Town of Harpersfield

Planning Board

Minutes: **February 23, 2023**

Present: D. Darling, W. Keller, F. Ciulla, A. Gallagher. D. King arrived at 7:18.

Also present: L. Page, Ayah Bodran (Young and Sommer), Chris Ferla, Joe Ferla, Sue Fortier, Charles Gottlieb, Sean Murphy, Colleen Bisceglia, Len Marigliano, Carrie Sloan, Teddy Koparos, Peter Abrams and Greg Lubininsky. Kelly Sullivan arrived later.

Chairman Dean Darling called the meeting to order at 7:12 p.m..

Adam Gallagher will be a voting member in the absence of K. All.

Minutes of the January 25, 2023 meeting were approved as presented on a motion by F. Ciulla and a second by A. Gallagher. Motion carried 5-0.

No one was present from Delaware River Solar and a motion was made by W. Keller, with a second by A. Gallagher, to adjourn the public hearing. Motion carried 5-0.

The initial review by the consultant has been completed and the additional information reviewed. A number of items have been listed, most of them minor. A copy of the lease agreement with NYSEG was received and draft comments were received yesterday. W. Keller asked about his (Walt's) comments. All of the information is available, with links to the information on the town's website.

Charles Gottlieb of Whiteman, Osterman and Hannah was present regarding a site plan application for NY Safety Track. Also present was Greg Lubininsky, who did not sign in.

He indicated a site plan has been submitted for the mini track, as well as a staging area, along with a narrative of the scope of operations. He asked the board to announce its intent to act as lead agency and to schedule a public hearing.

W. Keller listed items at issue. Work was started prior to the planning board's review. There is a discrepancy as to when the engineer signed the plan. He said the scope of services is an insult, without specific times and where the activities will take place. This is a new review. He questions the accuracy of an acoustical review without the trees that were removed. He did not believe the planning board should hold a hearing until the acoustical engineer has had time to review the information submitted. He said the plan is out of date if it is being used after the times cited for racing.

D. King pointed to inconsistencies in the numbers regarding instructors and vehicles on the track. The numbers on all of the submissions should be the same. Some were looking at a previous site plan map.

D. Darling said all of the information needs to be spelled out and it will have to be part of the noise study. The uses and times need to be more defined regarding all of the activities that are going to take place. He said the planning board needs a more detailed site plan that is more specific and includes what is on the track when and it is reviewed by a sound engineer.

A. Gallagher said they need to present the types of existing racing events and explain why they are not

large spectator events. He said he has seen videos posted on the track's website that indicate otherwise, in addition to uses that have not been listed in the site plan. He asked him to explain how a typical day at NY Safety Track goes down.

D. Darling said if attendees are using the premises until 10 p.m., a lighting plan should be included. The site plan must be complete before it is presented to the public. A public hearing will not be scheduled until there is a complete site plan.

G. Lubininsky said there is no plan to install any lighting.

A public hearing cannot be scheduled before April.

On a motion by D. King, with a second by W. Keller, the public hearing for Delaware River Solar was reopened. Motion carried 5-0

Kelly Sullivan was present to answer questions. Comments from the engineer are available to the public on line regarding the Stormwater Protection Plan (SWPPP) and State Environmental Quality Review Act (SEQRA).

S. Fortier asks if vibration from driving the piles will affect the foundation of her home.

C. Ferla submitted a study regarding amphibians, referring to frogs and the spotted salamander are in the area and the project could disrupt their habitat. Tree removal will have an impact. (see attached submissions)

An unidentified speaker asked if they could ask for inspections of the noise vibration and the cost benefit. It is on the owner to make sure these are not being violated.

K. Sullivan said they could do a glare study, noise, vibration and cost benefit and species.

W. Keller said the SWPPP deals with groundwater. Contour plowing minimizes the need for retention ponds and puts the water back into the soil where it is needed.

On a motion by A. Gallagher, with a second by D. King, the hearing was adjourned until March. Motion carried 5-0.

The public hearing on Blue Wave Solar indicated comments have been received from the engineering consultant and will be addressed. It was also discussed the project, for the purpose of SEQRA will be one project for two adjoining arrays.

The public hearing cannot be closed until all of the documents have been received.

A motion was made by D. King, with a second by A. Gallagher, to adjourn the public hearing until March. Motion carried 5-0.

