

TOWN OF GLEN PLANNING BOARD

MINUTES OF MEETING HELD APRIL 15, 2021

A meeting of the Town of Glen Planning Board was held at 7 Erie Street, Fultonville, New York, on Thursday, April 15, 2021 at 6:30 pm.

The following members of the Town of Glen Planning Board were present:

Tim Reilly, Sandy Hemstreet, Tim McMurry, Cheryl Huxhold, Susan Whiteman, Nancy Langdon

The following member(s) of the Town of Glen Planning Board were not present:

Rosalie Farina

A quorum of the Planning Board being present, the meeting was called to order at 6:33pm by Chairman, Tim Reilly, followed by the Pledge of Allegiance and a moment of silence. Meeting notes were recorded and drafted by Secretary, Sandy Hemstreet.

Cheryl Huxhold motioned to approve the minutes of the Planning Board meeting held on March 18, 2021. Susan Whiteman seconded the motion. Tim Reilly, Tim McMurry, Sandy Hemstreet, and Nancy Langdon voted in favor of the approval.

Old Business

Pilot Site Plan

Tim Reilly stated the site plan needs to be updated per comments Pilot received from Prime. As such review of the site plan has been moved to May.

Borrego Solar Public Hearing

Called to order by Tim Reilly at 6:47pm

Reading of the Public Notice- Sandy Hemstreet

Greg Gibbons & Steve Long presenting on behalf of Borrego

Overview

5MW AC ground mounted solar project on a 48-acre parcel; project located on back portion of the parcel. Solar siting of 19 acres (fenced in). Visual assessment shows no view from the Auriesville Shrine. Access road 16ft wide (currently farm road); paved at Rt 5s entrance per coordination with NYS DOT. Compacted gravel road of approx. 1,000ft. Interconnection of the utility on Route 5s; no view of site from Route 5s. 7ft chain link fence around solar panels is proposed. Ground mounted, fixed tilt racking system with minimal ground disturbance proposed. Panels to be tilted south. Inverter and transformer located at center of the site. The land is mostly cleared but 8 acres of trees will need to be removed. There are no endangered species, per DEC and no wetlands. The site plan stays away from nearby Ravine Creek. This is an archeologically sensitive area and will require a consultant to complete a study (in progress). Project was put in front of County Planning Board the week of April 5-9 with no objections or additional feedback. Greg reviewed the visual simulations conducted by Saratoga Associates with the community. The closest house is 1200ft away and they would be able to see partial panels in the background. The next closest house is also 1200ft away and has similar view of panel system. There was no vision from the Shrine Visitor Center, located 1500ft from the solar siting.

Public Comment

1. Bill Baaki- stated meeting is the first time the Shrine is hearing of a neighboring solar project (Borrego shows certified mailer sent April 2, 2021). Stated the Ravine Creek is a significant religious spot in America. People come to walk down to Ravine Creek as part of the pilgrimage of honoring saints who are buried in that area. It is not clear exactly where the burial sites are in this area. Concerned about the removal of

trees/creation of roads vs preserving the habitat. Asked the distance of the project from Ravine Creek; Property Line is 288ft, solar siting is 300ft from property line.

2. Any oils that could leak into the ground? These panels are 95% silicon covered in glass. No liquid inside of panel. Lifespan of 25 years.

3. What happens after 25-year lifespan? Panels lose their efficiency but are still in use. The lease on property is 25 years with 5-year extensions. There are some installations from the 80's still in use today.

4. Any herbicides used for the grass? No, none used. Mowed 2 times per year.

5. If you are at Ravine Creek, can you see the solar project? No, not currently. There is a ridge in the way when you are at the Ravine Creek that prevents you from seeing up into the neighboring property.

6. What type of glare do these panels produce? Anti-glare study conducted showing minimal issues with glare in siting.

7. Why did Borrego choose an agricultural area rather than a desert area not being used for other things? This site is not farmed. It's mostly cleared but not seen as useful for much by the owner. The site is not within an agricultural district. Siting of these projects doesn't require a hot, southern area to be useful. Owner of property feels this would be a good use of his lands.

