

MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD PUBLIC HEARING & REGULAR MEETING HELD ON WEDNESDAY, AUGUST 9, 2023 AT TOWN HALL COMMENCING AT 7:00 P.M.

Acting Chair – Valerie Ingersoll

Meeting called to order at 7:02pm

Pledge of Allegiance

PRESENT: Acting Chair Valerie Ingersoll
Max Fruchter
Joe McMurray
Zack Middleton

ABSENT: Dolores Cogan

RECUSED: Don Sanders, Jr
Mark Belden

OTHERS PRESENT: Cole Gailor, Laura Gailor, Paul Kruger, Evan Callahan, Mitch Quine, Town Attorney Bill Nikas, Town Engineer Chris Koenig and Planning Board Clerk Aimee Mahoney

APPROVAL OF MINUTES: MOTION by Zack Middleton, Seconded by Max Fruchter to approve the minutes of the meeting of July 26, 2023 **ALL AYES**

BUSINESS:

**Public Hearing
Somers Solar/CS Energy
Presenters: Evan Callahan & Mitch Quine
7:05pm**

The Public Hearing was opened at 7:05pm

The following notice was published in The Post Star on August 2, 2023:

PLEASE TAKE NOTICE, the Town of Fort Edward Planning Board will hold a public hearing on Wednesday, August 12, 2023 at Town Hall, 118 Broadway Fort Edward, NY 12828 at 7:05pm to hear comments regarding the Somers Solar, LLC Site Plan application submitted by CS Energy. The Somers Solar project is a 20-Megawatt (MW) AC solar electric generating facility located on lands South of Hunter Rd. and North of Duer Road in the Town of Fort Edward. The project includes approximately 150 acres of solar panels. Tax Map #'s 203.-2-8, 203.-2-7, 204.-2-9.3, 204.-2-9.2, and 203.-2-10

At the public hearing anyone wishing to comment on the project will be heard.

Evan Callahan: This is our third meeting with the Town of Fort Edward Planning Board for our proposed 20MW project located between Hunter Rd. and Duer Rd. in the Town of Fort Edward. We are active in 17 states across the country with our primary markets of solar development being New Jersey and New York. We have over 450MW of constructed or under construction energy storage across the country. We developed and constructed the first utility-scale solar project to be turned on in New York in Easton and that is the Branscomb Solar Project. That project is very similar to this project in that it is 20MW but that one is a fixed tilt and this one is a tracker system which runs north to south and tracks east to west. Somers is a project that we are both developing and building and right now we are in the planning phase at our public hearing under SEQR, then we will go for our zoning variance and then site plan approval. This project is approximately 150 fenced acres of panels, 9 inverters that are placed in the middle of the arrays, a collector substation that will connect to the 115kV National Grid Mohican Battenkill line. There are no DEC jurisdictional wetlands on the site and we have designed the site to avoid impacts on all Army Corps of Engineers wetlands as well as no endangered species on the site. We have 5 different parcels totaling approximately 322 acres of which 150 acres will be solar panels. We started developing the project back in 2019 with signing up landowners, going through our interconnect process and are getting ready to sign our small generator interconnection agreement. We are planning to start construction late 2023 or early 2024 with construction lasting 12-18 months. We would love to hire local contractors to the extent possible for these projects for things like tree planting and maintenance, all grounds maintenance throughout the operation of the project; we are anticipating on employing up to 100 construction jobs at the peak of construction.

PUBLIC COMMENT: NONE

BOARD:

Max Fruchter: Where is the access road for the Fire Dept.?

Evan Callahan: Both of our access roads are off of Hunter Rd. and from them you can access all array areas.

Max Fruchter: Where are your construction trailers going to be with 100-150 guys in them?

Mitch Quine: We haven't put laydown areas on the drawings yet.

Max Fruchter: They will have to be off Hunter is that correct?

Mitch Quine: Yes

Max Fruchter: Are the inverter's DBA insignificant? Do you know what it was?

Mitch Quine: Yes, they measure it at a meter away and I think it's 85dba at a meter away and the rule of thumb that we have done is once you are about 400-500' away it is below ambient.

Max Fruchter: With the exception of where you have water or a bounce off. How many solar panels are you putting up?

Mitch Quine: It's about 60,000 panels.

Max Fruchter: Are you using the drilling or pounding method?

Mitch Quine: Typically pounding.

Max Fruchter: What is the source of power for the pounding machine; is it diesel?

Mitch Quine: Yes

Max Fruchter: Your noise factor now has increased beyond 100dba; would that be a correct assumption?

Mitch Quine: Yes, during construction.

Max Fruchter: The neighbors around there are going to be situated with a large noise factor. Have you thought about any inhibiting vegetation to reduce that?

Mitch Quine: Unfortunately because we aren't going to be pounding posts in a single location for a particularly long time, we will be moving throughout the site. Post pounding for a project of this size would take somewhere between 4 and 6 weeks to complete. During that time there will be multiple machines running but they are not going to be standing in a single area of the array for a very long time.

Max Fruchter: How many posts did you say?

Mitch Quine: About 5,000 posts. We will have 3 or 4 machines working and in good soil conditions in New York I have seen crews do 100 posts a day and I have also seen them do up to 400 posts a day in nice sandy conditions.

Valerie Ingersoll: We did receive a letter from the County Planning Dept. as well as a memo from Town Engineer Chris Koenig.

Chris Koenig:

- Going back to the County review letter: the Board should discuss their comments. The Zoning Board action is not subject to that referral because the only trigger for that site is that it's in the Ag. District and the issuance of area variances within the Ag. District are not subject to their review.

