



Fion L Maccree <fmaccree@gmail.com>

Re: DRS SEQR

4 messages

Frederick Sinclair <fpsinclair@yahoo.com>

Sat, Jan 8, 2022 at 5:06 PM

To: William Dailey <williamdailey48@gmail.com>, Daniel Acton <actond45@gmail.com>, Timothy Cochran <cochrattj@alfredstate.edu>, Sean Hyland <sean@hylandtimberframing.com>, Peter Stull <pete@bicycleman.com>, Frederick Sinclair <fpsinclair@yahoo.com>, Bill/Joy Cleveland <billjoycleveland@yahoo.com>, "Fion L. Maccree" <fmaccree@gmail.com>, Matthew Snyder <matthewfsnyder@gmail.com>, Wendy Dailey <wendydailey.town.alfred@gmail.com>, Kathy Spencer <kspencer@labellapc.com>, Shawn Grasby <mmtceo@frontiernet.net>, Dwight Kanyuck <dkanyuck@nyenvlaw.com>, Mary Steblein <msteblein@labellapc.com>

Bill:

I have spoken with Shaun and Dan and yes this option of relying on the a conditioned approval and issuance of the building Permit as well as the code variance, are the points at which conditions could be agreed to. Crafting of said conditions would have to be carefully and expertly performed to ensure availability of future costs of site inspection maintenance and performance of Best Management Practices.

I cautioned Dan that the inspector and Town Board will have to have the intestinal fortitude to enforce and possibly shut down construction or the operation if conditions fail to be met. This can get very complicated where the Applicant Developer LLC sells the facility to Alfred Solar 1, who then contracts with another entity to construct, follow design /permit conditions and certify function. In this scenario, when construction is done, the owners and contractors may also assume no formal future maintenance and repair responsibility as far as DEC and SWPPP compliance.

An alternative of expanding of the decommissioning and emergency repair bond could also be used as a tool (condition) to insure SWPPP maintenance and function into the future.

The right way, however, to approach the SEQR conclusion is to force Scenario 2 design and post construction responsibility / maintenance, by requiring revision of the SWPPP and requiring more design and analysis of the proposed Best Management Practices at this point in the process . As a matter of fact, the proposed level lip spreaders (every 50 feet) on the contour is a novel approach but needs considerable refinement to ensure applicability and success. It certainly constitutes a major change in site hydrology which automatically triggers scenario 2 which insures long term maintenance of the critical structures which have altered the existing hydrology. Rough analysis indicates there will be approximately 9,000 feet of these structures as currently proposed by the applicant.

There are other issues which need analysis regarding the runoff impact when panels are fully tilted (kinetic energy impacting the ground) and the outstanding question of the road characterization as permeable vs actual impermeability when surrounded by impermeable soils.

If the applicant doesn't agree to further refine the design proposal, to fully support a Negative Declaration of impact, then in my opinion there should be a Positive Declaration of impact and the entire process advanced to require a full Environmental Impact Statement which involves deeper focus on resolving these and any other unresolved issues.

Respectfully,
Frederick Sinclair
Alfred Planning Board

On Saturday, January 8, 2022, 03:22:16 PM EST, William Dailey <williamdailey48@gmail.com> wrote:

Fred

I have looked over the various emails back and forth from Labella and DRS and it appears we are missing some updated plans on the road and possibly their SWPPP plan. I feel once we have these plans and Mary Steblein's opinion on which scenario covers this project, along with Shawn Grasby's assurance that the road plans will meet our weight restrictions and fit into the SWPPP that we can recommend a negative declaration or at least a conditional negative declaration to the town board. I think that post construction monitoring and restoration should, if needed, can then be addressed during the Special Use Permit process and in the Operation and Maintenance plan conditions as dictated by the Town Board. I have yet to answer Dan's email so if you have other suggestions or thoughts or if I have over simplified this let me know

Bill

Sent from my iPad

Daniel Acton <actond45@gmail.com>

Sat, Jan 8, 2022 at 5:44 PM

To: Frederick Sinclair <fpsinclair@yahoo.com>

Cc: William Dailey <williamdailey48@gmail.com>, Timothy Cochran <cochrattj@alfredstate.edu>, Sean Hyland <sean@hylandtimberframing.com>, Peter Stull <pete@bicycleman.com>, Bill/Joy Cleveland <billjoycleveland@yahoo.com>, "Fion L. Maccree" <fmaccree@gmail.com>, Matthew Snyder <matthewfsnyder@gmail.com>, Wendy Dailey <wendydailey.town.alfred@gmail.com>, Kathy Spencer <kspencer@labellapc.com>, Shawn Grasby <mmtceo@frontiernet.net>, Dwight Kanyuck <dkanyuck@nyenvlaw.com>, Mary Steblein <msteblein@labellapc.com>

Hi Fred

I spoke Friday with Dwight, Mary, and Shawn and raised the issue of Scenario 2 being triggered by the level spreaders. Mary is going to confirm that this is indeed the case. If she confirms then it would seem that we need to push for that classification of the project. If not then the conditional approach would seem to be the way to go.

