

***Town of New Baltimore Planning Board
Regular Monthly Meeting
February 9, 2023***

The Regular Monthly Meeting was called to order at 7:24 p.m. followed by the Pledge of Allegiance. Other Board Members in attendance were Ann Marie Vadney; Bob Court; Lee Salisbury; Frank Orlando and Ken Finke. One Board seat remains vacant.

Misty pines

New Baltimore Solar – Site Plan Application

Eric Anderson from Lodestar Energy, LLC introduced himself and the other Solar Company representatives with him tonight: Chris Koenig from C. T. Male; Project attorney Dan Leary; and Dan Watson and Oliver Sandreter from the Company's development team.

Anderson: This is a utility scale solar project located at 14073 U.S Route 9W in the Town of New Baltimore. This project has been underway for a little bit over, I guess, a year and a half now but it has kind of circled back. Lodestar Energy, we are a solar development company. We are operating in three states. We are focused on New York and Connecticut, a few in Massachusetts. We have just over 40 operating projects spread out across those three states. We came to realize that this property was on the market. We thought it would be a good property for our solar development. We worked with the Court family at the end of 2021; we ended up purchasing the property a few months later. During that time, there was a solar moratorium, so we were not able to present our project to you sooner. During that time, we tried to get all our necessary approvals from the utilities, getting a good understanding of the site and yes, I guess we are here to present the project. Any questions that you have, I will let Chris take it away for a high-level summary of what we are proposing for this property.

Koenig: I will just go through the real basic components of the project and aspects of the site; what my approach is thus far to kind of put these together just to give you a little background here. So the site is about 124 acres. It is off the west side of Route 9W, just south of Hannacroix Creek there. The access to the property is from an existing driveway that is shared with the Callahan Quarry, which is up here, off the map, so that is a shared access road.

Van Etten: And do you have a legal right-of-way through that?

Several: Yes.

Koenig: The makeup of the property is mostly second growth trees, open fields, successional growth areas that were formerly agriculture. The topography is undulating throughout the site. There is a rural residential area. There is another solar project across the road and to the west of the site is basically the top of the ridge line and down the other side, which is open fields, ag land over there.

The project consists of three separate arrays; that is one solar farm, but it is broken into three pieces just based on the site characteristics. You just can't put one big project through the entire site just because the site does not allow for it based on the topography and the terrain there. So there are probably four or five basic components of the solar project.

...One, being the panels themselves. These panels are on a single axis tracker meaning they are South according to the road

Oriented road and they actually move with the sun throughout the day to collect as much solar energy as possible.

...The next component would be the perimeter fence, so each array is surrounded by an eight-foot-tall fence. A deer fence is pretty much what it looks like with timber posts just to kind of blend in with the area.

...The other component would be the access road. So you have to build access into the site; and in our case, we are proposing what is known as a limited use pervious access road which is basically a gravel surface that allows rainwater to infiltrate through, so it does not act like an impervious traditional gravel road where it is all compacted.

...And then the electrical component meaning how the power gets to the grid and that is with equipment pads, the transformer pads, the inverters and underground conduits and that will interconnect to the Central Hudson circuit, three-phase circuit along Route 9 W.

...There will be a separate utility entrance where the utility poles will be to interconnect the system right next to the existing road but the primary access to the site and I will stress it is limited outside the construction phase is through that existing Callahan shared driveway.

...I think one of the best characteristics of the site for solar is that it is very well hidden. There is not a lot of visibility of this property from a lot of different residences or points that are publicly accessible so you can kind of tuck the system back in there without having it be seen from the highway or by the public.

We did do some analysis on that so that kind of gets me to the next segway where my firm did a, C.T. Male, not my firm personally but our firm did a boundary and topographic survey of the entire parcel. We also did a study of wetlands and [Word not understood.] on the site and other environmental characteristics of the site and as we put together the Site Plan using those layers of kind of based on the overlays the plans on top of that and we have a whole host of documents that we provided, I think there were 19 different attachments. That is basically taking all the requirements in the existing Solar Code and going line by line, saying check, check, check, kind of giving all the information, at least in a preliminary format right now to you guys for review. That is why there are so many attachments. There are a lot of requirements for the scale of the project so we wanted to give you as much as we could.

