

MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD MEETING HELD ON WEDNESDAY, JUNE 12, 2024 AT TOWN HALL COMMENCING AT 7:00 P.M.

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

Pledge of Allegiance

PRESENT: Chairman Belden
Valerie Ingersoll
Max Fruchter
Joe McMurray
Zachary Middleton

ABSENT: Donald Sanders, Jr.
Dolores Cogan

OTHERS PRESENT: Evan Callahan, Mitch Quine, Bryan Humiston, Town Attorney Bill Nikas, Town Engineer Chris Koenig and Planning Board Clerk Aimee Ives

APPROVAL OF MINUTES: MOTION by Valerie Ingersoll, Seconded by Max Fruchter to approve the minutes of the meeting of April 24, 2024 **ALL AYES**

BUSINESS:

**Bryan Humiston
105 Swamp Rd.
Minor Subdivision**

Bryan Humiston: I just purchased the property in February and I am looking to build 2 residential homes. There is an existing entrance off State Rte. 197 that we would like to use and we would like to put a driveway through the woods but we will not be touching the woods at all.

Max Fruchter: Did you do soil testing?

Bryan Humiston: Yes, Timothy Wales did the testing and it has to be a raised system, the nearest neighbors well is 300' away.

Max Fruchter: I would like to see the design criteria for the septic system.

Valerie Ingersoll: (Paperwork corrections)

- Is the property in the designated flood plain area? **No**
- Is the lot or parcel in the Fort Edward Grassland Boundary? **Yes**
- Is the lot or parcel for the project within an area known to contain threatened and/or endangered species to include plants or animals? **Yes**
- Are there any previous Town, Planning, or Zoning Board determinations made regarding this property? **Yes, the property was subdivided by a previous owner on 2/2/2022**

- Short EAF Part I #4: Check all land uses that occur on, adjoining and near the proposed action: **Agriculture needs to be checked**

Chairman Belden: You already have a field entrance from the road but when we do a subdivision on a state road if there is not an existing official driveway you need a road cut from DOT.

Zachary Middleton: The State paved the entryway.

Bryan Humiston: I will find out and confirm the legality of it.

Chris Koenig:

- You need bearings and distances on the proposed lot line from a surveyor
- Confirm the existing driveway is approved by NYSDOT for residential use
- Submit perk test results and design for the proposed septic systems on Lot 1a & 1b
- Put exact acreage on the new lots

**CS Energy
Dolan Solar**

- **Chairman Belden recused himself**
- **Valerie Ingersoll – Acting Chair**

Evan Callahan: Went over changes in the layout, additional wetland delineation, we also walked it with DEC and got a site jurisdictional determination on the wetlands. We avoided the DEC wetlands almost entirely but we do have some impacts and will be pursuing a wetlands permit from DEC. The feedback that we got from them to date is that they want us to wrap up the site plan approval process and then take the layout to them to work on the permit. We relocated our access road to now come in off of Woodard Rd. and avoided the 3rd. timber bridge. We relocated the 3rd timber bridge because we had to extend the access road to give us access to the arrays. We made minor changes to the laydown yard; we have 3 total laydown yards now. We submitted visual photo simulations of planting buffers as well. We don't have a photo simulation for planting module Type 4 which is the 2 rows of evergreen trees. Type 1 will be behind the Nassivera house and Type 2 would be north south running along Woodard Rd.

Mitch Quine: One of the comments back in February from Chris Koenig was that our updated wetland delineation had a gap in it and needed to be corrected. We knew that it was on the map when the original delineation was done back in 2021. The error was on the 2021 map which erroneously showed that they had delineated that area but the correct area was on the new delineation showing that they had not.

BOARD:

Max Fruchter: Did you guys do the Rte. 40 in Easton project?

Mitch Quine: Yes

Max Fruchter: What was the mortality rate on the trees?

Mitch Quine: I don't know I would have to talk to the construction team.

Max Fruchter: It was 15%-22% and I have pictures. I am requesting a performance bond of \$50,000.00. Did you contact Mr. Rieger regarding the trees?

Mitch Quine: Yes and he connected us with Gailor.

Max Fruchter: Did you talk to the woman from Cornell Cooperative at the County?

Mitch Quine: No, we didn't receive that contact information.

