

PLANNING BOARD

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

**September 10, 2025
Meeting Minutes**

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

Gina Middleton, Attorney
Bob McKertich, Attorney
John Mastronardi, Town Engineer

Absent: Chad Moran, Building & Code Officer
David Pasquale, Ad Hoc Member

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

RECOMMENDATION TO THE TOWN BOARD – TEMPORARY MORATORIUM ON DEVELOPMENT AND CONSTRUCTION OF SOLAR ENERGY SYSTEMS:

Chairman Woolbaugh explained the Town Board has asked us for a recommendation on a temporary moratorium on solar projects. This does not affect the current project.

Motion by Dan Wasson and seconded by Mike Maciak to recommend a temporary moratorium on the development and construction of solar energy systems.

Roll Call Vote:	Adisen Harden	Yes
	Jason Maxian	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion carried.

E.A.F. – TGM DOG TRAINING AND EVENT CENTER, LLC:

Motion by Adisen Harden and seconded by Jason Maxian to declare the TGM Dog Training and Event Center, LLC project a Type II Action and no further SEQR review, or action is required.

Roll Call Vote:	Adisen Harden	Yes
	Jason Maxian	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion Carried.

SITE PLAN REVIEW – TGM DOG TRAINING AND EVENT CENTER, LLC:

Chairman Woolbaugh explained that the signage, the lighting, and the outside uses have been addressed.

Motion by Dan Wasson and seconded by Mike Maciak to approve the site plan as submitted.

Roll Call Vote:	Adisen Harden	Yes
	Jason Maxian	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion Carried.

NORBUT SOLAR FARM – CONTINUED:

Steve Saunders was present and explained they met with the first responders to discuss their concerns about the project. He also met with the gun club about their concerns; they still have concerns. Regarding the fire department, they had originally provided interior emergency access within the fenced in perimeter of the property. They have never had a request from an emergency responder to have that access outside the fence. They will redesign the plans for outside access around the project so 4-wheel drive vehicles can access any part of the exterior property without having to go inside if there is an incident. The revised plans will be sent to John Mastronardi in the next couple of weeks. Revisions will be minimal to address exterior property access and some minor changes to make the road. They were given five locations by the Town for the visual simulation photos. They retained a 3rd party that does this kind of simulation work. They will initially take photographs from each location with the leaves on them then come back to the same locations when the leaves are off the trees and take more photos. This will show the simulation of various aspects of the project if it is constructed in relation to those locations. They anticipate that they will be ready for the November Planning Board meeting.

Mr. Saunders provided the Board with an FAQ handout. The town attorney provided him with all the questions from the public and Norbut will provide answers in writing.

Mr. Saunders commented that one of the major issues that has been raised is water quality, what the construction activities are going to do with regard to increased water runoff. A memorandum has been prepared by an engineer that works for our company addressing this. He has looked at the NYS Department of Health regulations which deals with separation distances from contamination sources to private wells. As pointed out at previous meetings there is no basis to suggest that a solar farm is a contamination source. The closest thing that they are going to be doing would be the stormwater areas that are shown on the property. The limits from a stormwater facility to a private well are 100 feet. The closest to any residence structure to their project is 257 feet. It is over 1000 feet from residential structures on Foley Road and about 360 feet to the residential mobile home park. Copies of the memorandum were given to the Board members.

Mr. Saunders explained they will respond to all the questions that were provided by the town attorney as well as any new ones because we want to satisfy the Board and provide real answers to questions that have not been backed up with any kind of proof or written documentation, false speculation, and in fact the use of this property is a permitted use under the town's code. They have an obligation to meet the requirements of the town's code and to address any valid concerns that are actually the subject of more than just opinions. One person here has made a comment that their company is the most fined environmental violator in the State of New York. That is false. He has never produced any information to back up that statement. He would suggest that statements like those made by somebody should affect their credibility to make other wild statements.

Ken Crocker commented that we just heard a good story from this gentleman, but all these projects happen all over NYS, bring in the town members from those other projects and let's hear what they have to say. We have

lived here our whole life and you just came here to put this piece of junk on our property to make our town terrible. You are costing our town money because you are going to ruin the roads with 42,000 panels. How many trucks do you think are going to go up and down that road? We should hear from some other towns about what they had to incur with this company. He is only telling us one side of the story; there are always at least two.

