

PLANNING BOARD

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

PUBLIC HEARING

September 10, 2025

CONTINUANCE OF THE PUBLIC HEARING ON THE SITE PLAN REVIEW AND SPECIAL USE PERMIT APPLICATION FOR CONSTRUCTION OF A 15MWAC SOLAR FARM AT PROPERTY LOCATED AT 149 QUILTY HILL ROAD (TM# 147.00-1-2.2 & 147.00-1-7.11) IN AGRICULTURAL/RURAL RESIDENCE ZONING DISTRICTS, AND PROPERTY LOCATED AT 165 FOLEY ROAD (TM# 147.00-2-11) IN RESIDENCE R AND AGRICULTURAL/RURAL RESIDENCE ZONING DISTRICTS IN THE TOWN OF KIRKWOOD, ON THE APPLICATION OF NORBUT SOLAR FARMS

Chairman Woolbaugh read the notice of public hearing.

Chairman Woolbaugh stated please keep the comments to new items only. All the items that were brought up before were sent to the applicant, we have them on file so if there are any new concerns please speak to those.

Scott Ferguson, 167 Foley Road, explained that several residents went to a recent Town Board meeting where there was a discussion on the Town's water supply, the pumps, the filters, and some construction that has to take place so the residents can continue to have water. Questions included where construction can take place, and it cannot take place in an aquifer that would impact the water supply for the Town or in an aquifer that would affect storm runoff. Those are the exact things being discussed here. We are asking for the same consideration. The wetlands where the solar panels will go are our aquifer and we need our aquifer protected. If it ruins that we don't have water. They asked if pipes could be run out to their roads if we lose our wells, but there is no way that could happen. If we lose the water supply we lose our homes. The new rules that were just passed by NYS for the wetlands, there is a listing of eleven things where construction cannot take place, if any one of these eleven criteria are not met. The two that are a problem with why construction can't take place are: 1. Wetlands located in watersheds with significant flooding. That is what they have, they struggle with the flooding that comes off these wetlands, water in their basements, water in their homes. If this construction takes place it will magnify that. The second one is the wetlands are important for protection of NYS water quality. The construction of the wetlands could destroy our wells, and we would not have water. Foley Road and Quilty Hill could be affected by that. Many have wells and are shallow; they hit water at only 10-foot. It is going to destroy the wells meaning if we lose water we will not be able to live in our homes. A lot of these people here are very emotional about this because if you have a threat that is going to cause your home to be destroyed it is very upsetting. There are five other criteria of the 11 that are question marks. They don't know if they have rare plants and animals, there are a lot of animals in those wetlands. Bald eagles fly over; do we have bald eagles that nest there? You are not supposed to build within 100 feet of a wetland if any of these things are met. Almost half of the solar panels and almost half of the road cannot be in this area according to the NYS guidelines. Mr. Ferguson asked if John Mastronardi had gotten his comments done about the stormwater runoff.

John Mastronardi explained their initial review and response was that the SWPPP was incomplete. After that time, a complete SWPPP was submitted, not saying it was accurate, or all the numbers were correct. Then they began their process to review that SWPPP. At some point the applicant reached out to him because the fire Marshall wanted some changes to the site, which required their engineer to review. They paused their review and are waiting for those revisions then we will start the review again when we get the revised SWPPP.

Ms. Middleton asked if there was documentation he wanted to submit and Mr. Ferguson said it was the signatures from people that don't want the solar farm, which he left home but was submitted to the Town Board.

Martin Kennerup, Jr., 155 Foley Road, commented that the previous two times he spoke he always started out with common sense. That is what we need to have here. Each one of you on the Planning Board has signed a code of conduct when you got assigned to your position, you are working for the residents of the Town of Kirkwood. This is the third public hearing and not one person that lives in the Town of Kirkwood has spoken for this project. What does that tell you? As I said at the last meeting don't let the trojan horse into the Town. That is what happened in the Town of Coventry where their other project is. Strange things happened with laws and procedures at the solar facilities. Don't let that happen in the Town of Kirkwood. The next thing is consistency. We all know that is the key to life, key to business, key to about anything. Let's be consistent, that is all I ask. The Zoning Board, over 18 months ago, when we got this project before, Norbut had a lawyer here and Norbut had representatives. We were allowed to ask questions during the public hearing, which is what public hearings are all about. The last Town Board meeting we had a public hearing on the water plant, the engineer was allowed to have questions asked and he answered them. We come to the Planning Board, and we have to submit our questions. Norbut has 4-6 weeks to formulate an answer. How fair is that? The Town of Kirkwood is beautiful; the crime rate is low. Parts of the Town of Kirkwood are in the Windsor School District High School, which is ranked #8 in NYS. Young families come to the Town of Kirkwood because it is rural, it is safe, it is a nice area; we have good schools. There have been three houses on Foley Road in the last year that have sold. If you talk to real estate agents people want two areas, the Town of Union and the Town of Kirkwood. That is good for the Town, generates more tax revenue. We don't want the word to be out there that the Town of Kirkwood is going to be the solar capital of Broome County. We have a moratorium public hearing coming up on the 30th. He does know there is another solar company that is going to file three more projects in the community, one on Ostrum Road, one on the old Campbell farm on Route 11 and one at the old racetrack. Right now, we have a dredging project off Zimmer Road. At the last Town Board meeting there were quite a few people here talking about the water runoff into Langdon Creek and Langdon Park. That is only a couple of acres at a 19% angle. If it is passed, the solar project will be 143 acres at a 26-degree slope. Remember who you work for, common sense, you need to work for the residents of the Town of Kirkwood. The only people making money off of this project are all out of towners.