Joe McMurray: What are you planting along Patterson Rd.?

Evan Callahan: Evergreens along the road and then planting Module Type 3 which is a mix of interspersed hardwoods.

Joe McMurray: I believe it was discussed at the last meeting that Module Type 3 would be changed to evergreens.

Zachary Middleton: We didn't change it because Type 3 is more of a traditional hedgerow and would fit better than the evergreens in that area.

Mitch Quine: We can switch it so that the trees running north/south will be the natural hedgerow and the trees running east/west will be evergreens.

Zachary Middleton: Is the road off Patterson Rd. going to follow the existing farm road?

Mitch Quine: No, the existing road goes between the DEC wetlands and to improve it enough to support our trucks we would be impacting the wetlands directly so we are moving it to the adjacent area to avoid those impacts.

Joe McMurray: Are the timber bridges designed to be semi-permanent?

Mitch Quine: No, they are permanent highway rated, a fully loaded semi will be able to drive over it and the most we are going to be bringing over the bridges is the inverters.

Max Fruchter: Just make sure that the heaviest truck that we have that would respond for a grass fire can meet that capacity.

Chris Koenig: We just started to review this latest submission and will be doing a letter when review is finished. I understand you have a jurisdictional determination from DEC on the wetlands but what about when the rules change next year?

Mitch Quine: We confirmed with DEC that if our wetlands permit is deemed complete before the end of this year we will be considered as if the property was operating under the pre 2025 rules.

Joe McMurray: Doesn't the State say that it has to be permanent?

Chris Koenig: it says final approval so that is up to them; if you could get however that was discussed in writing from DEC for the file.

- We would like to see the full SWPPP and scenario 1 compliance memo; it looks like you are using just impervious gravel surfaces so there is stormwater treatment practices associated with that.
- Why is Timber Bridge #3 so short?

Mitch Quine: That location was showing a linear wetland but it isn't wet, you can walk through it. We are putting that bridge in to make sure that we can cross the property to perform maintenance.

Chris Koenig: The Bridge is going down some steep slopes on both sides and the bridge is only 30' long. The slopes map says 10%-15% slopes. I would like to see a grading plan for what that actually looks like and also turning movements for the trailer that you want to get back there and a large fire tanker. I don't think it is going to work the way it is laid out with the 90 degree turns.

As far as the visuals I think we have representative images but I would show what is proposed on this particular site and the Board can ask for a few images of what is proposed here not wherever these pictures were taken. I think the intent of this was to show the screening modules and not the simulated view. I would suggest the Board ask for that unless they feel it unnecessary. The screening itself should be something fast growing and suitable for the soils; you can engage a landscape architect to figure that out. Max suggested someone from Cornell Cooperative Extension that knows about this area.

(Discussion was held regarding the array layout changes)

Chris Koenig: What are the setbacks from the substation for grounding purposes?

Mitch Quine: It is a minimum of 16' off the modules, the array system is grounded and if we need to ground the fence for that small array we can.

Chris Koenig: The main things are stormwater & grading, access and visual.

Mitch Quine: We should hopefully have our Draft SWPPP in for review by next week. It will be the level of design that we do at this stage and then we would do the Final SWPPP prior to obtaining a Building Permit. We will take a second look at the slopes near the bridge #3 with the

Engineer and if the Board has other comments or requests on the visual stuff we can provide additional information.

Chris Koenig: Some of the rows trail off down slopes; I don't know how you would accommodate the end of a row going down a 20% slope. Does that just get removed?

Mitch Quine: Different tracking systems have different slope tolerances that they can accommodate.

Chris Koenig: Does the Board find it necessary to have a more comprehensive visual study?

BOARD CONSENSUS: No

Max Fruchter: I would like more documentation that they have talked with Cornell Cooperative Ext. regarding the species selection.

Joe McMurray: Specify in writing where they have added evergreens on the portion that faces Patterson Rd.

MOTION by Zachary Middleton, Seconded by Joe McMurray to set a public hearing on June 26, 2024 at 7:05pm to hear comments on the updated Dolan Solar Site Plan **ALL AYES**

ADJOURNMENT:

MOTION by Max Fruchter, Seconded by Zachary Middleton to adjourn the meeting at 8:10pm **ALL AYES**

Dated: June 21, 2024

Aimee Ives, Clerk