



July 7, 2021

Town of Canandaigua  
Attention: Michelle Rowlinson, Development Department  
5440 Route 5 & 20 West  
Canandaigua, New York 14424  
[mrowlinson@townofcanandaigua.org](mailto:mrowlinson@townofcanandaigua.org)

Re: CPN-21-010  
Request for Additional Information  
Site Plan/ Special Use Permit Application  
Proposed Aura Power Solar USA, LLC CR-10 Canandaigua Solar Project  
2890 County Road 10  
Town of Canandaigua, Ontario County, New York  
Town of Canandaigua Application Number: CPN-20-082

Dear Ms. Rowlinson:

This letter, along with the enclosed documentation, is being provided in response to the comments received from the Town of Canandaigua Planning Board and MRB Group regarding the Site Plan/ Special Use Permit Application for the above referenced project. We have addressed each of the comments from reviews of the previously submitted materials and have provided an updated site plan set that has been revised as noted below. We believe that the enclosed information will be sufficient to address the questions/ concerns raised to date, and we look forward to discussing with the Town of Canandaigua Planning Board at its meeting on July 13, 2021.

**Town of Canandaigua Planning Board, dated June 8, 2021**

***Town Planning Board Comment 1: Provide Town a copy of Joint Application for Permits once it goes in to Corps/DEC.***

Response: A copy of the Joint Application for Permits (JPA) was forward to the Town Planning Board on June 14, 2021 (please see attached JPA). The Corps is currently reviewing. In correspondence dated June 29, 2021, NYSDEC Region 8 will not be able to declare the application for an Individual Water Quality Certification (WQC) complete until the Town of Canandaigua Planning Board as SEQRA lead agency issues a SEQRA determination of significance for the project (see attached, which was also transmitted to the Town of Canandaigua on the same day).

***Town Planning Board Comment 2: How many tracker rows are there and is there cumulative noise impact?***

Response: The project proposes 69 tracker rows. As illustrated on sheet C011 of the Site Plan set individual tracker motor produces a noise of approximately 30 dBA at a distance of 5 feet at an ambient air temperature of 70 degrees Fahrenheit. The proposed inverters produce a noise of 69 dBA at a distance of 5 feet at an ambient air temperature of 70 degrees Fahrenheit. The closest inverter to a residence is approximately 226 feet. The closest tracker motor to a residence is approximately 159 feet. Sound levels decrease as distance increases. Using standard noise distance attenuation calculators, our engineers calculated that at these distances, the noise experienced by the nearest residences as a result of the operation of the Project would 30.05 dBA for the tracker motors, and 33.1 dBA for the inverters, an inaudible level above background noise levels equivalent to someone whispering to you from over five



(5) feet away. As the project will be screened by a dense row of evergreen trees, this landscaping will further act to minimize any perceived noise. It should be noted that the tractors/mowers that currently operate on the project site operate at a decibel level of 90 DBA, which is four (4) times as loud as any noise that may be produced by on-site equipment, and significantly lower than noise created by the adjacent speedway on race nights throughout the week. As such, the project is not anticipated to have a significant adverse impact with respect to noise or cumulative noise.

***Town Planning Board Comment 3: Concerning the Site Plan:***

- a. Access road CAD remnant is showing up on all plan sheets..... Looks SE of the project site. Should be removed.***
- b. Add height of tracker panel to sheet C011 (8.6 feet).***
- c. Add lot coverage calcs (houses + road + pads + panels) as a % of total lot area to zoning table on sheets C004 and C005. Need to be under 50%. Should include acreage and %.***
- d. Add typical details for warning signs to our detail sheet.***

Response: Concerning the Site Plan comments received:

- a. The access road CAD remnant has been removed from all sheets (refer to revised Site Plans).
- b. The height of the illustrated tracker panel on Sheet C011 has been updated to show that panel height is 8.6 feet (refer to revised Site Plans).
- c. Lot coverage calculations, such as houses, road, pads, and panels, has been added to the zoning table on Sheets C004 and C005. The acreage of proposed coverages has been provided in acreage and as a percentage of total lot area (refer to revised Site Plans).
- d. Typical details for warning signs has been added to the Detail Sheet C011 (refer to revised Site Plans).

