

MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD PUBLIC HEARING & REGULAR MEETING HELD ON WEDNESDAY, JUNE 12, 2019 AT TOWN HALL COMMENCING AT 7:00 P.M.

Chairman Belden called the meeting to order at 7:00pm

PRESENT: Chairman Mark Belden
Valerie Ingersoll
Joseph McMurray
Frank Wells

ABSENT: Zachary Middleton
Donald Sanders, Jr.

OTHERS PRESENT: Matt Tripoli (CS Energy), Leo Lapitsky, Andrew Lapitsky, Melanie Collins, Jordan Witters, Sadie Havens and Town Supervisor Terry Middleton

APPROVAL OF MINUTES: MOTION by Frank Wells, Seconded by Valerie Ingersoll to approve the minutes of the meeting of March 27, 2019 **ALL AYES**

BUSINESS:

**Public Hearing: 7:05pm
Lapitsky Family Subdivision
533 County Route 46**

Chairman Belden opened the Public Hearing at 7:05pm

The following notice was published in the Post Star:

PLEASE TAKE NOTICE, the Town of Fort Edward Planning Board will hold a public hearing on Wednesday, June 12, 2019 at 7:05p.m. at Town Hall, 118 Broadway Fort Edward, NY 12828 to hear comments regarding the Family Subdivision application of Leo Lapitsky located at 533 County Rte. 46 in the Town of Fort Edward. The purpose of the application is to subdivide 1 ½ (+,-) acres out of a 45.7 (+,-) acre parcel for a single family dwelling. Tax Map #195.-1-9

At the public hearing anyone who wishes to comment will be heard.

Chairman Belden: Did the Building Inspector witness the perk test?

Andrew Lapitsky: No he was not there for it but Bruce Agard did the test and said it was good.

PUBLIC COMMENT: None

MOTION by Max Fruchter, Seconded by Frank Wells to close the public hearing at 7:07pm
ALL AYES

The Board went through the Short EAF Part II:

MOTION by Joseph McMurray, Seconded by Frank Wells to declare the Planning Board lead agency for this unlisted action and to declare a negative declaration for SEQRA 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 Zack Middleton, Seconded by Frank Wells to approve the subdivision contingent on Engineer approval and payment of fees **ALL AYES**

**CS Energy
Solar Information
Matt Tripoli**

Matt Tripoli: I work for CS Energy, we recently changed our name from Conti Solar and we have been very active in New York State under Conti Solar. About 3 years ago we got into doing larger scale solar projects in New York; we have 7 projects that we advanced in 2017 that we are currently working on permitting and finishing up and hoping to enter construction on those next year. It takes quite a long time to work through our process; the biggest driver behind our schedule is working with the electric companies. We have been aware of Fort Edward for a while, we saw your Solar Law when it first came out and found it attractive for what we do as a business. We have gotten enough interest from landowners to start moving forward with the process, however we are pretty far away from submitting any formal application; next spring would probably be the earliest. We are based in New Jersey and have about 120 employees. Last year we built across the U.S. but mostly New England and the Mid-Atlantic States totaling about 250 Mega Watts (mw); the project we are proposing on Patterson Rd. and Woodard Rd. in the Town of Fort Edward is around 20mw which is a sizeable project for us but is just one part of our business in the region. We differ from other solar companies in that we also do the construction. The handout has a map showing the program that we participate in through the State which is through NYSERDA (New York State Energy Research & Development Authority). If you look on your electric bill at home you will see that they collect a small portion of that. They are just starting off another round of procurement that we are hoping to participate in for this project.

Max Fruchter: How do you determine what land you want to build on, is it the feasibility of the position of the solar or is it the landowners coming to you? Have you looked at the Town's landfill as a site because most of the solar generating areas that I have gone to are landfill situated and are an optimum utilization? How many acres does a 20mw project occupy?

Matt Tripoli: It's going to be somewhere north of 100 acres.

Max Fruchter: How does the bonding work?

Matt Tripoli: In your law you do have a bonding requirement that requires us to employ a 3rd party Engineer to come up with an estimate of what the cost is.

Max Fruchter: I am more concerned about hazardous waste liability.

Matt Tripoli: The main driver behind our site selection is the electric infrastructure; we want flat land that is facing the south.

Joe McMurray: How close to the power line is preferable for you?

Matt Tripoli: Every foot we go away from the power line costs us some money so we try to cluster around the power line. We are doing a project in Easton that is about ¾ of a mile off of a power line which is a little long for my liking, we usually like to be closer.

Joe McMurray: How long has your company been in business?

Matt Tripoli: Conti is 100 plus year old New Jersey construction firm and the Conti Solar has been around for 8-9 years which is essentially how long the industry has been around.

Matt Tripoli: In response to the hazardous materials question, the solar panels we use are land fillable, the EPA has certain tests that the equipment has to go through. As far as other hazardous materials on site we do have transformers on site that do have oil but typically it is biodegradable type oil, there are electronics that have to be recycled and cared for.

Mark Belden: What is your projection for how long they will last?

Matt Tripoli: The manufacturers typically warrant them for 20-25 years, they do degrade a little bit over time just because they are out in the sun, about .5% per year.

Mark Belden: How much more efficient is this stuff going to get with time?

Matt Tripoli: I have been doing solar for about 7 years now, when I first started the panels were about 300 watts and now we are doing 400 watts. There are now panels that can absorb light that is reflected up from the ground which improves the yield. For this site we are proposing a tracker which will be long rows of panels north to south and they will be flat and in the morning they will tilt to the east and follow the sun and finish the day in the west which improves the yield in this part of the country about 10%.