Larry Holt commented that last year in Lyons, NY there was a fire. That was with battery storage, but it was for the solar field. It took three weeks to put it out. They told the people to shelter in place because the smoke was so bad from that fire. What did that cost the Town of Lyons or Watertown, which is close by, how many fire companies were involved? The governor sent her team to investigate that; did we get a report on that, what caused it and what did it cost to handle that? No one knows the answers.

Chairman Woolbaugh explained that until we receive all the additional information there will be no further action at this time.

John Mastronardi commented he has heard a lot of concerns about the noise, past meetings and again tonight, and he has reviewed enough of these projects. The Boards typically request a noise impact study to accompany the application. It may be in the board's purview to request that so everyone understands how the noise may impact surrounding properties. There was a discussion regarding a noise study. What was included in the application was a one-page memo with two bullets. It was determined that John Mastronardi will get a sample noise study to Mr. Saunders.

Mr. Saunders explained they have had over 50 projects either in development or in operation since 2018. They are not a fly by night operation. They have never had any violations against them. We have been involved in a lawsuit where they were brought in as a third-party defendant because they owned the property. They had nothing to do with the litigation. They have never been sued by a neighbor, by a town or by a community for any environmental issues.

Sue Barnes, 528 Colesville Road, commented from the meetings she attended the residents are expressing concerns and have many questions to the Board and from what she can see there has been no reply to the residents regarding the questions and concerns they have. Where do they get the information from the questions that are being presented?

Ms. Middleton explained that is not accurate at all. Any questions that are being asked there have been responses from the applicant. This board's job is to review the information that is provided and make a determination, that determination hasn't been made. In terms of questions we have been receiving, including written questions, we have been including those to the applicant. The whole purpose is that these questions will be answered by the application and if they can't answer them then that is something the board will consider. John Mastornardi is still reviewing the SWPPP, which has been altered and a lot of questions relating to runoff are going to be coming from that analysis.

Ms. Barnes commented that the applicant has information/answers, but the residents do not. Ms. Middleton explained that a large number of them have been provided during these meetings. Ms. Middleton would need specific questions that you haven't received answers to. Ms. Barnes stated they haven't got answers to anything. If it goes to the applicant he can rebuttal, but the residents cannot because we are not getting any information or answers to the questions that these people presented. Ms. Middleton commented she didn't know what questions you were asking about that you haven't received answers to because a lot of them have had responses. There is no agreement on the responses, which is what the board's job is to weigh the factors and the information that they are receiving. This is an ongoing process; we aren't at the decision-making point.

Ms. Barnes stated everything gets funneled to you, funneled back to the applicant, not funneled back to the residents. Ms. Barnes explained she sat on a Planning Board for three years and when questions were addressed there were answers given at that time during the meeting or followed up at the next meeting. That is not happening. Ms. Middleton commented she disagrees because we do have responses from the applicant that specifically address the questions that have been provided to us. She doesn't know what questions you are talking about specifically because you keep saying questions, but you are welcome to submit them. There have been responses at every board meeting, there just isn't an agreement on what is or isn't correct at this point. Ms. Barnes questioned what was submitted tonight, can they get a copy and Ms. Middleton stated you can, we just received it tonight, but it will be posted and everything this applicant has submitted is subject to FOIL so all you have to do is come to the Town Clerk and ask for a copy of everything. It is a substantial packet, but you can have access to everything and anything that has been submitted.

There was a question asked why are we made to file a FOIL when anyone in their right mind brings copies and passes them out to people? It isn't like he has time to come down here and file a FOIL on every single topic.

APPROVAL OF MINUTES:

Minutes from the June 11, 2025 meeting were approved as submitted. All voted in favor.

Motion by Adisen Harden and seconded by Mike Maciak to adjourn the meeting. The meeting was adjourned at 8:33 pm.

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board

cc: Planning Board Members
Kelley Diffendorf
Poe Williams
Chad Moran
Bob McKertich
Gina Middleton
Katie Legg
Rick Pedro