We also studied the stormwater on the site and prepared a draft SWPPP since there will be more than one acre of disturbance. We prepared a SWPPP so we have a draft SWPPP up there in your packet as well.

...I want to go through real quick the Site Plan, kind of how they are sequenced so you are familiar with it when you look through your set. The cover sheet kind of shows an overview and it has information about the size of the system and how [Several words not understood.] and things like that.

...The next sheet would be the boundary and topographic surveys of the existing conditions. This also shows the environmental features such as the wetlands and there is an existing stream on the site which kind of grows into a larger water course as you get closer to the road, out of our project area, that drains under the highway.

...The next sheet would be what we are kind of showing to be a zoomed in version of that cover sheet map. This would be the project overlaid on an aerial map, and it also shows things like where we are showing the tree removal and where we are showing preservation of existing tree lines, buffering the site so we call this sort of a landscaping plan although we are not proposing any plantings at this time. This just shows the tree lines and how it all interacts with the adjoining sites.

Court: Excuse me. Is your interconnection shown?

Koenig: The interconnection, yes, I will get to that in the next drawing here. So then after this, we zoom in even further, so we are kind of coming down into the details here. This sheet shows the section, the north portion of the parcel, which is the north array and then part of the central array and also shows detail on the interconnection at the highway and where the highway right-of-way is, the existing conditions here and how we are planning to build off of that for the interconnection, the utilities.

Court: It is going to be down where the bridge is? Where the road is.

Koenig: Yeh, correct, it will be right off that; there is actually a gravel loop that goes through there. It is all kind of grown in now but there is a loop there. Just kind of building off of that.

Van Etten: So, it is going to follow the roadway out from that point.

Koenig: That is correct. Yup, yup, it comes right out of that main driveway.

Van Etten: Just one interconnection?

Koenig: Just one, yes. Just one interconnection and one access. One road for both construction and long-term O&M of the system. This sheet also has a lot of project metrics on it so you have things like proposed array area, the acreages, the fence lines, all those things that are pertinent to the Site Plan in your Planning Board review. It also shows the table that compares our project to what is required in the Zoning Code, all the dimensional requirements, to show where we meet the requirements. There are a few notes, trying not to over complicate the

And then this is the south end of the site, the southern piece at 60 scale total zoomed in to such a large site. This shows the tree line, the scale array, fence line, dimensions for especially the south portion at this scale. Also, there are contours are on there as well.

Then we have a couple of detail sheets which are the perimeter fence showing the actual style, with the deer wire fence, 8 feet tall. The gate that is proposed where the road intersects the fence line. [Several words not understood.] Detailed conduit, typical panel section, signage, detail for national electric code.

Then there is a sheet that shows how we are going to build the impervious road. This is a typical, standard detail from DEC for this type of porous, gravel surface. You basically have to install special GOM material underneath the stone. You have to fill it in with one or two concrete wash-out, very typical on any project

That is pretty much it for the plan. That kind of gives you a high-level overview of the project.

Van Etten: On the one that was proposed for the same place before, Teichos did, they come this far south because that was one of the things pretty much ground that up and left

Court: What was different the barrier

The driveway that is currently there? No, we are not doing anything.

Alfeld: You are going to be able to haul in

That road is big enough.

What impact is it going to have on the people that live on both sides of that road?

Pretty minimal I think because that road is currently used for hauling materials.

Alfeld: How much on that road.

Van Etten: That was a quarry road.

Alfed: Yes, but that was 15, 20 years ago.

Van Etten: More than that.

Alfeld: Well, I am giving it in my mind, going back.

Van Etten: Fifty years ago.

Alfeld: Well, the Burns built their house since that driveway. The people up on the hill if you remember correctly came here when that other outfit wanted to go in because they found surveyors on their property all of a sudden and they didn't even know what the heck the surveying was being done for. How much notice have those people gotten so.

