

Meeting Notes

Rensselaer County MS4 Communities Meeting
Brunswick Town Beach
September 19, 2023
10:00 a.m.

The meeting opened at 10:08 a.m. Introductions were made due to new faces around the table.

The second item was Local BMPs. More solar fields are going in in Brunswick. Atlas Solar on Bel Air Road had another permeable road design that ended up not being permeable in the end. That seemed common in the area with other communities running into the issue. The problem with GEOGRID is that rocks punch through the material. The mud and fines from the tires also plug the gravel. DEC is seeing that that BMP is not working and is looking at getting rid of it altogether. In Brunswick, since the BMP wasn't working, the developer corrected it with a swale to a depression infield.

There has been a change in the definition of Waters of the United States. Isolated wetlands are no longer covered under the definition.

In Sand Lake, the Taborton Road bridge is finally being replaced after 3 years with a temporary bridge. Burden Lake Road is still closed. The bottom of the lake is owned by the Burden Lake Association and the outflow is causing erosion. Birch Builders have a subdivision on Biittig Road which had an undevelopable parcel due to wetness. This area was donated to the Rensselaer Land Conservancy. The soccer league is interested in using the Hoffay farm gravel pit for new soccer fields. The West Sand Lake Firehouse is looking to build a new fire house behind their existing one for \$11.5 million.

In Schodack, the contractor Greencells (Pure Sky formerly Amp Energy is the owner) didn't follow their SWPPP by omitting stabilization throughout the course of construction and also refused to decompact and restore soils. The Town issued written notices of non-compliance and is now reviewing SWPPP modifications for three of their projects. Modifications now account for more runoff since no soils restoration and include additional permanent stormwater practices for management of quality and quantity of stormwater. One of the presented modifications (The White River solar project) presented a design that used / took credit for conservation areas to reduce the water quality and quantity requirements but it was found that the area wasn't tributary to their design point and thus a further revision was required and pending. These solar project were required to phase their development but failed to adhere to the phasing plans and didn't stabilize properly before moving to the next phases. Future projects will be held to a required inspection by Town MS4 staff for acceptance prior to allowing construction to proceed to the next phase of work. Additionally Schodack will not be permitting the use of pervious access roads since they are not installed at the end of a project nor protected during construction from sedimentation that renders them impervious contrary to the design intent. Separately on a subdivision development project, it was found that a project's Qualified Inspector had not fully

reported on field conditions as required by the permit, as such the Town issued a Notice of Violation to the Qualified Inspector (not the developer). It has also been observed in Town that most contractors are not understanding the importance of concrete truck washout practices and that they are not constructing them correctly such that wash water seeps to ground contrary to the BMP intent. The Town now requires these to be constructed and inspected prior to any concrete pours.

East Greenbush has its first large-scale solar farm in the planning process, Seaboard Solar. The access and interconnection will be in Schodack.

North Greenbush is waiting for it to stop raining to be able to check outfalls. For stormwater practices, there needs to be a handout to buyers since the realtors are telling them other things that don't agree with the approvals. They've also had civil matters between developer ??? The Town is working to clean out a snag on the Wynants Kill which creates flooding problems in the Wynantskill area. One property owner filled in a DEC wetland and moved an Army Corp stream onto their neighbor's property. The property owner was fined 6 figures and needed to rectify which was an additional cost. The Town has changed a policy that there is no need to inspect

DEC has been called to help with the Meadows and Lake Meadows developments, where erosion and sediment control issues have arisen. Hodorowski started to clean up the mess where there was no erosion control. Started to put up erosion control.

A question as to who write the Stormwater Pollution Protection Plan (SWPPP)? Usually an engineer on the developer's team. For subdivisions that take long or change hands repeatedly, the SWPPP is valid until a Notice of Termination (NOT) is filed and accepted by the community or DEC. Which means that a developer is still responsible for stormwater even if a builder three times removed from the original project is finally building out the property. And the builder has to follow the requirements of the SWPPP. If a NOT has been filed, a new SWPPP needs to be put in place when an acre or more will be disturbed.

The next meeting will be on November 21, 2023 at 10 AM in Room 150 of the Campus Center in HVCC.

Attendees:

Rick Williams	East Greenbush	RWilliams@EastGreenbush.org
Tim Lawrence	Sand Lake	TLawrence@sand-lake.us
Devin Fortman	DEC R-4	Devin.Fortman@dec.ny.gov
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Linda von der Heide	Rensselaer County	Lvonderheide@rensko.com
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