that large solar farm/solar power plant projects could be in conflict with the goals of the draft Comprehensive Plan Update, once adopted.

In addition and separately from the Comprehensive Plan Update process, in July, 2022, the Town Board authorized retention of a consultant for purposes of providing technical assistance in updating the Town of Rotterdam’s existing land use regulations for solar energy projects.

As the Town was engaged in the Comprehensive Plan Update process, which is not yet complete, and while it has engaged a consultant to provide technical

assistance to the Town in updating the Town's existing regulations governing solar energy projects, the Town has also witnessed increased pressure from developers seeking approval to construct solar farms/solar power plants, which are currently permissible under the Town's current zoning in the A Agricultural, I-1 Light Industrial, and I-2 Heavy Industrial zoning districts upon issuance of a special use permit and site plan approval by the Town Planning Commission. Although the Town's zoning law includes certain performance standards that are intended to minimize the impact of solar farm/solar power plant developments, those performance standards were developed at a time when the scale of solar farm/solar power plants that were under consideration in the Town of Rotterdam was much smaller than today. Over the course of the past two years, the scale of proposed solar farm/solar power plants has increased substantially, and the existing performance standards may no longer be sufficient to adequately protect the neighborhood or community character from the impacts of such large-scale solar developments.

Development of solar farms/solar power plants of such substantial size under performance standards that are ill-equipped to address them will lead to long-term, potentially irreversible impacts that could conflict with the character of the surrounding area.

In light of the current status of the Comprehensive Plan update process and the Town's current work on seeking to update its solar energy project regulations, along with the increasing pressure from increasingly large solar farm/solar power plant proposals, the Town Board finds it to be prudent to impose a temporary moratorium on accepting, processing, and deciding land use applications for solar farms/solar power plants and on the construction of solar farms/solar power plants that were not or are not subject to local land use review, in order to provide the Town Board with time to consider whether, where, and under what circumstances solar farms/solar power plants should be permissible in the Town of Rotterdam and whether and to what extent additional or different performance standards should be adopted.

SECTION 3 – AUTHORITY

This local law is enacted by the Town Board of the Town of Rotterdam pursuant to the N.Y. Municipal Home Rule Law.

SECTION 4 – MORATORIUM

- A. For a period of twelve (12) months following the effective date of this local law, unless earlier repealed by the Town Board, no person shall file, and no Board, body, officer, department, or employee of the Town of Rotterdam shall consider, entertain, or accept for review, continue to review, hold a hearing upon, make any decision or determination upon, or issue any approval upon, any application for special use permit or site plan approval for any solar farm or solar power plant, as those terms are defined under the Town of Rotterdam Zoning Code. This moratorium shall apply to all such applications or proposals, whether pending or received prior to or after the effective date of this local law. Any statutory or locally-enacted time periods for processing and making decisions on all aspects of the aforesaid applications are hereby suspended and stayed while this local law is in effect.
- B. For a period of twelve (12) months following the effective date of this local law, unless earlier repealed by the Town Board, no person shall file, and no Board, body, officer, department, or employee of the Town of Rotterdam shall consider, entertain, or accept for review, continue to review, make any decision or determination upon, or issue any approval or permit upon, any application for site development or building permits for any solar farm or solar power plant, as those terms are defined under the Town of Rotterdam Zoning Code, unless such solar farm or solar power plant underwent a review by the Town of Rotterdam Planning Commission for special use permit and site plan approval and was granted a special use permit and site plan approval (conditional or final) prior to the effective date of this local law. Accordingly, where a solar farm/solar power plant received special use permit or site plan approval (conditional or final) from the Town of Rotterdam Planning Commission prior to the effective date of this local law, site development and building permits may be issued. However, where a solar farm/solar power plant did not receive a special use permit or site plan approval from the Town of Rotterdam Planning Commission prior to the effective date of this local law, even if such approvals were not otherwise required, site development and building permits therefor may not be issued during the term of this moratorium. This moratorium shall apply to all such applications or proposals, whether pending or received prior to or after the effective date of this local law. Any statutory or locally-enacted time periods for processing and making decisions on all aspects of the aforesaid applications are hereby suspended and stayed while this local law is in effect.