***Town Planning Board Comment 4: After reviewing comments received from MRB Group related to this project, a Visual Impact Assessment with simulations showing plantings is requested.***

Response: A visual impact assessment comprised of four (4) pre and post-construction renderings from various residential receptor points along County Road 10, dated July 6 2021, are enclosed. The renderings illustrate that the project will be screened from the few residential and commercial properties located in the vicinity of the project site.

***Town Planning Board Comment 5: After reviewing comments received from MRB Group related to this project, additional detail on noises created by tracker motors to be provided and state if there is a cumulative effect.***

Response: Please see response to comment 2 above.

***Town Planning Board Comment 6: After reviewing comments received from MRB Group related to this project, the Operations & Maintenance Plan should be revised per MRB Group's comments and include a list of stakeholders, which need to include emergency personnel (Ontario County Sheriff, Fire Dept, EMT, etc.).***

Response: The Operations & Maintenance Plan has been updated to include stakeholders (refer to revised Operations & Maintenance Plan). These stakeholders include the Ontario County Sheriff's Office (police), the City of Canandaigua Fire Department (fire), Canandaigua Emergency Squad (EMT).



***Town Planning Board Comment 7: After reviewing comments received from MRB Group related to this project, the Decommissioning Plan should be revised per MRB Group's comments and provide a decommissioning cost estimate for the project that has been signed/sealed by a PE.***

Response: The Decommissioning Plan has been revised to include a decommissioning cost estimate (refer to revised Decommissioning Plan). This estimate has been signed and stamped by Eric Redding, PE.

***Town Planning Board Comment 8: Concerning financial items from Ryan Staychock:***

- a. Will Aura be seeking the community adder incentive and will there be any benefit/help to low to moderate income residents?***
- b. Has the legislation passed that allows people to subscribe to projects or community solar in general outside of a utility load zone (i.e. can NYC residents subscribe to upstate projects yet?)?***

Response: Concerning comments regarding financial items:

- a. Yes, Aura will seek the community adder incentive once additional blocks are available within Rochester Gas and Electric Service Territories. This project will help low to moderate income households as the Solar for All utility bill assistance program was implemented December 2020 to allow residents, who may not have direct access to solar power, benefit from solar farms by electing to utilize clean energy while lowering their energy costs.
- b. Legislation has not yet passed that permits individuals to subscribe to community solar projects beyond their utility load zone.

**MRB Group, dated June 4, 2021**

***MRB Group Comment 1: Town approval signature lines should be added to the cover for the Planning Board Chairperson and Town Engineer.***

Response: Town approval signature lines have been moved from C001 to the cover page.

***MRB Group Comment 2: A noise analysis of the proposed project may need to be provided to assist the Planning Board in their review of the application the potential environmental impacts.***

Response: Please refer to Town Planning Board Comment 2 response above.

***MRB Group Comment 3: A viewshed analysis and glare analysis should be provided. The proposed vegetative screening may need to be revised to cover the gaps between the proposed screening and existing screening features.***

Response: A Visual Impact Study site visit was conducted at the project site on June 23, 2021. A visual impact assessment comprised of four (4) pre and post-construction renderings from various residential receptor points along County Road 10, dated July 6 2021, are enclosed. The renderings illustrate that the project will be screened from the few residential and commercial properties located in the vicinity of the project site.



***MRB Group Comment 4: Equipment specifications should be provided for the proposed trackers and inverters.***

Response: Equipment specifications have been provided for the proposed trackers and inverters on Details Sheets C011 and C013 (see revised Site Plans).

***MRB Group Comment 5: All stabilization timing notes should be updated as necessary to indicate that in areas where soil disturbance activities have temporarily or permanently ceased, stabilization measures shall be initiated by the end of the next business day and completed within fourteen days (seven days if over 5-acres of disturbance, or three days if between November 15th and April 1st).***

Response: Stabilization timing notes have been updated to indicate that stabilization measures will be initiated by the end of the next business day and completed within fourteen days where soil disturbance activities have ceased.

