

Town of Harpersfield Planning Board

Minutes: **October 26, 2022**

Present: D. Darling, W. Keller, A. Gallagher, D. King

Also present: L. Page, N. Bower, Kelly Sullivan, Hon. Robert Schneider, Ulla Wadner, Susan Fortier, C. J. Karcher, Gary Harn, Robert Jira, Robin Jira, Doug Williams, Colleen Bisceglia, Sean Murphy, Ed Slicer, Carola Slicer, J. Ferla, C. Ferla, Doug Cole, Teddy Heparad(?), Bob Geoghagen

Chairman D. Darling called the meeting to order at 7 p.m... He announced that A. Gallagher would be a voting member in the absence of K. All and F. Ciulla.

On a motion by W. Keller, with a second by D. King, the minutes of the Sept. 28, 2022 meeting were approved with the following corrections: Sue Pick should be changed to Sharon Pick and the reference to the Delaware County Planning Board regarding the site plan for the CMLL was positive.

The public hearing on Delaware River Solar was opened with D. Darling reading the public hearing notice published Oct. 19, 2022 in the Daily Star newspaper.

A comment received from Brett Dakin and Kingston Wong, residents of Fisher Road, was received via email and reads, as follows:

Dean Darling, Chair
Planning Board
Town of Harpersfield

Dear Chair Darling:

As homeowners in Harpersfield residing at 1291 Fisher Road, we are writing to express our concerns regarding this proposed project, which we learned about only last week.

We request that the public hearing period be continued for at least 60 days in order that a full assessment of the impact be considered. A project of this size and complexity raises a number of concerns that require careful examination and consultation with the community, including but not limited to:

- change of land use from agriculture to industrial power
- conflict with the character of our rural and residential community
- transformation of the gateway to the Village of Stamford
- alteration of an historic area, site of the Sugar Bush Raid
- removal of a large stand of trees from a wetland leading to loss of erosion prevention
- concerns about Village of Stamford emergency services

Thank you for your consideration, and we look forward to learning more about this potential project.

Sincerely,

Brett Dakin & Kingston Wong
1291 Fisher Road
Stamford, NY 12167

On Tue, Oct 25, 2022 at 8:01 AM Matthew Landfield <matthewlandfield@gmail.com> wrote:

Dear Harpersfield Town Board,

My name is Matthew Landfield, and my wife Caitlin Barton-Landfield and I have property at 73 Swanee Lane, in Harpersfield/Stamford.

We are writing to ask that the review & public comment period for the Delaware River Solar Project be extended at least another 60 days, to enable the community to adequately review and respond to the proposal.

On cursory review, it appears that the proposed project is sited for an area of wetland, and requires the removal of a large stand of trees. The storm water runoff and erosion assessment in the plan is rudimentary at best, and the project only proposes adding grasses to the ground under the panels, which means a significant loss of erosion prevention. Erosion that is currently mitigated by the existing trees.

Also it appears that at least 50% of the project is planned for soil that is identified by the USDA as "Norchip Silt Loam" which is described as "poorly to very poorly drained" hydric soil. Removing the trees in that area is likely to compound the drainage issues in the landscape rather than improve them, and potentially lead to flooding over time. Disturbing wetlands can also have serious unintended effects on downstream watersheds, which in this case is the watershed of the Susquehanna river, via Center Brook.

These matters deserve further consideration and discussion, more than is provided for in this short public comment period. Please extend it!

Thank you!

Matthew Landfield & Caitlin Barton-Landfield

--

917.549.3629

@TimeTravlrMatt

matthewlandfield@gmail.com

<http://mattlandfield.com>

Hear me on [Here's The Thing with Alec Baldwin](#):

[Requiem for a Living City on Medium](#)

D. Darling announced the hearing will not be closed tonight due to the complexity of the project.

Kelly Sullivan (K.S), senior program manager, was present to give an overview of the project. Pete Dolgos, the engineer, was unable to attend the meeting.

K.S. said the project proposes a 4.98 megawatt solar farm at 21 Weaver Road, using 30.5 acres. Please see attached documents.

Following her presentation, the floor was opened to questions.

Ulla Wadner asked if the property was being leased and for how many years. Yes, typical lease agreements are 25 to 30 years. She also asked if there is a decommissioning plan. D. Darling said they are not at the point of discussing a decommissioning plan.

Joe Ferla asked if there is a security bond? Sullivan said she is not the developer.

D. Darling said this is something that still has to be worked out.

Someone asked what is the benefit to the town. Sullivan referred them to the New York State Electric & Gas website. Community projects generally offer a 5 to 8 percent discount on electric bills for those who sign up.

Robert Schneider, mayor of the village of Stamford, said the volunteer fire department is curious as to what risks might be present at the site and if any specialized equipment would be needed. K.S. - they

do provide training.

