

Town of Harpersfield Planning Board

Minutes **May 31, 2023**

Present: K. All, W. Keller, F. Ciulla, A. Gallagher, D. King and D. Darling.

Also present: N. Brower, L. Page, Robert McKertich, Robert Chiappisi, Laurie and Russ Bedford, Kelly Sullivan (Bergmann), Walter Garigliano, Daniel Fancher, Susan Fortier, Carrie Sloan, Joe and Chris Ferla

Chairman D. Darling called the meeting to order at 7:04 p.m. and read the public hearing notice regarding the subdivision for Laurel and Russell Bedford, off county Rt. 29 in North Harpersfield.

With no one commenting, a motion was made by W. Keller with a second by D. King to adjourn the public hearing until the end of the regular meeting. Motion carried 5-0.

D. Darling called the regular meeting to order.

On a motion by W. Keller and second by D. King, the minutes of the April 26,2023 meeting were approved as presented.

Dan Fancher was present regarding a proposed boundary line adjustment off Peters Road between Eklund Family Farm Machinery and Andrew and Anna Melendez. Fancher presented affidavits that he is acting as agent for both parties. The adjustment involves a .26 acre parcel to accommodate the construction of a two-car garage belonging to the Melendezs. The garage was constructed on property believed owned by the Melendezs. However it was later learned it was property belonging to the Eklunds. Therefor, the boundary line adjustment is correcting the inadvertent encroachment.

K. All made a motion, seconded by D. King, to approve the boundary line adjustment as presented. Motion carried 5-0.

On a motion by W. Keller, with a second by F. Ciulla, the public hearing on the Bedford subdivision was reconvened. Motion carried 5-0.

No one was present to comment and a motion was made by W. Keller, with a second by F.Ciulla to close the public hearing. Motion carried 5-0.

The Bedfords are proposing the subdivision to align parcels for a boundary line adjustment. Percolation tests were done and noted on the map. The county planning board looked at it and had no comments.

A motion was made by F.Ciulla, with a second by W. Keller, to approve the Bedford subdivision. Motion carried 5-0.

The Bedfords then proposed the boundary line adjustment which includes the barns on the south side of county Rt. 29 to go with the house and property across the roadway. It involves 3.13 acres. The north parcel will have 135.39 acres and the south side will now have 124.76 acres. There will be 121.63 remaining in the sending lot on the south side.

A motion was made by D. King with a second by W. Keller to approve the boundary line adjustment as presented. Motion carried 5-0.

The public hearing on the Weaver Road Solar Project was continued, with the planning board's engineer adding comments regarding the project. In addition to a letter from S. Fortier. Copies of the revised site plan have also been received by Delaware River Solar.

C. Ferla asked if the public gets to see the revised site plan.

D. Darling said he had picked it up on Tuesday and the engineer said he had uploaded it to the town's website. Robert Chiappisi said he has not had a chance to review the revised site plan. Hard copies were provided on the Thursday prior to the meeting.

W. Keller suggested they stop the public hearing until the next meeting as there was a lot to review and the hour was getting late. He said he spent a lot of time looking at it and K. All agreed. He asked what the time frame for completion of the project would be. Three to four months and the applicant wants to make sure it interconnects by De. 31, 2023.

There was discussion back and forth about information that was asked for and what was received. C. Ferla reiterated several of her arguments regarding the environmental sensitivity of the location. W. Keller also said he had asked to speak with an engineer.

W. Garigliano said the company has the Storm Water Pollution Prevention Plano (SWPPP) that is regulated by the state Department of Environmental Conservation (DEC). He explained a swail has been added to the plan that should benefit the drainage around Sue Fortier's property. Addition of the swail is not required.

K. Sullivan said there were conflicting priorities. She said they weren't going to remove the swail only to be told next month they must include it again.

W. Keller again reiterated the value of contour plowing and K. Sullivan said DEC will not approve contour plowing. W. Garigliano said DEC still has not promulgated its regulation for solar panels. He said the applicant is attempting to figure out what is wanted.

He said a vibration study has indicated there is no impact on the neighboring properties.

R. McKertich said the problem appears to be jumping from thing to the next without resolving any one issue. He suggested they make a check list to determine what planning board concerns remain outstanding and what has been brought up by the neighbors.

W. Garigliano said the public hearing needs to be closed at some point or they will never get to the end.

R. McKertich said the material arrived last Thursday and the public needs time to review it. When the planning board feels comfortable it has enough information they will close the hearing and move on.

Vibration Study - D. Darling said if the study was done properly (by an engineer or a geologist) they can accept the results that there is no impact. R. Chiappisi said he couldn't comment on the process the engineer used, but it was signed by an engineer. Planning board members indicated there is not problem accepting the results of the study submitted by an engineer.

It was pointed out that the application still must go through the State Environmental Quality Review Act (SEQRA) process,.

Glare Study - W. Garigliano had a letter submitted by an engineer that the panels are designed to absorb the light and not reflect it. They will give no more glare than a window in someone's home. It used state of the art equipment from numerous vantage points. It came up zero in each and every case and K. Sullivan indicated they were being very conservative with it.

K. All said he wasn't sure he understood the report. K. Sullivan said they actually expanded the area to O'Dell Lake Road, after they submitted the study. It too was a zero.

R. Chiappisi said he would put it online on the town's website.

W. Keller said it makes sense. The viewer would have to be 200 feet high, due to the orientation of the panels, to see any glare.

Groudwater runoff - The swail for diversion. F. Ciulla said he was not comfortable and wishes to review the SWPPP. Delaware Engineering has reviewed it.