***MRB Group Comment 6: Please note that as the pervious access road design is not permitted for use during construction, an alternate stabilized form of construction access should be provided. The form of stabilized access to be provided should be shown/noted on the plans and a detail provided.***

Response: The site plans have been edited to include stabilized construction access. A detail outlining said access has been included on Sheet C010.

***MRB Group Comment 7: The sequence of construction should be revised as follows:***

- a. Construction of the pervious access road should be one of the last items to be completed as the pervious access road design is not intended to support construction traffic. The pervious access road, once completed, should be tested to ensure the road as constructed is pervious.
- b. All wetlands shall be flagged by a licensed professional at the start of construction. Construction fence and/or other barriers or markers should be used to ensure that construction vehicles remain outside of these areas, except as permitted under the NWP. Silt fence or silt sock should be placed upslope of all wetlands.

Response: The sequence of construction has been revised (below).

- a. Construction of the pervious access road has been relocated on the list of items to be completed and is located near the end. Once it is completed, the pervious access road will be tested to ensure the road is pervious.
- b. All on-site wetlands were already flagged during a wetland delineation performed on January 13, 2021. A silt fence will be placed upslope of all wetlands as noted in C001 of the attached site plans.

***MRB Group Comment 8: Please note that the proposed access roads for the project should be revised to meet all requirements of NYS Fire Code Section 503 and Appendix D, unless a waiver should be obtained from the Town CEO.***

Response: The proposed access road for the project meets all NYS Fire Code Section 503 and Appendix D requirements. A waiver from the requirement that all portions of the facility be within 150 feet of a fire apparatus



road is hereby requested, as allowed for under NYS Fire Code Section 503.1.1(2) where *"fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities."*

**MRB Group Comment 9:** A construction staging area and topsoil stockpile should be shown on the plans. If any pouring of concrete is to occur onsite, a concrete washout area should be shown on the plans.

Response: The site plans have been updated to include a staging and topsoil stockpile area (see Sheet C004).

**MRB Group Comment 10:** The concrete washout area detail should clarify that the 10-mil liner shall be impermeable and shall provide coverage of the bottom and sides of the washout. The washout should have a minimum depth of 2'.

Response: The concrete washout area detail has been updated to note that the 10-mil liner will be impermeable and will provide coverage to the bottom and sides of the two (2) feet deep washout.

**MRB Group Comment 11:** A Jurisdictional Determination for the wetland resources identified on the project site should be provided. Disturbance within these areas including installation of any of the proposed improvements and/or any removal trees within these identified wetlands may require a Permit from the NYSDEC and/or ACOE. Please refer to the reference Number 2021-00452 when submitting the delineation to the ACOE.

Response: A Pre-Construction Notification (PCN) was submitted to the U.S. Army Corps of Engineers (USACE) for coverage under Nationwide Permit 51 (NWP 51) on June 16, 2021. A Pre-Filing Meeting Request was submitted to the New York Department of Environmental Conservation (NYSDEC) on April 5, 2021 for an Individual Water Quality Certification (IWQC) for the project. As indicated above, the NYSDEC permitting process is on hold until the Town of Canandaigua Planning Board issues a determination of significance pursuant to SEQRA.

**MRB Group Comment 12:** *Section III of the Stormwater Management Report section of the SWPPP references that no WQv or RRv is required for the project. Please note that whilst the impervious area created by the equipment pad is minimal, per correspondence with NYSDEC staff, it is still required to treat all new impervious area. As such, the SWPPP and Stormwater Management Report should be revised to calculate the required WQv and RRv, and the plans and SWPPP should be revised to incorporate green infrastructure and/or stormwater management practices with RRv in order to treat these areas. This also applies to any new impervious area or redevelopment area (i.e., reconstructed driveways).*

Response: A filter strip has been added to the site plans to mitigate any potential effects from the equipment pad (refer to Sheet C004).

