

MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD PUBLIC HEARING & REGULAR MEETING HELD ON WEDNESDAY, AUGUST 23, 2023 AT TOWN HALL COMMENCING AT 7:00 P.M.

Chairman Belden called the meeting to order at 7:02pm

Pledge of Allegiance

PRESENT: Chairman Mark Belden
Valerie Ingersoll
Max Fruchter
Joseph McMurray

ABSENT: Zachary Middleton
Donald Sanders, Jr
Dolores Cogan

OTHERS PRESENT: Paul Lubera, Paul Kruger, Frank Mcleneghen and Planning Board Clerk Aimee Mahoney

APPROVAL OF MINUTES: MOTION by Joseph McMurray, Seconded by Valerie Ingersoll to approve the minutes of the meeting of August 9, 2023 **ALL AYES**

Chairman Belden: We received the following correspondence from DEC regarding the project:

- Letter From DEC
- E-mail from National Heritage Staff
- Letter from Ag. & Markets
- Memo from Town Engineer

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 5
232 Golf Course Road, Warrensburg, NY 12885
P: (518) 623-1282 | F: (518) 623-3603
www.dec.ny.gov

August 15, 2023

Town of Fort Edward
P.O. Box 127
118 Broadway
Fort Edward, NY 12828



**Re: SEQR LEAD AGENCY COORDINATION RESPONSE
Notice of Intent to Declare Lead Agency
Town of Fort Edward, Fort Edward Community Solar
Fort Edward (T) Washington (C)**

Dear Timothy,

Thank you for your August 8, 2023, lead agency communication for the above project, pursuant to the State Environmental Quality Review Act (SEQR).

DEC Position: Based on the information provided, DEC agrees with the Town of Fort Edward Planning Board serving as SEQR lead agency for this project.

The **Bald Eagle**, a threatened species, may be in the project area. The New York Natural Heritage Program will review locations of proposed projects, activities, and SEQR-subject actions for any records of rare species or significant natural communities in our databases which are in the vicinity, and which may be impacted by the project or action. To request a review of a specific project site, please write to or email the address below and include the following information:

NYS Natural Heritage Program – Information Services
NYS DEC
625 Broadway, 5th Floor
Albany, NY 12233-4757
Phone: (518) 402-8935
Fax: (518) 402-8925

Put "info request" in the subject line, and send a letter and map as attachments to NaturalHeritage@dec.ny.gov

Archeological Sites of Sensitivity

GIS review indicates that a portion of the project site is located within an archeologically sensitive area. It is suggested that recommendations be sought from NYS OPRHP regarding the potential impacts on historic and archeological resources from the development of this area. Additional information can be found on NYS OPRHP's website at <http://nysparks.com/shop/online-tools/> or by calling (518) 237-8643. Potential impacts to these resources must be considered in the State Environmental Quality Review (SEQR) documentation. For example, previous disturbance should



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be described to indicate whether future project components will have potential to further affect archeological resources.

Construction Stormwater Management

Disturbance of more than one acre of total land will require a SPDES General Permit for Storm Water Discharges from Construction Activities. This general permit requires development of a Storm Water Pollution Prevention Plan, and submission of a Notice of Intent to DEC. The General Permit and related information are available on the DEC website: <http://www.dec.ny.gov/chemical/43133.html>

Sincerely,

Joshua Campbell

Joshua Campbell
Environmental Analyst Trainee

cc: Jessica Shreyer – OPRHP
Danielle Baldwin – DEC – Division of Water

Chairman Belden: I reached out to the National Heritage Staff and they responded stating that the letter from DEC was perplexing because they would give us the same information that was in the letter from DEC yet they cannot assess impacts or make determinations as to permits or approvals. I then reached out to Jed Hayden at DEC and he is coming back with a new letter and possibly the request for a survey of the grassland species in that area.

Chairman Belden opened the public hearing at 7:10pm

The following notice was published in The Post Star on August 15, 2023:

PLEASE TAKE NOTICE, the Town of Fort Edward Planning Board will hold a public hearing on Wednesday, August 23, 2023 at Town Hall, 118 Broadway Fort Edward, NY 12828 at 7:05pm to hear comments regarding the Fort Edward Community Solar Site Plan application. The Fort Edward Community Solar Project is a 5MW AC solar array facility located at 142 Blodgett Road in the Town of Fort Edward.