W. Garigliano said it is an extra cost to the applicant and extra review time. He said the swail is an attempt to solve the problems of drainage the already exists at the S. Fortier property.

S. Fortier said they should go somewhere else. W. Garigliano said this location was selected for a reason. It meets the criteria needed to site a solar array.

Tree cutting - D. Darling said the clear cutting on the property is a concern.

R. McKertich said the planning board's concern is whether the tree removal creates any adverse environmental impact.

K. Sullivan said the SWPPP takes care of the tree removal. They must follow DEC's rules and regulations because they are changing the site and must address it.

Visual Impact - W. Garigliano said there is no difference in the materials and K. Sullivan said there are buffers of 150 feet. He went on to explain all of the trees are being cut, so the sizes of the trees being cut is irrelevant.

C. Ferla reiterates the impact of tree removal on wetlands and wildlife and aquatic life as pointed out in several studies she has submitted to the planning board during the public hearing. She said even unregulated, smaller wetlands are affected by the removal. She said there have been no biologists visiting the site to determine what may be affected.

K. Sullivan said the applicant has conducted a study with their own biologist who has a Ph.D. in biology. They have checked the species there and they have upped the mixture for ground cover to take the existing wildlife and butterflies into account.

W. Garigliano said the information has been available in the record for months.

R. McKertich said the planning board could take another look at the environmental impact report. As

part of the SEQRA review a potential for impact could require an additional study.

R. Chiappisi said he could provide individual PDFs and send them to the planning board related to the tree clearing so they can figure out if there is a connection.

Noise - D. Darling said he believed the only noise was going to be during construction.

K. Sullivan said they can add the distance to the pad where the conversion is made. The board is okay with the noise.

Fire Safety Concerns and proximity to homes. It is believed there is no threat for a fire to spread once the system is shut down and disconnects from the transformers. Training will be provided to the local fire department.

R. McKertich said it is a condition of approval. W. Garigliano said the fire department training could be a condition for certification of completion, along with the installation of a Knox box.

R. Chiappisi asked how electrical inspections are handled. The town hires a certified electrical inspector at the applicant's cost.

C. Ferla said there is also concern about access to the entire area if there is a fire. S. Fortier said she had submitted a study regarding fires. What if a tree near her home catches fire. D. King said it would be extinguished the same as any other fire in a tree near her home and the fire department would protect her property.

The planning board indicated they accepted the Fire Safety information.

The panels are grounded with metal H-posts driven directly into the ground, which is a perfect grounding mechanism according to W. Garigliano. Which addresses the question of lightning strikes.

Well Contamination - S. Fortier is concerned about heavy metals leaching into the ground as the panels degrade over time, possibly contaminating her well.

K. Sullivan said Cornell University has conducted studies that tested the panels currently existing, which are reaching the end of their life span and have not found contamination. The panels that are being installed today are mostly silicone and glass and have no contaminants. She could provide a listing of materials from the supplies.

W. Garigliano said it is up to the town CEO to check that out. The panels will likely come from Southeast Asia.

Carrie Sloan said a man asked where the panels would be manufactured, early in the discussions. They are no longer being produced in Korea.

W. Garigliano said the silicone comes from China and the glass from various Southeast Asia locations.

M. McKertich said there will be buffering from the neighboring homes.

K. Sullivan said they added additional variations of plants from the last meeting. They could delete the

additional plantings if the planning board wanted.

C. Sloan said they talked about using the bushes in a double layer.

M. Chiappisi said there is a difference between buffering and screwing. He had included notes and information on size and height, but not on the numbers.

D. Darling asked if they could provide a map differentiating by color, based on the plan.

K. Sullivan said larger trees will be used to screen right away and the others will fill in as they grow. She will provide a list. She advised the planning board to look and see what they would like the applicant to add. They are looking at forested wetlands that have these species in it.

R. McKertich said those are the two major issues he picked up on from the public.

S. Fortier asked about property value.

M. McKertich said there is no documentation on this available. He will check the town's site plan law to see if property value is mentioned in it.

W. Gariluno said it is the policy of the state and nation to wean off carbon footprint. Renewable energy is an unavoidable impact. This site has few neighbors. It requires a three-phase electric line. We do care about the neighbors and are doing what we can.

K. Sullivan said she had two action items and they will attempt to answer them in two weeks so it can be reviewed before the next planning board meeting.

R. Chiappisi said they are still waiting on comments in the SWPPPP and a few minor action items.

R. McKertich said he will have some comments on the decommissioning plan.

C. Ferla said she has not seen the decommissioning plan and asked about the funding and the amount.

There was discussion about revisiting the money placed in escrow for the decommissioning and how it will be adjusted for changes in costs over the years. M. Chiappisi said the review is being done according to NYSERDA's guidance.

W. Keller said he prefers an annual review rather than five years.

A written plan is being reviewed by the planning board's attorney.

R. McKertich also noted that a note from the town clerk indicates the escrow account needs to be replenished.

The applicant will also get the emails of the entire planning board so information can be emailed to them.

D. Darling asks for a map to delineate the foliage and the areas to be cleared off. W. Gariluno said he would do the clear cut area and the area where the stumps will remain and areas of no disturbance.

A motion was made by D. King with a second by W. Keller to continue the public hearing on the Weaver Road Solar Project to next month. Motion carried 5-0.

A motion was made by F. Ciulla, with a second by D. King to adjourn at 9:42 p.m. Motion carried 5-0.

Respectfully submitted,

Liz Page
Recording secretary