Finke: None at this point. This is just a presentation. Let me just start by; I am a neighbor. I live right across the street.

Alfeld: All right.

Finke: Right exactly across the street, the driveway that goes down in there along the creek, that is mine. So I am going to be the guy that is going to impact the most. I kind of don't mind the project because a lot of the solar panels are hidden at this point. I have two concerns. One is stormwater; that is the biggest one. That whole site drains down and goes underneath the 9W and it goes through my property.

Right. So, we are required by the

Finke: And it goes to the creek after it goes through my property. There have been many times when that has been max-ed out; and now we are adding more to it. So, you know before the stormwater is going to be a big issue as far as I am concerned because it affects me.

Can I just address that at a high level?

Finke: Sure.

Okay, so as a requirement from the DEC our post construction water quality and water volume has to be either the same as pre-construction or better. That is a requirement that we have to meet, and we can go further into the SWPPP if you have any comments on that you are welcome to submit them but that is a requirement that we have to meet.

Finke: So that is the quantity. I am talking about the quantity, not the quality.

Finke: Okay. So how are you going to do that when you are going to take away the pervious area and now you are going to shred it. Right. It is all going to come down because of the panels.

We modeled this. We can dig into the SWPPP.

Finke: Okay, just one of my concerns. I was just sharing my concerns. The other concern is does the utility side for the disconnect and the interconnect have to be right across? Can it be moved back out of sight?

Not exactly so we have a point of interconnection that we worked with Central Hudson to kind of finalize. I mean that is something that we can always look at, but it is part of the plan

Finke: So, every morning when I come out of my driveway, I am going to look at these eight poles in a row

I think we are proposing; are you right here?

Finke: Right there.

I think we are proposing maybe four utility poles that are spaced 50 feet apart going in.

Finke: I am very familiar with what it looks like.

Right. I don't think it would have a significant impact. We don't plan on

Finke: Well, I was just asking someone to move it back 100 yards. Does it have to be at the street level. Can we move it back 100 yards, so it is out of sight.

I can ask Central Hudson for what

Finke: And maybe just put one pole, try to centralize and then go over top because you are going to interconnect on my side also.

We can just talk to Central Hudson about the max distance that we can between the poles. That way if there are any poles added at the site, they would be much further back. Currently, I think we have them spaced at 50. If they allow for 75 or 100, we can certainly do that, and you would see half the amount of poles.

Van Etten: We, well they have to carry...Most of them have those big transformers on them.

Finke: That is what I am saying. I don't know why they can't move it back. That whole four pole set up put in the

Interconnects just move it back and add an extra pole and put the lines over it. That is out of

That particular road has not been in service for 30+ years since I have lived there. I can tell you that much. That quarry just became active, not really active, I don't think the guy has a mining permit to do that. He has some residual stone that is left up there that

The neighbor just put the new gate up and everything else for him; I believed he cleared it out so he could get back up in there, but it is not an active road. It was at one time. It was an active quarry

Alfeld: But after the construction, it is a passive site.

Finke: No, that is correct. I get all that.

The construction phase. Temporary.

Finke: Do you actually have an approval letter from Central Hudson?

Yes.

Finke: That was not attached in this packet.

So, we have a redacted.

It shows

I didn't want to provide you with the entire electrical study. We are also executing an interconnection services agreement with them, probably next week. That is kind of the following step after making a few payments so in our next submission we can provide that for you.

Finke: Well really our Code says that we can't really review the project until we have confirmation and a utility.

Right and it does say that in the document that we supplied. It is in the first paragraph, I think.

Finke: It doesn't say that it is approved. It says that it is part of the submission.

Right, so when we get this study from them, they let us know.

Finke: We know what the approval letter is because we have seen it on other projects. That is what I am saying is we really don't have an approval letter so we can't really move forward with the project until we have that approval letter because we are going to hire our own engineering team to review that on our behalf so until that becomes a valid project and that is what validates the project is the approval by the utility company, then we can move forward.

