

## **PLANNING BOARD**

**Town of Kirkwood  
70 Crescent Drive  
Kirkwood, NY 13795**

**August 14, 2023  
Meeting Minutes**

Present: Jim Bukowski, Member  
Kevin Balachick, Member  
Mike Maciak, Associate Member  
Dan Wasson, Member  
Chairman Diffendorf  
Chad Moran, Building & Code Inspector  
Gina Middleton, Attorney

Absent: Gordie Woolbaugh, Member  
Matt Williams, Associate Member

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

### **APPROVAL OF MINUTES:**

Motion by Jim Bukowski and seconded by Kevin Balachick to approved the minutes from the June 28, 2023 meeting and the July 12, 2023 meeting as submitted. All voted in favor, motion carried.

### **TRACT ENGINEERING – SIEDEL SOLAR FARM:**

Chairman Diffendorf commented he went down to the Tioga Downs project and the observations he had were there was a lot of traffic from the road, you couldn't hear much. There wasn't the 5-pole cluster, wasn't sure where the inverters were.

Mr. Tim Gourley, Tract Engineering, explained there are two inverters mounted on the backside of the gated area, farm is roughly 1 megawatt. Chairman Diffendorf clarified that Trim Street would have 17 inverters and Mr. Gourley agreed. Chairman Diffendorf asked about the transformer and Mr. Gourley explained the transformer is hooked into the back of the parking garage, trenched from the inverters back to the parking garage. Chairman Diffendorf asked if it is different than on Trim Street and Mr. Gourley agreed. Mr. Gourley explained the inverters at the Conklin site were the central inverters as opposed to their string inverters. At Tioga Downs there are 2 inverters, side by side and at the Seidel farm those inverters will be distributed throughout the field. The road noise covers the noise of the inverters.

Dan Wasson explained he went down on a Sunday, not as much road noise from Route 17. He counted out from the gate to the fence where the inverters are and it was 90 paces and could hear them running from the gate and as he got closer it got louder.

Ms. Middleton explained the SEQR requires the Board to review any project that may have an environmental impact and anytime there is a potential for a moderate to large impact the Board will issue a positive declaration, which means the preparation of an EIS is required. Scoping is the Board and the applicant setting the scope of what the EIS document is going to talk about and the issues that need to be addressed. When the Board issued a positive declaration, they did a full positive declaration, which has to be published. It contained the things they were issuing the positive declaration based on. Then the applicant looks at that and drafts a scoping document, which is what we are looking at now. For the draft scoping document there is an opportunity for public participation, which is what this evening is. Written comments can also be submitted following this meeting, after which the Board has a certain amount of time to issue a final scoping document,

which is what the EIS itself will be based on once it is drafted.

Chairman Diffendorf explained there are 2 potential impacts, one being the potential creation of a substantial adverse change in noise levels. In our law regarding decibels, the maximum decibels at a property line is 50 and with the pure tone, which is created by the solar farm it is 5 less decibels, down to 45 decibels. Chairman Diffendorf asked if there are going to be 17 inverters spread out in the farm and they are approximately 65 decibels and Mr. Gourley stated yes, 65 at one foot away from them. Chairman Diffendorf asked if they hit 45 at the property line how would you mitigate that and Mr. Gourley explained they are not putting their inverters at the property line or the perimeter of the facility. They are pushing them into the field. They will not have an inverter located within 150 feet of the property line just because of the fact that they have distance. That analysis and how they have shown it, at 150 feet with no obstruction between it, that should mitigate the sound. However, they are going to have rows of equipment, panels in between that, acting as a buffer. They have done their analysis on a very conservative basis, taking into consideration the vegetation screening and distance. Chairman Diffendorf commented that the vegetative screening, even with 100 feet of density is not very effective.

Jim Bukowski asked if you had to mitigate could you insulate and Mr. Gourley stated yes, the inverters are not front and center so the only thing left is the transformer, which will be closest to the poles and if it was found to exceed 45 decibels it could be enclosed.

