

**TOWN OF HARPERSFIELD
PLANNING BOARD**

**A RESOLUTION ISSUING AN APPROVAL OF THE AMENDED SITE PLAN FOR
THE BRUCE HILL ROAD A SOLAR PROJECT**

At a meeting of the Planning Board of the Town of Harpersfield, held at 25399 State Hwy 23, Harpersfield, NY on the 25th day of September, 2024, the following resolution was offered and seconded:

WHEREAS, in 2022, BWC Rexmere Lakes, LLC submitted a site plan application to the Harpersfield Planning Board to construct the so-called “Bruce Hill Road A Solar Project”, a five (5) megawatt (AC) distributed generation, ground mounted solar electric generation facility located at Bruce Hill Road, Harpersfield, NY (Tax Map Parcels 40.-1-78.1 and 40.-1-78.2) as set forth in the site plan application and plans; and

WHEREAS, the Planning Board adopted a Resolution designating the Bruce Hill Road A Solar Project as a Type I Action under SEQR and declaring the Planning Board as Lead Agency; and

WHEREAS, the Bruce Hill Road A Solar Project was referred to the Delaware County Planning Board, in accordance with GML 239-m, and a report was issued thereon; and

WHEREAS, the Planning Board held a public hearing on the Bruce Hill Road A Solar Project, at which time the Applicant and members of the public were entitled to comment on said application; and

WHEREAS, on April 26, 2023, the Planning Board issued a negative declaration under SEQR for the Bruce Hill Road A Solar Project and, on the same date, issued a site plan approval for said Project, subject to several conditions; and

WHEREAS, pursuant to Section 7.060 of the Town of Harpersfield Site Plan Review Law (Local Law 1 of 2006), “Site plan approval shall automatically terminate one (1) year after the same is granted unless a building permit has been issued and there is physical evidence to demonstrate that the project is in progress. An applicant may request one six month extension of this time frame”; and

WHEREAS, because no building permit had been issued, nor physical progress commenced, on the Bruce Hill Road A Solar Project within one-year of the site plan approval, by letter dated July 24, 2024, BWC Rexmere Lakes, LLC requested a six-month extension on the site plan approval for the Bruce Hill Road A Solar Project; and

WHEREAS, at its July 31, 2024 meeting, the Planning Board granted said six-month extension, thus extending the site plan approval for the Bruce Hill Road A Solar Project to October 26, 2024; and

WHEREAS, by letter dated August 8, 2024, BWC Rexmere Lakes, LLC requested a modification of their site plan approval for the Bruce Hill Road A Solar Project to reflect new requirements with respect to a Road Use Agreement and a Host Community Agreement; and

WHEREAS, as part of the Planning Board’s SEQR review of the Bruce Hill Road C Solar Project application, the Planning Board addressed any potential cumulative impacts related to the Bruce Hill Road A Solar Project, including any potential environmental impacts related to the request for amendment to the site plan approval for the Bruce Hill Road A Solar Project, and the Planning Board issued a negative declaration thereon; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves the Applicant’s request for an amendment to the site plan for the Bruce Hill Road A Solar Project, subject to the following conditions:

1. As a condition of this amended site plan approval, the Applicant’s affiliated company, BlueWave EPC, LLC, shall enter into a Road Use Agreement with the Town of Harpersfield in substantially the form attached hereto or as agreed upon by the Town Board and the Applicant. Any failure of BlueWave EPC, LLC to enter into or comply with the Road Use Agreement shall constitute a violation of this amended site plan approval; and
2. The Applicant and the Town shall enter into a Host Community Agreement, in substantially the form attached hereto or as agreed upon by the Town Board and the Applicant, upon the adoption of this Resolution; and

BE IT FURTHER RESOLVED that all conditions and approvals of the original Bruce Hill Road A Solar Project site plan application shall remain in full force and effect; and

BE IT FURTHER RESOLVED that the provision for an automatic termination of site plan approval one (1) year after the site plan is granted, as set forth in Section 7.060 of the Town of Harpersfield Site Plan Review Law (Local Law 1 of 2006), shall commence anew upon approval of this site plan amendment, such that the site plan shall now expire September 25, 2025, unless further extended by action of the Planning Board; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

CERTIFICATION

I, Liz Page, do hereby certify that I am the recording secretary of the Planning Board of the Town of Harpersfield and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Planning Board of the Town of Harpersfield at a meeting thereof held on the 25th day of September, 2024. Said resolution was adopted by the following roll call vote:

Chairman Dean Darling	<u> ayp </u>
Member Dusty King	<u> ayp </u>
Member Frank Ciulla	<u> aif </u>
Member Walt Keller	<u> aif </u>

^{AP}
Member ~~Kevin All~~ Cye
~~Adam Gallagher~~

Dated: September 25, 2024

Town Seal

 Liz Page
Liz Page, Recording Secretary

9/25/24

**TOWN OF HARPERSFIELD
PLANNING BOARD**

**A RESOLUTION ISSUING A NEGATIVE DECLARATION UNDER THE
STATE ENVIRONMENTAL QUALITY REVIEW ACT
FOR THE BRUCE HILL ROAD C SOLAR PROJECT
AND CONFIRMING A NEGATIVE DECLARATION FOR THE
BRUCE HILL ROAD A AND B SOLAR PROJECTS**

At a meeting of the Planning Board of the Town of Harpersfield, held at 25399 State Hwy 23, Harpersfield, NY on the 25th day of September, 2024, the following resolution was offered and seconded:

Procedural History on the Bruce Hill Road A and B Solar Projects

WHEREAS, in 2022, BWC Rexmere Lakes, LLC submitted a site plan application to the Harpersfield Planning Board to construct the so-called “Bruce Hill Road A Solar Project”, a five (5) megawatt (AC) distributed generation, ground mounted solar electric generation facility located at Bruce Hill Road, Harpersfield, NY (Tax Map Parcels 40.-1-78.1 and 40.-1-78.2) as set forth in the site plan application and plans; and

WHEREAS, in 2022, BWC Bassett Brook, LLC submitted a site plan application to the Harpersfield Planning Board to construct the so-called “Bruce Hill Road B Solar Project”, a three (3) megawatt (AC) distributed generation, ground mounted solar electric generation facility located at Bruce Hill Road, Harpersfield, NY (Tax Map Parcels 40.-1-78.1 and 40.-1-78.2) as set forth in the site plan application and plans; and

WHEREAS, the Planning Board adopted Resolutions designating the Bruce Hill Road A Solar Project and the Bruce Hill Road B Solar Projects as Type I Actions under SEQR and declaring the Planning Board as Lead Agency; and

WHEREAS, the Planning Board held public hearings on the Bruce Hill Road A and B projects, at which time the Applicants and members of the public were entitled to comment on said applications; and

WHEREAS, on April 26, 2023, the Planning Board issued a negative declaration under SEQR for the Bruce Hill Road A Solar Project and the Bruce Hill Road B Solar Project, on the same date, issued site plan approvals for both projects, subject to several conditions; and

WHEREAS, pursuant to Section 7.060 of the Town of Harpersfield Site Plan Review Law (Local Law 1 of 2006), “Site plan approval shall automatically terminate one (1) year after the same is granted unless a building permit has been issued and there is physical evidence to demonstrate that the project is in progress. An applicant may request one six month extension of this time frame”; and

WHEREAS, because no building permit has been issued, nor physical progress commenced, on the Bruce Hill Road A or B projects within one-year of the site plan approval, by letter dated July 24, 2024, BWC Rexmere Lakes, LLC and BWC Basset Brook, LLC requested six-month extensions on their site plan approvals for Bruce Hill Road Solar Project A and Bruce Hill Road Solar Project B, respectively; and

WHEREAS, at its July 31, 2024 meeting, the Planning Board granted said six-month extensions, thus extending the site plan approval for the Bruce Hill Road Solar Project A and Bruce Hill Road Solar Project B to October 26, 2024; and

WHEREAS, by letter dated August 8, 2024, BWC Rexmere Lakes, LLC and BWC Basset Brook, LLC requested modifications of their site plan approvals for the Bruce Hill Road A Solar Project and the Bruce Hill Road B Solar Project, respectively, by amending their previous approvals to reflect new requirements with respect to a Road Use Agreement and Host Community Agreements; and

Procedural History on the Bruce Hill Road C Solar Project

WHEREAS, on or about December 7, 2023, Odell Lake, LLC submitted a site plan application to the Harpersfield Planning Board to construct the so-called “Bruce Hill Road C Solar Project”, a 5.32 megawatt (AC) distributed generation, ground mounted solar electric generation facility located at Bruce Hill Road, Harpersfield, NY (Tax Map Parcels 53.-1-27 and 53.-1-5) as set forth in the site plan application and plans; and

