

**MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD MEETING
HELD ON WEDNESDAY, FEBRUARY 10, 2021 VIA GOOGLE MEET COMMENCING
AT 7:00PM**

Chairman Belden called the meeting to order at 7:00pm

Pledge of Allegiance

PRESENT: Chairman Mark Belden
Donald Sanders, Jr.
Max Fruchter
Valerie Ingersoll
Zachary Middleton

ABSENT: Frank Wells
Joe McMurray

- **Not able to call in using Google Meet for Joe McMurray and Frank Wells**

OTHERS PRESENT: Whitney Hughes, Michael Borkowski, Town Engineer Chris Koenig 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 November 25, 2020 **ALL AYES**

BUSINESS:

**Community Power Group, LLC
Stevens Lane**

Chairman Belden: My plan tonight was to deem the application complete and send it to the County but Mike would like to explain the process from their end which will change that a little bit.

Michael Borkowski: I thought Chris did a great job of reviewing the application and he left us a couple of open items as far as SWPPP and some other things so that is going to take us some time to pull all of that together. In the meantime what I want to do was just highlight the process of solar in New York. Solar in New York there is a state led approval process where you apply as a community solar garden and get accepted into that process. In order to get the initial stage acceptance into that process you need to provide the state with 3 primary things. The first primary thing is you need to show that you have an agreement with the utility to interconnect to the lines. The second thing is a notice of intent with the Ag District to let them know that the project is there and that they are okay with the project being there over the long term and so we've done that. The third thing is they want to know that solar is a permitted use on a particular parcel. Every Town is different in that instance so you have to submit a letter to the State saying yes solar is a permitted use on a particular parcel. After you submit all of that documentation to the State, the State says yes you have met our needs you are now going to be accepted into the program. Once we hit that acceptance into the program that is when we start doing much more

detailed site plans, engineering plans, grading plans, etc. because we now know what the final system size is going to be. That is when we would then turn to you in the site plan review process. We sent a form to Aimee which is just a State form that the Town would validate that this is a permitted use on that parcel and we would then in turn take that form and submit it to the State and wait for our approval from them. One of our hopes tonight was just to one get to know everybody a little bit and I think what Christopher has done at this point is extremely helpful in getting our site plan application where it needs to be for the site plan review process but one of the big things is getting and confirming from the Town this letter which says yes this is a permitted use on that property.

Chris Koenig: Thanks Michael, I will respond to that. My first comment which I will read for the record says the project is located in the R-1 zoning district. Per 108-49.4 (E) of the Town zoning code, the ground-mounted solar facility is permitted as a primary structure in the R-1 district, with conditions listed therein. It's actually permitted the same way in every zoning district in the Town of Fort Edward. The Town has prioritized solar development in adopting that solar law. Do you feel like there is value to go through all of these comments at this time or are you ready to get back to work?

Michael Borkowski: You did a great job on providing that document that outlined everything; I don't know that we need to revisit that on this call. We have already started on many of those things, it's going to take us a little bit of time to pull it together in a way that is appropriate for the Town to digest it and not short cut things. It just takes time and money to do that. We want to submit a good package that everybody feels good about such as things about the landscaping, SWPPP and SEQR.

Chris Koenig: I had a question about your calculation of the lot coverage. The parcel is a little unusual because it's bisected by active railroad tracks. You have an eastern section where the farm is off Stevens Lane and west of the railroad tracks is the project site so in terms of a tax parcel it's one parcel but there are two lots that make up that tax parcel with both the same tax I.D. I just want to get your methodology of how you are calculating coverage. Are you using your basis of acreage as the entire parcel or are you using the 39 acre lot where the solar is going?

Michael Borkowski: The way we calculate this is we take the cumulative square footage of the panels which is approximately 27 square feet and we multiply that by the number of panels and you get approximately 5.5 acres and then we divided that by 36 or 37 acres.

