

MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD PUBLIC HEARING & REGULAR MEETING HELD ON WEDNESDAY, JULY 14, 2021 AT TOWN HALL COMMENCING AT 7:00 P.M.

Chairman Belden called the meeting to order at 7:12pm

Pledge of Allegiance

PRESENT: Chairman Mark Belden
Donald Sanders, Jr.
Zachary Middleton
Max Fruchter
Joe McMurray

ABSENT: Valerie Ingersoll
Frank Wells

OTHERS PRESENT: Matt Tripoli (CS Energy) and Town Engineer Chris Koenig

BUSINESS:

Matt Tripoli: I am here to talk about our Dolan Solar Project which is located between Cary Rd. and Patterson Rd. east of the Hudson River. It is a 20MW AC project and there is a new National Grid powerline that runs north south through town and that is where we will hook into for this project. We put the sketch plan together to align with the Town's Solar Law. We have a few items that we will need to go in front of the Zoning Board for. We have relationships with 7 different landowners so the reason we will have to approach the Zoning Board is for setbacks. We have solar interests on adjacent parcels that are owned by different people and we can't build the solar up to the property line we have to respect the setbacks. If we conformed to the required setbacks we would have to spread the project out more and impact more area. We wanted to come to this Board first since the Planning Board will most likely take Lead Agency status and we wanted to have the application started before going to the Zoning Board. A few other things we looked at were the restraints on lot coverage limiting us to 40% on one tax parcel for solar purposes and I believe our highest one is 20% and they decrease from there. We had a public presentation at the Firehouse and it was pretty lightly attended (provided pictures of Easton project construction) the panels are single access tracker panels running north to south and they will tilt to follow the sun. The panels are bi-facial panels which is a newer technology which means they generate energy from the back of the panels as well which will help in the snow. The panels never get any lower than 36" for snow clearing purposes, in general the top edge is going to be close to 8' at its highest but because of the varying topography it could get up to about 10' but 10' is the limit which is compliant with the solar law.

Max Fruchter: I know the Building Inspector in Easton and he has great praise for you.

Joe McMurray: Is this going to be reviewed by the Town Attorney?

Chairman Belden: I was going to hold off on that until they come back from ZBA and then ask Mark Schachner to come to a meeting.

Chairman Belden: Is it fairly common to want to build up to or even over property lines seeing as it's not a permanent structure?

Chris Koenig: Right because in a lot of cases the contiguous properties are owned by the same person so in that case they will do a lot consolidation which is a lot easier than trying to get a variance in some towns so they make it one big parcel instead of 3 or 4. In this case it is different because there are different owners contiguous. In terms of practice it is common to have the array span the property boundary. I will be providing the board with a letter when the detailed plans are received.

Max Fruchter: Would it be out of context for the Planning Board to tell the ZBA that we don't have a problem with the setback issue because it is a contiguous project? Could we provide them with something to reduce that step?

Chris Koenig: You can give a referral to the ZBA but you can't skip the step, they have to get the variance.

Zachary Middleton: Some of the names are wrong on the map of landowners within 200'.

Matt Tripoli: I will look into that.

Donald Sanders, Jr.: Assuming you are going to get the variance would that change your proposed lot coverage? Would you add some panels or are you just going to move it around a little bit?

Matt Tripoli: No, if there are any changes they will be minimal.

Chris Koenig: What they have submitted assumes they will get the variance.

Matt Tripoli: 2 things we did not submit yet that are required by the solar law are the Decommissioning Plan and the Operations & Maintenance Plan. We are working on preparing those for this project.

Chairman Belden: 20 year life or 25?

Matt Tripoli: We typically characterize these sites as having a base life of 25 years and then we have options to extend the lease agreements for 2 additional 5 year periods.

Chairman Belden: I would imagine as the panel technology gets better you keep the panel size the same so you can unbolt the old panels and bolt the new ones in.

Matt Tripoli: It's tough to say how that will happen that many years away but in general there is a lot of value in the stuff that we put in and will be ways to repurpose it I would imagine. Currently it makes more sense to build new facilities rather than retro fit because we get federal tax credits for doing new stuff rather than retro fit. We are not likely to want to expand this project.

Chairman Belden: All of the soils in this area are grouped 3 and 4 so there is no super high quality soil.

Matt Tripoli: The Dept. of Ag. & Markets does have construction guidelines that we have to follow to make sure that we are taking care of topsoil. We also have to make a payment to them as a result of the farmland that we are taking out of production.

Joe McMurray: Are there trees on these lots now?

Matt Tripoli: This is about 70% open field right now. We will be clearing approximately 50 acres for the entire project.

Chris Koenig: Can you describe the substation.

Matt Tripoli: There is a 115,000 volt power line and this project will be connecting to the wires on the western side. Our substation will have some structures supporting the wire when it first comes down called an A-frame, there will be a few switches, a breaker and a transformer. The panels operate at 1,500 volts themselves, the inverters are operating around 5,000 volts and at each converter we have a transformer which steps it up to 34,000 volts. All of our collection systems will be at 34,000 volts linking all of our arrays together.

Max Fruchter: At each of the 6 collection points is there an emergency shut off or is there only 1?

Matt Tripoli: No, there will be multiple emergency shut offs, at the ends of most of the rows of panels there will be a shut off and there will be one at the substation itself.

