

PLANNING BOARD

Town of Kirkwood
70 Crescent Drive
Kirkwood, NY 13795

October 16, 2024
Meeting Minutes

Present: Adisen Harden, Member
Jason Maxian, Member
Mike Maciak, Member
Dan Wasson, Member
Gordie Woolbaugh, Chairperson

Gina Middleton, Attorney
John Mastronardi, Engineer
Chad Moran, Building & Code Enforcement
Officer

Chairman Woolbaugh called the meeting to order at 7:00 PM.

CONTINUANCE OF PUBLIC HEARING – STANLEY HOLLOW CREEK, LLC – A SUBSIDIARY OF BLUEWAVE SOLAR

Chairman Woolbaugh explained this is a continuance of a public hearing from the last meeting. Prior to public comments, he asked the applicant to address the comments.

Mr. Steve Wilson from Bohler reviewed his responses to the concerns/comments from the public hearing last month, which included ambient noise, contamination of well water and local rivers/streams, increased temperatures and the possibility of wells drying up, weed treatment, public health concerns, the benefit of solar to the Town of Kirkwood and this neighborhood specifically, impacts on property values, local wildlife impacts, fire plan including training and cost for extra or special equipment, and concerns with the sheep grazing around the high voltage panels. A detailed report of their responses is included in the file.

With regard to the concern regarding increased temperatures and the possibility of wells drying up Mr. Joe Seman-Graves explained they typically work on farmland. Farmers are looking for them to come and place these systems on sites to prevent evaporation and to prevent heating of the grown. There is no concern with increase temperatures, what they see is reduced temperatures.

Regarding the concern of the benefit of solar to the Town of Kirkwood and this neighborhood specifically Mr. Seman-Graves explained you will see a reassessment of the property to increase taxes. Specific to homeowners, when the project is fully developed a homeowner can sign up with a company to get up to a 10% to 15% discount on their electric bill.

Regarding the concern of a request for a fire plan, Mr. Seman-Graves explained before the project is finalized they will bring in the fire department and other town officials to hear their concerns and give them access to the site. They will look at things like proper turn arounds and if water is needed at the site.

Regarding the concern of sheep grazing around the high voltage panels, the panel are not considered high voltage. Mr. Seman-Graves explained for that reason they are not using goats, goats will chew through anything. They will dig and jump on the panels. Sheep will not do those things.

Mr. Wilson reviewed with the Board the six locations of visual drawings, all drawings are included in the file. The most challenging is from view 3, Colesville Road looking south. There is some native vegetation currently, which does some screening. The property line to the parcel is somewhat distant to the road so there is a big gap there between the edge of the shoulder of the road and where the property line starts. They will explore the option of putting low plantings in that right of way area to screen the project.

A question was asked if they would be putting the panels out in the field and if so would they have to put in trees that would be 25-30 feet tall. Mr. Seman-Graves explained that the town code states there should be landscaping in front of the fenced area. They are trying to accomplish that with appropriate screening and considering the current use of the land. If they were to put in trees that high it could potentially block the view from the road. They would have to be set back from the fence, which would take land away that could be used for grazing. They are looking for a balance.

A question was asked regarding a discount on the electric and Mr. Seman-Graves explained it is up to the homeowners, if they want to subscribe to the array. Anyone can sign up for a local community solar farm and get a discount on their electric, with no subscription fee.

A question was asked regarding the access point to the site, how are they getting the machinery in to the site and Mr. Seman-Graves explained there are two access points to the property, they are proposing to use the northern most access point, which is the dirt road. They do have a second access point but they prefer this one. A title search was done on the dirt road and it came back clean. Mr. Wilson explained due to the size of the project construction is probably six month and small construction vehicles will be used. There is no grading or earth work. Very limited traffic when the project is completed.

A question was asked what kind of toxins are emitted if it catches fire and is there radioactive material and Mr. Wilson explained there is no radioactive material.

Mr. Tom Savage, Colesville Road, commented he sees no value to a solar panel, it doesn't benefit anyone. If it benefited us our electric bills wouldn't be as high as they are. Every few months his bill keeps going up.

