



March 12, 2021

**BY ELECTRONIC MAIL**

Mr. Don Sweet, Chairman  
Town of Rush Planning Board  
5977 East Henrietta Road  
Rush, NY 14543

Mr. Joseph Hens  
Design Engineer  
Ingalls & Associates, LLP  
2300 Guilderland Avenue  
Schenectady, NY 12306

**RE: Helios Rush Solar Farm 1 and 2– updated -Application Review  
540 Honeoye Falls No. 6 Road, Rush, New York  
CHA Project No. 67520**

Dear Mr. Sweet:

CHA has reviewed the updated Rush Solar Farm 1 and 2 SES Overlay District: Planning Board Review package dated 2-19-21 and the plans dated 2-2-21 and offer the following comments for Town Board consideration:

1. The proposed revised project remains a Type 1 action pursuant to SEQR; the Town Board is currently acting as lead agency for the project and is undertaking a coordinated SEQR review. Since the application has been revised, the Town board has referred the application back to the Planning Board for its report and recommendation in accordance with Section 120-74(H)(18)(b) of the Town Zoning Law for potential creation of a solar energy system (SES) Overlay district.
2. The Planning Board was previously identified by the Town Board as an involved agency. The Planning Board should review the revised EAF in its entirety and make any recommendations in the form of a letter to the Town Board as lead agency for its consideration.
3. The applicant has stated that they comply with all Town zoning and planning goals per section 120-74.H.1-H.16 & H.18.b(i) of the Town Code; however upon review of the site topography and lack of a formal landscaping plan or site visualizations demonstrating complete screening will be achieved I am requesting the applicant provide visualizations from all sides of the project in connection with the Town's evaluation of visual impacts under SEQRA and the requirements of Town Code Section 120-74(H)(10). The vantage point for each visualization should be clearly identified on the site plan by numbers or other method for Town to reference. Applicant should provide color hard copies of the visualizations for the Town Planning Board to review. I would

also recommend that a field walk be schedule early on in this review process to determine if screening is feasible from all sides of the project and specifically the residences along Woodruff Road which the applicant indicates will be screened by existing forested NYSDEC wetlands.

4. The applicant should provide a landscaping plan for review and approval by the Town.
5. The EAF question B.b should indicate a “Special Permit” is required not a Special “Use” Permit. This has not been corrected from the last submittal.
6. The EAF question D1.b, indicates 44.6 acres of disturbance. The applicant should provide calculations demonstrating the limits of disturbance. The applicant should provide a storm water pollution prevention plan (SWPPP), for erosion and sediment control and include calculations demonstrating that thresholds for both water quality and quantity control are not exceeded requiring further mitigation. Please find the Department of Conservation (DEC) guidelines below.

Projects which disturb one (1) or more acres of land are required to comply with the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit Program (Permit No. GP-0-15-002, effective January 29, 2015). This permit provides coverage for stormwater discharges associated with construction activities. According to the memorandum issued April 5, 2018 by the NYSDEC Division of Water, the Department considers solar panel projects to fall under “Land clearing and grading for the purposes of creating vegetated open space”, therefore, only a Notice of Intent and Erosion and Sediment Control Plan are required, as long as the following criteria are met:

- Solar panels are constructed on post or rack systems and elevated off the ground surface,
- The panels are spaced apart so that rainwater can flow off the down gradient side of the panel and continue as sheet flow across the ground surface,
- For solar panels constructed on slopes, the individual rows of solar panels are generally installed along the contour so rainwater sheet flows down slope,
- The ground surface below the panels consists of a well-established vegetative cover,
- The project does not include the construction of any traditional impervious areas (i.e. buildings, substation pads, gravel access roads or parking areas, etc.),
- Construction of the solar panels will not alter the hydrology from pre- to post-development conditions.

Applicant has previously been asked to provide the project SWPPP for review prior to the Town Board moving forward with the SEQR review process. The SWPPP will be needed as a resource in the SEQR Part 2 process. EAF question D.2.e indicates 400 SF of new impervious surface will be created by the project equipment pads. The applicant should also verify that the solar array spacing is in accordance with the NYSDEC guidance. Plans should clearly identify distance between all array rows. SWPPP inspections will also be required during construction.