Right, the provision in the Solar Code requiring that is a little vague so we weren't exactly sure what type of documents to provide you. The answer was kind of not the most straight forward so I apologize that we weren't able to get that specific with what you were asking for and certainly something we can provide or sooner if that is something that is holding you up tonight.

Court: Well, the last company that came in here, they were moving forward and then found they could not get an interconnection agreement and then it got dropped.

Finke: That is why we won't invest too much time into it until we get the interconnection agreement.

Okay. I can say that we went back and forth. We had the same situation with Central Hudson. They told us it would be an extremely costly upgrade. Our Engineers looked closely at it. We worked with them very intimately over the course of three or four months. We were able to add some protective equipment on our side of the point of interconnection to make the interconnection feasible and that is the remaining pages of this document testify to that.

Court: So, the reason I asked about the interconnection, where it was going to go, the project across the street, after it was approved, they came back and said Central Hudson had approved a second interconnection place. So not only did they clear the land here, but they also went and cleared another spot, land that was not supposed to be cleared. They of course put all the blame on Central Hudson. I was a little surprised seeing this that you; because this is so easily accessed off 9W, that you didn't break through here to get to this array or somehow Central Hudson say hey, throw some lines in here.

From the southern array under 9W

Court: Yes.

So, we are trying to reduce our distance from our point of interconnection to the substation. Putting that at the very south of the property would probably require more poles, more interconnection equipment and it also reduces our total cost for interconnection making it more viable.

Plus, the need to put a road in there to access that
Dual access, guard rails, State DOT's don't like that.

Van Etten: That was exactly our problem with the other one is that when they did the second inter connection, the area was supposed to remain wooded suddenly had a road

We like to kind of de-risk every part of the project before presenting to a Planning Board regardless of what the project is so we would not encode and present this unless we were confident that we were able to move forward. So, if any documentation that you guys want to see proving that, we are very happy to provide.

Court: One of the concerns here is relative with the neighbor that is on the hill, here, they are going to be looking for what the view is going to be from their house.

Right, so we have actually conducted a line of site analysis from multiple residences that were abutting to stipulate the visibility of the project site. That is one of the documents that is in your submission set. Answer any questions on that

VanEtten: Nothing down along the bridge.

So, from this residence, we conducted a line of sight in this direction to see what their visibility would be from their residence to this array, and we also did one closer to the property line looking at the southern array.

This #2?. There is a home here.

Van Etten: Yes.

And we wanted to see if they would have visibility to this solar array, so we have a rendering of the topography of this site as well as the distance.

Van Etten: Oh, is that in here.

I think it is the next page. The house is on the left.

Van Etten: I forgot what steps, were they going to make a berm.

Court: They were going to do a berm, but I thought the other company had an array just south of them in this area here. They have nothing here, so it is different.

So, when they did that, did they also take pictures. Were there visuals. I am not sure if it is included in the visual assessment. Most of these lines of sights are from the residences so we would not have photos kind of from that point. We can take photos along Route 9W if that is your concern but the footage in the

So just to clarify what these are, this is a cross section. So, starting at the viewpoint and then moving to the right as you read across the profile to these red lines are basically the viewshed showing if someone were to look up at the highest point of the landscape, that is what they would see. That is kind of what this track so this top line points to, at this point is sort of the edge of the pail, at the highest point up of landscape and this shows as well, you are looking at the rear of the array.

Court: Is this the first part of the array then that is represented?

Correct. As you go on the profile. This is the front. It is all filled in here with panels. This is the front. We show the fence line. The front row and then the rear as well just to see kind of the expanse of it. We also dimension out, these trees represent existing border vegetation

We want. On your map you see there is 196 feet or so of buffer that is going to be in place between this person's house and where the project is going. That is the general public picture that is worth \$10,000.

Van Etten: I am thinking the most visual is going to come from Burns on the other side of the stream in looking at this.

To the northeast of this site?

Van Etten: Yes, they are north, on the other side of the stream.

Vadney: I think he will be really interested in the drainage

Court: There is a steep bank there and you also own the land behind it.

