

MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD MEETING HELD ON WEDNESDAY, JANUARY 10, 2024 AT TOWN HALL COMMENCING AT 7:00 P.M.

The meeting was called to order at 7:00pm

Pledge of Allegiance

PRESENT: Valerie Ingersoll
Mark Belden
Donald Sanders, Jr
Max Fruchter
Joe McMurray

ABSENT: Dolores Cogan
Zack Middleton

OTHERS PRESENT: Evan Callahan, Mitch Quine, Matt Carletts, Robin Cohen, Town Engineer Chris Koenig, Town Attorney Bill Nikas and Planning Board Clerk Aimee Mahoney

APPROVAL OF MINUTES: MOTION by Max Fruchter, Seconded by Donald Sanders, Jr to approve the minutes of the meeting of December 13, 2023 **ALL AYES**

BUSINESS:

**CS Energy
Dolan Solar**

- Mark Belden recused himself
- Acting Chairman – Valerie Ingersoll

Evan Callahan: We are here to revisit the Dolan Solar project and review the project's consistency with the SEQR Negative Declaration received on October 27, 2021, and to review and update the Site Plan Approval originally granted to the project on November 10, 2021, and extended through March 31, 2024, on October 26, 2022. We are seeking an amendment and extension to the Site Plan Approval through March 31, 2025. (Changes were shown on the map)

Max Fruchter: The solar panel area is reduced by 15-20% yet the pad area is reduced by almost 50%, what happened?

Evan Callahan: We lost equipment pads due to reducing and consolidating the site and having less inverters. The first layout had 8 equipment pads, the second layout had 7 and this layout now has 6.

Max Fruchter: Is that commensurate with the number of solar collectors?

Mitch Quine: We have had changes to the sizes of the inverters and one inverter can take more panels than the ones we had previously.

Max Fruchter: Is the noise factor greater?

Mitch Quine: It's comparable; the noise from the inverter comes from the cooling fan so as you go up in size there is not a significant increase. We will send you the decibels.

Valerie Ingersoll: In the EAF under government approvals, (f) is not checked. Does it need to be? The answer should be no.

Attorney Nikas: For your record they will stipulate that it should be checked no.

Chris Koenig: This has been presented as an extension of the previous extension?

Evan Callahan: SEQR consistency determination and then site plan approval.

Chris Koenig: The last time they came in for an extension it was for removal of panels from the original site plan panel arrays, it wasn't really shifting anything just removal and maybe some road changes and we as a Board decided that was consistent with prior SEQR determination because it was essentially just removing panels from forested areas to reduce the clearing. Procedurally this case is a little different because they are now developing areas that they previously hadn't developed prior. It is closer to the road causing a few additional impacts. They did a good job summarizing the changes on the table provided which is helpful to compare the major impacts of the project. My suggestion is to process this as a fresh Site Plan Application not as an extension of the previous approval. That will provide more defensibility for the Planning Board as well as for the applicant. I think this is a substantial enough change that it would require it to be processed as a new application. There is no upside to the Planning Board to make a SEQR consistency determination that it is the same as the last project; I think it's better to go through the normal procedure for this site plan amendment.

Valerie Ingersoll: Are any of these new arrays on any wetlands?

Evan Callahan: There is some wetland overlap yes but no significant disturbance. We will follow the guidelines for solar construction in a wetland area and use timber mats, tracked vehicles, silt fence, etc.

Mitch Quine: I understand the Engineer's standpoint but from our perspective we would really like the Board to consider treating this as an amendment rather than a fresh approval. We are in a position now after a couple of years of delays where we can actually get this project started in tandem with Somers maybe this Spring and part of that hinges on having our permits finished by the end of this month. There are a few things going on, NYSERDA RFP as well as a potential financing transaction. We could talk through some items tonight and maybe do an amendment the second meeting in January. It would be very detrimental to our business if we can't have this approval by the end of the month.

Chris Koenig: It is unusual for a project like this to get approval in 1 meeting.

Attorney Nikas: What you have described is not an insignificant addition.

Chris Koenig: The site plan has changed and the Town Zoning Code doesn't have a provision for amendments; it's essentially a new Site Plan Application. A consistency determination can still be made on a prior approval but I do find it cleaner if it is just one new application.

Attorney Nikas: What is the additional space that is incorporated in this amendment?

- **Evan Callahan went over the newly developed spaces on the map**

Attorney Nikas: I can relate to your desire to get this done but what you just described is not insignificant changes.

Chris Koenig: Another issue is the need for one new Area Variance. You have a second Board action that you want to occur all in the same month and then the County Referral has to occur because it's an action by a municipal board.

