



**ENVIRONMENTAL DESIGN
PARTNERSHIP, LLP.**

Shaping the physical environment

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August 10, 2026

Mr. Josh Westfall

Town of Moreau
Building, planning and Development Director
352 Reynolds Road
Moreau, NY 12828-9261

Re: Top Hat Solar- Electric Drive, Moreau, NY Planning Board Site Plan Application, MJ Engineering comments. Tax Parcel IDs 50.-4-16, 50.-4-22, 50.-4-14, 50.-4-23, 50.-4-13, 50.-4-25, 50.-4-12, 50.-4-11 and 50.-4-96.1

Dear Mr. Westfall:

In response to the MJ Engineering comment letter provided by Mr. Westfall via email dated August 03, 2026, please find below our responses and the requested information addressing the comments provided.

NOTE: The proposed site layout is currently being revised. As these revisions will affect the site plan set, SWPPP and FEAF, an updated FEAF will be provided with the revised plan set and SWPPP. All FEAF, SWPPP and site plan comments will be addressed as part of that resubmission.

State Environmental Quality Review(SEQR)

Based upon Review of Part 617 of NYS Environmental Conservation Law, the project appears to be a "Type 1" action pursuant to Part 617.4(b)(6)(i). The Town Board may request Lead agency status under SEQRA and will need to commence coordinated review which is required for Type 1 Actions. Under a coordinated review, involved, interested agencies to be engaged may include, but are not necessarily limited to the following:

- NYS Dept of Environmental Conservation - Permit coverage under SPDES GP-0-25-001
- NYS Office of Parks, Recreation and Historic Preservation - Identification of archeological resources

Response: Comment acknowledged.

The applicant has submitted Part 1 of the FEAF. Based upon our review of the submitted Part 1 FEAF, the following comments are offered:

1. Part 1.B.d: The applicant has answered "No" to other local agencies needing approval. This answer shall be changed to "Yes" as the proposed project includes work within a Town-owned right-of-way which will require approval from the Town Highway Department, as well as approval from the Town of Moreau Building Department.

Response: The answer will be changed to "Yes" in the revised FEAF.

2. Part 1.B.e: The applicant has answered “No” to county agencies needing approval. This answer shall be changed to “Yes” as parcel tax map number 50.-4-11 is within 500 feet of the municipal boundary of the Town of Fort Edward.

Response: The answer will be changed to “Yes” in the revised FEAF.

3. Part 1.C.3.b: Applicant shall answer this question “Yes” as the use is permitted within its zoning district.

Response: The answer will be changed to “Yes” in the revised FEAF.

4. Part 1.D.1.b: The total acreage of the project site does not include the area of the Town-owned right-of-way where work is being proposed. Revise answer to include all areas of the proposed action.

Response: Comment acknowledged. This comment will be addressed in the updated FEAF.

5. Part 1.D.2.r.: Applicant shall answer this question “Yes” as the proposed action will require management of solid waste during construction.

Response: The answer will be changed to “Yes” in the revised FEAF.

6. Part 1.E.4.b: The project is located within ½ mile of a disadvantaged community, therefore answers shall be provided for the remaining questions in section E.4.

Response: Comment acknowledged. This comment will be addressed in the updated FEAF.

7. Part 1.E.5.c: Applicant has answered both “Yes” and “No” in response to the question regarding whether the proposed action is located within an area potentially affect by sea level rise. Applicant shall revise this answer to say “No” as the project site is situated approximately 145 feet above the Hudson River.

Response: The answer will be changed to “No” in the revised FEAF.

8. The proposed project extends across multiple tax parcels. The applicant shall clarify whether the lots will be consolidated for development purposes.

Response: All tax parcels associated with the proposed project will be consolidated into a single parcel as part of the proposed development.

9. Sheet C-200: Include a scale bar and north arrow on the overall existing conditions map.

Response: A scale bar and north arrow will be added in the updated plan set.

10. Sheet C-200: Tax Parcel 50.-4-22 is shown within the project boundary and is referenced in the project narrative and parcel list; however, the parcel was not included in the Purchase Agreement provided with the application. The applicant shall either provide documentation clarifying site ownership for this parcel or revise the project description and plan set to remove the parcel from the overall property boundary and propose an access easement for the gravel access drive to the solar array.

Response: Tax Parcel 50.-4-22 is associated with the adjacent Bakers Falls solar project, which is also owned by Nexamp. Documentation confirming the agreement has been provided.

11. Sheet C-200: The project area includes tax parcel 50.-4-96.1, which is identified as a Town-owned right-of-way. The application materials do not provide documentation authorizing the use of this parcel for the proposed project. The applicant shall provide documentation from the Town that specifies the process by which work will be permitted on this parcel.

Response: We are currently coordinating with the Town regarding the acquisition of the Town owned right-of-way identified as Tax Parcel 50.-4-96.1. Based on discussions with the Town, they are amenable to transferring the subject property to Top Hat Solar, LLC., subject to the required Town approvals and procedures. Upon completion of the transfer, the parcel will be incorporated into the project site. Documentation will be provided once an agreement with the Town has been finalized.

12. Sheet C-200: The site plans depict a rectangular shape along the western property boundary of parcel 50.-4-22 that is not labeled in the plan set. Label this feature and provide clarification for its purpose.

