

**MINUTES OF THE TOWN OF FORT EDWARD ZONING BOARD OF APPEALS
MEETING HELD ON THURSDAY, FEBRUARY 23, 2023 VIA ZOOM COMMENCING
AT 6:00 P.M.**

The meeting was called to order at 6:05pm

PRESENT: Chairman LaFay
Philip King
Jim Maskell
Rick Fisher

ABSENT: Dolores Cogan

OTHERS PRESENT: Sage Ezell, Mitch Quine, Greg Reiss, Patrick Cavanaugh, Don Sanders, Town Attorney Bill Nikas, Town Engineer Chris Koenig and Zoning Board Clerk Aimee Mahoney

APPROVAL OF MINUTES: Minutes of the meeting of December 16, 2021 have been tabled until the next in person meeting.

BUSINESS:

**CS Energy
Somers Solar
Area Variance**

Mitch Quine: I am a Project Developer for CS Energy and I came in to assist after Dolan was approved with the Somers project. Somers is a 20MW solar project located between Duer and Hunter Road, west of O'Brien Road and will interconnect to the existing high voltage transmission line in the area to export the electricity generated by the facility. We expect to be operational in late 2024 or early 2025. We are seeking variances across property boundaries making this a Type 1 action for SEQRA purposes due to multiple lot line reductions. We are hoping to be before the Planning Board sometime next month since they will be taking lead agency on reviewing SEQRA.

- **Shared his screen of the site plan map which is very similar to the Dolan project**

Chris Koenig: Adjustments need to be made to the Sanders lot line because that is an old boundary line. Draw the line around the ½ acre residence as well on that parcel.

Mitch Quine: There are no variance requests for non-participating parcels, only Sanders and Rieger.

Jim King: Can the array of panels in the middle be moved down to that ½ acre parcel for easier maintenance? Also that area is wetlands and you run the risk of flooding, erosion and drainage problems.

Mitch Quine: If we did that we would exceed lot coverage and need to get that variance as well. The setback distance from the road was very intentional with Mr. Sanders and the access path has also been discussed with the property owner. We have a lot of opportunity because of the lot size to make sure that the drainage is controlled through engineering. We are restricted based on our rights to the property as well.

Chris Koenig: The access road is on the boundary of Mark Belden's property leaving not much room for screening of any kind. We would also need a wetland delineation report as part of the Planning Board submission.

Philip King: Where will you be stockpiling the topsoil?

Mitch Quine: We have not decided that detail yet.

Jim King: We are the closest residents at 373 Duer Road. Do you know the distance from the project to my boundary line?

Mitch Quine: I know that it is 250' from the residence but I don't have the calculation from the boundary line.

Jim King: Why couldn't you remove ¼ of the panels on the bend by Duer Road? That would make us happy, give us more of a buffer and put the panels in a straight line.

Jim Maskell: Who benefits from this project?

Mitch Quine: The power goes to the NYS Wholesale grid and can power 4,000 homes and there are also tax benefits as well as benefits to the host community.

Philip King lost power and left the meeting

Chris Koenig: ZBA deferred SEQRA review to the Planning Board for Dolan but this time ZBA is seeing it first and can't make a decision until SEQRA is complete and a public hearing has been held. Since we changed from in person to Zoom this is not a public hearing. I suggest the Zoning Board defer lead agency for SEQRA to the Planning Board and table the variances until the Planning Board has completed the environmental review.

MOTION by Rick Fisher, Seconded by Jim Maskell to declare the project a Type 1 action for SEQRA review and defer lead agency status to the Town of Fort Edward Planning Board **ALL AYES**

Next Steps:

- **Submit additional info. To the planning board**
- **Wetland Delineation Report**
- **SWPPP**
- **Updated Site Plan**

- **Back to ZBA**

Bill Nikas: You could possibly have a joint Planning and Zoning public hearing.

Jim King: How many inverters will be on site and how noisy are they?

Mitch Quine: There are 7 inverters and your home is far enough away that you will not hear them.

ADJOURNMENT:

MOTION by Jim Maskell, Seconded by Rick Fisher to adjourn the meeting at 7:01pm **ALL AYES**

Dated: February 27, 2023

Aimee Mahoney, Clerk