



March 19, 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

Dear Ms. Rowlinson:

This letter is in response to the Town of Canandaigua Project Review Committee (PRC) comments received on March 18, 2021 regarding the Site Plan/ Special Use Permit Application submission for the above referenced project. We have addressed each of the comments from your review of the prepared materials below, as illustrated in the enclosed revised site plan set and supporting documentation. Additionally, we have provided a revised One-Stage Site Plan Checklist and revised Soil & Erosion Sediment Control Application Checklist in this submission, both of which explicitly refer to sheets in the enclosed site plan set where each and every required item in the checklist can be located. We believe that the enclosed information will be sufficient to address your questions/ concerns and to place us on the next agenda of the Town of Canandaigua Planning Board.

***Town Comment 1: Please provide the lengths and bearings of lot lines on the site plan set and add the seal of the licensed Bergmann surveyor that completed the boundary and topographic survey.***

Response: The lengths and bearings of all lot lines have been added to the enclosed revised site plan set. To clear up any prior misunderstanding, a Bergmann surveyor licensed in the State of New York completed both a boundary and topographic survey for the project site, as previously indicated on the survey notes on site plan sheet C001. As requested, we have added our licensed surveyor's New York State seal alongside our licensed Professional Engineer's seal on each and every site plan sheet. No LIDAR or USGS topo is used, and our surveyors did complete topographic survey out to County Road 10.

***Town Comment 2: Provide all documents associated with delineations.***

Response: Enclosed, please find a wetland delineation report, dated January 21, 2021, documenting all wetlands located on the property of the proposed project site. The delineation report includes a map of delineated wetlands, which were GPS located in the field and included on the site plan drawings.



***Town Comment 3: Provide documents pertaining to 'impacts' to the wetlands.***

Response: An updated site plan set documenting permanent impacts regulated by the U.S. Army Corps of Engineers (Corps) within wetlands has been included. Anticipated wetland impacts will be limited to pole placement for mounting of the proposed solar arrays and pole placement for the perimeter fence. Tables 1-3 has been added to sheet C001 of the enclosed revised site plan set illustrating permanent impacts to wetlands below the ordinary high watermark (OHWM) of the wetlands. As illustrated on Tables 1-3, permanent impacts to wetlands associated with these features is 3,043 square feet (0.07 acres). No other permanent impacts/loss of wetlands are proposed.

***Town Comment 4: Provide supporting documents from the Army Corps which details that an application is not required. That the panels/access/utilities are not part of the 1/10 acre.***

Response: Please see attached (and excerpted below) the U.S. Army Corps of Engineers (Corps) 2021 Buffalo and New York Districts Final Regional Conditions for Nationwide Permit 51 (Land-Based Renewable Energy Generation Facilities). Nationwide Permit 51 states that a Pre-Construction Notification (PCN) is required if a solar generation facility will result in more than **1/10<sup>th</sup> of an acre loss to wetlands**. As stated above and as illustrated on sheet C001 of the enclosed site plan set, because the proposed project will result in the permanent impact (i.e. loss of wetland area) of 0.07 acres, which is less than 1/10<sup>th</sup> acre wetland impacts, a PCN will not be required for coverage under NWP 51. As such, PCN to the Corps is not required.

**Buffalo & New York Districts Final Regional Conditions, Water Quality Certification and Coastal Zone Concurrence for the 2021 Nationwide Permits for New York State  
Expiration March 14, 2026**

**A. Nationwide Permits Index:**

- 12. Oil or Natural Gas Pipeline Activities
- 21. Surface Coal Mining Activities
- 29. Residential Developments
- 39. Commercial and Institutional Developments
- 40. Agricultural Activities
- 42. Recreational Facilities
- 43. Stormwater Management Facilities
- 44. Mining Activities
- 48. Commercial Shellfish Mariculture Activities
- 50. Underground Coal Mining Activities
- 51. Land-Based Renewable Energy Generation Facilities
- 52. Water-Based Renewable Energy Generation Pilot Projects
- 55. Seaweed Mariculture Activities
- 56. Finfish Mariculture Activities
- 57. Electric Utility Line and Telecommunications Activities
- 58. Utility Line Activities for Water and Other Substances

**B. Nationwide Permits**

**51. Land-Based Renewable Energy Generation Facilities.** Discharges of dredged or fill material into non-tidal waters of the United States for the construction, expansion, or modification of land-based renewable energy production facilities, including attendant features. Such facilities include infrastructure to collect solar (concentrating solar power and photovoltaic), wind, biomass, or geothermal energy. Attendant features may include, but are not limited to roads, parking lots, and stormwater management facilities within the land-based renewable energy generation facility.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

**Notification:** The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the discharge results in the loss of greater than 1/10-acre of waters of the United States. (See general condition 32.) (Authorities: Sections 10 and 404)



***Town Comment 5: MRB will provide comments on the SWPPP.***

Response: Lance Brabant, CPESC from MRB Engineering acknowledged receipt of the Stormwater Pollution Prevention Plan (SWPPP) in an email to Bergmann on March 18, 2021. It is our understanding that no additional documentation is required at this time, and that any potential comments on the SWPPP will be forthcoming as the project is reviewed, Bergmann will respond to any comments as they are received.

**Summary**

We believe the responses provided address the comments received from the Town of Canandaigua during the PRC meeting on March 18, 2021 and that all required materials necessary for determining the application complete have been provided. We respectfully request to be placed on the agenda for one of the April 2021 Town of Canandaigua Planning Board meetings 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

Cc: Chris Jensen, PE (Town of Canandaigua)  
Caroline Rizzo & Rob Moore (Aura Power Solar)  
Robert Switala, PE, CPESC, CPSWQ & Dave Plante, AICP CEP (Bergmann)

**Attached**

- Revised Project Site Plan Checklist, dated 3/19/21
  - Revised Soil Erosion & Sediment Control Permit Checklist, dated 3/19/21
  - Wetland Delineation Report, dated January 21, 2021
  - Revised Site Plans, dated March 19, 2021
  - U.S. Army Corps of Engineers Buffalo & New York Districts Final Regional Conditions for Nationwide Permit
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