



**TOWN OF BALLSTON
PLANNING BOARD**
323 Charlton Rd
Ballston Spa, NY 12020
Phone: 518-490-2715
building@townofballstonny.org

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**TOWN OF BALLSTON PLANNING BOARD
REGULAR MEETING MINUTES
January 26, 2022
via Zoom Only
6:30 pm**

ATTENDEES: John Van Vorst, Chairperson
Ben Baskin, Board Member
Dave Blair, Board Member
Dale King, Board Member
Patrick Maher, Board Member
Audeliz Matias, Board Member
Peter DiLorenzo, 1st Alternate
Michael Zuritis, 2nd Alternate
Bill Keniry, Attorney
Jeff Stickles, Code Enforcement Official
Jenny Lippmann, Engineer

ABSENT: Sondi Smith, Board Member

Call To Order

The meeting was opened at 6:30 pm.

Pledge Of Allegiance was led by Chairman Van Vorst.

Approval Of Previous Minutes

MOTION: Mr. Maher made a motion to approve the December 29, 2021, meeting minutes as drafted. Mr. Blair seconded the motion. All in favor. **CARRIED.**

MOTION: Mr. Maher made a motion to approve the January 10, 2022, special meeting minutes as drafted. Mr. Blair seconded the motion. Ms. Matias abstained. All others voted in favor. **CARRIED.**

OLD BUSINESS

35 Middleline Rd Minor Subdivision (PB 2021-013) - Public Hearing Scheduled
35 Middleline Rd; SBL 238.-2-45
Minor Subdivision-Proposal to subdivide a 9.31-acre property into 3 residential lots



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Ms. Maria Gross, property owner, presented the application.

Ms. Gross stated that they resubmitted the Ag Data statement as it needed a date.

Ms. Gross asked if the County was contacted regarding the ditch.

Ms. Lippmann stated that only the County Referral was needed, and the response was received on January 21st and there was no significant impact. Ms. Lippmann stated that any highway work permit for the driveway and the culvert would have to be coordinated with the County directly by the applicants.

Ms. Gross stated that they installed their own driveway and acknowledged that they will contact the county.

Public hearing opened at 6:36 pm.

No one chose to speak.

Public hearing closed at 6:36 pm

MOTION: Mr. Maher made a motion that the Town of Ballston Planning Board approve the minor subdivision located at 35 Middleline. Ms. Matias seconded the motion. All in favor.

CARRIED.

206 Westside Dr Minor Subdivision (PB 2021-014) - Public Hearing Scheduled

206 Westside Dr; SBL 249.13-1-14

Minor Subdivision and Site Plan Review - *Proposal to demolish two existing dwellings and subdivide parcel into two lots.*

Mr. Duane Rabideau of VanGuilder and Associates represented **Mr. Justin Zampella**.

Mr. Rabideau stated that the proposal is to subdivide the existing half acre parcel into two single-family residential lots. The intent is to remove two existing single-family houses and construct a new single-family house on proposed Lot 2, which is the northern-most lot. The existing garage apartment structure is to remain on proposed Lot 1. The lots will be tied into public water and public sewer.

Mr. Rabideau stated that the Zoning Board of Appeals has granted area variances so the proposed lots will be zoning compliant.

Mr. Rabideau stated that they will be responding to Ms. Lippmann's review letter and revising the Short Environmental Assessment Form. A basic SWPPP has been prepared and will be submitted for review. They are working on revising the subdivision site plan to meet the 15% threshold for impervious surfaces per lot to keep Lot 2 zoning compliant.



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Public hearing opened at 6:42 pm.

No one chose to speak.

Public hearing closed at 6:43 pm.

Ms. Lippmann stated that the Planning Board has not yet received the modified site plan and so it has not been reviewed.

Chairman Van Vorst asked if approval could be conditional.

Ms. Lippmann stated that it could be conditional.

Mr. Maher stated that he was not comfortable with conditional approval with an outstanding modified site plan.

Chairman Van Vorst polled board and members agreed that they wanted to table the application until the modified plan is reviewed.

Application was tabled.

Lakeside Meadows (7 & 12 Willem Way) LLA (PB 2021-015)

7 and 12 Willem Way; SBL 249.-2-69 and 68

Lot Line Adjustment - Proposal to adjust common line in a manner that Lot 5E will have 112.77 feet of frontage along Willem Way.