Max Fruchter: What percentage does that affect the cost?

Matt Tripoli: Around 5%-6%.

Mark Belden: I got a call last winter about the logging on Woodard Rd.; when ENCON talked to the landowner they said the logging was clear cutting for agricultural use which is acceptable. If you put solar panels where they have clear cut that would have been a different permitting to clear cut initially and you will want to make sure that landowner is aware. If you were to submit

all of your materials and go through the process DEC could declare it a non-conforming use. I'm not sure who the current landowner is of the property but as Chairman of the Planning Board when someone comes to me with a SPDES concern I have to call ENCON. I called an Officer in the area and he talked to the logger and they went forward but you may want to speak to the landowner about it as well. If you are going to put panels where they are clear cutting, they would need to get a SPDES permit now because of the change of use.

Matt Tripoli: We are in the very early stages of this project and it is really driven by the way the Town's Solar Law is set up. We haven't configured all of the setbacks and other things we are going to need but all of that will be addressed once we get a little further along. The lot coverage ratio in the law is 40% which drives us to engage with more people to try to get to the scale we need for one of these larger projects.

Mark Belden: Is 40% typical for other municipalities?

Matt Tripoli: I have seen 50%, 60%, 70% so this is in the ballpark. It works well because this way we are engaged with a whole community which helps to spread out the impacts.

Mark Belden: Do you support grazing around the panels? I have been to some areas where sheep are grazing around the panels.

Matt Tripoli: Yes, because of having to break up the project like that it will be difficult for an operator of that type of business to make it work at this site. I know they like to have a 40-50 acre chunk to leave their sheep at and then move to the next one but since we have some very small chunks on this it would be difficult to move them around a lot.

Mark Belden: When you come back to us in the spring is there a chance you will have signed up some more people?

Matt Tripoli: Yes

- Discussion was held regarding lot coverage, setbacks, height requirements, etc.

Mark Belden: How does your unit track the sun?

Matt Tripoli: the panels are on a single axis; in the middle of the day they will be flat and then at 60 degrees one way or another at the end of the day.

Mark Belden: The tip of the panel will never exceed 20 feet?

Matt Tripoli: No, we will be less than 10 feet.

Max Fruchter: Will the farm be fenced in?

Matt Tripoli: Yes we have to install 7' fencing according to National Electric Safety Code.

Max Fruchter: Will there be automatic shutdown on the front gate for emergency services?

Matt Tripoli: That is something I will want some feedback on. I think the biggest issue we will have will be a few viewshed concerns; I think we have enough areas where we can tuck the panels away but we will have to do some landscaping.

Mark Belden: Are you getting a lot of feedback from people on the visual?

Matt Tripoli: I wouldn't say a lot, no. We do the best we can to keep everyone in the community happy.

- We are required to submit an operation and maintenance plan to the Board as part of your law.

Max Fruchter: As far as the bonding goes is that to bring it back to how it was, taking up any concrete as well?

Matt Tripoli: Yes, actually New York Ag & Markets has guidelines for large scale solar like this. They provide good guidance for what we are trying to do. At the end when we are looking to pull the system out we try to disturb the soil as little as possible. The whole racking system is on driven piers which makes them pretty easy to pop out. We will have some concrete pads for the transformers and inverters, electronics that will have to be ripped out and disposed of as well as a soil stockpile from the entrance road that will get spread back out at the end of construction. The soil should actually improve over the life of the project because we aren't putting herbicide or pesticides down over the course of the life of the facility.

Joe McMurray: Does the bonding required by the Town only cover the Town and not the landowner?

Matt Tripoli: Yes, landowners would get their own.

Mark Belden: When we went to training with the State they recommended that we stay out of the bonding process and that we leave it between the landowner and the solar company.

Matt Tripoli: If we do have to do any subdivisions we would be seeking a waiver for a perk test seeing as we do not have any manned structures on the site, no water use and no lighting. If maintenance is needed at night they will have to bring in light stands. We will have to work with your driveway regulations under site plan. We will have to work with the Town for crossing under Woodard Rd. with conduits and electric lines. I feel the Solar Law that the Town has is something we can work with.

Mark Belden: Is there a tree removal plan?

Matt Tripoli: That will be something we will fine tune as we get closer, if you look at the site drawing you will see little black triangles which indicates the shading. If the panels are shaded

they can't produce as much power so we may have to do some trimming around the edges of some of the fields potentially. It may make sense to take down some trees if they aren't mature.

Leo Lapitsky: Can you explain the bonding.

Mark Belden: The intent is to protect the landowner in the event that the company goes under or something of that nature happens you can put your property back the way it was without having to incur the cost.

Supervisor Middleton: How will the assessment work?

Matt Tripoli: We would be seeking a PILOT.

OTHER BUSINESS:

Max Fruchter: Matt French is correct about the Dollar General sprinkler system; there really is nothing we can do about it now.

Mark Belden: Can the Town add something to the code?

Max Fruchter: Yes they can and it costs \$.97/sf with municipal water.

Supervisor Middleton: We would still need the State's approval to change it.

ADJOURNMENT:

MOTION by Joe McMurray, Seconded by Valerie Ingersoll to adjourn the meeting at 8:11pm
ALL AYES

Dated: June 14, 2019

Aimee Mahoney, Clerk

