

MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD MEETING HELD ON WEDNESDAY, DECEMBER 13, 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 Belden
Valerie Ingersoll
Donald Sanders, Jr
Max Fruchter
Dolores Cogan
Zachary Middleton
Joseph McMurray

OTHERS PRESENT: Paul Kruger, Paul Lubera, Town Attorney Bill Nikas, Town Engineer Chris Koenig and Town Planning Board Clerk Aimee Mahoney

APPROVAL OF MINUTES: MOTION by Valerie Ingersoll, Seconded by Max Fruchter to approve the minutes of the continued public hearing & regular meeting of November 8, 2023
ALL AYES

BUSINESS:

**Fort Edward Community Solar
Blodgett Rd.**

Paul Kruger: We have received the following updates since last time we met:

- Fire Department Letter
- Non-Jurisdictional notice from DEC
- Army Corp. came out Monday after a wet week and determined they may have to come back at a later date when vegetation starts growing. Closing on that permit may wait until the growing season.

Paul Lubera: Outlined the reconfiguration of the panels on the map for the Board as well as lot coverage.

Chris Koenig:

- We have been updated on the reconfiguration of the project where they have pushed everything to the rear fields because of the habitat which eliminated the concern about visibility. The arrays are less than 9'tall.
- I suggest putting the lagoons on the map for the contractor

- Environmental Management Plan (EMP) since the last meeting which outlines procedures when contaminated soil is encountered during construction. It states that no soil shall leave the site except to go to a landfill which is how contaminated soil is typically disposed.
- We want to make sure the access road has the maximum amount of porosity and limited use; it's not really a construction road.

Chris Koenig: Can you address the comment regarding tree clearing.

Paul Kruger: The owners expressed some interest in tree clearing; I don't believe we are going to have the wetland permit back from the Army Corp. in time. I don't know if the Town requires a permit for tree clearing but I am wondering if that can be an exception to any of the work done on the site with the agreement that we wouldn't do any stumping.

Chris Koenig: Do you agree with the seasonal window for tree removal?

Paul Kruger: Yes

Chris Koenig: My opinion is that would be fine as long as there is no ground disturbance because then you would have to get your SWPPP and SPDES Permit.

Board Agreed

Chris Koenig: We are on the same page with the amount in the Decommissioning Plan; the Planning Board establishes the amount and then it goes to the Town Board for approval of the agreement.

- As far as T&E species, as long as the project is in the rear fields there is no impact according to Jed Hayden's letter. The front fields are 30-40 acres of grassland habitat, there is a site plan note requiring the contractor to coordinate with the NYSDEC prior to construction to determine where the local Bald Eagles are nesting so they do not disturb them. I would suggest that occurs prior to tree removal.

Paul Kruger: We have submitted a draft of the Decommissioning Agreement and received comments; would you consider this a final document that can be formalized?

Bill Nikas: We have signed off on the latest version.

Paul Lubera: We will submit final plans that address all of the comments.

BOARD COMMENTS:

Dolores Cogan: What is the height of the fence?

Paul Lubera: The fence will be either 7' or 8' depending on what the Town Code is.

Dolores Cogan: Technically there are only 2 ways to get into that property for construction by either entering Duer Rd. and cutting over onto Blodgett Rd. or taking Blodgett Ext. Do you know which direction you will go for construction? I am asking because there are overhead lines going across Blodgett and Duer Rd. and combine tractors don't fit under them.

Paul Kruger: We can confirm with our site team. They are familiar with the clearance requirements on power lines.

Dolores Cogan: These are cable lines so I do not believe they meet the same requirements as power lines.

Paul Lubera: For the most part the construction equipment will be on the smaller side.

Paul Kruger: I am guessing they will be going over Rte. 4 to Blodgett Rd. Ext. I will make sure to check on that with our construction team.

Dolores Cogan: It is going to be seasonally visible from Duer Rd.

Zachary Middleton: It will not be visible because the high tension lines aren't visible and the panels are behind those.

Attorney Nikas: The standard is not that the project be invisible, the standard is that the visibility is reasonable.

Dolores Cogan: I also see where you are going from 1 acre of tree clearing to 4, is that correct?

Paul Lubera: Yes

MOTION by Joe McMurray, Seconded by Zack Middleton to close the public hearing at 7:26pm **ALL AYES**

Chairman Belden went through the remaining SEQRA questions that were outstanding:

- **Impacts on Human Health – Small**
- **Impacts on Plants and Animals – Small**

MOTION by Max Fruchter, Seconded by Zack Middleton to declare a negative declaration for SEQRA review due to no potentially large adverse environmental impacts as a result of the project (Full Negative Declaration Attached) **ALL AYES**

MOTION by Zack Middleton, Seconded by Don Sanders, Jr to approve the site plan with the following 11 conditions **ALL AYES**

Ft. Edward Community 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 obtain all other State and Federal permits and authorizations, as required by law.**
- 6. Prior to the issuance of a building permit, the Fort Edward Town Board 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.**
- 7. 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.**
- 8. 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.**
- 9. 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.**
- 10. Prior to the issuance of the building permit, the Applicant or Contractor shall coordinate with the NYSDEC on Bald Eagle nest locations to determine construction-related impacts and if any mitigation is required at that time.**

11. Payment of fees.

MOTION by Mark Belden, Seconded by Max Fruchter to have the Town Board look into imposing a moratorium on solar projects while the Town Code pertaining to solar project requirements is updated **ALL AYES**

ADJOURNMENT:

MOTION by Max Fruchter, Seconded by Dolores Cogan to adjourn the meeting at 8:03pm **ALL AYES**

Dated: December 15, 2023

Aimee Mahoney, Clerk