K.S. said there will be a pad for the converter to move the electricity from the solar panels to the NYSEG line. She said she did not know the likelihood of fire with the panels, but would get the information for the next meeting. There will be locks on the access gates and there is an automatic shut down system through NYSEG.

R. Schneider asked what the tax benefit would be to the town of Harpersfield. K.S. - A PILOT (Payment in Lieu of Taxes) would be negotiated between the town, the county and the school district. Generally it is for 15 years, after which the facility would go to regular taxation.

R. Schneider asked what would be done to offset the property values that surround the project. K.S. - She would be prepared to talk about that at the next meeting.

Ulla Wadner asked how many panels for the project and the height of the panels. K.S. - she did not have the number of panels, but they would be surrounded by a 7-foot fence.

R. Schneider commented that the viewscapes presented were only taken from the road. He asked the impact on the homes on the hillsides surrounding the project. He indicated there is no good location for the project and there must be a benefit for the town. He said there will be "glaring silver reflecting things" and concluded by calling it a "fool's argument". If the project goes through, he said the benefits have to outweigh everything else. A small savings on an electric bill will not outweigh a \$300,000 home.

D. Darling interrupted the comments to say the hearing is to engage with the siting of the project and the other issues are not pertinent at this time. He said at this time the planning board is attempting to get a feel for what the project is going to look like.

Chris Ferla said the viewscape presented from Fisher Road is so far in the distance that it is not realistic. They (Chris and Joe Ferla) can see the field with a clear view. She has pictures and offered to send them to Sullivan.

Sue Fortier said her house and her neighbor's house on Weaver Road were not visible in the photos taken. K.S. - If the property owners will give their permission she would be more than happy to take photos from the perspective of those properties.

C. J. Karcher questioned the entrance off state Rt. 23 and the location of Verizon phone lines. K.S. - indicated the entrance would be a driveway entrance and that the phone lines will be taken into account.

J. Ferla asked about wetlands. K.S. - there are a lot of wetlands and they are attempting to avoid the state Department of Environmental Conservation Dept.(DEC) recognized wetlands. The project will not be touching any of those. She went on to explain there are three agencies that must review the storm water design plan for both during and after construction.

J. Ferla asked about tax exemptions. K.S. - said a PILOT would be negotiated, with solar projects not included in the state tax codes. She said after 15 years the incentives go away.

D. Darling then explained the town, county and school district would be the parties involved in negotiating a PILOT.

S. Fortier asked that why after 10 years there have been no tax codes established for solar projects.

(masked lady) - A solar project at this location was proposed in 2016 and it was "nocked down", why is someone entertaining it again.

D. Darling explained Cypress Creek had proposed a project, but stopped the project. The project was not pursued to the point of any decision by the planning board. Delaware River Solar is now proposing a project, purchasing the lease agreement from the former developer. A lot has changed from the Cypress Creek project.

S. Fortier indicated the owner, Mr. (Sal) Bertolini first bought the property to create building lots, and because the soil wouldn't "perc" it was not suitable for the building lots and "we are now paying the price".

Robert Geoghagen said property values are going to go down.

D. Darling interrupted to say that these discussions are not part of the issues being addressed at the hearing.

R. Geoghagen said that it is and that "this group fought this for years".

Someone asked how many projects the company has in New York State and how many in Delaware County. There are 80-some projects in the state and two in Delaware County. The other project being proposed is in Hancock. There are currently no existing projects in the county.

K.S. - Addresses of existing projects can be furnished, with Whitney Point believed the closest project.

Ed Slicer asked how long Delaware River Solar has been in existence. K.S. - did not know but Bergman has been working with them for five years. He then asked if the projects are for batteries.

Ulla Wadner asked again how many panels are being proposed. The exact number isn't known by K.S. She said they are not tracking panels, but would be fixed (not rotating with sun) panels. They are three feet above the ground and 12-feet high, totaling 15 feet. She estimated 12,792 panels. Information about the panels will be supplied to the town.

J. Ferla asked if another project would be proposed on this property.

Masked lady asked that when the project is built, where will the electricity run.

K.S. - It is meant to stay within the community, it is a community project.

K.S. - there will be a transformer pad to convert the energy to the grid.

CJ Karcher asked how big the transformer would be - 1500 volts - and will it hum. K.S. - indicated it would make the sound of a refrigerator.

D. Darling asked her to explain the vegetation at the two sites. K.S. - There will be a smaller segment where trees will be removed, the rest is open and scrub brush. There will be a buffer of trees at location #3.

S. Fortier asked if there would be better sites than on the side of a mountain. K.S. - There are projects developed where the slope it is much steeper than this one, which will not be visible from Rt. 23.

R. Geoghagen asked if there are 13 to 14-inch brackets and what size piles do they sit on

S. Fortier asked if it would be permissive for the planning board to walk the property. K.S. - said that would be up to the developer.

