

February 27, 2025

Mr. Matthew J. Andrews Deputy Director of Community and Economic Development City of Rome 198 North Washinton Street Rome, New York 13440

Re: NY Old Oneida Road Solar LLC 5792 Old Oneida Road Rome, New York 13440 Oneida County

Subj: Review of Site Plan Approval Submission – Initial Review Letter

File: 245.017.001

Dear Mr. Andrews:

Barton & Loguidice, D.P.C. (B&L) has completed our initial review of the Site Plan Approval package submitted by NY Rome Old Oneida Road Solar, LLC, a subsidiary of Emeren US, LLC, for the above-referenced solar project. To date, B&L has received the following documents:

- Project Description, prepared by Emeren US, LLC, dated January 6, 2025, not signed;
- Site Plan Drawings (11 Sheets), prepared by C&S Engineers, Inc., dated December 2024, stamped by Eric Kenna, P.E.;
- Site Plan Drawing (1 Sheet), prepared by C&S Engineers, Inc., dated January 2024, not stamped;
- City of Rome Planning Board Application, prepared by Emeren US, LLC, dated November 14, 2024, signed by Mac Moore;
- Stormwater Pollution Prevention Plan (SWPPP), prepared by C&S Engineers, Inc., dated January 2024, stamped by Eric Kenna, P.E.;
- Wetland Delineation Report, prepared by C&S Engineers, Inc., dated May 3, 2023, not signed or stamped;
- Wetland Site Map, prepared by C&S Engineers, Inc., dated April 24, 2023;
- Topographic Survey, prepared by Ianuzi & Romans Land Surveying, P.C., dated August 29, 2023, stamped by Timothy J. Coyer, L.S.;
- Full Environmental Assessment Form, Part 1, prepared by C&S Engineers, Inc., dated January 5, 2024, signed by Bryan A. Bayer;
- Phase 1 Archaeological Survey, prepared by Claire H. Horn, Ph. D., dated July 28, 2023, not signed;
- Correspondence with SHPO, dated May 19, 2023;
- Correspondence with SHPO, dated August 4, 2023, signed by Jessica Vavrasek;
- Endangered Species Technical Memo, prepared by C&S Engineers, Inc., dated July 20, 2023, not signed;



- Wildlife Management Plan, prepared by C&S Engineers, Inc., dated January 2025, not signed;
- Decommissioning Plan, prepared by Emeren US, LLC, dated January 6, 2025, not signed;
- Decommissioning Plan Estimate, prepared by C&S Engineers, Inc. dated January 6, 2025, signed by Eric Kenna, P.E.;
- Operation and Maintenance Manual, prepared by NY Rome Old Oneida Road Solar, LLC, dated January 6, 2025, not signed;
- Glare Simulation, prepared by ForgeSolar, dated April 3, 2024;
- Noise Assessment, prepared by C&S Engineers, Inc., dated January 5, 2024, signed by Eric Kenna, P.E.;
- Visual Rendering Photo Simulations, prepared by C&S Engineers, Inc., dated October 13, 2023;
- Visual Rendering Photo Location Map, prepared by C&S Engineers. Inc., not dated;
- Three-Line Diagram, prepared by Emeren Group Ltd., dated November 14, 2023, not stamped;
- National Grid Interconnection Agreement, dated August 9, 2021; and
- List of Permits & Status, dated November 15, 2024.

Project Description

NY Rome Old Oneida Road Solar, LLC (Applicant) are proposing the construction of a 4.2 megawatt (MW) solar energy facility consisting of one (1) solar array and associated electrical appurtenances on a ± 140-acre parcel located at 5792 Old Oneida Road in the City of Rome, Oneida County, New York (Tax Parcel ID No. 272.-02-36). The narrative indicates that the lease will include 20 acres where the proposed solar facility will be installed. The proposed approximately 17.6-acre facility includes access roads and a fenced-in solar array. The proposed array has a maximum height of 14'6" and is comprised of a single axis tracking system. The project proposes installing solar panels within the leased area consisting currently of primarily agricultural land with a small amount of tree clearing proposed.

Under the City Solar Law, this project is considered a Tier 3 Solar project, requiring a special use permit through the Zoning Board of Appeals, which has already been issued for this project.

B&L offers the following comments to the City of Rome for consideration in its review.

Environmental Review (SEQR)

The proposed solar project is considered a Type 1 action under the provisions of the State Environmental Quality Review Act (SEQRA), as it involves the physical alteration of more than 10 acres of land. As required for a Type 1 Action, coordinated review has been completed and the project has received a negative declaration, indicating that no adverse impacts to the environment are anticipated as a result of this project.

Visual Impact Assessment

The Applicant has performed a visual impact analysis in locations where the solar arrays may be visible to adjoining property owners and/or from nearby roads. The results indicate that there may be moderate visual impacts to travelers along Old Oneida Road. However, these impacts are not likely to be adverse if landscape screening is properly installed and maintained. B&L offers the following comments:



- It appears that the proposed landscaping buffer is not included in the visual impact assessment. It is recommended to include simulations with the vegetated buffer to demonstrate how it will mitigate the visual impacts. The vegetated buffer should follow the recommendations mentioned in comment 18 below, regarding the landscaping plans.
- 2. Please justify the number of riser poles proposed and evaluate the feasibility of underground conduit instead of the proposed overhead electric lines to decrease the visual impact of the utility poles.
- 3. It is recommended that additional visual impact renderings be performed from the residences near the property as opposed to the nearby roadway, as it is anticipated that the impact at the adjacent property boundary will be greater than at the roadway.