- **The County Planning meeting is January 30, 2024**

Mitch Quine: The 239-M review I have seen done both ways where the acting board will wait for feedback before acting, I have also seen it where the board will act and then have that be pending approval.

Attorney Nikas: Normally you wait for it; you are coming back after January 30th anyway.

Chris Koenig: This is a tough position to put the Planning Board in with this ask. Not that the project isn't a good project it's just procedurally the objective of the Board is to follow certain procedures in the Zoning Code, General Municipal Law and State law to have a defensible approval.

Mitch Quine: When we were here a few months ago talking about Somers what we took out of the brief discussion about the changes for Dolan was that this would be a similar level of review and process to what we did last year with the extension. That is on us for not further clarifying that. We wanted to have this level of detail for you last month but with delays from our Engineer and the holidays we weren't able to get this to you. We are in a tough situation and we do not want to put the Board in a tough situation.

BOARD CONSENSUS: Treat the application as a new application.

Chris Koenig: If you don't meet the NYSERDA RFP deadline will you not get funding?

Mitch Quine: It hurts our chances, it is competitive in that they see how far along you are in the permitting process and right now, given the fact that the Site Plan approval that we previously have doesn't contemplate the new designs, from NYSERDA's perspective it is useless.

Chris Koenig: Can you use that extension in your application?

Mitch Quine: Maybe, we can tell them we have had this meeting and that we are working on it but not having that checked box makes a difference. What are the next steps to get this done?

Chris Koenig: The application you have submitted over the last few days appears to be complete relative to what the Town Code requires so the County Referral can be made and Lead Agency Letters can be circulated as well.

Chris Koenig: Can you explain your plan for the stream crossing?

Mitch Quine: We can send you some more detail but there will be a timber bridge which is pile driven timber piers and a timber deck and that will apply for the stream crossing as well as the wetland crossing. I will send pictures.

Chris Koenig: That won't require permits from the Army Corp.?

Mitch Quine: No because everything is pile driven.

Chris Koenig: My other question is visibility; the site plan shows some screening along certain parts of the fence line close to the road. Identify the screening against residences that are not part of the project. Is it Type 1 or Type 2 screening along Patterson Rd.?

Evan Callahan: It is Type 2 along Patterson Rd., I wanted to keep the proposed screening consistent with the originally approved plan.

Chris Koenig: When we approved the Somers project where there were impacts close to Hunter Rd. we asked for a visual impact study of which they chose to do a balloon study. Does the Board want to see something like that due to the project now being 100' from the road?

BOARD CONSENSUS: Not necessary as long as the visual impacts and how they will be mitigating them are on the planting plan.

Joe McMurray: Screening will be needed on Woodard Rd. because it's an open field.

Mitch Quine: We are showing Type 1 screening there now.

Chris Koenig: Are there any other expected visual impacts?

Mitch Quine: No, we do not anticipate any new impacts to residents not involved from the original approvals.

MOTION by Mark Belden, Seconded by Donald Sanders, Jr to accept lead agency on the project and refer the application to the Washington County Planning Dept. **ALLAYES**

- **Next meeting for this project will be held January 24, 2024**

**Cohen Site Plan
276 Broadway**

- Mark Belden returned to the meeting

Robin Cohen: My son owns Queensbury Taxi and would like to open his business in the back building. The tenant wasn't paying rent after we had it converted to residential and now we want to change it back to commercial so he can have his taxi business.

Attorney Nikas: The applicant will need to go to the Zoning Board of Appeals to get the zoning back to commercial.

Chris Koenig: How many taxis will be running out of there?

Robin Cohen: 10

Valerie Ingersoll: How many parking spots are out back?

Robin Cohen: 40

Attorney Nikas: What are the hours of operation?

Robin Cohen: 4:00a.m.-7 or 8:00p.m.

Mark Belden: Are the 10 cars proposed just taxis or employee cars as well?

Robin Cohen: Taxis plus 1 employee car for the dispatcher. Most of the employees drive the taxis.

Mark Belden: How many trips per day approximately?

Robin Cohen: They leave at the beginning of their shift and return at the end.

Mark Belden: How did you come up with 40 parking spaces?

Robin Cohen: Measured it out; we share the lot with the front office building in the deed.

Mark Belden: Did the Code Enforcement Officer allow the business to remain open while approvals are sought?

Robin Cohen: Yes

MOTION by Joe McMurray, Seconded by Mark Belden to set a public hearing for January 24, 2024 at 7:05pm **ALL AYES**

ADJOURNMENT:

MOTION by Max Fruchter, Seconded by Valerie Ingersoll to adjourn the meeting at 8:29pm
ALL AYES

Dated: January 12, 2024

Aimee Mahoney, Clerk