The first comment they had was: That the local board verifies where the visual buffers are located. **We reviewed that at the last meeting where they are planning to plant**

along Hunter Rd. along the highway boundary and off Duer Rd. along the fence line not along the road.

The next question was on page 8 of the FEAF Form Section D.2 – r.i. addressing solid waste generation Construction: 100 tons per year has clarification. **100 tons was an estimate. The primary source of waste are the pallets that the modules get delivered on; we did a calculation based on roughly 50,000-60,000 modules 20 modules per pallet using a conservative number for the weight of the pallet gives us that 100 ton number. That is where that number came from and it is 100 tons total during construction. (About 12 months)**

Chris Koenig:

- Fire Department coordination needs to happen
- Highway Superintendent Coordination for driveway cuts
- Proposed Driveways do not have gates or fencing; do you want to have them put a swing gate with a lock?

Zack Middleton: I think that it up to the landowner.

Max Fruchter: Who is liable?

Mitch Quine: We have indemnity language in our lease agreements.

Max Fruchter: Who is liable if kids go in there with motorcycles or dirt bikes and somebody gets hurt on the land because the access is not secure?

Attorney Nikas: That would be trespassing and they have insurance that covers both parties; landlord and tenant. There is no impact on the Town. Their lease agreement covers indemnification and liability issues.

Chris Koenig: More detail needed on the planting plan, planting height, growth rates, number of trees proposed and some recommendations on the spacing; you have 16' for your type 1 screening which is supposed to be the most densely planted might be a little big; for the 16' wide Norway Spruce to actually grow into the other one will be around 10 years so I would recommend reducing that spacing or adding some supplemental shrubs to the gaps for the dense area. For the type 3 planting on Hunter Rd.; the concept is to plant trees within the existing hedgerow to fill in gaps along the western part of hunter Rd. where there is some deciduous hedgerow and shrubs growing but the planting is shown at the bottom of that embankment and it should be on top of the embankment to maximize the benefit of the elevation difference.

Evan Callahan: We will get a comprehensive response to all of these questions prior to our next meeting.

Chris Koenig: Does the Board feel that the view shed analysis that was provided by the applicant is adequate or would you like something further?

BOARD: The view shed analysis provided is adequate.

Zack Middleton: Is there a situation where panel height may have to increase due to geography?

Mitch Quine: Yes possibly due to the slope of the land. We would be comfortable with a max height; I believe Town Code has one already. I feel the max would be 12' but I will double check with our Engineer.

Joe McMurray: Question #5 on the site plan application states plans should contain property boundaries. A lot of the property around has not been surveyed so does that mean the landowner would have to have a survey done?

Mitch Quine: Prior to starting construction on any of our projects we do a boundary survey so it would be our proposal to have that as a condition of our approval that we will be doing the boundary surveys of the properties that we are leasing.

Chris Koenig: The gross value they provided for decommissioning is in the value that we normally see on a per Megawatt basis but we had to discuss the use of the 35% salvage credit as an offset to that amount in terms of what is provided in the bond and we would recommend the full gross amount be provided available in year one.

Mitch Quine: Having it at zero makes no sense now but we can talk about a discount. It comes out of our bottom line if we take it out completely.

Zack Middleton: Who does the 5 year review?

Attorney Nikas: The Town Board.

Mitch Quine: We can try to get the salvage credit out for the first 5 years.

Zack Middleton: The highest risk is before it goes online.

Mitch Quine: We have always been able to apply some amount of salvage credit.

Valerie Ingersoll: Maybe review it in 3 years instead of 5 or when it starts generating power.

- **BOARD AGREES**

Chris Koenig: A proposal from the applicant will need to be drafted relative to that change for review.

- **Public Hearing will remain open**

Update on Dolan

Mitch Quine:

- Everything out of the fields closer to Cary Rd.
- 20 fewer fenced in acres
- Mile reduction in access rd.
- 2 access points instead of 4 off Woodard Rd.
- Hopefully it's consistent with the previously issued negative declaration and an amended site plan approval can be agreed upon.
- Have to get another wetland delineation, SHPO revision and DEC Incidental TAKE Permit.
- 20 acre reduction, 2 less landowners
- 4 total landowner leases

Max Fruchter: Clarify the planting.

Mitch Quine: It will be the same as previously approved with additions along Patterson Rd. and Woodard Rd.

Chris Koenig: That would be a Planning Board amendment for site plan per the Town Code.

- Updated documents will be submitted

Fort Edward Community Solar 142 Blodgett Rd. Presenter: Paul Kruger

- Mark Belden and Donald Sanders, Jr. returned to the meeting

Paul Kruger: I am here tonight to see if the application can be deemed complete and a public hearing can be set for the project. The site has been flagged as well for those of you that wanted to do a site visit.

Chris Koenig: On July 28th we received a Draft Decommissioning Agreement with estimates, Operation & Maintenance Plan, Lease agreement, Equipment Data Sheet and a SHPO letter stating the project would have no effect. We can deem the application complete, refer to the County Planning Department and set a public hearing. We are working on a comment memo as well.

Paul Kruger: I reached out to the Fire Dept. but have not heard back.

MOTION by Max Fruchter, Seconded by Zack Middleton to deem the application complete and refer it to the Washington County Planning Department **ALL AYES**

MOTION by Zack Middleton, Seconded by Donald Sanders, Jr. to set a public hearing on August 23, 2023 at 7:05pm **ALL AYES**

ADJOURNMENT:

MOTION by Max Fruchter, Seconded by Donald Sanders, Jr. to adjourn the meeting at 8:25pm **ALL AYES**

Dated: August 15, 2023

Aimee Mahoney, Clerk