Glare Analysis

The Applicant has performed a glare analysis to assess potential impacts of glare on motorists traveling on Henderburg Rd, Old Oneida Rd, and Route 365. The results indicate that there will be no adverse impacts due to glare. B&L offers no further comments on potential glare impacts.

Noise Analysis

The Applicant has performed a noise analysis demonstrating the potential for noise from the electrical equipment proposed to be located throughout the project, evaluating the potential for sound at numerous locations surrounding the project site. The noise analysis concludes that the proposed project is not anticipated to produce noise that will be above existing ambient levels at any nearby residential properties. The study demonstrates that the resulting noise level at the nearest residence is calculated to be 31 decibels, which is similar to the volume of a quiet room. B&L offers no further comments on potential noise impacts.

Stormwater Pollution Prevention Plan

- 1. Question 4 in the draft NOI specifies that there are 0.8 acres of existing impervious, and a total of 0.6 acres impervious post-construction, for a reduction of impervious area. The SWPPP specifies that the impervious is increased by 0.6 acres, for a total of 1.4 acres of impervious post-construction. Review and revise accordingly.
- 2. Question 5 of the draft NOI should be revised to specify "Yes" if a 5-acre waiver is planned to be requested for the project.
- 3. Question 39 of the draft NOI specifies that this project falls into Scenario 2 of NYSDEC's Solar Guidance. It is noted that this project should be under Scenario 1, as long as there is no change in hydrology and any traditional impervious areas are treated appropriately.
- 4. The wetland and waterway report included as an appendix to the SWPPP should be updated to the most recent version.
- 5. It is noted that vegetated swales only provide a reduction of 20% of the Water Quality volume, but cannot fully treat runoff. It appears that a majority of the access road flows through vegetated swales on both the east and west sides of the solar array before being discharged directly into onsite wetlands without being fully treated. All runoff should be fully treated prior to discharge into the on-site wetlands or leaving the site.
- 6. The HydroCAD model should be revised to use the Type II 24-hour storm rainfall distribution curve, per TR-55, as opposed to the NRCC 24-hour curve that is currently utilized.



- 7. The source of the rainfall depths should be discussed, and should be included in the appendices to the SWPPP in subsequent submissions.
- 8. The vegetated swales need less than 3 cfs discharging into them in the WQv event, require a retention time minimum of 5 minutes, must convey the WQv at a speed of 1 fps or less, need to maintain a flow depth of below 4 inches for the WQv storm, and maintain a freeboard of 6 inches in the 10-year storm with a velocity less than 5 fps. The vegetated swales should be added to the HydroCAD model to show these requirements are being met.
- The existing and proposed HydroCAD models use the cover type of "Row crops, straight row", however Section 4.5 of the 2015 SWMDM specifies that if the predevelopment condition is agriculture, the "meadow" cover type should be used for calculations. Review and revise accordingly.
- 10. The existing condition times of concentration utilize the "Unpaved" shallow concentrated flow condition. It is recommended that a more accurate option be utilized (e.g., grassed waterway, woodland), as in our experience the unpaved shallow concentrated flow option can misrepresent the velocity factor of flow.
- 11. Calculations should be provided to support the culvert sizing beneath the proposed access road.
- 12. The proposed HydroCAD model shows an increase of 0.951 of impervious (0.940 acres of Gravel surface and 0.011 of Roofs), compared to the increase of 0.6 acres of impervious mentioned in the SWPPP. This should be reviewed and revised as necessary for consistency and to make sure that the stormwater management practices are adequately sized to address the stormwater runoff.
- 13. The GI Worksheet shows 0.63 acres of impervious in DA-1 and 0.17 acres of impervious in DA-3 as being treated by Filter Strips. Per the 2015 SWMDM, a max of 5,000 square feet of impervious is recommended to be treated by grass filter strips for them to function properly.
- 14. The calculation of the RRv provided by the vegetated swales should be revised to show the RRv provided as 20% of the WQv reaching them from the roadway, rather than being based on the volume of the swale.

Site Plan Drawings

General Comments

- 1. The site plans should be revised to include an existing conditions/demo plan showing the limits of clearing and other site preparation before the site improvements are installed.
- 2. Typical details should be provided in the plan set including but not limited to: grass filter strip, proposed level spreaders, electrical conduit trench, etc.

Site Plan (Sheet 3 of 11)

- 3. The extents of the leased land should be shown and called out on the site plan.
- 4. Dimensions and radii on the access roadway should be provided along with analysis to confirm adequate access for emergency vehicles.
- 5. A bulk zoning requirements table should be included with the plan, showing the requirements and the provided values.
- 6. Provide dimensions of all equipment pads proposed.
- 7. Please provide a section detail for the Typical Equipment Pad.



