

**MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD MEETING  
HELD ON WEDNESDAY, MAY 24, 2023 AT TOWN HALL COMMENCING AT  
7:00PM**

Acting Chairman Valerie Ingersoll

Meeting called to order at 7:03pm

Pledge of Allegiance

**PRESENT:** Valerie Ingersoll  
Zachary Middleton  
Max Fruchter  
Dolores Cogan  
Joe McMurray

**ABSENT:** Mark Belden  
Donald Sanders, Jr.

**OTHERS PRESENT:** Sage Ezell, Evan Callahan, Eric Millard, Donald Sanders, Jr., Town Attorney Bill Nikas, Town Engineer Chris Koenig and Town Planning Board Clerk Aimee Mahoney.

**APPROVAL OF MINUTES: MOTION** by Dolores Cogan, Seconded by Zachary Middleton to approve the minutes of the public hearing & regular meeting of April 12, 2023 **ALL AYES**

**BUSINESS:**

**CS Energy  
Somers Solar  
Site Plan Review**

**Sage Ezell:** We submitted the site plan and SEQR applications for the Somers Solar project and tonight we are looking to go through those application materials and get the application deemed complete and get the SEQR review processes started. This project is going to be pretty similar to Dolan, they are both 20MW projects. We feel this project will have similar or less environmental impacts as the Dolan site.

**Evan Callahan:** Our big goals today are to get the application deemed complete, get the referral sent to the County and the other state agencies for coordinated review for SEQR and get the permitting process underway. We will also need variances from the Zoning Board before we come back to the Planning Board for final review. (Went through the cover letter with the Board)

**BOARD:**

**Joe McMurray:** What variances do you need?

**Sage Ezell:** We will need the setback variances as well as the total lot coverage variance.

**Chris Koenig:** I suggest you notify the Zoning Board now of the additional lot coverage variance that is needed in addition to the setback variances because right now there is a tabled application for lot line setbacks.

**Joe McMurray:** Who keeps track of the decommissioning process to make sure they are doing everything they are supposed to?

**Chris Koenig:** The Town Board is responsible for insuring that the bond is up to date and in the right amount per the schedule that was approved. In terms of the physical act of that I am not sure because that is yet to be seen and hasn't occurred.

**Dolores Cogan:** Is that something that this Board could put in place to make sure in writing that a designated person will oversee the decommissioning?

**Chris Koenig:** I suspect yes, a third party observer.

**Evan Callahan:** Generally speaking decommissioning is our responsibility and if we were to not decommission the project then that is when the Town would access the funds.

**Joe McMurray:** But if you had somebody watching you might avoid a problem.

**Attorney Nikas:** The agreement is silent as to who would actually review, as to your question, to make sure it's been properly decommissioned. The Town has the leverage; they don't release the security unless it's satisfied. There is no provision for who would actually oversee the decommissioning. We could find somebody qualified to do that but the question is who is going to pay for it.

**Evan Callahan:** I would say that we would put it into the agreement that we would pay and that would be separate from the bond amount because you would need to do the inspection regardless but we could incorporate that into the agreement.

**Joe McMurray:** What benefit is there for the Town?

**Evan Callahan:** The main benefit for the Town would be the payments from the PILOT agreement which is just increased tax revenue for the Town. Additionally the power that is produced by this project will be dispatched at the local substations to the extent that there is a demand for electricity and this is the cheapest way to produce electricity right now so we are anticipating over time that the rate payers will see reduced electricity bills.

**Dolores Cogan:** Will you oversee the project for the entire 25 years?

**Evan Callahan:** We are financing the project right now and we don't tend to own and operate projects so we will be developing and building the project but as far as the owner of the project throughout its lifetime, we will not own it.

**Sage Ezell:** We tend to sell projects to larger investment companies.

**Dolores Cogan:** We are going to be going through multiple hands so I would say yes we would need someone to oversee the decommissioning.

**Sage Ezell:** Each agreement that we have in there is with the LLC and would be applicable to whichever entity purchases the project and is responsible for the operation and long term maintenance of the project.