On a motion by D. King, with a second by W.Keller, the meeting was adjourned at 10:38 p.m.Motion carried 5-0.

Respectfully submitted,

Liz Page

Recording Secretary

2/21/23 Steve Weiss

PUBLIC COMMENTS FOR PLANNING BOARD 2/22/2023

I support the use of solar for energy generation. I do not support placing commercial solar developments in rural areas that rely on pristine viewscapes to attract tourists and home and property buyers. Harpersfield has little commerical development, no central commercial street or district, and is characterized as a rural agricultural community. The development of commercial solar fields that involve clear cutting acres of trees, loss of pasture and fields, and destruction of natural viewscapes is completely inconsistent with Harpersfield's master plan and should not be permitted.

In addition, the companies that build these commercial solar fields have not provided answers to questions asked at the November and January meetings. And they have not provided the materials promised at the January meeting. You may recall that, among other items promised, Blue Wave Solar was going to generate a realistic rendering of the viewscape of their proposed solar field as viewed from a car on Route 23. Blue Wave also promised to make its entire site plan application available on line, and to provide a copy of the lease agreement with the property owner for viewing at the Town Hall. Where are the answers to questions and the materials? When Blue wave wants something from Harpersfield it cannot even be bothered to honor what they promised. Imagine how the relationship will work if their project is approved and built and Harpersfield needs something from them. Do you really think they will voluntarily comply after their project is completed? Harpersfield, with a limited tax base, cannot afford to be in legal arguments with these companies.

We have all discussed the issue of tax assessments on the properties that have solar developments. At the January meeting, while Blue Wave's principal owner was present, there were several comments about increasing the property taxes in a sufficient amount to compensate the town in the event the solar field is built. Blue Wave's principal was here and did not make

any comment about this issue. It turns out that New York State severely limits the amount that property taxes can be raised on solar fields. As a result, there is little monetary benefit to the town, and likely a net loss when you calculate the loss of property value, loss of tourism and the dollars that can be spent in local businesses.

As reported in "The Cobleskill Herald" on January 20, 2023, Schoharie County is currently involved in a lawsuit against the State of New York over the issue of property tax valuation for solar fields. NYS does not permit local towns and municipalities to formulate their own taxation values on alternative energy properties. This has the effect of burdening upstate rural communities with bearing the costs of these developments and watching the benefits flow to the downstate energy users.

As reported in "The Schoharie News" on January 20, 2023, the town of Middleburgh voted to enact a zoning law that prohibits the development of commercial solar fields and wind turbines. The reason provided for the new zoning law would be to allow the town to formulate appropriate zoning measures around the issue. As reported in the article, Middleburgh supervisor Wes Laraway "said that the town tried to play nice with the solar and wind companies and when they can't play nice we just removed it from our plans." The article states, "Developers see the towns as an easy mark and 'try to take advantage of towns.'"

Middleburgh Supervisor Laraway advised that towns must be prepared ahead of time for solar and wind proposals, otherwise the first time the town has to consider these issues is during the site plan or permitting process. This is good advice for Harpersfield – enact a zoning law prohibiting the development of commercial solar and wind developments and then study the issues, let the property tax issues play out in the courts and then, if appropriate, revisit the issue later. If a targeted zoning law cannot be passed then the minimum the town should do is adopt a 6 or 12 month moratorium on the consideration of site plan applications for solar and wind

turbine fields while the appropriate information is gathered and reviewed. That is the direction already taken by the town of Jefferson.

As reported in "The Cobleskill Herald" on January 27, 2023, the town of Seward residents strongly oppose the development of commercial solar fields. The solar field proposed for Seward is actually part of a larger solar field that is sited in the town of Carlisle. John Leavitt, the Carlisle town supervisor stated that the solar companies were more willing to negotiate in good faith with the town before the government started to heavily subsidize these solar projects. Now because the solar companies are being heavily subsidized with state and federal tax dollars, (Blue Wave admitted to receiving at least 37% of its budget from tax dollars), the solar companies can impose the rules and deals they want, have an unfair advantage in property tax valuation, and a take it or take it attitude. Mr. Leavitt stated, "the actual [property] tax benefits would be nothing" when actually put in place. Mr. Leavitt noted that the companies cause anger among the residents that will be there for years and the only one who benefits is the solar company.