Eric Lane, Old State Road, commented he has two sets of solar panels. Regarding electric rates, NYS has very little solar generation. In upstate NY it is almost entirely hydro nuclear, very little solar so we don't get the benefit. In 2022 his solar panels offset 86% of his usage, paying about \$300 for electricity for the entire year, which includes powering heat, electric usage in the house and an electric vehicle.

Jeffrey Moyer, Springer Road, reading from a prepared statement, commented he is a resident of Kirkwood and he cares. He has heard here that solar energy does not work, which isn't all true. Their passive solar house has solar panels with a battery system that kicks in when the power goes out and a passive solar reflector that helps to heat his workshop when it is cold. The house consumes no fossil fuels and no such emissions. They live comfortably year long with little expense for heating or cooling in their total electric house, which includes two electric cars, battery powered tools, and appliances. Just as we have the right to put solar collectors on our house, he respects Mrs. Bartleson's right to engage with a reputable business to use her property to install a solar farm that will enhance her and their financial position. There are claims about side effects from solar farms, from his limited research damage from hail and the contamination of soil and drinking water are rare. He doesn't believe noise is a factor.

A gentleman that lives across the road from the proposed project commented coming from a family of farming he feels that farming is not as popular as it used to be and once he takes over the farm you are going to try and do this to me. He feels it is disrespectful to the farmers, taking their land, this shouldn't be happening. They are taking care of the land. The dirt road that they have to take care of, no one else does, to see the service trucks come in and out and keep destroying their driveway, it hurts a little bit.

Carolyn Everit commented she lives across the road from the Bartleson farm at an elevation, which is her view that includes cattle, deer and turkey. That is one of the reasons she bought that home. She is trying to heal from stage 4 cancer, been told to keep her stress levels down. At the last meeting many asked for more information

and it wasn't stated that a presentation would follow and many left disappointed and angry. She believes the presentation was put on by skilled sales persons to try to sell a product. Everyone she has spoken to says the home values will drop. How can industrial looking panels be considered agricultural, agricultural is animals and livestock. Regarding contamination of their wells, all it takes is one large hail storm and these toxic chemicals are in the ground. If the well is contaminated will the Town provide a water line to her house? As for the plea to save the family farm, she was told it was to pay off the siblings. As for doing what you want with your property, there are laws and zoning that say what you can do with it. How is it ok for one family to benefit monetarily while their actions decrease home values, possible well contamination and ruining the countryside for their neighbors. Electromagnetic fields effects are still up for debate. Ms. Everit asked how many acres of panels, how many panels per acre, how much money per acre is paid out yearly, what is the total yearly income this will provide, will the impacted neighbors get any of this money or electricity, and who pays for well contamination if it happens, who pays for the decrease in home values?

Chairman Woolbaugh explained a letter from Chris Kibbler and a letter from Paul Mistretta were received and will be entered into the record. Letter are included in the file.

Hearing no other comments Chairman Woolbaugh closed the public hearing at 7:45 pm.

Ms. Middleton explained this is all public record so you are more than welcome to request copies at any point in time, but she read them into the record. All letters are included in the file.

Mrs. Bartleson explained she and her brother own the property the solar farm will hopefully be on, she wanted to address some of the things she has heard. There is no evidence property values decrease, there is concern over the dirt road, which is a right-of-way and the people who have driveways off that right-of-way have the right to go in and out of their residences. They don't own the property, we own the property. She doesn't believe it is the Bartlesons responsibility to maintain a view for people across the road. As far as what the Bartlesons will gain from this, the amount of money we will receive, that is between BlueWave and the Bartleson family.

APPROVAL OF MINUTES:

Motion by Jason Maxian and seconded by Adisen Harden to approve the minutes from the August 27, 2024 meeting and the September 9, 2024 meeting as submitted. All voted in favor. Motion Carried.

SITE PLAN REVIEW – STANLEY HOLLOW CREEK, LLC – A SUBSIDIARY OF BLUEWAVE SOLAR:

Mr. Wilson, referring to their letter dated October 9, 2024, reviewed Section iii., Broome County Department of Planning and Economic Development concerns and their responses with the Board. A copy of their response letter is included in the file.