SECTION 5 – WAIVER

The Town Board of the Town of Rotterdam shall have the power to waive, in whole or in part, or modify the application of, any provision of this local law upon a determination, in its absolute legislative discretion, after public hearing and notice, that this local law would impose extraordinary hardship upon the party seeking such waiver and that a waiver from this local law will not adversely affect the health, safety, and general welfare of the Town of Rotterdam. Any request for a waiver, along with an application fee of \$250.00, shall be filed in writing with the Town of Rotterdam Department of Public Works, which shall forward such written request to the Town Board. Following receipt of any such written request for a waiver, the Town Board shall, upon deeming the application complete, refer such written request to the Planning Commission. The Planning Commission shall issue a recommendation on the waiver within sixty (60) days of the Planning Commission's receipt of such request. The Town Board shall hold a public hearing within thirty (30) days after the receipt of the Planning Commission's recommendation, upon five (5) days' notice published in the official newspaper of the Town. At such public hearing, the party requesting the waiver and any other parties wishing to present evidence with regard to the waiver request shall have a reasonable opportunity to be heard. The Town Board may continue the public hearing as it deems necessary, in its sole discretion. The Town Board shall render a decision on such waiver request within sixty (60) days following the close of the public hearing. If the Town Board determines that (1) the party making the waiver request will suffer an extraordinary hardship if this local law is strictly applied to the particular property, and (2) that a waiver from this local law will not adversely affect the health, safety, and general welfare of the Town of Rotterdam or the surrounding neighborhood, then the Town Board shall waive the application of this local law to the extent necessary to mitigate the extraordinary hardship to the applicant, while still protecting the health, safety, and general welfare of the Town of Rotterdam and the surrounding neighborhood. A mere delay in an application review or approval process shall not be deemed to be an extraordinary hardship.

SECTION 6 - VIOLATIONS

Except to the extent that a waiver is granted by the Town Board pursuant to Section 5, above, any action while this local law is in effect by any Board, body, official, department, or employee of the Town of Rotterdam that is contrary to

the provisions of this local law shall constitute a violation of this local law, and such action shall be deemed ultra vires and shall be null and void. This local law may be enforced through an action seeking declaratory, injunctive, and/or equitable relief in a court of competent jurisdiction.

SECTION 7 - SUPERSESSION

To the extent this local law is inconsistent with any state or local statute or regulation, it is the intent of this local law to supersede such statute or regulation, including without limitation the following: (i) Town Law § 274-a with respect to procedures and timeframes for processing applications for site plan review for solar farms/solar power plants; (ii) Town of Rotterdam Code, Chapter 270, § 270-153; (iii) Town of Rotterdam Code, Chapter 270, Article XVII, with respect to procedures and timeframes for processing applications for site plan review for solar farms/solar power plants; (iv) Town of Rotterdam Code, Chapter 270, Article XIX, with respect to procedures and timeframes for processing applications for special use permit review for solar farms/solar power plants; (v) Town Law §§ 267, 267-a, and 267-b, with respect to procedures and timeframes for processing applications for use variances, waivers or other relief from the Town of Rotterdam Code with respect to solar farms/solar power plants; (vi) Town of Rotterdam Code, Chapter 270, § 270-177, with respect to procedures and timeframes for processing applications for use variances, waivers or other relief from the Town of Rotterdam Code with respect to solar farms/solar power plants; and (vii) Town of Rotterdam Code, Chapter 270, §§ 270-18(M), 270-73(O), and 270-84(G).

SECTION 8 - SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 9 – EFFECTIVE DATE

This Local Law shall become effective upon filing with the New York Secretary of State.