Response: The rectangular shape along the western property line of parcel 50.-4-22 is an existing 60' wide access and utility easement granted to Bakers Fall Solar, LLC. However, this area will be labeled in the updated plan set.

13. Sheet C-300: The proposed perimeter fence appears to encroach beyond the overall property boundary/setback limits at the southern portion of the solar array. Revise the overall property boundary and/or modify the solar array to ensure all improvements are located within the property boundaries and comply with the required setbacks.

Response: With reference to Response 11, the Town owned 60-foot wide right-of-way is proposed to be transferred and incorporated into the project site. Following the transfer and consolidation of the applicable parcels, the required 50-foot setback will be measured from the resulting outer property boundary.

14. Sheet C-301: Plans depict a 7-ft high fence, however the narrative says an 8-ft high fence. Revise accordingly.

Response: Comment acknowledged. The fence will be 8-ft high. This comment will be addressed in the updated plan set.

15. Sheet C-402: Revise 281 contour to read 280 elevation.

Response: Comment acknowledged. This comment will be addressed in the updated plan set.

16. Sheet C-601: Detail 3-Pursuant to Section 149-50.2D(4)(g) of the Town Code, roadways within the site shall not be constructed of impervious materials. The proposed access road consists of compacted Type 2 subbase, which NYSDEC considers an impervious surface for stormwater management purposes. NYSDEC gives guidance on the installation of a limited-use pervious access road that includes a geoweb system filled with an open graded stone that promotes drainage. Revise gravel access detail to comply with Town Code. The stormwater design may be revised for the decrease in proposed impervious area

Response: We are currently discussing with the Town the possibility of waiving the pervious access road requirement. We would prefer to keep proposed impervious access as currently designed.

Nexamp has found through previous experience that pervious access roads are problematic and do not perform well. The proposed access road has been modeled appropriately as an impervious surface, and the SMPs have been designed to manage the resulting runoff in accordance with NYSDEC requirements. The analysis demonstrates that the post-development runoff will remain at or below the pre-development conditions. This approach also provides a more predictable long-term design, as the stormwater analysis does not rely on maintaining the permeability of the access road over the life of the project.

17. Pursuant to Section 149-50.2D(4)(k) of the Town Code, a solar energy system to be connected to the transmission utility grid shall provide a letter from the transmission utility company acknowledging the proposed large-scale solar energy system will be interconnected to the grid in order to sell electricity to the transmission utility.

Response: Comment acknowledged. The requested CESIR is provided as an attachment.

STORMWATER MANAGEMENT

18. As noted above, the project area shall be revised to include the work within the Town-owned right-of-way.

Response: Please refer to Response 11 and 13

19. The proposed action is defined as a solar array field that have tables elevated off the ground, spaced one table width apart, do not alter hydrology from pre- to post-development conditions and address water quality volume and runoff reduction volume by maintain sheet flow on slopes less than 8%. As such, the type of project falls under Table 1 of the SPDES General Permit GP-0-25-001 that defines construction activities that require the preparation of a SWPPP that only includes Erosion and Sediment Controls.

a. As noted above, it is recommended that a limited-use pervious access road is implemented for all site access driveways. With this, the gravel access roads may be removed from the proposed impervious areas and will not require post-construction stormwater management areas.

Response: The project is proposed to retain the impervious gravel access road. As a result, the project will fall under Table 2 as a solar development containing traditional impervious areas and will require a SWPPP that includes post-construction SMPs.

a. Please refer to Response to 16

20. Include the overland flow dispersion devices in the Structural Practices section of the SWPPP.

Response: The overland flow dispersion devices will be added to the updated SWPPP.

21. The SWPPP shall include a note stating that all tree clearing activities shall be limited to the period between November 1 and March 31 to avoid impacts to federally listed bat species.

Response: Tree clearing note will be added to the revised SWPPP.

22. Revise answer to #4 in the NOI to say “No” as the construction activity is not exempt from SHPA review.

Response: The answer will be changed to “No” in the revised SWPPP.

DECOMMISSIONING PLAN

23. The decommissioning cost estimate appears to be based on a generalized NYSERDA cost factor and comparable project rather than a project-specific estimate prepared by a qualified professional engineer. The applicant shall provide a detailed estimate of decommissioning costs based on the proposed facility layout, equipment, access roads, fencing, electrical infrastructure and site restoration requirements.

Response: A project-specific itemized decommissioning estimate is being prepared to fully account for decommissioning costs. The estimate, prepared by EDP and Nexamp, will be appended to the decommissioning plan when complete.

24. The decommissioning plan does identify a timeframe for completion of decommissioning activities following abandonment. The applicant shall provide a schedule identifying when decommissioning must commence and be completed after facility is deemed abandoned.

Response: Decommissioning plan revised to include 180-day period to complete work.

25. The plan recommends reassessing the decommissioning bond at five-year intervals. The applicant shall establish a process for adjusting the surety amount to account for inflation and any changes in removal costs over the project's duration.

Response: The submitted Decommissioning Agreement creates an obligation for the applicant to submit revised removal cost estimates to the Town every five years. The agreement also states the applicant shall post bonds to reflect those updated costs.

If you have any questions or require additional information, please don't hesitate to contact me.

Regards,
Environmental Design Partnership,



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