**MRB Group Comment 13:** *The existing use appears to be agricultural related. If this is correct, then the existing agricultural fields should be modeled as "meadow." Also, the existing structures and access road should be incorporated into the existing and proposed conditions hydrology model. The model area may also need to include offsite contributing drainage areas.*

Response: The project site is not currently utilized for agricultural purposes and is maintained through periodic mowing. The hydrology model has been updated to include the existing structures and access road.



***MRB Group Comment 14: Detailed justification, including calculations and/or other supporting information, is to be provided to justify the CN used for the pervious access road.***

Response: The DEC has advised Bergmann on past projects that professional engineers shall use best judgement to decide appropriate CN values based on site conditions of each individual project (refer to the DEC Correspondence Pertaining to CN Values attachment). In the professional opinion of Bergmann's Principle Engineers, 75 is an appropriate CN value for the project site.

***MRB Group Comment 15: The NYSDEC GI Worksheets included in the SWPPP refer to a bioretention area, whereas it appears that there are no proposed bioretention areas. Please clarify.***

Response: The SWPPP has been updated to reflect no proposed bioretention areas.

***MRB Group Comment 16: The cover should include a more accurate last revision date. At a minimum, this should be the month and year of the last revision.***

Response: The month and year of last revision to the Operations and Maintenance Plan has been included.

***MRB Group Comment 17: A list of all the stakeholders should be provided within the Operations and Maintenance Plan. Also, the Operations and Maintenance Plan should identify who the service and maintenance reports and any notices will be distributed to. At a minimum, a copy of all site related inspection reports should be forwarded to the Town of Canandaigua Development Office.***

Response: A list of all the stakeholders has been provided within the Operations and Maintenance Plan. A list of those who will receive service and maintenance reports and all other notices has been provided. All inspection reports for the site will be forwarded to the Town of Canandaigua Development Office.

***MRB Group Comment 18: All references to "Code Enforcer" should be replaced with "Town of Canandaigua Code Enforcement Officer," or "Town Code Enforcement Officer."***

Response: All references to "Code Enforcer" have been replaced with "Town of Canandaigua Code Enforcement Officer" within the Operations and Maintenance Plan.

***MRB Group Comment 19: On page 2, the notes regarding pesticide use should indicate that pesticide use shall only be used as a last resort measure with the approval of the Town Code Enforcement Officer.***

Response: Page 2 of the Operations and Maintenance Plan has been revised to state that pesticides will only be utilized as a last resort with the approval of the Town Code Enforcement Officer.

***MRB Group Comment 20: On page 2, the section regarding vegetative cover should note that repair of vegetative ground cover should include reseeding using the seed mix specified on the approved site plans (or a substantially similar mix), watering, mulching, and fertilizing (if needed). Repair to vegetative ground cover should be initiated as soon as possible. If repairs to vegetative ground cover are needed between November 15th and April 1st, the O&M Contractor should contact the Town Code Enforcement Officer with their plans for repair and stabilization.***



Response: Page 2 of the Operations and Maintenance Plan has been revised to state that repair of vegetative ground cover should include reseeding using the seed mix specified on the approved site plans and initiated as soon as possible.

***MRB Group Comment 21: The O&M plan should provide additional details regarding the items noted in the scheduled service visits table. What is the inspection frequency for the access roads, fences, gates, signage, and emergency access features?***

Response: Additional details regarding the items noted in the scheduled service visits table of the Operations and Maintenance Plan have been provided. The access roads, fences, gates, signage, and emergency access features will be inspected monthly.

***MRB Group Comment 22: The plan should provide additional details regarding module cleaning. Module cleaning activities should note occur when soils are saturated or during significant rainfall. Will any detergents/cleaning agents be used? If so, only approved, biodegradable products should be used.***

Response: Additional details regarding module cleaning have been provided in the Operations and Maintenance Plan. Only approved, biodegradable products will be used.