John O'Neil, 1291 US Route 11, commented he is just here to support the residents who are against this. He was against one that they tried to put on Trim Street. In the previous meeting the slope was 27 degrees. If they start taking down the trees and brush no telling what is going to happen downstream. The applicant mentioned that inverters will put out sound twenty feet away. He visited two solar farms to see what the decibel readings were. The Tioga solar farm, which at 31 yards, was 51-52 decibel reading. The solar farm in Conklin, within about thirty yards the decibel reading was forty-eight. He used a range finder, not guessing the distance. If this gets approved Kirkwood is going to become the solar

farm capital of Broome County. Two have been approved, this one in the works and three more were mentioned that he had not heard of. Do you really want to walk out your door and look at these things? You drive around Broome County, and you see them, they are not very attractive, especially when they build them on slopes. They look terrible. If the applicant crosses all his t's and dots his i's do you have to approve it or can you support the residents and say we don't want it?

Ms. Middleton explained that if all the t's and i's are crossed technically, as long as it fits with the confines of our law, however there is a degree of assessment by the board and it is going to be an independent assessment as to whether it fits into the confines of the law. There are some grey areas that ask what is the impact to the locality, and do it fit with the other areas of the locality. It's not like if every application piece is there that they have to approve it, it is going to be an analysis basis on that application.

Chris Kibbler, 34 Quilty Hill Road, thanked the board for reading the letter he wrote at the last meeting. He presented to the Board two articles. In the letter that was sent in property values were brought up. He cited Berkley in his letter, which said within one mile of a solar farm there is a 5% drop on average in property value. There is a new study done by Virginia Tech which says a three-mile radius you will see on average a 5% drop in property value. This farm is going in a mile from West Windsor, which could affect homes in West Windsor. The other article presented is about a solar heat island. The solar panels are collecting energy and can only convert a small percentage, all that energy turns to heat. As a result, there could be some kind of a microclimate, don't know what is going to do to us. They say it could be a 4 degree increase in this microclimate. He doesn't know if it will affect homes or not.

Larry Holt, Trim Street, explained that when the Comprehensive Plan was done the Town hired two professors from SUNY to study the Town and look at what the residents wanted. The people that did the study were students of the two professors. At that time there was nothing mentioned about solar. They sent out surveys to the residents to see what they wanted. No one brought up solar. At the last Town Board meeting they were told that 75% in Kirkwood wanted solar. After reviewing all his records, after having attended all the meetings, he never heard anyone raise the word solar. He understands solar companies have a job to do, to make money. How does this benefit any residents in Kirkwood? From the surveys the residents said to keep it rural. They talked about mining, high grass, junk in your yard, etc. If you want to have solar move it to commercial and industrial areas only. In Germany if you want solar they have to put it on their roof. Solar is not the answer to all our problems.

Ken Crocker, 528 Colesville Road, explained he is a lifelong resident of Kirkwood, loves this town, has lived here his entire life. He grew up on Frances Street, he built his house on Colesville Road. Now they want to put a 42,000-panel facility on Quilty Hill Road, on the southern border. In 1969 they said Route 17 was the most beautiful highway in the country. If we do things like this it won't be beautiful anymore. Go up Route 81 to Tully, they look disgusting. We need fighters, we pay taxes here, we need our board members to fight for us. Don't give in to these people from Rochester. They don't have a stick involved in this town. They just want to come here and take our land. The guy that bought that land is from Philadelphia, he doesn't care about this town. They all made tons of money, and we have been here paying our dues and our taxes for years. This solar project is costing us money; his electric bill has doubled. We need fighters in our government. This is a special use permit; how come we don't have special limitations? That is residential farmland, we don't want them using that. Put them on the buildings. It is wrong; it is going to be a disgrace to our town. Put them in the industrial

park.

Karen Ferguson, 167 Foley Road, commented she is a substitute schoolteacher at the Windsor School District, and she knows the kids on her street. She knows there are three severely autistic children on their street. There is a report by a doctor that said living close to a solar farm carries certain risks like exposure to radio magnetic fields and can produce side effects like nausea, headaches, fatigue, and sleep disorders especially for kids on the spectrum. Solar panels can be disruptive especially at night, the panel emits a humming noise, and the bright lights can disrupt their sleep. If the child's ears are extremely sensitive the humming noise can affect the ears. People on the spectrum can be hypersensitive to the sounds and lights. There was a family that lived next to a solar farm, the child had autism, and they had to move because the sound got so severe he couldn't stop screaming because his ears hurt so bad. They had to put sound barriers around his room, around their house and he wore noise cancelling headphones. It didn't matter, he was throwing up and he got so sick they had to move. There is a group home on their street as well as three other children on their street. One mother couldn't be here because she was away all day and now is taking care of her son because the son wants her there now.

Hearing no other comments, Chairman Woolbaugh continued this Public Hearing until the next meeting.

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board