

# MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of April 15, 2020

## MEMBERS PRESENT:

Robert Dingman, Chairman  
Justin Fehl  
Karen LaRose  
Tim LaSarso

## MEMBERS ABSENT:

David Gauci - (Excused)  
Randy Getty - (Excused)  
Randy Weaver - (Excused)  
Todd Murphy - Alternate (Excused)

## ENFORCEMENT OFFICER

Todd Humiston

## TOWN ATTORNEY

Jeff Meyer, ESQ.

For the record Michael Dowd, Geer Road Solar stated this meeting is being recorded and asked if anyone had any objections. There were not any objections.

The meeting was called to order by Chairman Dingman at 7:00 P.M.

Roll call of all Members and Officials.

Chairman Dingman stated the first order of business tonight would be when you do speak please identify yourself for the purpose of this recording.

Chairman Dingman entertained a Motion to Approve the Minutes of March 18, 2020.

**ON A MOTION BY MR. FEHL**, seconded by Mrs. LaRose, the minutes of the March 18, 2020 meeting were approved.

AYES:4

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

**1. GEER ROAD SOLAR**, owner of Tax Map # 128.-1-26 commonly known as 221 Geer Road, Hudson Falls, NY, located in Zoning District, RA-1A Residential Agriculture District is seeking Site Plan approval to develop a 5 MW Solar Energy Facility and Subdivision approval of

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one lot into four lots at this location. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Chairman Dingman introduced Michael Doud, Matrix Solar Development, LLC to address the Board.

Chairman Dingman stated the public hearing is still opened and will remain opened until after the public can weight in tonight by telephone and will continue to take public comments in writing by email or sending them snail mail to Robert Dingman, Chairman, Town of Kingsbury Planning Board, 6 Michigan Street, Hudson Falls, NY 12839.

Chairman Dingman questioned Mr. Doud if he would bring us to date illustrating the changes that have taken place since the original application.

For the record Mr. Doud stated he is the Director of Development for Matrix Development.

As a continuation of the last public hearing, Geer Road solar projects tonight I have several updates on several aspects of the project. First, it is important to note, that the Geer Road project was proposed as a 4-lot subdivision from the original parcel owned by Peckham Industries located on Geer Road, formerly known as 221 Geer Road. Since the last public hearing, we have received four utility studies – one for each 5-megawatt project slated for each of the four parcels. Based upon the studies that we have received from National Grid we have made the decision to move forward with only three (3) 5-megawatt projects and therefore the fourth lot is no longer needed and we have revised and updated the subdivision plan to reflect that. The final subdivision request will be a 3-lot subdivision and it will be 5 megawatts per lot.

Mr. Humiston questioned if will be a 15-megawatt total now, is what you are proposing?

Mr. Doud stated It is. If you aggregate all three projects together it will be 15 megawatts, but they are all independently financed, and they will be separate legal entities on each of the parcels and each will be 5 megawatts AC.

Mr. Doud stated based on the removal of the fourth lot - we currently refer to that as Geer Road Solar 4, LLC - that will be dropped on both the subdivision application and the site plan approval application. We also referred to that solar array as Array #4 that is included on the west side of Geer Road. It runs parallel to the road. That property, that area there where we were putting that array on, is currently being farmed – they use it as corn – it is essentially a dirt lot right now. But we are not going to touch that and they will be able to continue to farm that as they have for many years. We selected that one to reduce the impact to the neighbors, the residents along Geer Road. In reference to that area, there was a house that was located next to Array #4, it is on the west side of Geer Road. It is a wood structure, that structure was reviewed by SHPO and they determined that it had no historic value. Again, it is a wood structure, an old wood white house, the 911 address is 293 Geer Road. It has a garage behind it. At the request and direction of the Board we have agreed to remove that house under the laws permitting to demolish houses we'll remove that house and fill in the foundation so it's smooth land and bring it back up to original grade. As it relates to the stone house at 221 Geer Road, it also has been reviewed by SHPO.

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Their review has concluded that it doesn't have historic value, there's no story or notable people that lived in that house, but the house is stone construction which is rare for Washington County – it's one of 53 stone houses in the county – and it is eligible for the historic registry. Although we do not propose registering the house on the registry, we do propose keeping that house to retain the historic value of that house and the area.

Chairman Dingman stated he agreed with tearing down the other house and I was going to make sure that you were aware that at some point prior to the next meeting one of the stipulations would be to maintain in some way the stone house but we'll have to figure exactly what is needed. We do not want it to be a convenient nuisance, we would like to have it be visible if possible because it is worth saving but we can talk about that, that will be part of the stipulation, just to preserve the house so that it's saved.

Mr. Doud stated he understands, I think we are on the same page there with that stipulation. The landscaping plan was completed by Saratoga & Associates. The landscaping package has been updated since the last public hearing. There are kind of two major drivers in that: number one is that we removed Array #4 and Geer Road Solar 4, LLC, 293 Geer Road. That's been removed and there is a fair amount of landscaping that was on the original plans to visually screen that so the landscaping plan has reflected that change; secondary to that, at the direction of the Board, we've increased the amount of vegetative screening, the landscaping plan, on the east side of Geer Road as essentially the landscaping plan covers the entire road frontage of Geer Road on the east side of the road from the southernmost corner of the road frontage to the northern most corner of the road frontage. It will all be landscaped with several trees and bushes, and make it as visually appealing as possible. There are two access roads off Geer Road, service access roads to the array, and those roads extend eastward. I did make a change on the site plan, there's a small little access road, it was directly across the street from one of the residences and I've moved that road north of the residence so that the landscaping can continue past the house and there wasn't a thirty-foot gap where the access road was.