Harpersfield should join all the other small towns in the area who are saying "No" to commercial solar and wind turbine fields. Not enough is known about the economic impact of these installations, the property tax valuation methods that strongly favor the solar companies over the interests of the town are being actively litigated in court, the legal risks and responsibilities of the town are unknown and likely unaffordable, and the follow on effect of permitting one solar field will be more solar site plan applications and then the development of transmission substations. This will lead to the destruction of the only assets in the town which are the natural beauty of the environment and the property values that are dependant on this beauty.

I also request that the public comment period remain open for the next meeting.

QUESTIONS FOR SOLAR REPS FROM BOTH COMPANIES

How large is each solar panel?

How many panels are anticipated for the proposed solar field?

How are they installed? Cement footers, pile drivers? etc?

How many support posts are necessary for each panel?

Does your company have a dedicated crew that installs the solar panels in the field?

Those employees dig the holes, pour the concrete, operate the machinery, right?

Does a company employee inspect the solar field on a regular basis? What is the schedule?

Based on your answers it seems that your solar field will not create any local jobs, correct?

What are the working hours for installation?

What is your time-line to start installation?

Is the entire solar field surrounded by a fence? What kind of fence? How high, materials, etc.

Are you aware that New York State limits the amount that property taxes can be raised on solar fields?

Can you explain how the property tax assessment is limited by New York State regulation?

Cherie Fonda 2/22/23

February 22, 2023

Previous submissions included both scientific literature and recommendations found on the DEC website indicating the need for larger buffers around wetlands, and the importance of upland forest to wetland biodiversity. This is another study with similar results, going somewhat further by predicting extinction risks associated with inadequate buffer zones.

Demographic Consequences of Terrestrial Habitat Loss for Pool-Breeding Amphibians: Predicting Extinction Risks Associated with Inadequate Size of Buffer Zones
E.B. Harper, T.A.G. Rittenhouse, and R.D. Semlitsch 2008

This is a study of wood frogs and spotted salamanders, both of which breed in wetlands throughout the northeastern United States:

- Loss of terrestrial habitat, resulted in increased extinction probabilities and decreased mean and median population sizes for wood frog and spotted salamanders.

- Current state level wetland regulations protecting 30m (98 ft.) of surrounding terrestrial habitat are inadequate to support viable populations of wood frogs or spotted salamanders. These buffer zones are intended to protect aquatic habitats. They do not adequately protect the quality of adjacent terrestrial habitat which must also be buffered if wetland biodiversity is to be maintained.

- Numerous landscape-scale studies correlate the amount of forest cover within the core terrestrial habitat area with the presence or absence of many amphibian species, which suggests that even when aquatic habitat is maintained, degradation and loss of terrestrial habitat can lead to amphibian declines and extinctions.

- Both species depend on forest, migrating from terrestrial overwintering habitat in upland areas to wetland breeding sites in early spring.

- Core terrestrial habitat area extends on average159-290m (520-950 ft) from the breeding site.

- Reduced amphibian population sizes have the potential to drastically alter the integrity of wetland ecosystems by disrupting the complex interactions among wetland organisms. Amphibian declines and extinctions have consequences beyond the loss of a single population or species.

Hopefully, this information, along with previous submissions will help you when you are making your determination about the environmental impact of this project. Science tells us that the 100" buffer is inadequate. And removal of 20 acres of trees is significant in itself. But the impact is far greater when that forest is adjacent to almost 40 acres of wetlands, and results in the loss of habitat for the species that rely as much on the surrounding forest as they do on the wetlands.

Respectfully submitted,
Chris Ferla
Preserve Harpersfield

Chris Ferla 2/22/23

February 22, 2023

Role of Amphibians in Ecosystem (H.T. Lalremsanga, August 2021)

Amphibians are a critical element in the food chains of most ecosystems, and sometimes a keystone species whose removal can drastically alter the populations of other organisms.

Many amphibians serve as important prey for invertebrates, other amphibians, reptiles, and birds. In terrestrial ecosystems, as predators, terrestrial and terrestrial-stage amphibians may support ecosystem services through their role in regulating invertebrate populations, altering physical habitats, and cycling nutrients.

Adult amphibians are the best biological pest controllers.