Right, we are retaining all of that, not developing it. There is about 200 feet of just wooded coverage

We can try to take photos as close as we can to the property line.

Vadney: I think that one would alleviate a lot of the questions.

Finke: Well, it is actually a requirement in our Code. He has it cleared all the way to the end so I am sure Ronnie will be here. (Discussion that could not be understood.)

Salisbury: Is there any battery storage on this plan?

No. We are not proposing battery storage.

Finke: Also, your interconnect is showing six poles, not four.

Okay.

Yes, I am sorry. I misspoke on that.

Finke: And it does say permit set. That is an issue.

Okay. "Permit set" meaning it is not

Finke: No, I understand that. It is submitted for a Permit. It is Code I understand that.

That is a revision we will make.

Finke: It looks awful close to the road. I don't know why you can't move that back.

We may be able to. We have been able to increase the distance spans before.

Finke: This is grown up quite a bit up here in the back. I mean this used to be all open field and it used to be hayed all the time and now it is really grown up. There are a lot of trees here so how much actual land clearing are you doing here?

I think it is in our data table. Land clearing to 30 acres. So that includes all the shrubs.

Finke: That is clear cut?

Yes, clear cut. It includes shrubs, it includes trees, it clears sort of the field edges. It is all kind of wrapped into that figure.

Finke: So, you kind of did an overlay there of the solar and what you are cutting

Right. This line here where you see sort of a like a cloud. That is the proposed tree line and then the existing

tree line is shown as well. You see where the proposed tree line is going to be and then we calculated the difference and that is the clearing, less the trees, shrub, brush, all that successional growth.

Finke: So how many acres of solar panels do you have?

Twenty.

Finke: Twenty acres of solar panels.

Yes, and then there is also. The tree cutting, I will clarify. The tree cutting or clearing outside of the fence line is just on grade. There is no grubbing of the land, there is no stumping. We don't need to. It is just for shading. We don't want the panels to get shading on. That sort of around the project is that. Within the fence line, you have to get the stumps out too.

Van Etten: Actually, on the one up on the hill, supposedly they were leaving them. Pretty much ground that up and left that for retention.

Well, yes, that is what we will do sometimes is you can mulch it right on site, chip it.

Van Etten: That was part of their stormwater plan actually.

So, you can chip that wood right on site, process it and just use it as cover.

Van Etten: I believe when we were walking it was pretty much all stumps I think some of the smaller stuff you could leave in but when you get to having the larger trees.

Van Etten: Well, yes,

But some of the smaller stuff you can go right through.

Court: Your interconnection poles, they are down in that valley. Are you building that whole area up higher? I mean it is a low spot off this road. Is that going to be all filled in?

There is no grading proposed for there.

Finke: poles there.

That is shown to be relatively less. It does bank off that existing road, but it is kind of a flat spot.

Court: Well, it is flat on the bottom. But the road, you know, there is an elevation drop. The poles are going to be down on the lower part. You aren't losing elevation

I think we can make it work.

Finke: I have seen as much as three feet, four feet of water on the other side of 9W right there waiting to get through that culvert.

Alfeld: And they have done improvements on that.

Finke: On the low end. You look at that whole property. That whole property spreads, drains that way.

Van Etten: Where does your underground end and go overhead?

The underground ends right at the Verizon pole which is right at the first pole essentially. Everything else goes underground.

Van Etten: Everything else is underground?

It is all underground.

Finke: So, I'm saying I don't know why we can't move it back. You know what I mean?

Van Etten: But at least that is terrain.

Finke: There is no terrain there.

Yes, I think if we were to move it back. There has to be some pole to cross. So, there is only so much space that you can put the three poles. Moving it back and crossing I think most of this is utility owned equipment. At least half of them are. The utility takes half. The project takes half. So, they have some preferences.

Van Etten: Is more of that property developable for solar panels? Basically, I guess what I am saying is no, they are kind of taking us back to why the previous project did not work. There are a number of reasons and are project site is specifically set to kind of the maximum thermal capacity of the substation and for the circuit. So, if we even wanted to put more panels on the property, it wouldn't make sense for us because we would not be able to export any more power.