The other aspect of the landscaping plan I want to bring to your attention is on Underwood Road. If you look at the site plan, it would be Array #1. It is 95 Geer Road, it is the array that is in the southwest corner and extends north along the property line. The uniqueness about that array is it is a fairly flat area and on the east side there is a ravine or a valley to screen the entire footage across Underwood Road, the trees would go down in the valley. I did move the landscape screening closer to the array and wrapped it around the side to address cars coming north on Geer Road at the intersection of Underwood and Geer Road so they could not see that.

Mr. Doud stated we have done a fair amount of discussing the Army Corps wetlands. We did have an application for ordinary jurisdiction and decision by the Army Corps, which does not really offer any value other than the fact that they are going to be lead agency on the wetlands. DEC has decided not to take jurisdiction. The Army Corps have walked the property, they have agreed with the wetland delineation. We are now in an application phase and now that we have the utility studies back and we understand what solar arrays we can interconnect; we can finalize the application with the Army Corps and go through that process.

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Mr. Doud stated on the Full EAF form, we put the max height down at 12 feet, we'd like to change that to the max height due to some elevation changes and our weather station our max is technically about 15 feet. Most of the equipment will be under that, so we are on the same page and I can resubmit the EAF with that minor change on Monday as well if that appeases the Board. But I do want to make that change.

Chairman Dingman questioned if there was anyone from the public that is here?

There were not any public comments.

Discussion ensued among the Board with questions addressed by the Applicant.

**ON A MOTION BY MR. LASARSO**, and seconded by Mr. Fehl the Kingsbury Planning Board declares lead agency status and having reviewed the Full Environmental Assessment Form and having taken a hard look at the potential environmental impacts finds that there are no potential negative environmental impacts anticipated from this project and the Board issued a negative declaration on the project.

AYES:4

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

Chairman Dingman stated the public comment section of the meeting is closed but the hearing is still open for written comments. They can be sent by email to Jeff at JMeyer@meyerfuller.com or to 6 Michigan Street in Hudson Falls 12839. The date for submitting these written comments will be at the close of business on April 29, that will be the last time we can take them.

Attorney Meyer stated for the record that his name and email address were provided as part of the public notice where people could submit questions either before or during the meeting and to date, at this moment, I have not received any public comments or emails relative to the application. And to your question, in the interest of a good record I would encourage you to have a motion to potentially formally close the public hearing at the close of business on April 29 and up until that point written public comments will be accepted.

Chairman Dingman stated you have heard the recommendation; can I have a motion to that effect?

**ON A MOTION BY MR. LASARSO** and seconded by Mrs. LaRose the Kingsbury Planning Board has closed the public comment section of the meeting but the hearing is still open for written comments. They can be sent to an email to Jeff at JMeyer@meyerfuller.com or to 6 Michigan Street in Hudson Falls 12839. The date for submitting these written comments will be at the close of business on April 29, that will be the last time we can take them.

AYES:4

NAYES: 0

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ABSTAIN: 0

MOTION CARRIED

Chairman Dingman stated to the Board unless there are circumstances that are presented in the meantime, I kind of look toward an approval at the next meeting with the stipulations which we've talked a little about them tonight but there may be some other ones and I'm going to have a conversation with Jeff, Todd and with anybody else who has something that they would like to make sure is there. The biggest things I have right now are we want to clear up the Army Corps business, the houses, we need the wording on the house itself, it's already the debt asset for the end plan, the decommissioning plan, one of the things we had talked about very early was fire alarms and the monitoring of that. We have an Ag Data statement, but we need to come up with the maintenance of the property – rather than screen now – but we would have to decide what we want to do for grass and things like that and we have talked about this for the previous project but those are the only things that would be listed, basically, as any kind of stipulation and I think they've all been pretty much covered at this point. But if you have others, please get them to me or to Todd or to Jeff or to somebody so that we can address them prior to the meeting.

Chairman Dingman questioned Mr. Doud if he has any questions?

Mr. Doud questioned if he could have an advanced copy of the stipulation to review and comment on before you put it in record.

Attorney Meyer stated that would be appropriate.

Chairman Dingman stated we certainly do not want to blindside you. It will be after the 29<sup>th</sup> and I find what we have with the things that we need and I we will let you know.

Mr. Doud stated he should have said this earlier and apologizes, let me just say that there are a couple of documents that I have to update to reflect that we're only doing three arrays as opposed to four so I will update that documentation and you will have it all on Wednesday.

Chairman Dingman stated we need a written record of it but when you brought the update that was clear at least I think it was clear anyway.

Attorney Meyer stated to Mr. Doud in terms of coming up with possible conditions relative to an eventual approval, if you would like to make a proposal as to what you're willing to do or not willing to do relative the securing the stone house, I'd certainly accept those comments and the Board would certainly take them into consideration. We've talked generally about securing it and making sure it's not a nuisance, possibly some repairs, I would welcome any comments that you may have either before the end of April or at some point in the near future as to what you feel would be a reasonable condition to that effect.

Mr. Doud stated he would be glad to do that. He does plan to go up there and look. I have a lot of pictures of that house. I have never looked at the foundation, I just want to make sure the of foundation.

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Chairman Dingman thank everyone for coming tonight and at this point I would entertain a motion to adjourn.

**ON A MOTION BY MR. FEHL**, seconded by Mrs. LaRose all in favor, the meeting was adjourned at 8:00 P.M.

Michelle Radliff  
Secretary