8. How does this system benefit the area? 5MW produces enough energy to power 800 homes. Community members can sign up to participate in community solar and get 10-15% off their electric bill. Anyone in the F Zone can subscribe and get access to this energy discount.

9. What is the pathway of the electricity? This site will be using the lines on 5S to carry to the substation.

10. Please confirm acreage being used: 40-acre property of which Borrego will lease 19-20 acres for the project.

11. Can you guarantee you won't expand further into agricultural land? This project will not expand beyond the 19/20 acres indicated.

12. At the end of the lease do you remove the solar panels? The project has a decommissioning plan which provides a bond to ensure there's money to remove the panels. Borrego will decommission the project, but in the case they are not able to, the Town of Glen will have funds in place to ensure the costs of the removal of the project are covered.

13. How are you connected to ConnectGen? There is no connection between the Borrego solar project and the ConnectGen solar project.

14. In the lease, do you care for the panels? Yes, Borrego monitors the panels and sends someone to complete repairs when necessary.

15. Did Borrego connect with the Town of Glen Volunteer Fire Department? Borrego has called every day for 2 weeks; haven't reached anyone. Did send a copy of the site plans. Will keep trying to make verbal contact to answer questions.

16. Have you studied the returns these panels are producing? Know someone who sited their barns for 5 years and haven't seen any real return on the investment. This system is different. The rates of return to the public are guaranteed when someone enrolls in the program. Borrego also does a lot of modeling of the systems in advance to ensure they know how much return they will get out of this siting.

17. How much money are you receiving from NYS? NYS is providing incentives per MW. These incentives started out high but are decreasing. NYSERDA website provides information on the actual dollar value of the incentives if the public wishes to review this.

18. How close are the panels to the distribution lines? This system requires being near 3 Phase lines. There aren't 3 Phase lines everywhere so they must site based on where those transmission lines are located. There must also be a solar law in place, landowner interest, and good proximity (within 3 miles) of the nearest substation.

19. What about the conflict between solar and farmland? There are initiatives in NYS to run solar, but also to protect farmland. NY Ag and Markets program requires solar companies to pay them land use mitigation fees based on the type of farmland being used for solar. The higher the quality of land (Prime Ag Land), the higher the fees to use it. Also, community must remember solar projects are not permanent; leases are for 25 years generally.

20. Do you have other sites locally? 4 sites in the Montgomery/Fulton county area including Gloversville, Johnstown, and Fultonville.

21. Have you had any issues with stray voltage? No, none that Borrego is aware of.

22. Are you looking anywhere else in the Town of Glen to site solar? There could be other project managers looking but Steve Long does not have any others he's siting in the area.

23. Did you use the Town of Glen Solar Law to help plan the project? Yes

24. Have you conducted any health studies on proximity to solar panels? Yes, have not identified negative health impacts. The panels have a different current than that of electric lines. The middle of the array covers EMFs and they decrease outwardly until they are zero by the fence. There was a NC University study conducted with meters at the fence to determine EMF impact. Identified not impact greater than those already out there from powerlines. The site is not accessible to the public.

25. How do you take care of the weeds? Do you use chemicals? No chemicals, just mowing. Use a wildflower mix for seeding to encourage pollinators. Recommendation to use carbon sequestering plants; Borrego open to any ideas on best seeding mix.

No Additional Questions

Motion to close the Borrego Solar public hearing- 7:37pm

Motioned: Cheryl Huxhold

Seconded: Nancy Langdon

All in Favor: Tim Reilly, Sandy Hemstreet, Susan Whiteman, Tim McMurray

Tim Reilly noted the Borrego Solar project had been sent to the County Planning Board for review. There were not additional comments. Tim Reilly to send Sandy Hemstreet notes from Ken Rose approving the project.