**Eric Millard:** The way that the bond or letter of credit works is that it has to be renewed every year and if it is not renewed within 30 days of the end of every year the Town can call the bond which provides the incentive for the company to renew the bond every year.

**Max Fruchter:** What is the noise generated on the transformer integrator? It is not shown on the data sheet.

**Evan Callahan:** We are required to comply with the SEQR dba limits which I believe is 45dba, if you look at the locations of our invertors they are tucked within the panels.

**Max Fruchter:**

- The visual assessment map is hard to understand. We usually have pictures. Visual interpretation makes it a lot easier.
- Also, there is a large foundation on Harper and Anthony that is at least 150 years old; it's on Rieger's property and if you are going to do a historical report that is the one thing that should be noted because no one knows what that is.
- Are you familiar with Cornell's terminology for their plantings for solar collector sites? One is a deciduous and the other is a bush. I would suggest that you have 2 different plantings.

**Sage Ezell:** It looks like we have 2 different plantings along Hunter Rd.

**Evan Callahan:** We are planting 2 rows of Norway spruce trees spaced 16 feet apart.

**Max Fruchter:** Are you planting any bushes?

**Evan Callahan:** Yes, it will be a native seed mix but we can make adjustments as necessary.

**Max Fruchter:** After you plant it what is the requirement for replacement because you will have a 10% death rate. The training we went to suggested we request a bonding requirement. Have you run across that yet?

**Evan Callahan:** No, not a bonding requirement but part of our operation and maintenance plan is to provide that buffer.

**Max Fruchter:** No it's not in your operation and maintenance plan.

**Eric Millard:** We are required to have these trees planted as part of our planning board approval and if they die then we are not in compliance with our planning board approval anymore. That incentivizes us to require our contractor to give us a warranty so when we hire a nursery to supply us with the trees we get a warranty from them to come back and replace the trees.

**Max Fruchter:** That is a third party warranty, I want one from you.

**Eric Millard:** We can provide you with evidence that there is a warranty. We have never had a separate bond requirement for landscaping.

**Max Fruchter:** That doesn't mean anything to me; there are too many exemptions within a warranty. Cornell recommended a certain document and I have a call into them to find out what that is.

**Chris Koenig:** It's common to have a separate bond for screening until they get established. The last page of the plan set shows the planting species selection.

**Zachary Middleton:** How did you come up with the decommissioning estimate of \$650,000.00?

**Evan Callahan:** That was based off of the estimate that we provided for Dolan; for a significantly similar project we thought it would be good to start out at the same number and like Chris said the Town Board is going to review that number every 5 years to make sure that its adequate.

**Zachary Middleton:** It is starting at 2% inflation and we haven't had 2% inflation over a 25 year period in a long time.

**Chris Koenig:** You need to submit that estimate signed by a licensed P.E. like you did for the last project; you can't recycle the last one.

**Zachary Middleton:** Does the Planning Board approve the Decommissioning Plan or the Town Board?

**Attorney Nikas:** It says Town of Fort Edward in the agreement.

**Zachary Middleton:** Right but the law states Planning Board approval for the Decommissioning Plan.

**Chris Koenig:** The Planning Board accepts the decommissioning number. Did that estimate include salvage value?

**Evan Callahan:** Yes

**Valerie Ingersoll:** Are the single axis panels stationary or do they tilt with the sun?

**Sage Ezell:** They are tracker panels so they tilt with the sun.

**Valerie Ingersoll:** Will the multiple new owners have any effect on the landowner's agreements with you?

**Sage Ezell:** It will not affect those agreements at all.

**Zachary Middleton:** I had a question about the meadows.

**Evan Callahan:** We took the brush areas and called them meadows because we are required to return everything to a meadow like condition.

**Chris Koenig:** You moved some panels into the wetlands off Hunter on Lot 1 and the plan says to be hand cut; can you explain how you plan to turn a forested or shrubbed wetland into a site that is suitable to install panels without disturbing the wetland to a point where a regulating agency wouldn't require any type of permit.