K.S. - said she could provide the decibals of the transformer.

R. Geoghagen asked if the existing NYSEG line can handle the electricity produced. He referred to Green Lumber Company in Davenport and said it took two years for the cables to be established over the mountain to run electricity to the mill.

K.S. - said there was an interconnect agreement with NYSEG before they proposed to develop.

R. Geoghagen said NYSEG could pass the cost on to its customers.

K.S. - said that in order to do that, NYSEG must apply for a utility cost increase.

R. Schneider asked where the capital is coming for the project.

R. Geoghagen said the state is cutting power to nuclear power plants.

W. Keller said the federal and state government is providing the funding for these projects as part of the Green Revolution. The New York State Energy Research and Development Authority is providing incentives to develop solar energy projects.

D. Darling interrupted to say the discussion was getting off track.

W. Keller explained the planning board needs all the information in paper for the next meeting and that it will also be available to the public.

Someone asked how efficient solar panels are and K. S. said she would bring that to the next meeting.

Ed Slicer asked if there is a time table. K.S. said it would take two to three months to construct the project, which they hope to do by next spring. After that there would be maintenance visits to the site.

Another gentleman asked what the planning board thinks about the project.

D. Darling said the planning board is here listening. They were not making any decision on it at this time, just to make sure the site plan is done properly according to the site plan, which includes environmental issues.

W. Keller said there is a process to follow. If the planning board doesn't follow that process, the issue could wind up in court. He said there is a review process that is set in stone and the planning board makes its decision based on that information.

K.S. said it also goes to the Delaware County Planning Board and the DEC for approval in the end.

Ed Slicer said there is nothing in the town to prevent a solar project. It must follow the site plan review and if it meets the criteria, the planning board has to approve it.

N. Bower said there is one town in Delaware County where they are looking to develop a solar law. The planning board intentionally held the public hearing early in the process to get the information out to the public and to receive public input.

R. Geoghagen asked how the county can justify the loss of value on your house.

Another gentleman asked the cancer rates of people who work with electricity.

J. Ferla said it would seem a solar law should be in place before the solar farms.

S. Fortier said it is emotionally and physically draining.

CJ Karcher said they (Delaware River Solar) should purchase the land around the project.

K.S. offered that if anyone thought of anything, to come to them. They can generate extra photos and simulate what it would look like - the sooner the better.

Another gentleman said he came from Europe where every (solar?) farm was out of the city and towns, away from the people - this one is right in the center of town. "We are not benefitting."

K.S. said they will have to access Rt. 23 and develop a drainage report. She said she would provide that information to the town by Friday.

Ulla Wadner asked if they would provide photos of finished projects, similar in size to what they are proposing at the next meeting. K.S. said yes.

W. Keller made a motion, with a second by A. Gallagher, to adjourn the public hearing to the Nov. 30, 2022 meeting and in the meantime the public could submit comments in writing to the Harpersfield Town Clerk. Motion carried 4-0. 8 p.m.

W. Keller said the site plan is in the computer, but the town clerk needs hard copies by Friday.

D. Darling indicated there was concern about the noise. He said the coordinated review of the project will fall on the applicant and the agencies to be involved in the stormwater pollution prevention plan will be identified by the attorney.

W. Keller asked what determines maintenance by sheep or a mower and he wants to know the contours to hold the groundwater.

K. S. said she would work from the SWPPP and can make requests regarding the groundwater concern.

The board then moved on to the Bruce Hill solar projects being proposed by Blue Wave Solar. Colleen Besceglia and Sean Murray were present to review two separate projects. They will be known as Array A and Array B.

The arrays will be accessed by an existing farm road off Bruce Hill Road and will connect to the existing NYSEG line that runs through the property. The projects are located next to each other, with the transmission line that is already there, separating the two projects. The property is leased and tracking (moving with the sun) panels will be installed.

They will contact all the involved agencies and N. Brower will provide the information that will be needed to present the project to the DCPB.

On a motion by D. King, with a second by W. Keller, the planning board will serve as the lead agency for the Bassett Brook project. Motion carried 4-0.

On a motion by W. Keller, with a second by D. King, the planning board will serve as the lead agency for the Rexmere Lake project. Motion carried 4-0.

The developers will consult with the planning board's attorney to get a list of the involved agencies needed to conduct the coordinated review. The SWPPP can provide preliminary or conditions for approval.

An on-site visit will be coordinated with N. Bower and two planning board members.

On a motion by W. Keller, with a second by A. Gallagher, public hearings on each of the Blue Wave Solar projects was set for the November meeting, should the developer request it. Motion carried 4-0.

There was a discussion about the NYST status. No escrow account has yet been established.

On a motion by D. King, with a second by W. Keller, the meeting was adjourned at 9:37 p.m. Motion carried 4-0.

Respectfully submitted,

Liz Page
Recording secretary