Western Supreme Buddhist Temple Public Hearing

Tim Reilly noted the public hearing from March 18, 2021 is still open. A letter was received April 15, 2021 from Bill Baaki of Goldberg Segalla with feedback for the Planning Board on the proposed project. Bill to send an electronic copy to Sandy Hemstreet to update the Town website (Planning Board/2021 April Meeting Minutes). Niki Chan provided two more certified receipts to Tim Reilly for mailings. Tim stated the Planning

Board would review the packet from Bill Baaki as part of the review process; members should do so prior to the May meeting.

Motion to close the Western Supreme Buddhist Temple public hearing- 7:46pm

Motioned: Sandy Hemstreet

Seconded: Tim McMurray

All if Favor: Tim Reilly, Cheryl Huxhold

Abstain: Susan Whiteman, Nancy Langdon

Tim Reilly requested a motion to send the Western Supreme Buddhist Temple site plans to the County for their review at their May 13, 2021 meeting.

Motion to submit the Western Supreme Buddhist Temple site plan to Montgomery County

Motioned: Nancy Langdon

Seconded: Cheryl Huxhold

All if Favor: Tim Reilly, Susan Whiteman, Tim McMurray, Sandy Hemstreet

Lamont Engineering stated that the pavilion structure, originally on the plans for the Western Supreme Buddhist Temple was inadvertently left off the most current plan documents. Cheryl Huxhold requested Lamont identify where the structure was left off the plans. Nancy Langdon asked if the Planning Board would be looking to see if previously approved Western Supreme Buddhist projects had been completed. Tim Reilly stated we would only be looking at the project in front of us. Doug from Prime stated nothing new had been submitted to him related to this projects; no further comment.

Land Use Management Plan:

The Town Board requested Zoning Regulation updates to the Land Use Management documents. Tim Reilly went over the requested changes and feedback from Planning Board members. The Planning Board determined it would leave the term public utility in the document but would select language on solar and wind as defined by the Town of Florida to update the document. Sandy Hemstreet will provide draft edits to the Planning Board prior to their May meeting. Once reviewed and approved at Planning Board, these will be sent on to the Town Board for consideration.

The draft updates will be on the following topics:

- 1.Public Utility- recommendation to build out definition of Commercial Solar
- 2.Mobile Homes- recommendation to remove requirement of Special Use Permit to align with NYS regulation
- 3.Marina- recommendation to remove as an allowable use in the Hamlet of Glen
- 4.Private Schools- recommendation to remove requirement of Special Use Permit

Comprehensive Plan:

The Comprehensive Plan needs updates. This will take many people, beyond just the Planning Board. Will require an actual committee. Tim Reilly noted the Planning Board could suggest potential committee members to the Town Board. Sandy Hemstreet noted the Planning Board may want to see what grants are available to help with costs on a project of this scope.

New Business

Logtown Rd Amish School Subdivision

Requesting 2.017 acres be subdivided off lands owned by Harvey Mast with 260 ft of road front. Schoolhouse is currently located on the property. Subdivision would put school on its own lot. Per Tim Reilly, a small section of this site is located in the Town of Root (driveway corner). Tim spoke to the Planning Board in the Town of Root. They have indicated if the Town of Glen Planning Board approves the simple subdivision, they approve as well.

Motion to approve simple subdivision of lands belonging to Harvey Mast

Motioned: Tim McMurray

Seconded: Nancy Langdon

All if Favor: Tim Reilly, Sandy Hemstreet, Susan Whiteman, Cheryl Huxhold

Lot Adjustment- Russ and Judy Kelly

Russ Kelly requested a lot adjustment at 3259 NY 30a, Fultonville, NY. Recent survey identified substandard lot, sited on less than the required 2 acres. All lands on the survey are owned by Russ and Judy Kelly. The adjustment enlarges the home property to slightly greater than the 2 acres required and reduces a small section of farm acreage.