Amphibians provide vital biomedicines, including compounds that are being refined for analgesics, antibiotics, stimulants for heart attack victims, and treatments for diverse diseases including depression, stroke, seizures, Alzheimer's, cancer and HIV.

In fact, around 10% of all Nobel prizes for medicine have resulted from studies on frogs.
(Phil Bishop interview with Synchronicity Earth, April 26, 2018.)

Respectfully submitted,
Chris Ferla
Preserve Harpersfield

Role of Amphibians in Ecosystem

Presentation · August 2021
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1 author:

H.T. Lalremsanga
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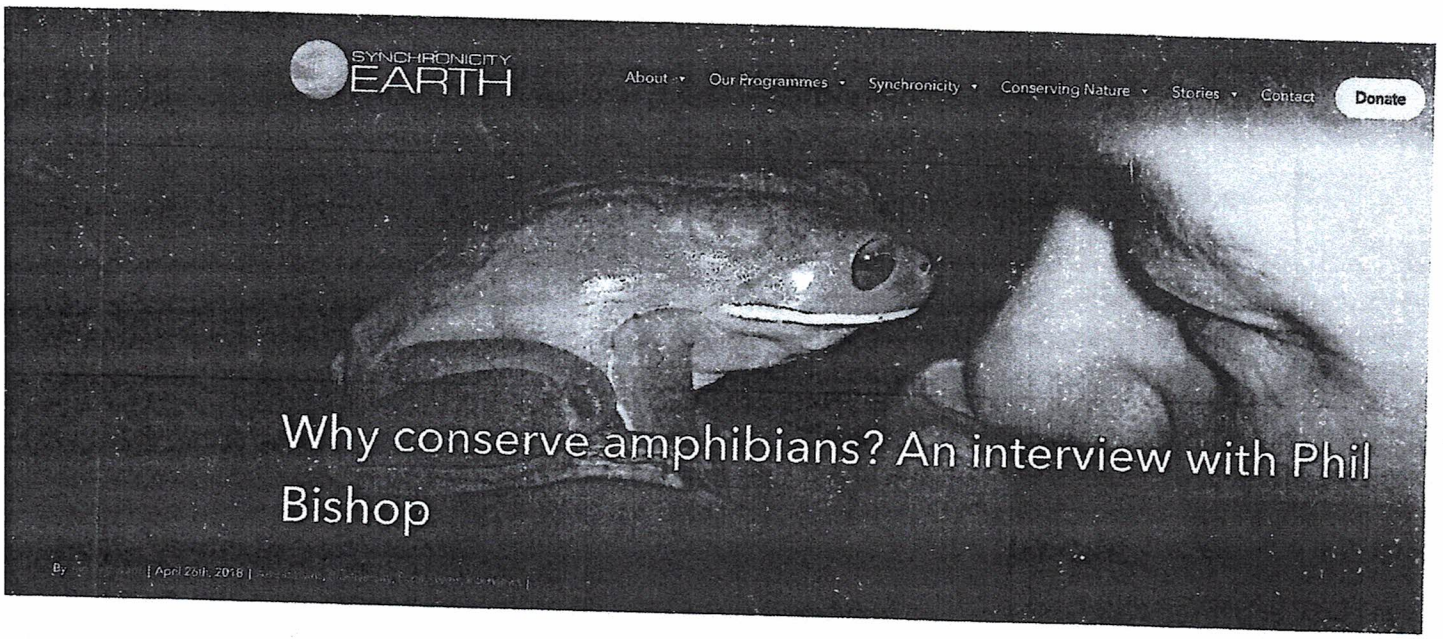

il Bishop wears many hats. He is the Chief Scientist of the Amphibian Survival Alliance (ASA), a role he has had since the Alliance started ck in 2011. He is also co-Chair of the IUCN SSC Amphibian Specialist Group (ASG). The job he gets paid to do is Professor of Zoology and rector of Ecology at the University of Otago in Dunedin, New Zealand. We spoke to Phil about his many decades of conservation work with mphibians, why amphibians matter and what the ASA and others are doing to conserve these amazing species and help more people derstand their value and place in Earth's incredible web of life.

help more people understand their value and place in Earth's incredible web of life.

If someone has no particular love for amphibians, why should they care about them?

I get asked this question a lot! Of course, there are some people who love frogs and are already converted, people who are interested in their specific roles in the ecosystem and so on, but that's far removed from most people's preoccupations. "Ecosystem? What's that? Why should I be worried about an ecosystem?"

