

Town of Harpersfield Planning Board

Minutes: July 31, 2024

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

Also present: L. Page, R. McKertich, N. Brower, Jared Lush, May A. Callan, David Levine, Joe Semen-Graves, Adam Yagelski, Michael B.C. Smith, Jillian McCarthy (Daily Star), Alyssa Marschilok, Camberly VanValkenburg, Jack Redmond, Ken Smith, Sean Murphy, Andrew Shaffer and Amanda Shaffer.

Chairman D. Darling called the meeting to order at 7 p.m..

Minutes of the June 26, 2024 meeting were approved as presented on a motion by F. Ciulla with a second by W. Keller. Motion carried 5-0.

D. Darling read the public hearing notice for the Bruce Hill Solar C project. The hearing would begin after a couple of items on the agenda.

Alyssa Marschilok was present regarding a proposed doggie day care and dog boarding facility on Wilcox Road. She said there were no regulations to be filled out in regard to state regulations. She provided a sketch of the kennels and the fenced in area. She does not anticipate any prolonged problem with noise (barking dogs). A "high-pitched gizmo" will help keep them from barking. Dog waste will be taken care of with a Petsy N10 device. She has received no complaints from the neighbors regarding barking dogs. W. Keller asked how she was going to manage the dogs there. They will be outside during the nice weather, or they will be on a schedule. It will depend on how well the dogs get along. She plans on having toys for them to play with. At night they will be inside the kennels. W. Keller asks if they will have more of a tendency to bark when they are inside the kennels. She does not believe so.

W.Keller made a motion, with a second by F. Ciulla, to schedule a public hearing on the proposed site plan for the doggie day car/boarding facility for the Aug. 28. Motion carried 5-0.

Verizon Wireless update. The town board did pass a law to provide for a waiver in the town's Communications Tower Law. D. Darling read the resolution that was passed and is known as Local Law 001 of the Town of Harpersfield Communications Tower and Facilities Law Waiver Provision. It allows a waiver in the set back from properties to be in line with current standards. (see attached resolution.)

A motion was made by D. King, with a second by W. Keller to hold a public hearing on the proposed cell tower application at the August meeting. Motion carried 5-0.

A motion was made by A. Gallagher, with a second by F. Ciulla to adopt the resolution to refer it for a 239 review with Delaware County Planning Board for an application citing lead agency under SEQRA and referral to the county as at Type I action. Motion carried 5-0. (See Additional Resolution attached.)
Aye votes: A. Gallagher, F. Ciulla, D. King, W. Keller and D. Darling.

D. Darling reported on a meeting regarding Delaware River Solar on the Weaver Road solar project. A site visit was made with planning board members. They discussed different tree planting to provide a

buffer to the site - it would be passed on to the site engineer and they are to get back to the planning board, which they have not done yet.

The public hearing on Bruce Hill Road Solar C was opened at 7:25 p.m..

Joe Semen-Graves has taken over the projects from Rob Quierolo, who has taken a new position. Also present was Sean Murphy of Flycatcher.

Semen-Graves presented a map of the project and provided basic information. It is a community scale project. The size has been reduced from the original proposal, the site has been slightly shifted from the original proposal and he provided some information about Blue Wave Solar.

He said they will be the owner operator and they are currently working on a road use agreement and decommissioning plan. They are closing up some of the final details and are holding the public hearing to get concerns to be mitigated. There is also a snowmobile trail on the property and they are working with a local group regarding the trail. The panels have no exposed features and are made with American-made steel. They have provided maps with the proposed views from various viewsheds.

Resident Andrew Schaffer asked what the expected output rate would be for 5 megawatts. He asked if a bond is being provided, what is the impact and longevity of the proposed project. He said so many solar farm across the U.S. go defunct, leaving behind the infrastructure and a mess. He said they are locating them in an area where solar is not the prime real estate.

J. Semen-Graves said New York State requires that you get an interconnect agreement. Some companies start before the interconnection is known or before they have the easements in place. They expect to operate at full capacity and it is not something they are going to decrease. The contract with NYSEG is in place and the easements have been issued with a full slate of customers built in, whether it operates at 95 percent or down to 25 percent. However, there is no interest to generate just 25 percent. It will be going into the grid regardless.

Shaffer asked if the capacity is guaranteed, with winter and lack of sunshine. J.Semen-Graves said the the weather is taken into account, the 5 mw is for a full year. Summer output will be way over. The utility has to look at the whole zone with eight or nine in the state and it does expand beyond your zone.

Shaffer asked if there isn't an impact on customers due to cost.

Semen-Graves said the utilities build in for upgrades on the line. They have already paid up front, which is better for the town. The bond is very detailed and a lot more than for a lot of municipalities in order to cover the cost of taking down the panels. He said it has a very line-item detail.

F. Ciulla asked if there are no battery storage facilities planned right now.

Amanda Shaffer asked what the panels are made of - wiring and silicone. She said silicone is harmful to human lungs. J. Semen-Graves said the panels are fully encased in glass. It is expected it will last over the intended lifespan of the project and they intend to donate (recycle) what remains.

Amanda Shaffer asked how many tons of silicone will be thrown into the trash. She said company should do its research - the amount that is thrown away is devastating.

May Callan asked if the equipment will be going up O'Dell Lake Road.

J. Semen-Graves said the plan is to use Bruce Hill Road. However, D. Darling said O'Dell Lake to Peters Road may be the route due to pitch of the road.

She said there is already a lot of farm equipment traveling along the roadway.

J. Semen-Graves said they would be happy to adhere to whatever the town highway superintendent designates.

D. Darling indicated the town highway superintendent has to have a lot of input on the issue.

SEmen-Graves was asked about fires. The panels are fire rated. The fire department will have access to a knock box for entry into the project area. There are no batteries to catch on fire, only the inverters which are tiny areas. The percentage for the chance of a fire is quite low and they will be working with the local fire department regarding training.