WHEREAS, on January 31, 2024, the Planning Board adopted a Resolution designating the Bruce Hill Road C Solar Project as a Type I Action under SEQR and declaring the Planning Board as Lead Agency and, thereafter, the Planning Board conducted a coordinated review; and

WHEREAS, the Bruce Hill Road C Solar Project was referred to the Delaware County Planning Board, in accordance with GML 239-m, and a report was issued thereon; and

WHEREAS, on July 31, 2024, the Planning Board held a public hearing on the Bruce Hill Road C Solar Project, at which time the Applicant and members of the public were entitled to comment on said application; and

WHEREAS, as part of the Planning Board’s SEQR review of the Bruce Hill Road C Solar Project application, the Planning Board addressed any potential cumulative impacts related to the Bruce Hill Road A Solar Project and the Bruce Hill Road B Solar Project, including any potential environmental impacts related to the request for amendments to the site plan approvals for those projects; and

WHEREAS, the Planning Board’s designated engineer, Delaware Engineering, DPC, has reviewed the materials submitted in connection with the applications, including, without limitation, the FEAF Part 1 for the Bruce Hill Road C Solar Project, and supported preparation of the FEAF Parts 2 and 3 for the Planning Board’s consideration; and

WHEREAS, the Planning Board has carefully reviewed Part 1 of the FEAF, supporting materials submitted by the Applicant, and Parts 2 and 3 of the FEAF, prepared with support from Delaware Engineering, DPC, which are attached hereto and made a part hereof, against the criteria set forth in 6 NYCRR § 617.7(c), and reasonably related long-term, short-term, direct, indirect, and cumulative impacts; and

WHEREAS, as set forth on the FEAF Part 2, the Planning Board identified, *inter alia*, that the proposed Bruce Hill Road C Solar Project could impact the following resources: land, surface water, groundwater, plants and animals, agricultural resources, aesthetic resources, transportation, energy, noise/odor/light, open space/recreation, community plans and community character; and

WHEREAS, as set forth on the FEAF Part 3, the Planning Board identified that, when considered as a whole, the proposed Bruce Hill Road A, B, and C Solar Projects could have cumulative effects with respect to the following resources: land, surface water, agricultural resources, aesthetic resources, transportation, open space/recreation, community plans and community character; and

WHEREAS, as set forth on the FEAF Part 3, the proposed Bruce Hill Road C Solar Project (including the cumulative analysis of the Bruce Hill Road A Solar Project and Bruce Hill Road B Solar Project) has been designed to avoid these resources, or implements appropriate mitigation measures, such that no or small impacts are likely to occur; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby determines that, based on the environmental assessment and review, the proposed Bruce Hill Road C Solar Project will not have any significant adverse impact on the environment, and that a negative declaration, pursuant to Part 3 of the FEAF, is hereby adopted; and

BE IT FURTHER RESOLVED that the Planning Board hereby determines that, based on the environmental assessment and review, the proposed amendment to the Bruce Hill Road A Solar Project will not have any significant adverse impact on the environment, and that the Planning Board hereby confirms its prior negative declaration; and

BE IT FURTHER RESOLVED that the Planning Board hereby determines that, based on the environmental assessment and review, the proposed amendment to the Bruce Hill Road B Solar Project will not have any significant adverse impact on the environment, and that the Planning Board hereby confirms its prior negative declaration; and

BE IT FURTHER RESOLVED that the Planning Board hereby authorizes its Chairperson to sign Part 3 of the FEAF indicating thereon that an Environmental Impact Statement will not be prepared, and to cause a Notice of Determination of Non-Significance to be filed as required by law; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

CERTIFICATION

I, Liz Page, do hereby certify that I am the recording secretary of the Planning Board of the Town of Harpersfield and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Planning Board of the Town of Harpersfield at a meeting thereof held on the 25th day of September, 2024. Said resolution was adopted by the following roll call vote:

Chairman Dean Darling	<u>Aye</u>
Member Dusty King	<u>Aye</u>
Member Frank Ciulla	<u>Aye</u>
Member Walt Keller	<u>Aye</u>
Member Kevin All	<u>Aye</u>

DD

Adam Gallagher

Dated: September 25, 2024

Town Seal


Liz Page, Recording Secretary

**TOWN OF HARPERSFIELD
PLANNING BOARD**

**A RESOLUTION ISSUING AN APPROVAL OF THE AMENDED SITE PLAN FOR
THE BRUCE HILL ROAD B SOLAR PROJECT**

At a meeting of the Planning Board of the Town of Harpersfield, held at 25399 State Hwy 23, Harpersfield, NY on the 25th day of September, 2024, the following resolution was offered and seconded:

WHEREAS, in 2022, BWC Bassett Brook, LLC submitted a site plan application to the Harpersfield Planning Board to construct the so-called “Bruce Hill Road B Solar Project”, a three (3) megawatt (AC) distributed generation, ground mounted solar electric generation facility located at Bruce Hill Road, Harpersfield, NY (Tax Map Parcels 40.-1-78.1 and 40.-1-78.2) as set forth in the site plan application and plans; and

WHEREAS, the Planning Board adopted a Resolution designating the Bruce Hill Road B Solar Project as a Type I Action under SEQR and declaring the Planning Board as Lead Agency; and

WHEREAS, the Bruce Hill Road B Solar Project was referred to the Delaware County Planning Board, in accordance with GML 239-m, and a report was issued thereon; and

WHEREAS, the Planning Board held a public hearing on the Bruce Hill Road B Solar Project, at which time the Applicant and members of the public were entitled to comment on said application; and

WHEREAS, on April 26, 2023, the Planning Board issued a negative declaration under SEQR for the Bruce Hill Road B Solar Project and, on the same date, issued a site plan approval for said Project, subject to several conditions; and

WHEREAS, pursuant to Section 7.060 of the Town of Harpersfield Site Plan Review Law (Local Law 1 of 2006), “Site plan approval shall automatically terminate one (1) year after the same is granted unless a building permit has been issued and there is physical evidence to demonstrate that the project is in progress. An applicant may request one six month extension of this time frame”; and

WHEREAS, because no building permit had been issued, nor physical progress commenced, on the Bruce Hill Road B Solar Project within one-year of the site plan approval, by letter dated July 24, 2024, BWC Bassett brook, LLC requested a six-month extension on the site plan approval for the Bruce Hill Road B Solar Project; and

WHEREAS, at its July 31, 2024 meeting, the Planning Board granted said six-month extension, thus extending the site plan approval for the Bruce Hill Road B Solar Project to October 26, 2024; and

WHEREAS, by letter dated August 8, 2024, BWC Bassett Brook, LLC requested a modification of their site plan approval for the Bruce Hill Road B Solar Project to reflect new requirements with respect to a Road Use Agreement and a Host Community Agreement; and

WHEREAS, as part of the Planning Board’s SEQR review of the Bruce Hill Road C Solar Project application, the Planning Board addressed any potential cumulative impacts related to the Bruce Hill Road B Solar Project, including any potential environmental impacts related to the request for amendment to the site plan approval for the Bruce Hill Road B Solar Project, and the Planning Board issued a negative declaration thereon; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves the Applicant’s request for an amendment to the site plan for the Bruce Hill Road B Solar Project, subject to the following conditions:

1. As a condition of this amended site plan approval, the Applicant’s affiliated company, BlueWave EPC, LLC, shall enter into a Road Use Agreement with the Town of Harpersfield in substantially the form attached hereto or as agreed upon by the Town Board and the Applicant. Any failure of BlueWave EPC, LLC to enter into or comply with the Road Use Agreement shall constitute a violation of this amended site plan approval; and
2. The Applicant and the Town shall enter into a Host Community Agreement, in substantially the form attached hereto or as agreed upon by the Town Board and the Applicant, upon the adoption of this Resolution; and

BE IT FURTHER RESOLVED that all conditions and approvals of the original Bruce Hill Road B Solar Project site plan application shall remain in full force and effect; and

BE IT FURTHER RESOLVED that the provision for an automatic termination of site plan approval one (1) year after the site plan is granted, as set forth in Section 7.060 of the Town of Harpersfield Site Plan Review Law (Local Law 1 of 2006), shall commence anew upon approval of this site plan amendment, such that the site plan shall now expire September 25, 2025, unless further extended by action of the Planning Board; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

CERTIFICATION

I, Liz Page, do hereby certify that I am the recording secretary of the Planning Board of the Town of Harpersfield and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Planning Board of the Town of Harpersfield at a meeting thereof held on the 25th day of September, 2024. Said resolution was adopted by the following roll call vote:

Chairman Dean Darling	<u>aye</u>
Member Dusty King	<u>aye</u>
Member Frank Ciulla	<u>aye</u>
Member Walt Keller	<u>aye</u>

Member ~~Kevin All~~ ^{AD}
Adam Gallagher eye

Dated: September 25, 2024

Town Seal

 Liz Page
Liz Page, Recording Secretary