

**MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD MEETING
HELD ON WEDNESDAY, NOVEMBER 8, 2023 AT TOWN HALL COMMENCING AT
7:00 P.M.**

Acting Chairperson Valerie Ingersoll called the meeting to order at 7:00pm

Pledge of Allegiance

PRESENT: Valerie Ingersoll
Mark Belden
Donald Sanders, Jr
Max Fruchter
Joseph McMurray
Dolores Cogan

ABSENT: Zachary Middleton

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

APPROVAL OF MINUTES: MOTION by Max Fruchter, Seconded by Joe McMurray to
approve the minutes of the continued public hearing and regular meeting of September 27, 2023
and October 25, 2023 **ALL AYES**

BUSINESS:

**CS Energy
Somers Solar**

Mark Belden and Don Sanders, Jr. recused themselves

Evan Callahan: We are here tonight hoping the public hearing can be closed and a SEQRA
determination can be made.

Chris Koenig: The Board could consider adding the ZBA approval of the required area
variances as a condition of potential site plan approval, or wait until the ZBA has rendered a
decision prior to site plan decision. The following outstanding items remain:

- Fenced area acreage shall be added to the final plans
- Surveyed property boundaries showing bearings and distances of the project parcels shall
be added to the final plans
- Grading Plan and contours added to final plan
- Excess topsoil management in accordance with NYSDAM
- Site distance verification on final plan
- Road width to be updated on final plan as well as Knox Box locations
- Screening along the southeast corner of the project
- Bond to cover the full cost to decommission prior to building permit issuance

- Upon commercial operation the applicant is allowed to reevaluate the cost and surety amount and may account for salvage.
- Final decommissioning plan and agreement, type of surety and final O&M plan shall be accepted by the Town Board, Town Attorney and Town Engineer prior to building permit issuance.
- Following addition to pg. 4 of final O&M plan: Failure to remedy ineffective or defective vegetative screening shall be considered a site plan violation.
- More detail and refined SWPPP plans shall be provided
- The design engineer shall document that the proposed design will meet the requirements of the NYS Stormwater Management Design Manual
- Project stated disturbance will be approximately 152 acres, a phasing plan shall be prepared to show how the site will be constructed and stay under the 5 acre minimum disturbance
- Noise levels shall be submitted
- If SHPO requires an avoidance plan for the artifact that was discovered, the avoidance area shall be shown on the final plan

MOTION by Max Fruchter, Seconded by Dolores Cogan to close the public hearing at 7:26pm
ALL AYES

Chris Koenig:

- The Board went through all of the questions in Part II of the SEQRA form at the last meeting and Part III was prepared and reviewed by the Board.

MOTION by Joe McMurray, Seconded by Max Fruchter to declare a negative declaration for SEQRA due to no potentially large adverse environmental impacts as a result of the project **ALL AYES**

MOTION by Dolores Cogan, Seconded by Max Fruchter to approve the site plan contingent on the following 12 conditions being met: **ALL AYES**

Somers Solar Project – Conditions of Site Plan Approval

- 1. Prior to commencing construction of any structural or electrical components of the Project, or commencing Project-related ground disturbance activities, the Applicant shall apply for and receive a building permit from the Town of Fort Edward Code Enforcement Officer.**
- 2. Prior to issuance of a building permit, the Applicant shall submit final site plans and a final SWPPP, both signed by a NYS P.E., for review and approval by the Town Designated Engineer (TDE). The building permit shall not be issued until the TDE has accepted the final site plans and SWPPP.**

- 3. Prior to the issuance of a building permit, the Applicant shall demonstrate coverage under the applicable NY State Pollutant Discharge Elimination System (SPDES) Construction General Permit.**
- 4. All SWPPP inspection reports shall be submitted to the Town Code Enforcement Officer and the TDE during construction/SPDES permit coverage.**
- 5. Prior to the issuance of a building permit, the Applicant shall demonstrate that the NY State Historic Preservation Office (SHPO) is satisfied that the project will not have any significant adverse impacts on historical resources, or that any such impacts are being appropriately mitigated, by providing a letter of no effect, or other satisfactory correspondence from SHPO.**
- 6. Prior to the issuance of a building permit, the Applicant shall obtain all other State and Federal permits and authorizations, as required by law.**
- 7. Prior to the issuance of a building permit, the Fort Edward shall accept the decommissioning plan and form and amount of financial surety by executing a decommissioning agreement. The final decommissioning plan and cost estimate shall be signed by a NYS P.E. The Town Board shall also review and accept the final O&M Plan. The Town Attorney shall review and accept final documents.**
- 8. Prior to the issuance of a building permit, the Applicant and landowner(s) shall agree in writing to allow the Town entry onto the lease parcel or private property to remove an abandoned installation in accordance with the decommissioning agreement. This agreement shall be legally binding and run with the land, in the event the property is sold during the life of the project. This agreement shall be reviewed and accepted by the Town Attorney.**
- 9. Prior to the issuance of a building permit, the Applicant shall hold a meeting with the Fort Edward Fire District, to provide an overview of the Project and construction plans, and to verify emergency contact information.**
- 10. Prior to the Project entering commercial operation, the Applicant shall hold a meeting with the Fort Edward Fire District, to provide training for the major equipment installed and review procedures to address an emergency at the Project site.**
- 11. This site plan approval shall not be valid until the Town of Fort Edward Zoning Board of Appeals (ZBA) issues the required area variances associated with the project.**
- 12. Payment of fees.**

**Fort Edward Community Solar
142 Blodgett Rd.**

Mark Belden & Don Sanders, Jr joined the meeting

Paul Kruger:

- DEC issued their letter of No Jurisdiction on October 30th; our changes to the site eliminated the need for a winter raptor survey.
- At the September 27th meeting the Board expressed concerns regarding the property formerly being used by Fort Edward Pulp & Paper as a de-watering site for sludge from the mill's waste water treatment plant. There was no indication of any reported spills from the DEC's EAF mapper. On further investigation of the site, including a DEC FOIL request the site did host a sludge dewatering lagoon used by the mill between the years 1972-1984. The complete report is 1,047 pages long. For 16 years the waste sludge from processing blue denim jeans was dumped into the Hudson River. In 1972, the company built 3 lagoons on a 15 acre piece of property. Two of the lagoons were active, while the third was for "Emergency" and was reportedly never used. The access road for the project will pass over the lagoon area which was filled in with clay and we do not expect to encounter any of the sludge material during excavation of the access road but as a precaution LaBella has prepared an Environmental Management Plan (EMP) that will provide guidance on how to manage any suspect materials discovered.

Attorney Nikas: Can you provide a flash drive of the 1,047 page report you are referencing for the file.

Paul Kruger: Yes, and there are records that DEC has formally closed the site.

Chris Koenig: Will all excavated soils be kept on site?

Paul Kruger: Yes, we will follow DEC procedures.

Mitch Quine:

- We met with the Fire Department tonight and the Fire Chief will be sending a letter stating that he is satisfied with the project plans.
- Revised materials we be submitted next week.

ADJOURNMENT:

MOTION by Max Fruchter, Seconded by Donald Sanders, Jr to adjourn the meeting at 8:02pm
ALL AYES

Dated: November 22, 2023

Aimee Mahoney, Clerk