Chris Koenig: The Town code doesn't specify in its law a definition of coverage, solar is different because it's not a building. You are using the vacant lot not the farm lot. Also, at this time the system seems to be oriented toward the north with access off May St. I would recommend to the board that they treat the front yard as the area facing May St. and the sides would be the east and the west parts of the parcel and the rear would be the south end of the parcel. The parcel technically has a Stevens Lane address although there is not 911 associated with the parcel but I think it would be awkward to assume the eastern side of the parcel is the front yard because really the system is oriented toward the north so your entrance, your

driveway, your equipment pads and really most of the activity that is going to construct this thing is going to be coming from the north.

Michael Borkowski: we did it that way because it's much more appropriate to the neighbors over there; if we didn't do it that way we would have a 20' setback and we wanted a greater setback off those neighbors to the north.

Chris Koenig: I noticed in the EAF that you have 2 structures proposed but in the site plan it appears they are just pads. Can you clarify what you are planning to do with the inverters and transformers?

Michael Borkowski: They are just going to sit on the cement pads, there are no buildings.

Chris Koenig: Just clarify that on the EAF. I have been to this site and you can see a lot of it from the end of May St. and the street west of May St. As we work through this I would just be prepared to address screening in some way whether it is with photographic documentation or a little more detail on your landscape plan. I would expect there would be some comment on visual.

BOARD COMMENTS:

Chairman Belden: This is completely to the west of the railroad tracks correct?

Michael Borkowski: Yes

Chairman Belden: When we looked at this the last time with the retirement housing that was all on the east side of the tracks so when we are talking about lot coverage if I understand the discussion we just had; you took the area west of the tracks and the solar panels and you didn't use the land to the east in your lot coverage.

Michael Borkowski: I believe there is a tiny little sliver of land that connects the property to Sullivan Parkway. It is about ½ acre that might have been included in the count. There is a utility wire over there and so we are either going to have to run a new wire down May St. or try and get across the railroad tracks and that is still yet to be determined.

Chairman Belden: I am looking for a motion to approve Aimee signing the Land Use form the applicant needs for the State.

MOTION by Zachary Middleton, Seconded by Valerie Ingersoll to approve Aimee signing the Local Land Use Approval form needed for the project **ALL AYES**

Chairman Belden: The applicant will be coming back with a more definitive site plan after they get their state approval.

Valerie Ingersoll:

- Page 2 of the EAF letters (g) & (h) should be checked yes because you have government approval for those.
- 7L and 8M are both about noise levels; it says the noise level during construction is going to be high. How high is that being that you are right next to a residential section and it says you are going until 9:00pm?

Michael Borkowski: There is approximately 2 weeks where there is some noise when they are putting the posts in the ground. Outside of that there is really not much noise at all and it will not be at 9:00pm.

Chairman Belden: Do you have an interconnect with National Grid?

Michael Borkowski: Yes

Chairman Belden: How long does this process take before you come back to us?

Michael Borkowski: I would expect to be back within a month or two.

Chris Koenig: I think at this time it is appropriate to classify the action as a Type I Action due to physical alteration of over 10 acres of property. The Board can do that tonight and even declare your intent to serve as lead agency which requires coordinated review with involved agencies which in this case would be DEC, Ag & Markets & County Planning unless there is some kind of archeological finding I wouldn't say SHPO would be involved. It doesn't mean that we have to send the site plans anywhere because it seems like they are coming back with revisions but you might want to get that process started so that the next time they come back the Board will be in a position to refer everything to where it needs to go and not delay them anymore than need be.

Chairman Belden: I was wondering that too, in my 17 years on the Board we have never had anyone want to be lead agency they have always let us do it. Would we hear back from those agencies within a couple months as slow as things are?

Chris Koenig: Technically they have 30 days to respond, sometimes they send something before and sometimes they don't send anything at all. After that 30 days has passed and you haven't received anything you can assume you are now lead agency and can conduct your environmental review of the project.

MOTION by Zachary Middleton, Seconded by Donald Sanders, Jr. to classify the project as a Type I Action and declare lead agency for SEQR Review **ALL AYES**

Chris Koenig: I would wait on County referral until they come back with an updated plan because if there are significant changes the County may want to see it again.

ADJOURNMENT:

MOTION by Zachary Middleton, Seconded by Donald Sanders, Jr. to adjourn the meeting at 7:40pm **ALL AYES**

Dated: February 16, 2021

Aimee Mahoney, Clerk