***MRB Group Comment 23: How frequently will snow be removed from the access roads? This should be noted in the O&M plan.***

Response: The Operations and Maintenance Plan has been updated to state that snow will be removed from access roads during periods of heavy downfall.

***MRB Group Comment 24: The vegetation screening portion of the O&M plan should be revised as follows:***

- a. Vegetative screening will be installed as part of construction of the site and shall be completed prior to closeout of construction related permits.***
- b. The species used, spacing, quantity, size of plantings, and locations shall be in accordance with the approved site plans. Replacement of dead or dying screening trees and plants shall be in accordance with the approved site plans.***
- c. An arborist should inspect the site if disease is suspected and/or prior to removal and replacement of any trees.***
- d. The maintenance/inspection frequencies should also be noted in the scheduled service visits table.***

Response: The Operations and Maintenance Plan has been updated accordingly.

***MRB Group Comment 25: The cover should note who prepared this plan.***

Response: The cover of the Decommissioning Plan has been updated to indicate that Aura Power Solar USA, LLC has prepared this document.

***MRB Group Comment 26: The decommissioning plan is to include an agreement statement between all parties involved stating that they are aware of and will adhere to the requirements of the decommissioning plan and signature lines added for the applicant, land owner, and all leases to sign.***





Response: An agreement statement between all parties involved, stating that they are aware of and will adhere to the requirements of the Decommissioning Plan, and signature lines added for the applicant, land owner, and all leases to sign has been provided.

***MRB Group Comment 27: In section 1, an asterisk is shown next to the access roads item, however no additional explanation or information is provided. Please clarify.***

Response: The asterisk has been removed from Section 1 of the Decommissioning Plan.

***MRB Group Comment 28: All items installed as part of this project shall be removed at the time of decommissioning. Vegetative screening, if desired to remain, may remain upon request of the landowner and approval from the Town Planning Board. Portions of the access road supporting shared access may also remain. A note regarding this should be added to the plan.***

Response: Notes stating that all items installed as part of this project will be removed at the time of decommissioning, portions of the access road supporting shared access may remain, and vegetative screening may remain upon request of the landowner and approval from the Town Planning Board has been added.

***MRB Group Comment 29: Section 3 should note that revocation of the special use permit is also a condition causing decommissioning to occur.***

Response: Section 3 of the Decommissioning Plan has been updated to state that the revocation of the Special Use Permit is a condition that may cause decommissioning to occur.

***MRB Group Comment 30: The last paragraph of section 3 should be revised to indicate that if Aura or the future owner-operator cannot execute or fails to execute decommissioning within 18 months, the Town of Canandaigua may commence decommissioning through the surety bond, in addition to any other remedies available to the Town, including placing liens on the property.***

Response: Section 3 of the Decommissioning Plan has been revised to indicate that if Aura (or the future owner-operator) cannot execute/ fails to execute decommissioning within 18 months, the Town of Canandaigua may commence decommissioning through the surety bond, in addition to any other remedies available to the Town, including placing liens on the property.

***MRB Group Comment 31: Section 3.1 should be expanded to provide a detailed sequence of decommissioning. At a minimum, the following items should be included in the sequence:***

- a.*** Notification to stakeholders, the Town of Canandaigua, NYSDEC, US ACOE, and any other authority having jurisdiction.
- b.*** Obtain all required permits and approvals, including preparation of a SWPPP.
- c.*** Locate and mark areas requiring protection or special care, such as wetlands.
- d.*** Install temporary erosion and sediment controls.
- e.*** Remove access road.
- f.*** Remove vegetative screening.
- g.*** Soil restoration.
- h.*** Seeding, mulching, and fertilizing (if needed).
- i.*** Remove temporary erosion and sediment controls.





j. Close out permits.

Response: The Decommissioning Plan has been updated to include the above-mentioned items.

***MRB Group Comment 32: Section 3.2 should indicate that temporary erosion and sediment controls shall be provided during decommissioning and shall be done in accordance with the most current NYSDEC standards, specifications, and requirements.***

Response: Section 3.2 of the Decommissioning Plan has been updated to state that temporary erosion and sediment controls will be provided during decommissioning and will be done in accordance with the most current NYSDEC standards, specifications, and requirements.