Van Etten: And that is 4.8 megawatts.

Court: AC, right?

I think we have it on the other side as well.

To the generator.

Van Etten: Well, next step, we have to send out letters to a lot of agencies from the Planning Board. I know you guys sent them up. So, we have to notify a lot of agencies that we are taking on the project, taking the lead on it. They have 30 days to respond. Most of them are pretty good about getting back to us. And we also have to put out letters for some prices for review on our behalf.

Yes, you have to issue an RFP for an Engineer.

Van Etten: Right.

And you are speaking about the SEQR process, initiating the Lead Agency. I think we will also have to undertake County 239 just because we are connected to the State Road. Just so you are aware you are trying to get the coordinated agencies to comment

Have to send it to the County Planning Board.

Van Etten: So, I guess at this point, I need a motion from the Board to send out letters for a Request for Prices for engineering on our behalf.

Vadney: Okay and we are going to do that before we have the letter from Central Hudson.

Finke: We don't have the letter yet. We can't do anything until we get the letter that it is an approved process, an approved project.

Leary: Come on up. Thank you, Mr. Chairman. Members of the Board. My name is Dan Leary. I am the attorney for the applicant. The process of circulating for Lead Agency, which is what I think you are contemplating right now is a coordinated review.

Finke: No, no. What we are saying is that in our Town Code it is pretty clear that we have to get an approval letter from the utility before this Board will accept this as a project and do any work on it.

Anderson: So, I understand what you are asking for. It only says written confirmation.

Finke: That is it.

Anderson: And we have written confirmation.

Finke: No, you don't. That is the application, and it is adopted.

Anderson: Do you mind if I just look at this for a minute.

Finke: Sure.

Leary: If I can continue. The Public Utility is not one of the governmental agencies that would be involved
In

Finke: We understand that.

Leary: So what I am saying is that under SEQRA, because you have the principal approval authority of this project, I think it makes sense that you would be lead agency but you have to circulate to the other involved agencies before you can establish yourselves as lead agency and you have to give them 30 days. So whatever we agree or disagree on this issue I don't see why that process needs to be delayed because of that. Because the sooner you get, because you are going to be the principal approval authority, it is not going to be Central Hudson.

Finke: However, we don't know if this is a valid project until it is accepted by the utility company that they can connect to the system. So, we won't have to do that process if the project is not accepted by the utility company.

Vadney: The reason we are saying that I because we have had projects come in front of us that we got down the road

Finke: Started this process and they can't get approval.

Leary: All you are doing is establishing yourselves as Lead Agency to start the SEQRA process. That is all you are doing. It is not something that is going to prejudice you. I mean we think we have the document.

Finke: We understand that. What we need to do, that we understand.

Anderson: Do you mind if I just read: The interconnection was found to be feasible with modifications to the existing company and operating conditions which are described in detail in the body of this letter. So, I understand you want a specific letter. That is not what we receive as developers.

Finke: Yes, it is because we have seen it before.

Anderson: Okay, but it is not asking specifically for a type of letter. I think this is more of a technical thing. It is something that we can supply to you very quickly. I think it clearly says here from Central Hudson that the

project is feasible.

Finke: "Feasible"

Anderson: Correct.

Finke: But it is not approved. There is a difference.

Anderson: I was trying not to distract you with a lot of technical jargon that followed

Anderson: Right another 20 pages of technical information.

Orlando: Another 20 pages that should have been attached to this?

Anderson: Right. I was trying to give you guys the approval that we had received from Central Hudson at the time of our submission. I apologize if this isn't necessarily what

Vadney: You don't have to apologize. Our position in our revised format of how we go about accepting this project is based on the fact that, we are not saying that you are doing it, but we have had this process, have gone forward and we have seen that the project is feasible but then it does not happen and the company never go the letter and we wasted a great deal of time, like months, so that is why what Ken is saying we are looking for that.

Van Etten: Gun shy.

Leary: Well understanding