



April 30, 2020

Forefront Power
100 Montgomery Street, Suite 275
San Francisco, CA 94104

Attn: Mr. Christian Schlesinger – Project Manager
P: (631) 495-4950
E: cschlesinger@ForeFrontpower.com

Re: Werner Solar Project
8427 West Henrietta Road
Rush, Monroe County, New York - Terracon Project No. J5205047

Dear Mr. Schlesinger:

Terracon Consultants, Inc. (Terracon) is submitting this letter as requested by Mr. John Mancuso of Weaver Mancuso Brightman PLLC on behalf of the Town of Rush on April 9, 2020.

Based upon our understanding of the project as discussed with Forefront Power, it is anticipated that the EPC contractor will implement a pile load testing program to determine pile drivability, ultimate uplift capacity, and ultimate lateral capacity for driven steel piles. If pile refusal is encountered during installation, an alternate method will be explored by the EPC contractor, which may consist of pre-drilling undersized holes, screw piles, or pre-drilling oversized holes that are backfilled with cement or grout. A decommissioning and site restoration plan will be developed (by others), which should include removal of foundations in their entirety, to reduce impacts on the land for future agricultural use.

This letter forms an addendum to and should be included with Terracon Geotechnical Engineering Report dated April 3, 2020 (and revised April 13, 2020). Conclusions and recommendations presented in that report are still applicable. If you have any question, please contact our Office

Sincerely,
Terracon Consultants – NY, Inc.

Zeru Kiffle, EIT
Staff Engineer

Michele A. Fiorillo, P.E. (NY)
Geotechnical Department Manager

SME Reviewer: James M. Jackson, P.E. (FL)

Attachments: Letter from Mr. Mancuso dated April 9, 2020





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April 9, 2020

BY ELECTRONIC MAIL

Christian Schlesinger
Project Manager
Forefront Power
100 Montgomery Street, Suite 725
San Francisco, CA 94104

Re: Werner Solar 7,632-kilowatt direct current (kWDC) Photovoltaic Array
8427 West Henrietta Road, Rush, New York

Mr. Schlesinger:

We are attorneys for the Town of Rush in connection with the above-referenced project (the “Project”). In connection with the Town Board’s ongoing review as Lead Agency under the New York State Environmental Quality Review Act, the Town Engineer and I have reviewed the Geotechnical Engineering Report prepared by Terracon Consultants-NY, Inc. dated April 3, 2020 (and revised April 13, 2020). The report indicates that “development of the photovoltaic solar project [is] technically feasible from a geotechnical standpoint. However, as noted above, cobbles and/or boulders may be encountered, especially in proximity of B1 and B4, and pile installation via conventional methods, such as driving in to a virgin subgrade, may encounter difficulty and may result in early refusal and inadequate penetration, or else may cause excessive pile deflection, rotation or torsional rotation” (*see* Geotechnical Report at 7, 12).

Understanding that driven piles are the preferred foundation system, the report recommends a “pile driving testing program be developed [to] record the drive times to assess the difficulty with which piles may penetrate the subgrade soil conditions on this site” (*see* Geotechnical Report at 7). As an alternative, the report recommends pre-drilling of undersized holes to facilitate driving of the piles in areas where shallow refusal may be encountered” (*see* Geotechnical Report at 7). Design recommendations and construction considerations for solar panel foundations also indicate that “[p]iles set in a grout- or concrete-backfilled borehole would develop considerable axial and lateral capacity over a relatively short embedded distance” and that a “supplemental pile load testing program should be implemented in order to evaluate suitability

for such alternative installation methods and to provide design recommendations associated with such methods” (see Geotechnical Report at 12).

In light of the conclusions contained in the report, the Town requests further information with respect to whether the applicant intends on implementing a pile load testing program with respect to the Project, as well as further analysis of the potential impacts associated with the alternative methods of installation (i.e., piles set in grout- or concrete-backfilled boreholes or pre-drilling of undersized holes), especially Zone A as reflected on the Exploration Plan (and in proximity of B1 and B4). In particular, the Town requests further information regarding the potential impacts, if any, of these alternative methods on land and agriculture, including restoration of the property to agricultural use upon decommissioning of the Project.

Additionally, the Town Engineer has reviewed the Project in light of the Town’s Agricultural and Farmland Protection Plan (2012) and in connection with the Town Board’s obligations as lead agency (a copy of the Town Engineer’s April 8, 2020 memorandum is enclosed). The Town Engineer has indicated that potential methods of solar array installation could result in soil compaction and to limit this impact “approval should require a detailed decommissioning plan that includes soil restoration activities.” Section 120-74(H)(9) of the Town Zoning Law provides that:

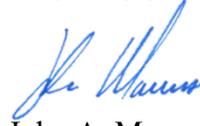
Tier 3 Solar Energy Systems shall, to the extent practicable, be designed in such a way as to allow agricultural use of the soil after the System is decommissioned and implement the “Guidelines for Agricultural Mitigation for Solar Energy Projects” issued by the New York State Department of Agriculture and Markets for any Solar Energy System which is to be located on or adjacent to property being actively used for agricultural purposes.

In a similar vein, the Department of Agriculture and Markets, as an involved agency under SEQRA, has indicated that the Town may also request an applicant to adopt the Department’s construction standards. The Department of Agriculture and Markets guidelines may be accessed at: https://agriculture.ny.gov/system/files/documents/2019/10/solar_energy_guidelines.pdf.

The application currently provides that the applicant has designed the Project to allow for agricultural use of the Site following decommissioning and is developing a decommissioning plan in accordance with the requirements of the Town Zoning Law. The Town requests further information regarding the decommissioning plan and soil restoration activities, including a draft of the decommissioning plan and an analysis of the Project design features demonstrating implementation of the Guidelines for Agricultural Mitigation for Solar Energy Projects issued by the Department of Agriculture and Markets.

If you have any questions, please contact me or the Town Engineer.

Very truly yours,



John A. Mancuso

cc: Town of Rush