I think what often hits home most for the public is the role amphibians have had in medical research. They've already given us a range of amazing medicines: the first antibiotics were discovered from antimicrobial peptides that are found in frog skin, and there has been a lot of research into frog skin secretions: researchers have found painkillers that are 200 times more powerful than morphine in the skin of a frog; they have identified frog skin secretions which can help with Alzheimer's and are a potential treatment for Type 2 diabetes; they've found a potent anti-viral that stops the transmission of HIV; with the antibiotic resistant bacteria that you find in hospitals now, they're finding that a lot of frog skin secretions are active against those bacteria as well. Then there's the spinal cord injury research being done on tadpoles: tadpole tails are made of muscle, nerve and fibre – just like a human spinal cord – and when it is removed the tadpole can regrow it.

In fact, around 10 per cent of all Nobel prizes for medicine have resulted from studies on frogs. For the public, that can be a real eye-opener: amphibians are a treasure trove of huge medical potential for the future. If you can bring it back to people and tell them it might save their life in the future, then they connect with that, it makes them think.

Contributed Paper

Demographic Consequences of Terrestrial Habitat Loss for Pool-Breeding Amphibians: Predicting Extinction Risks Associated with Inadequate Size of Buffer Zones

ELIZABETH B. HARPER,*† TRACY A. G. RITTENHOUSE,* AND RAYMOND D. SEMLITSCH*

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Abstract: *Much of the biodiversity associated with isolated wetlands requires aquatic and terrestrial habitat to maintain viable populations. Current federal wetland regulations in the United States do not protect isolated wetlands or extend protection to surrounding terrestrial habitat. Consequently, some land managers, city planners, and policy makers at the state and local levels are making an effort to protect these wetland and neighboring upland habitats. Balancing human land-use and habitat conservation is challenging, and well-informed land-use policy is hindered by a lack of knowledge of the specific risks of varying amounts of habitat loss. Using projections of wood frog* (Rana sylvatica) *and spotted salamander* (Ambystoma maculatum) *populations, we related the amount of high-quality terrestrial habitat surrounding isolated wetlands to the decline and risk of extinction of local amphibian populations. These simulations showed that current state-level wetland regulations protecting 30 m or less of surrounding terrestrial habitat are inadequate to support viable populations of pool-breeding amphibians. We also found that species with different life-history strategies responded differently to the loss and degradation of terrestrial habitat. The wood frog, with a short life span and high fecundity, was most sensitive to habitat loss and isolation, whereas the longer-lived spotted salamander with lower fecundity was most sensitive to habitat degradation that lowered adult survival rates. Our model results demonstrate that a high probability of local amphibian population persistence requires sufficient terrestrial habitat, the maintenance of habitat quality, and connectivity among local populations. Our results emphasize the essential role of adequate terrestrial habitat to the maintenance of wetland biodiversity and ecosystem function and offer a means of quantifying the risks associated with terrestrial habitat loss and degradation.*

Keywords: *Ambystoma maculatum*, amphibian demography, isolated wetland, matrix model, population viability, *Rana sylvatica*, spotted salamander, wetland conservation, wood frog

Consecuencias Demográficas de la Pérdida de Hábitat Terrestre para Anfibios que se Reproducen en Charcas: Predicción de los Riesgos de Extinción Asociados con el Tamaño Inadecuado de las Zonas de Amortiguamiento

Resumen: *Gran parte de la biodiversidad asociada con humedales aislados requiere hábitat acuático y terrestre para mantener poblaciones viables. Las regulaciones actuales sobre humedales en E. U. A. no protegen humedales aislados ni extienden la protección al hábitat terrestre circundante. Consecuentemente, algunos manejadores, planificadores urbanos y tomadores de decisiones a nivel estatal y local están realizando un esfuerzo para proteger a estos humedales y sus hábitats circunvecinos. El equilibrio entre el uso de suelo por humanos y la conservación del hábitat es un reto, y las políticas de uso de suelo bien informadas están limitadas por la carencia de conocimiento sobre los riesgos específicos de diferentes cantidades de pérdida de hábitat. Mediante proyecciones de poblaciones de* Rana sylvatica *y* Ambystoma maculatum, *relacionamos la cantidad de*

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