7. Applicant will need to prepare all plans in accordance with the New York Standards and Specifications for Erosion and Sediment Control (Blue Book).
8. Applicant should include a layout plan with northing and easting points compiled in a table to identify proposed fence corners, array panels, and entrance drive locations.
9. The applicant should provide a geotechnical report including soil analysis, borings, and structural analysis for proposed foundation construction demonstrating the feasibility of proposed driven pile foundations. Since the project is proposed within prime farmland the extent of disturbance from foundations will need to be considered. This comment has been a standing request and the applicant should respond as to when the geotechnical report and analysis will be completed and submitted for review.
10. The applicant has provided an updated decommissioning plan for the project including recommendations for agricultural land restoration upon completion of the project in accordance with the Guidelines for Agricultural Mitigation for Solar Energy Projects issued by the Department of Agriculture and Markets. The applicants decommissioning cost estimate appears to be low and is not detailed enough to cover all components required to be disassembled and disposed of. Applicant should update the cost estimate and re-submit for review and approval. Items to be included in estimate are (PV Modules, Inverters, Transformers, Racking Frame and posts, all wiring low and medium voltage, Fence including posts, foundations, and gates, and concrete equipment pads. All units should be by EA, LF, or CY. Estimate should include total cost after 25-35 years pending actual lease agreement for each item. A letter of credit will need to be prepared for approval by town engineer and attorney if project is approved and eventually accepted by the Town.
11. The applicant has provided an updated Operations and Management plan to the Town for the revised application which indicates a local contractor will be dispatched in case of alarms or other maintenance issues however the area code appears to be Albany which does not seem to be local. Consideration should be given to using a site contractor within the Monroe County area.
12. The applicant has provided a glare analysis study for Town review which indicates no glare predicted. The analysis should be summarized, and the applicant should explain the methodology behind the study.
13. The EAF question D.2.Project Operations M.i. indicates noise levels will exceed ambient conditions during construction and post construction sound level will be equivalent to a refrigerator. Applicant has provided an updated noise study and calculations to support the expected decibels generated by the revised project at property limits. Applicant should explain the findings of the noise study to the planning board for consideration.
14. The applicant should include the Ad-joiners names and tax account numbers **south** of Honeoye Falls Road No. 6 on the existing conditions map. Map should be signed and certified by the licensed surveyor who completed the map.

15. Applicant should explain all easement restrictions to the planning board that may exist over the petroleum pipeline. The applicant should also provide to the Town a copy of the easement restrictions and any correspondence with the pipeline owner. Currently application proposes fencing and access road construction across the pipeline. The applicant will need to obtain approvals from the Pipeline owner prior to any Town planning board approvals.
16. The applicant should include a list of bulk regulations in the form of a table which demonstrates concurrence with the town solar ordinance on the plans in addition to the planning board review narrative provided dated 2/19/21.
17. Upon preliminary review the revised project appears to be within the 150 acres of SES allowed in the Town.
18. The applicant has revised the project to comply with SES requirement for acreage being between 20 and 50 acres.
19. The project is currently located beyond 1000' of an R-20, R-MH, RR-5, or R-TH zone.
20. The project is located outside a 100-year flood hazard zone per the FEMA map.
21. The project currently has 200' setbacks from property boundaries which have been adjusted per Town Attorney comment.
22. The applicant has obtained a No effect letter from NYS OPRHP relating to archeology and historic resources.
23. The project will satisfy requirements for 50% occupancy or less of the total lot coverage.
24. Details and location of the interconnection should be provided for Town review and consideration.
25. Applicant should include a table identifying appropriate site distances for the posted speed limit are provided on County Road 63. The entrance drive will need to be reviewed and approved by the Monroe County Department of Transportation (MCDOT).
26. The applicant should provide construction plans for review and approval by the Town of Rush CEO.
27. Final drawings should be stamped and signed by a licensed New York State Professional Engineer and Licensed Land Surveyor.

Helios - Rush solar Farm 1 and 2 - Updated Application Review

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "W. T. Ewell", is centered on the page.

William T. Ewell, P.E., LEED AP  
Associate Vice President

WTE

cc: Town of Rush Supervisor – Gerry Kusse  
Weaver, Mancuso, Frame Attorneys at Law-John Mancuso,

V:\Projects\ANY\K5\067520.000\12\_Deliverables\Helios Information\Revised Application 12-9-20\Helios-Rush Solar Farm 1 and 2 Review -3.4.21 signed.doc