Amanda Shaffer asked if they know how much woodland surrounds the solar farm. "We don't want Harpersfield to burn up. Have you done any surveys around the panels."

J. Semen-Graves said he could get some figures.

Joey Darling asked him to point out the location of the project and where the electricity goes from there.

It is converted from AC to DC current and travels along a powerline attached to poles to the substation where it is distributed to homes.

D. King said most of it covers the town and REA.

Amanda Shaffer asked what that means to residents' tax dollars.

R. McKertich said it is not within the planning board's purview to answer.

D. Darling asked if there is any agreement regarding maintaining the ground underneath the panels with the property owner.

J. Semen-Graves said it is an agreement with the property owner and anything within the fenced in area is his company's responsibility to maintain.

D. Darling asked if they would be maintaining the access road from Bruce Hill Road to the project. It is a road that needs to be of high quality and that is currently being used by farm equipment, but must be maintained to allow access by emergency vehicles.

W. Keller said the groundwater is important and wondered if any of the ground cover that will be planted will consider groundwater recharge. He favors plantings that will help keep the water on the same footprint.

J. Semen-Graves said they have a sustainability team. The coverage they put on there will fit the land. He said they would rely on the planning board, the engineers, etc. . Sean Murphy said they are committed to the plan most resistant to water and will balance it with the type of plants sheep will eat. It will be the most erosion resistant and A. Yagelski said it will be maintained at a certain height as well.

W.Keller said water is an issue here and its the problem with global warming. W. Keller said he will

continue to go after DEC on the issue.

Andrew Shaffer said cadmium is on of the products that is a concern and J. Semen-Graves said it can be depending on the panels. They are using panels that totally encapsulate the elements. He used the city of Cohoes project as an example and said panels are floating on their municipal reservoir. The issue here is that there is no testing of the ground beforehand. In Cohoes, they test twice daily and there have been no impacts. He referred to Camp LeJeune in North Carolina. They are asking questions to make sure everything is being taken care of.

Joey Darling asked if they could outline what they are going to do there - if they are going to have goats or sheep. The fence extends 16 to 20 feet beyond the panels. Groundwater infiltration will provide water.

D. Darling said there is a hunting cabin there.

D. King said that when the panels go bad, they will receive notification. J. Semen-Graves indicated that an app will notify them of any changes in the output. They will have a sensor so that anything less than 100 percent will send out a notification and the panels will be triggered to turn off automatically.

F. Ciulla asked how high the fence will be.

On a motion by F. Ciulla, with a second by W. Keller the public hearing was closed at 8:10 p.m.. Motion carried 5-0.

D. Darling announced the planning board still had some business to conduct and they were welcome to stay but the public comment period had ended for the night.

B. McKertich referred to April 2023 when the planning board voted to approve the site plans for Bruce Hill A & B solar projects. That approval expires after one year. The applicant can apply for a six-month extension. They have asked to have the application extended until December. However, the law does not allow an extension beyond Oct. 26. They are asking for that extension until a building permit can be issued or there is physical evidence the project is in process.

They are looking for some changes. The planning board does have the authority to modify it, due to the road use agreement which they are asking to encompass all three projects. They can extend the application by six months and then modify the site plan application..

A letter from BlueWave requested an extension of the site plan approval for Bruce Hill Road Solar Projects for WC Rexmere Lakes LLC and Bruce Hill Road B Solar Project submitted by BWC Basset Brook LLC. under 7.060 of local Law 001 of 2006 (Town of Harpersfield Site Plan Law.) (see attached letter dated July 24, 2004).

A. Yagelski said they are aiming close SEQRA in September and approve amendments that are contingent upon the road use and decommissioning plans.

A motion was made by W. Keller, with a second by A. Gallagher to close the public hearing on the Bruce Hill C project. Motion carried 5-0.

A. Yagelski listed the items to be reviewed regarding the 100 acres of prime farmland, the cumulative

effect of the projects and mitigation of the issues. It requires the full environmental impact form and how it is inconsistent with land use plans, a town Comprehensive Plan that does not anticipate solar projects. He is recommending they not dismiss it, but prove it meets the Site plan Law. He said they should not dismiss but do extra work in order to make that analysis.

R. McKertich said they will review the A and B projects to see how those questions were answered .

W. Keller said the integration of the plans is important with the town and the county and they should be consistent. A and B are tied to C with the same issue.

A. Yagelski said he had a couple of questions for the applicant regarding the A and B narrative, putting all three projects together prior to approval and aspects of the project. Some will be detailed and if the planning board is comfortable, he can work with R. McKertich and the applicant.

D. King said they are going to have to look at Part II and compare for discrepancies. S. Murphy said it would be good to do a side by side comparison.

D. Darling said he believed the planning board could go with A. Yagelski's proposal. He will flag those discrepancies along with the cumulative impacts.

R. McKertich said the planning board has the letter to act on, seeking to modify the site plan.

W. Keller said area to work on with the county on a comprehensive plan and would like to hear from the board.

A motion was made by D. King, with a second by A. Gallagher to refer the Doggie Day Care and Board ing Kennel to the county planning board for review. Motion carried 5-0.

D. Darling said the planning board had received an application for an alternate planning board member from Doug Cole. On a motion by D. King, with a second by A. Gallagher, the application will be sent to the town board with a recommendation to appoint Doug Cole to the position. Motion carried 5-0.

The meeting was adjourned at 9 p.m. on a motion by F. Ciulla, with a second by W. Keller. Motion carried 5-0..

Respectfully submitted,

Liz Page
Recording secretary.