

From: [Mario Rice](#)
To: [David Hotaling](#)
Subject: RE: AES - Somerset Solar
Date: Wednesday, June 28, 2023 2:24:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[Appendix 5-B_Medium Voltage Design Drawings IFP_Part 1 of 3.pdf](#)

David,

Thanks for taking the time to speak yesterday. Below is some information surrounding where the project does not comply with NYS fire code. I had the chance to speak with Mark Remington this morning and he let me know that he will be able to sign a waiver for the fire code deficiencies.

If you have any additional questions or concerns surrounding the Site Safety & Security plans as well as the Emergency Response plans please let me know.

I've attached a site plan as well to this email and all relevant application materials can be found at the Town Hall as well as online on the DMM website.

You mentioned a fire suppression type blanket that the Fire Department would be interested in acquiring. If you could send me over some additional information I'd be happy to look into AES providing this sort of equipment in addition to annual training sessions as mentioned yesterday.

Here is what we know is deficient

- **Area 9 road slop exceeds the 10% requested. That road has a 12% slope as it moves up the landfill.**
- **Typical Access Road width is 20' when 26' is code.**
- **Access roads are supposed to be concrete, asphalt or "other approved permeable or impermeable material". Nearly all of ours are gravel.**
- **No hydrants or water access**

AES is confident that the project design is suitable for the mobilization and access of emergency personnel, as necessary, based on the expected use of the development. However, the design does not explicitly conform to the requirements set forth in the NYS Fire Code. The main provisions with which the design does not explicitly comply with the NYS Fire Code are road width (Table D103.4, maximum dead-end length (Table D103.4), road slope (D103.2), and hydrants/water access. The roads are designed with a width of 20 feet and to be constructed from gravel, consistent with typical solar road designs. All access roads and turnarounds were designed for a WB-67 vehicle which are larger than any contemplated fire department apparatus. The grade of the roads across the site are typically within the requirements of the NYS Fire Code with the exception of the landfill area. This area is an existing road with a slope of

approximately 12% and cannot be adjusted due to the landfill cap. Per 503.1.1, Exception 2, where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities, which is the proposed use of the development. There are no occupied structures, and the inverters are self-contained pieces of unmanned equipment. AES is requesting for the Somerset Fire Code Official exempt the Somerset Solar Project from the provisions within Chapter 5 of the NYS Fire Code. The road design characteristics are currently represented in the design drawings and can be viewed on the ORES DMM for reference.

Mario Rice

NY / NE Development Manager, AES Clean Energy
292 Madison Avenue, 15th Floor | New York, NY 10017
mario.rice@aes.com
Mobile: 720.620.9366
Office: 866.757.7697



From: David Hotaling <chief@barkerfd.org>

Sent: Monday, June 26, 2023 11:33 AM

To: Mario Rice <mario.rice@aes.com>

Subject: Re: AES - Somerset Solar

CAUTION: This email originated from outside AES. Do not click links or open attachments unless you recognize the sender.

Sounds good, thank you.

David Hotaling
Chief, Barker Fire Dept., Inc

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Mario Rice <mario.rice@aes.com>

Sent: Monday, June 26, 2023 9:34:04 AM

To: David Hotaling <chief@barkerfd.org>

Subject: RE: AES - Somerset Solar

Great, thank you. I'll be able to give you a ring tomorrow around 4:30.

Looking forward to speaking with you.

Mario Rice

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From: David Hotaling <chief@barkerfd.org>

Sent: Sunday, June 25, 2023 3:10 PM

To: Mario Rice <mario.rice@aes.com>

Subject: Re: AES - Somerset Solar

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Mario,

I am available this week Monday thru Thursday after 4pm. My cell # is 716-417-8624.

Thank you.

David Hotaling
Chief
Barker Fire Dept. Inc.

From: Mario Rice <mario.rice@aes.com>

Sent: Wednesday, June 21, 2023 11:15 AM

To: David Hotaling <chief@barkerfd.org>

Cc: Chloe Pruett <chloe.pruett@aes.com>

Subject: RE: AES - Somerset Solar

Chief Hotaling,

I wanted to follow up on my email and phone call from last week.

Please let me know if you have any time to discuss the project. I'd be happy to accommodate any date or time that works for you.

Thanks,

Mario Rice

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From: Mario Rice

Sent: Thursday, June 15, 2023 10:43 AM

To: chief@barkerfd.org

Cc: Chloe Pruett <chloe.pruett@aes.com>

Subject: AES - Somerset Solar

Chief Hotaling,

I wanted to reach out to try and set up some time to discuss the Somerset Solar project.

Please let me know if you have any time for a phone call or an in person meeting over the next couple of weeks. I'd like to go over the site plan as well as discuss any concerns you may have. Specifically, I'd like to discuss the projects access roads, our Site Safety and Security Plans, as well as our Safety Response Plan.

Looking forward to hearing from you.

Thanks,

Mario Rice

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aes

From: [Mario Rice](#)
To: markremington3@gmail.com
Subject: RE: AES Somerset Solar - Fire Code
Date: Wednesday, July 5, 2023 4:52:00 PM
Attachments: [Somerset Fire Code Letter.docx](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Hey Mark,

I hope you enjoyed the holiday.

As discussed last week I've attached a letter for you to review and sign in regards to exemptions from the fire code.

If you have any additional questions please don't hesitate to reach out.

Thanks,

Mario Rice
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From: Mario Rice
Sent: Thursday, June 29, 2023 9:52 AM
To: markremington3@gmail.com
Subject: AES Somerset Solar - Fire Code

Hey Mark,

It was a pleasure speaking with you yesterday about the project.

As discussed below are the deviations from the NYS Fire Code. These were also discussed with Chief Hotaling who was in agreement that these deviations are acceptable. I've also attached the site plan

that was submitted as part of our ORES application to the State. The full application documents can be found at the Somerset Town hall for public viewing.

Can you confirm that the Town of Somerset hasn't differed to Niagara county for NYS Fire Code enforcement? I can work on prepping a letter for you to sign recognizing that our project does not adhere to certain aspects of the fire code.

If you have any questions please do not hesitate to reach out.

Here is what we know is deficient

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