Motion to approve lot adjustment of Russ and Judy Kelly

Motioned: Nancy Langdon

Seconded: Susan Whiteman

All if Favor: Tim Reilly, Cheryl Huxhold, Tim McMurray

Abstained: Sandy Hemstreet

Communication Updates

Susan Whiteman asked if the Town of Glen had a Code of Ethics. Tim Reilly stated a Code of Ethics was established by the Town. Tim McMurray provided a copy to Susan. Sandy Hemstreet scanned a copy to be added to the Town of Glen website; located under "Town Documents".

Public Comment

1. JD Downing asked how ConnectGen fits into Town of Glen Comprehensive Plan, particularly as it relates to claiming farmland. He stated he felt the solar law went against the town's Comprehensive Plan.
 - a. The Planning Board stated they worked on the draft solar law for approximately 16 months prior to submitting to the Town Board. The law was created based on similar laws found in the Town of Florida, Mohawk, Canajoharie, and Charleston and by using guidance provided by NYS.
 - b. As it relates to the Comprehensive Plan, Tim Reilly noted that it does provide a guide for the community, but it cannot be taken so literally that nothing else could ever happen in the community outside of farming. While we prefer agriculture, we must also adapt, especially when the State and Government are driving certain agendas. We do have to adapt as well and some smaller solar may mix very well in our community.
 - a. An example is the 1971 Ag Districts Law which was supposed to help with combining tourism and agriculture. This law was pushed by the State even though it actually went against the State Constitution. The 94-c process is another one in which the State goes against a Town's ability to oversee their community. These situation's mean Albany appointees make decisions over the Town.
 - b. Noted the Ag District Law was created to prevent the selling of building lots everywhere
2. It was asked why the Amsterdam Recorder no longer covers Town or Planning Board meetings and noted it was a shame they didn't, as there's a lot going on outside of Amsterdam.
3. Concerned that the Western Supreme Buddhist group will work on their projects regardless of having a permit to do so. Asked what we can do about this? Tom DiCaprio is the Code Enforcer and he would need to make the call on whether work was being done outside of a permit. JD Downing stated they have been using bathrooms without a proper septic system and they are burning when they are not supposed to be doing so. ENCON has been called but nothing happens to stop this. The laws are only as good as the enforcement of them.
4. Asked if the development of Borrego Solar fell into the Comprehensive Plan. Russ Kelly stated several farmers were contacted about the property in question. No one was interested so the owner then coordinated with Borrego.

5. Russ Kelly stated the Town was told, when solar first came up in the Town of Glen, that we didn't have capacity for large scale solar.
6. Russ Kelly expressed concern that Lamont Engineering waited until after public hearing ended to mention there was a building missing from the site plan documents. He stated the driveway issue on 5s has not been resolved.
7. Asked if anyone had heard that ConnectGen would expand beyond the 2,000 acres currently noted to 3,000 acres?
8. Michelle Egelston brought forward ideas for the community that would require participation of landowners but could help prevent the community from becoming a sea of solar panels. The Mohawk/Hudson Land Conservancy is interested hiking/walking trails. This could help with tourism in the community. Logtown Rd, before the cemetery, is a good place for walking trails, benches, etc. We have no recreation in the Hamlet. Behind the Firehouse/Anderson Instruments there is a place that could be a good gathering place, possibly a park. We could have educational kiosks and even an Amish Corridor in the community. If we had walking trails that connected to the bikepath we could draw people to the Hamlet. A \$100 credit on power is not worth the wasteland we will have to drive through and look at for 25 years. A park could possibly protect us.
9. ConnectGen maps were terrible. Why were they allowed to comment on the Solar Law and why wasn't the community told about this previously? It seems a huge conflict of interest. A request was made to the Town Board to see feedback ConnectGen provided on the draft law.
10. The Starin Estate in on property that is within the Town of Glen. This could also be a park in the future.

Closing

The next Town of Glen Planning Board meeting is scheduled for May 20, 2021 at 6:30pm

Nancy Langdon motioned to adjourn the meeting at 8:32pm. Susan Whiteman seconded the motion. Tim Reilly, Cheryl Huxhold, Tim McMurray, and Sandra Hemstreet voted in favor of the adjournment.



Sandra Hemstreet