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

Chairman Belden: The Town Engineer will not be here tonight but did email his recommendations to the Board for this meeting as follows:

- Keep the public hearing open
- Waiting for County Comments & Lead Agency Status
- The Board cannot declare Lead Agency and complete SEQRA until after September 8, 2023.

PUBLIC COMMENT: None

BOARD COMMENTS:

Joseph McMurray: How will the letter from DEC affect the project?

Chairman Belden: It will depend on the letter we receive from Jed Hayden from DEC.

Paul Lubera: They indicated that we could contact DEC in the spring and they will identify where the nest is and if it's within a certain distance then you have to wait to begin construction until the fall but if the nest is farther away then you can proceed. Our report recommended that we keep in contact with DEC. Would it be beneficial for us to have our wetland and habitat scientists contact Jed Hayden directly and see what he is looking for and get an updated report for that?

Chairman Belden polled the Board and they agreed it would be beneficial.

Paul Kruger went through the following new materials submitted to the Board:



Fort Edward 5 MWac Community Solar

Public Hearing -23 August 2023

- Location/Characteristics of Site –
 - 142 Blodgett Road bordering on the Town of Greenwich.
 - Fence will be setback ~400' from the residential property line, and ~1,000 feet off Blodgett Rd.
 - ~11,450 Panels within a fenced area of approximately 22 acres.
 - Panels mounted in portrait on Single Axis Trackers – top of panel is nominal 8' 8" AGL
- Project Timing –
 - Secure necessary permits in 2023.
 - Begin construction in Spring 2024.
 - Complete Construction in Fall/Winter 2024.
 - Commissioning Spring 2025
- Screening –
 - The location and height of the fence and panels has been marked to better understand the screening protocol.
 - Screening on the west will be accomplished with conifers in two staggered rows.
- Noise –
 - During Construction (~6 months) from:
 - Site Clearing and Installation of Fencing and Racking
 - Post-Construction very little noise:
 - Sound rating of system equipment:
 - Tracking motors: 65dBA @ motor
 - Inverters: 63dBA @ 3'
 - Transformers: 65dBA @ 3'
 - Panels and all ground mounted equipment will be at least 500' from Blodgett neighbors.
 - Post-construction O&M – Mowing of ground cover within the fence to keep panels clear of weeds inside the fenced area.
- Safety -
 - Signage will be installed i.a.w. NEC 2017 Article 270. Warning signs every 100' on fence.
 - Site will be secured with 8' chain link fencing and locked gate.
 - Access Road could be gated at Blodgett Road – to be discussed with FD Chief Brown.
 - FD Orientation and Safety Training prior to commissioning.
- Location of Poles, Utility Connection -
 - The Solar array will connect via o/H utility poles top the 34.5kV lines in the middle of the site.
- Life of the project -
 - Panels are warranted for 30 years but may last longer.
 - At the end of their service life they'll be replaced; or the site will be decommissioned.
- This is Community Solar Project -
 - Subscribers receive a 10% discount off their utility bill.
 - We will prioritize subscriptions from homeowners and businesses in the Town of Fort Edward.

Chairman Belden: You mentioned that National Grid couldn't accommodate more than 5MW; where is that substation and what does it feed?

Frank McIneghen: It is actually a hydro station in Fort Miller and it's the Battenkill station which transmits from substation to substation which all carries back to Battenkill.

Valerie Ingersoll: Would the panels be affected by 5' of snow? Would they still be able to move?

Frank McIneghen: We have weather stations and cameras now which address all weather issues.

Paul Kruger:

- We met with the Highway Superintendent and he was fine with our plan but we haven't heard back from the Fire Chief yet.
- 1100 homes in the Town can be powered from this project and we would be happy to offer it to Town residents.
- Talked with the Assessor about a PILOT.
- Talked with the Town Attorney about decommissioning.
- There is a handout in the new information showing used panel values for the Board to review.

NEXT STEPS:

- County response to Site Plan & Lead Agency Status
- After September 8th SEQRA can be completed
- 9/27 Continued Publix Hearing Date

ADJOURNMENT:

MOTION by Max Fruchter, Seconded by Valerie Ingersoll to adjourn the meeting at 7:50pm
ALL AYES

Dated: August 28, 2023

Aimee Mahoney, Clerk