***MRB Group Comment 33: Section 3.3 should be revised to indicate that all disturbed areas, including areas where soil compaction is likely to occur, shall receive soil restoration in accordance with the most current NYSDEC standards. All disturbed areas shall receive mulching and seeding, and fertilizer if so required. Also, the statements regarding the access road should be revised to indicate that removal of the access roads is required.***

Response: Section 3.3 of the Decommissioning Plan has been updated to state that all disturbed areas, including areas where soil compaction is likely to occur, shall receive soil restoration in accordance with the most current NYSDEC standards. Also, all disturbed areas shall receive mulching, seeding, and fertilizer (if required). Statements regarding the access road have been revised to indicate that removal of the access road is required.

***MRB Group Comment 34: Section 3.6 should list the specific anticipated stakeholders and authorities to be coordinated with. It is understood that this list may need to be updated during the lifetime of the project and/or just prior to decommissioning.***

Response: The Decommissioning Plan has been updated to list the specific anticipated stakeholders and authorities to be coordinated with.

***MRB Group Comment 35: Section 1 and Section 3.7 shall indicate that all revisions to the decommissioning plan shall require review and approval from the Town of Canandaigua.***

Response: The Decommissioning Plan has been updated to state that all revisions to the decommissioning plan shall require review and approval from the Town of Canandaigua.

***MRB Group Comment 36: The decommissioning bond shall be in place for the full life of the project (30 years) plus additional 18 months to cover the decommissioning period and to allow the site to be fully stabilized. A note shall be added to the decommissioning plan and estimate reflecting this requirement.***

Response: The Decommissioning Plan has been revised to state that the decommissioning bond shall be in place for the full life of the project (30 years) plus additional 18 months to cover the decommissioning period and to allow the site to be fully stabilized.

***MRB Group Comment 37: The following comments pertain to the decommissioning estimate:***



- a. In accordance with Section § 220-62.2 of the Town of Canandaigua Town Code, the decommissioning cost estimate shall be prepared by a professional engineer. The estimate should also be stamped and signed by said engineer.
- b. The quantities for panels, racks, and posts should be per each. If string inverters are being used, inverters should be included in the estimate with a per each quantity. Electrical equipment, if referring to equipment pads, should be per each.
- c. E&S controls should include installation, maintenance, and removal.
- d. The seeding item should specify a mix and application rate. How was the quantity determined?
- e. Soil restoration should be added to the estimate.
- f. Mulching should be added to the estimate.
- g. Fertilizer should be added to the estimate.
- h. Removal of vegetative screening should be added to the estimate.
- i. The estimate should include SWPPP preparation, SWPPP inspections, and permitting costs.
- j. The estimate should include a 10% contingency.

Response: The decommissioning estimate has been revised to incorporate the above-mentioned revisions.

### **Summary**

We believe the responses provided address the comments received from the Town of Canandaigua Planning Board and MRB Group comments. We look forward to continuing our discussion with the Planning Board at the July 13, 2021 Town of Canandaigua Planning Board meeting to continue review of the project. Please do not hesitate to contact me at 585.498.7941 or by email at [lrussell@bergmannpc.com](mailto:lrussell@bergmannpc.com) or David Plante by phone at 585.498.7877 or by email at [dplante@bergmannpc.com](mailto:dplante@bergmannpc.com) if you have any questions or require additional information.

Sincerely,

Lindsey Russell  
Environmental Scientist, BERGMANN

### **Attached**

- Joint Application for Permits, dated June 2021
- Revised Site Plans, dated July 6, 2021
- DEC Correspondence Pertaining to CN Values
- DEC Notice of Incomplete Application, dated June 29, 2021
- Revised Operations & Maintenance Plan, dated July 1, 2021
- Revised Decommissioning Plan, dated July 2021
- Revised SWPPP, dated July 6, 2021
- Visual Impact Assessment Renderings, dated July 6, 2021