- 8. The Point of Interconnection should be called out on the plans.
- 9. The emergency shutoff location should be called out on the plans.

E&S Plan (Sheet 5 of 11)

- 10. The proposed gravel diaphragms/level spreaders should be shown on the plans in areas of slope between 5% and 10%. Justification for the spacing proposed to maintain sheet flow should be provided in the SWPPP or as a note on the plans.
- 11. Swale 1 is shown as having a bottom width of 1.5 feet, the minimum bottom width for a vegetated swale is 2 feet per the 2015 Stormwater Management Design Manual (SWMDM).
- 12. The areas to utilize filter strips are called out, but clear dimensions are not shown or called out. It should be ensured that the required dimensions per the 2015 SWMDM are called out for adequate treatment.
- 13. The level spreaders and permeable berms for the grass filter strips should be called out on the plans.
- 14. Silt fence must be installed parallel to the contour rather than surrounding the project area. This prevents runoff from following the fence and causing blowouts.
- 15. The silt fencing should be within the limit of disturbance boundary, as installing silt fence creates disturbance.

Landscaping Plan (Sheet 6 of 11)

- 16. The landscaping plan should be revised to reference the seed mix specified on the E&SC plan for the vegetated swales.
- 17. The minimum height of the planted screening buffer at time of planting is recommended to be no less than 6 feet, it is currently called out as being between 5 and 6 feet.
- 18. The Landscaping Plan should be prepared by a registered Landscape Architect with particular consideration for a variety of native trees and shrubs to create a natural looking vegetated buffer that will screen during all seasons. The screening buffer plantings should be staggered and clustered rather than being proposed in a single straight line, to make for a more realistic screening.

Details (Sheets 7-11 of 11)

- 19. The vegetated swale detail should be revised to include design water elevations for the different design storms as required by the 2015 SWMDM.
- 20. It is recommended that the proposed fencing be revised to include a minimum 6" gap at the bottom so as to not limit the passage of small animals.

Operation and Maintenance Plan

- 1. There is some information missing in the contacts and project description that should be completed in subsequent submissions of the O&M Plan.
- 2. Some information in the Project Description does not match other documentation for the project, it should be reviewed and revised as necessary for accuracy.
- 3. The O&M Plan should contain timeframes and frequencies for all expected operation and maintenance responsibilities.



- 4. The O&M Plan should be revised to call out the specific stormwater management practices to be utilized on the site, and the required maintenance for those practices.
- 5. It is noted that a copy of the Maintenance Agreement should be provided to the Board as a condition of final approval.
- 6. The O&M Plan should include a map indicating the limits of maintenance for the operator/owner.
- 7. A description of the anticipated operation and maintenance requirements for the proposed landscaping should be included in the O&M Plan, including a timeframe for replacing dead trees.
- 8. It is recommended that the O&M Plan indicate that the owner/operator, for the first five (5) years of operation, provide a report to the City, summarizing the annual landscaping inspection and identifying any areas that have not thrived and/or need to be replaced by the owner/operator.

Decommissioning Plan

- 1. Please add a photographic log to the decommissioning plan to document the existing conditions/original state of the site.
- 2. It is recommended that the decommissioning plan should be revised to include a statement that at least 60 days prior to the end of each successive five year period after the execution of this Agreement, the Owner shall provide the City with an updated decommissioning plan, setting forth an updated estimate for the Decommissioning of the Project, subject to review and approval by the City, after which the Security is to be changed to reflect the updated estimate.

Additional Information and Anticipated Permits/Coordination

In addition to the items noted in the comments above, B&L anticipates the following information and/or documents be submitted in support of the application:

- 1. Per City Code, Payment in Lieu of Taxes (PILOT) and Host Community Agreements.
- 2. County and State Permits, as required, including those for work performed within the right-ofway. County permits will include a county driveway permit and a county highway work permit. State permits will include the NYSDEC SPDES Permit for Stormwater Discharges.
- 3. Provide a letter from the City of Rome Fire Department acknowledging receipt of the Site Plan Drawing, verifying approval of proposed access for fire and emergency vehicles.
- 4. Maintenance Agreement, Decommissioning Bond and Indemnity Agreement.
- 5. It is anticipated that escrow for construction inspection and ongoing O&M will be established as a condition of final approval.
- 6. A "Roads Use Agreement" is recommended to describe roads to be used for truck transportation during construction, including provisions for baseline survey and necessary repairs.
- 7. A copy of the lease agreement is requested to be provided as part of subsequent submissions.
- 8. Specification sheets for the proposed solar panels and other equipment beyond what has been included in the Noise Study should be provided in subsequent submissions.



Please provide the above requested information at your earliest convenience. For efficient review of subsequent materials, B&L requests an itemized response to the comments provided herein. Additionally, B&L requests a full size hard copy of the revised set of plans.

If you have any questions, please do not hesitate to contact the City or me.

Sincerely,

BARTON & LOGUIDICE, D.P.C.

Sterling L. DePaul, P.E. Project Engineer

SLD/jjb

cc: City of Rome Board Members City Attorney