Regarding the Stormwater Pollution Prevention Plan, Mr. Mastronardi explained he reviewed the SWPPP that was provided by Bohler, he made some comments, they have addressed those comments, and they provided an updated SWPPP. Mr. Mastronardi had concerns regarding the dirt road. He would like them to add in the plan addressing dust control along that dirt road. Mr. Wilson stated they would add that. Mr. Mastronardi commented for the weekly inspection reports, a copy should be kept on site, one sent to the code office, and the owner should get a copy.

Regarding the fire safety plan, Mr. Seman-Graves explained they prefer to work with the fire department on training themselves, once it is complete, before it is turned on. Hands on training is more effective.

Ms. Middleton explained before construction begins, a Decommissioning Plan has to be provided to the Town. The board has the draft now and has to decide whether they are happy with it as is or do they want the applicant to modify it. They are also required to post a bond, that bond will cover the cost plus the 2 ½ % increase every year. The total calculation, which is the amount it takes to remove the solar panels has to be posted with an irrevocable bond letter or credit letter to the Town so that in the event someone abandons the project we already have all of the costs associated with the removal in our hands so the Town can move forward with removal as needed. The money does not come from taxpayers and it won't be left there.

Regarding the comment from Broome County on American Farmland Trust, Gabrielle Hayes explained that American Farmland Trust has smart solar citing principals and they work very closely with them on various projects on research and partnering around community events on agrivoltaics arrays. They support the limiting of solar on prime farmland unless it is agrivoltaics. They understand that is a way to preserve the farmland and have it continue producing for the lifetime of the arrays and the prime soils are not lost, they are still in use.

Chairman Woolbaugh asked if the code department gets a complain regarding the noise and after investigating the noise is above the level is should be are they willing to mitigate that and in what way and Mr. Seman-Graves explained if the noise is above what it should be there is probably an issue with the inverter. They would identify and fix the issue. At that point it would have already trigger that there is an issue and they would be out there before someone notices it. Otherwise they would have to see what is causing the sound. Once installed it isn't going to have a sound that would travel across two football fields. Chairman Woolbaugh asked if they would be willing to enclose the inverter and Mr. Seman-Graves explained potentially, it is a hypothetical situation. They would be willing if that solved the problem.

Dan Wasson, referring to #1 under the Broome County Planning Departments comments, commented it didn't say anything about commercial solar farms, just solar farms. Mr. Wilson commented it was referring to land use changes.

Dan Wasson, referring to #15, commented it is your position that water quality testing and soil testing is not warranted but Broome County thinks it is a good idea. There was a lengthy discussion regarding soil and water testing. The Board agreed that the soil testing would be done prior to construction, then every year for five years, then every five years after. As far as water testing, it isn't recommended to test the water in Stanley Hollow Creek due to possible contamination upstream that would affect the water at this site.

Chairman Woolbaugh commented that screening is difficult but required due to the drop off at the road. The public doesn't want to see it or hear it. There was a lengthy discussion regarding screening the solar farm. Jason Maxian asked how high are the panels off the ground and Mr. Seman-Graves stated not more than 17' but typically around 12'. Different options discussed included higher fencing with screening, placing landscaping at the slope in the Town's right-of-way with Broome County approval, placing landscaping outside of the right-of-way down from the slope, a taller fence on top of a 3-foot berm. If they were to go above 8 feet for the fence a variance would be needed from the Zoning Board of Appeals. They will provide options for the board to review.

Ms. Middleton explained that we are still pausing the SEQR because the visual impact is a big part of the SEQR, Part 2 and Part 3 won't be done tonight. Also noted for the record we did send a notice declaring the Planning Board as the Lead Agency, no responses were received within the 30-day period.

Ms. Middleton mentioned we are waiting for a copy of the lease agreement, working on the visual buffer, and will need the Fire Safety Suppression Plan. Dan Wasson mentioned that the fire company will be Five Mile Point Fire Company, not Kirkwood.

The next meeting will November 12, 2024 at 7 PM.

Motion by Dan Wasson and seconded by Mike Maciak to adjourn the meeting. The meeting was adjourned at 8:46 pm.

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board

cc: Planning Board Members
Kelley Diffendorf
John Finch, Jr.
Chad Moran

Bob McKertich
Gina Middleton
Katie Legg
Scott Snyder