I will let you know when I know.

Dan

[Quoted text hidden]

William Dailey <williamdailey48@gmail.com>

Mon, Jan 10, 2022 at 7:04 AM

To: Frederick Sinclair <fpsinclair@yahoo.com>

Cc: Daniel Acton <actond45@gmail.com>, Timothy Cochran <cochrattj@alfredstate.edu>, Sean Hyland <Sean@hylandtimberframing.com>, Peter Stull <pete@bicycleman.com>, Bill/Joy Cleveland <billjoycleveland@yahoo.com>, "Fion L. Maccree" <fmaccree@gmail.com>, Matthew Snyder <matthewfsnyder@gmail.com>, Wendy Dailey <wendydailey.town.alfred@gmail.com>, Kathy Spencer <kspencer@labellapc.com>, Shawn Grasby <mmtceo@frontiernet.net>, Dwight Kanyuck <dkanyuck@nyenvlaw.com>, Mary Steblein <msteblein@labellapc.com>

Fred

I agree with your response that we should handle the SWPPP / road issues in the SEQR process especially if Mary confirms that this is a scenario 2 project. You are right that the SEQR process is the the "cleaner" method to move forward with. Thanks

Bill

Sent from my iPad

On Jan 8, 2022, at 5:06 PM, Frederick Sinclair <fpsinclair@yahoo.com> wrote:

[Quoted text hidden]

Steblein, Mary <msteblein@labellapc.com>

Mon, Jan 10, 2022 at 11:42 AM

To: Daniel Acton <actond45@gmail.com>, Frederick Sinclair <fpsinclair@yahoo.com>

Cc: William Dailey <williamdailey48@gmail.com>, Timothy Cochran <cochrattj@alfredstate.edu>, Sean Hyland <sean@hylandtimberframing.com>, Peter Stull <pete@bicycleman.com>, Bill/Joy Cleveland <billjoycleveland@yahoo.com>, "Fion L. Maccree" <fmaccree@gmail.com>, Matthew Snyder <matthewfsnyder@gmail.com>, Wendy Dailey <wendydailey.town.alfred@gmail.com>, "Spencer, Kathy" <kspencer@labellapc.com>, Shawn Grasby <mmtceo@frontiernet.net>, Dwight Kanyuck <dkanyuck@nyenvlaw.com>

Regarding the level spreaders triggering Scenario 2 - As I mentioned in our phone call on Friday, I do not agree that the level spreaders represent a concern (I do not agree that they are a significant change in hydrology). My opinion was based on the fact that the DEC accepts the modeling of level spreaders similar to the limited use pervious access road – the modeling uses the pre-construction condition as the post-construction condition – that is, the level spreader does not represent a change in hydrology. Level spreaders are an accepted practice at solar facilities here in Region 8 (see the attached guidance documented with DEC over a year ago).

In an effort to ensure we're being efficient in developing a response this week, I talked further with Luke Scannell at DEC Region 8 about these level spreader questions specifically (in concept, not specific to this project). Here's a summary to give some context:

"level spreaders are designed to take concentrated flow paths and restore them to sheet flow. This dissipates energy, preventing erosion, and by slowing water down allows for more effective settling and filtering of the storm water. Because level spreaders are more porous than most soils and they are flush with ground level they typically decrease stormwater runoff rather than increase it. If level spreaders are correctly designed and installed they are not considered to change site hydrology."

He provided a few other items to consider:

- * For level spreaders to function, they need to be level (the applicant has indicated they moved the level spreads to be on the contour rather than on the drip edge).
- * DEC recommends a field check of the level spreaders after a decent rain event to check for low spots where water might experience a concentrated flow, and fix any of these areas to eliminate the concentrated flow.
- * Highly erosive soils and steep slopes greater than 10% may warrant additional precautions during and after construction.
- * Note: The SWPPP indicates the overall site has slopes ranging from 0.1% to 74.5% (note this goes well beyond the disturbed area). The area where panels are located appears to be generally less than 10%.

He also had this input:

"One of the main issues that level spreaders help to alleviate is potential concentrated flow paths from the panel drip edges when rows are perpendicular to the slope. I conducted several inspections of a facility on 5-10% slopes that showed signs of erosion during construction along the panel drip edges. At this site the installed level spreaders stopped further rill formation (minor erosion) on the slope. Once vegetation became densely established there were no signs of impact from the panel drip edge. I would be happy to provide photos from my site inspections if desired."

I maintain that this project meets Scenario 1 (from DEC's guidance memo) and therefore does not need additional permanent stormwater management practices. I recommend the Board move forward considering the conditional approval.

Mary Steblein, PE, CPESC
LaBella Associates | Senior Civil Engineer | Project Manager

585-295-6652 direct
585-454-6110 office

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Sent from my iPad

CAUTION: This email originated from outside the LaBella organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

 **NYSDEC Solar Guidance (Water Bar Level Spreader).pdf**
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