**Evan Callahan:** The Army Corp has a well-defined method of constructing in wetlands which includes hand felling and no stump grinding so that the stumps will stay in the land.

**Sage Ezell:** We will put down mats as well to protect the wetlands as we are constructing in it.

**Chris Koenig:** How do you propose to work the racking posts around the stumps? What if you go to put your post in and there is a stump there?

**Sage Ezell:** Then we would have to move our racking to avoid the stumps.

**Evan Callahan:** We aren't proposing anywhere that is heavily forested.

**Chris Koenig:** There is grading that is shown in one of the wetlands and is that activity requiring authorization from the Army Corp.?

**Evan Callahan:** If that's shown it's a mistake.

**Zachary Middleton:** Most of the wetlands on there are actually fields.

**Chris Koenig:** Are there any non-jurisdictional wetlands on the site or are they all jurisdictional?

**Sage Ezell:** All Army Corp.

**Evan Callahan:** One thing I wanted to bring up about the grading, we have gray areas on the plan showing where grading will take place but we are not grading that entire gray area we are cutting around posts to make sure that the tables are level.

**Chris Koenig:** That is still disturbance so it is grading. Are you planning to get authorization from the Army Corp. to turn wetlands into a solar array?

**Evan Callahan:** No, they have it outlined for solar construction in wetlands and they don't consider driving posts to be disturbance of a wetland.

**Chris Koenig:** Do they consider conversion of a forested wetland to be regulated activity?

**Evan Koenig:** If it was forested then I believe so yes.

**Chris Koenig:** On your site plan you show 2 options for fencing which are chain link or deer fence with timber posts.

**Sage Ezell:** We are looking for feedback from the Board on this. On the majority of our sites we use the deer fence which is timber posts with a meshing that covers each of the posts.

**Joe McMurray:** How high is the fence?

**Sage Ezell:** 7' high with 1 strip of barbed wire.

**Chris Koenig:** Could you explain the concept for the electrical layout from the panel out to the road.

**Evan Callahan:** We will have stings wires coming from the panels into the combiner boxes, the combiner boxes will take all that electricity and feed it into the inverters.

**Chris Koenig:** What do the inverter boxes look like?

**Evan Callahan:** They are about 12' high by about 25'-30' long metal structures and there are 9 of them.

**Evan Callahan:** From all of the inverters it will go into a wire into the collector sub 34.5kb and then the transformer will step it up and then the inverter will switch it to AC.

**Chris Koenig:** Is the wiring within the site overhead or underground?

**Evan Callahan:** Underground to the extent possible, if we have to go overhead we will.

**Eric Millard:** The majority of it will be underground but there are certain instances where the DC wiring will be strung along the posts with a metal bracket that hangs off the posts.

**Donald Sanders, Jr:** If you have panels within the wetland how do you keep them all above ground because you can't mow over the top of the wires.

**Eric Millard:** The wires are all connected to the posts so that you can mow around them; there is a design for that.

**Chris Koenig:** We will have some additional written comments on the SWPPP and the stormwater plan. There will be an emphasis on meeting the DEC guidelines for solar panel

installation so I might suggest preparing some kind of a memo to explain how the project conforms with those guidelines. Procedurally the Board can initiate coordinated review under SEQR after declaring the action a Type I action.

**MOTION** by Zachary Middleton, Seconded by Dolores Cogan to declare the Planning Board lead agency, declare the action a Type 1 Action under SEQR, refer the application to the Washington County Planning Department and initiate Coordinated Review **ALL AYES**

**Valerie Ingersoll:** Technology is always advancing so will these be the same panels as the Dolan project?

**Eric Millard:** The brand of the panels will be different and there may be slight differences in the amount of power that each panel is producing but they are technically the same.

**ADJOURNMENT:**

**MOTION** by Zachary Middleton, Seconded by Max Fruchter to adjourn the meeting at 8:28pm  
**ALL AYES**

Dated: May 26, 2023

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Aimee Mahoney, Clerk