Chairman Diffendorf commented the other impact is the aesthetics, the 5-pole cluster. Mr. Gourley explained they reached out to NYSEG, their response back was Kirkwood was not an underground community and they are not going to start going underground with their facility. They will go over Trim Street to a pole with their equipment, then can go underground. They are putting up what is required by NYSEG. The only instance they could work on is NYSEG requires a 50-foot space between each pole. Their reasoning if one pole falls over it doesn't hit the next pole. An option is set a pole at the property line and then place the rest further back in. Chairman Diffendorf asked if there is a possibility you could move the 5-pole cluster and Mr. Gourley clarified one pole would be at the entrance and the rest would be further back on the property line, with the first span 100-200 feet back, which would move the equipment away from the road. Chairman Diffendorf asked if NYSEG would allow that and Mr. Gourley stated that is one of the options we would have to discuss with them. Chairman Diffendorf commented 3 options have already been proposed with NYSEG, they all had to be together and Mr. Gourley stated the one they have is the preferred option, they want everything as tight as possible. We will go back to them and try to mitigate that. A question was asked regarding moving the poles back, going north or east and Mr. Gourley stated away from Trim Street.

Chairman Diffendorf commented as far as the aesthetics, there will be 8-foot arborvitaes and Mr. Gourley explained there will be double stacked row, 8-foot with an 8-foot fence around it. Chairman Diffendorf commented that the deer love them and Mr. Gourley stated he understands that but your ordinance states we are responsible for the maintenance of it. Chairman Diffendorf explained they were required on another project on Colesville Road and the deer ate up as far as they could reach so they had to put a double fence around it.

Kevin Balachick asked if NYSEG gave a maximum and Mr. Gourley stated no, that is what he will find out.

Chairman Diffendorf commented another argument regarding the aesthetics is just seeing the project, people don't want to see it. Those are the thing we'll have to consider. The study was done by Don Fisher, he didn't study home sale and resale within close proximity of a solar farm let alone being visible to the farm. Those are items we are going to have to make a judgement on.

Ms. Middleton explained to the board the process going forward. The next step is on the board, they are going to have to provide a final scoping document to the applicant based off of this draft scoping document. If there are any additions, changes, things you have questions about, in terms of the scope, what they plan to address and how they plan to address the issues that the board brought up, that would be preferably tonight. Mr. Gourley questioned they submitted the draft and tonight we are getting feedback, with an open dialogue back and forth, he wants the questions now, what ideas they are considering, that way he has a good clear path moving forward. Ms. Middleton explained we are holding it open, public hearing tonight and public submissions are welcome for 20 days of tonight's meeting. Then the board will have to provide a final scoping document. Tonight, is intended for any questions or things that you want addressed in the draft scope. The final scope doesn't have to be provided tonight but if there are things you want Tim to talk about, tonight would be the time to do that.

Mr. Gourley questioned the next step going forward, and asked once the board decides the draft is acceptable, final scope at that point, and is back on them to respond back to all the questions, concerns, is there another public hearing. Ms. Middleton explained the next step is the EIS, the preparation of the EIS and that is going to go through the same draft and final. She will double check the public hearing requirements. Mr. Gourley questioned whatever we decide or don't decide tonight, when the draft scope is final are they going to have another crack at it to review the EIS, another public hearing and Ms. Middleton explained there will be back and forth then we will provide a final scope then straight to the draft EIS.

Chairman Diffendorf asked will we need any input from the public before going forward and Ms. Middleton explained that is up to the board, if they have questions, ask them then the public will have 20 days for written comments. That 20-day period gives the board some room for when the final scoping document is due. Mr. Gourley asked when the 20-days are up what is the next timeline after that, how many days to respond and Ms. Middleton explained public comments are due September 4<sup>th</sup>, the final scoping document, drop dead deadline is September 19<sup>th</sup>. Mr. Gourley asked if that was the next meeting and Chairman Diffendorf stated no. Ms. Middleton stated the next meeting is September 11<sup>th</sup>, the 60-day deadline is September 19<sup>th</sup>.

Kevin Balachick commented that the market study was vague and asked could it be updated to address the significant concerns for the Town of Kirkwood. The biggest concerns are the properties jointly and across. Mr. Gourley commented that at the meeting Don he had given his presentation and after he left you talked about updating it to include within sight of or next to. The point being we would ask him to go back and see if there are specific properties, data out there, that would be more specific to in the sight line or adjacent to it. Chairman Diffendorf commented that the properties he gave us weren't even close. Ms. Middleton commented in the final scoping document we could be more specific with the things we would like updated.

Mr. O'Neil commented ask the people in the neighborhood, do you want to walk out your front door and look at these things. Chairman Diffendorf commented that has been addressed before and this board will probably have to make that final decision on property values.

Motion by Kevin Balachick and seconded by Mike Maciak to adjourn the meeting. The meeting was adjourned at 7:28 pm.

Respectfully Submitted,

Mary Kay Sullivan  
Secretary, Kirkwood Planning Board

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

Bob McKertich  
Gina Middleton  
Katie Legg  
Scott Snyder