Zachary Middleton: Can we get the maps in electronic format and how long is the power purchase agreement for?

Matt Tripoli: Yes on the maps and I believe it is for 20 years.

Chris Koenig: We will need to get the agent forms signed for the landowners. Also can you introduce the concept of visual impact and any potential conflicts?

Matt Tripoli: That is probably the number one issue in projects that we work on across the State. You will see in the detailed plans the way we address it in the areas where we can't site the solar panels far enough away from a property line is to propose some additional vegetative buffering. We went and took pictures before the leaves were on the trees back in February.

Chris Koenig: It seems like the general concept is to try and tuck these back as much as you can. We will want a planting schedule for any proposed areas just to show species type and plant type. Any flood plains with the Moses Kill?

Matt Tripoli: Not that we have come across. We will have to take a look at that further.

Chris Koenig: General slopes?

Matt Tripoli: We flew this with a drone to get topo. as part of the layout. In general we can build on some isolated spots up to 15% grades; with the trackers though you do need to have a pretty consistent amount of leveling going north to south so we might have some spot grading just to make sure we have a flat plane to build the tracker across. When you get above 15% you run into issues with getting the grass to grow, storm water and it's difficult to build also.

Zachary Middleton: Is some of it still corn?

Matt Tripoli: I have not been back on Joel's property this year so in the pictures I have they didn't have it.

MOTION by Max Fruchter, Seconded by Zachary Middleton to declare the Planning Board lead agency for this SEQR Type 1 action **ALL AYES**

MOTION by Joe McMurray, Seconded by Donald Sanders, Jr. to refer the project to the Zoning Board of Appeals based on setback issues with the Planning Board affirming to the ZBA that they have no problem with the setbacks as proposed **ALL AYES**

Chris Koenig: Can you explain your interaction with DEC about the raptors.

Matt Tripoli: DEC has a number of different databases and they have some confirmed sightings of wintering raptors and some spring nesting birds in some of these fields. As a result of that they said that we could do surveys to disprove our data on the sightings of those birds or we can assume that those birds are present and by taking this action we are disrupting that habitat. They have a process we can go through called an Incidental Take Permit where we would have to show a net conservation benefit to the habitat as part of the project. We are working with some neighbors in the area to set aside some property to use as conserved habitat and DEC will determine how many acres we have to set aside. We have to provide reports to DEC on an annual basis for the next 5 years or longer on that habitat to make sure it is established.

Dolan Solar will be returning for the August 11th meeting

**Public Hearing
Robert Fruchter
300 Hunter Rd/Family Subdivision**

Chairman Belden opened the public hearing at 8:06pm

Max Fruchter recused himself

The following notice was published in the Post Star on July 7th:

PLEASE TAKE NOTICE, the Town of Fort Edward Planning Board will hold a public hearing on Wednesday, July 14, 2021 at 7:05pm at Town Hall, 118 Broadway Fort Edward, NY 12828 to hear comments regarding the Family Subdivision application submitted by Robert Fruchter located at 300 Hunter Rd. The purpose of the application is to subdivide a 26.6 acre parcel into 5 lots in the Town of Fort Edward, tax map #204-2-1.

PUBLIC COMMENT: None

Max Fruchter: I have submitted the requested paperwork as well as updated the map.

MOTION by Zachary Middleton, Seconded by Donald Sanders, Jr. to close the public hearing at 8:08pm **ALL AYES**

The following letter was obtained from the Washington County Planning Department regarding subdivision review:



WASHINGTON COUNTY
WASHINGTON COUNTY PLANNING
WASHINGTON COUNTY MUNICIPAL CENTER
383 BROADWAY
FORT EDWARD, NEW YORK 12828
TELEPHONE (518) 746-2294
plandi@washingtoncountyny.gov

July 14, 2021

Ms. Aimee Mahoney
Planning Board Clerk
Town of Fort Edward
118 Broadway
Fort Edward, NY 12828

RE: Subdivision Review

Dear Ms. Mahoney,

On Friday, April 21, 2017, the Washington County Board of Supervisors created the Washington County Planning Agency, which is responsible for the review of certain local planning and zoning actions pursuant to General Municipal Law Section §239-M. With the establishment of the Washington County Planning Agency under Resolution 98, the Washington County Board of Supervisors did not authorize the Planning Agency review of subdivisions at the request of local municipalities.

If you have any questions regarding this matter, please feel free to contact me directly via phone at (518) 746-2294 or via email at plandi@washingtoncountyny.gov

Sincerely,

A handwritten signature in cursive script, appearing to read "Pamela Landi".

Pamela Landi
Washington County Planning

Chairman Belden went through Part II of the short environmental assessment form with the Board:

MOTION by Joe McMurray, Seconded by Zachary Middleton to declare the Planning Board lead agency for this action and to declare a negative declaration for SEQR review after reviewing all of the necessary application materials due to no significant adverse environmental impacts as a result of the project **ALL AYES**

MOTION by Donald Sanders, Jr., Seconded by Zachary Middleton to approve the family subdivision contingent on payment of fees **ALL AYES**

Max Fruchter returned to the meeting

ADJOURNMENT:

MOTION by Max Fruchter, Seconded by Zachary Middleton to adjourn the meeting at 8:25pm
ALL AYES

Dated: July 16, 2021

Aimee Mahoney, Clerk