Mr. Duane Rabideau of VanGuilder and Associates represented the applicant, Ms. Denise Volpe.

Mr. Rabideau stated that the proposal is for a lot line adjustment between 7 and 12 Willem Way. Mr. Rabideau stated that the question of whether this was major or minor subdivision has been answered. It is a major subdivision and they have received a letter from Mr. Stickles confirming that and, therefore, the application does not need 280A relief. The proposal meets the minimum lot width requirement, and it is not a flag lot.

Mr. Rabideau stated that the lot line adjustment is proposed to fix a situation that was discovered last fall.

Mr. Stickles stated that everything was in order and that the applicant was only trying to rectify a situation that had been overlooked.

Mr. Rabideau stated that the letter did not specifically talk about lot width.

Ms. Lippmann stated that the lot width requirement is met since there is not a stated frontage requirement.



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MOTION: Mr. Maher made a motion that the Town of Ballston Planning Board approve the lot line adjustment between Lot 6R2 and 5E Lakeside Meadows Estates (7 and 12 Willem Way). Mr. Baskin seconded the motion. All in favor. **CARRIED.**

Dispatch Building For Curtis Lumber (PB 2021-018) - Public Hearing Scheduled

885 Route 67; SBL 228.-3-69

Site Plan Review - *Proposal for replacement of existing dispatch building with new 8000 SF building with new breakroom.*

Mr. Brandon Ferguson of Environmental Design Partnership represented the applicant, **Curtis Lumber.**

Mr. Ferguson stated that the proposal is to replace the existing approximately 1600 square foot dispatch building on Curtis Lumber's flagship site. The existing building is not adequate for their current needs. The proposed building will replace the old dispatch building and weigh station. The new building will be constructed adjacent to the current dispatch building. The 8000 square foot proposed building will house dispatch and contain some offices and a breakroom for the yard staff. This proposal will disturb less than one acre and not result in any increase in impervious area and will connect to existing water and sewer.

Ms. Lippmann stated that documentation from SHPO was received, and everything has been adequately responded to.

Public hearing was opened at 6:55 pm.

Ms. Latwanna Nowak, 40 Brookline Rd, asked whether there will be any traffic impacts due to the increase in size of the proposed building.

Chairman Van Vorst stated that they do not normally answer questions during the public comment period, but that there won't be any impact to traffic.

Public hearing was closed at 6:57 pm.

MOTION: Mr. Maher made a motion that the Town of Ballston Planning Board approve the Site Plan for Curtis Lumber Dispatch Building at 885 New York State Route 67. Mr. Blair seconded the motion. All in favor. **CARRIED.**

Middleline West & Middleline East Solar Array (PB 2020-010)

284 Middleline Road; SBL 227.-1-16.11

Site Plan Review and Special Use Permit Community Solar Installation (CSI) - *Project plan is to construct two solar arrays on two parcels (227.-1-16.11 and 227.-1-20). Project totals 91.9 acres and will be approx. 5 MW AC each.*



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Mr. David Bagley of Finlo Solar and **Mr. Reuben Hull** of LaBella Associates represented the applicant, **Farm Raised LLC**.

Mr. Bagley stated that they had received the comment letter from MJ Engineering and have responded in writing to those and submitted an updated SWPPP.

Mr. Bagley stated that there had been a question at the last meeting related to racking in the decommissioning plan. Mr. Bagley stated that there was a typo and the decommission plan should have stated that the racking will be recycled like the fencing. Mr. Bagley stated that they will submit corrections to the two plans.

Mr. Bagley stated that there was a question regarding sheep and water. Mr. Bagley stated that if there is onsite water, they will use it, and if not, then the shepherds will bring water to the site.

Mr. Bagley stated that they had been asked how many customers would be supported by proposed solar system and it is roughly 150 residential customers for each 1 MW of power installed.

Mr. Bagley stated that they had talked with National Grid regarding the power poles. Mr. Bagley stated that they don't have definitive answers from them, but they said the poles could be moved further back from the road. Mr. Bagley stated that they would move the landscaping in front of them as best they can so the poles can't be seen from the street very easily.

Chairman Van Vorst asked members if they had any questions or comments.

Mr. Baskin asked why the site was broken into two sites.

Mr. Bagley stated that rules in NYS require it to be two projects since the state limits the project to maximum 5 MW per site so that it is why they are split into two different systems that interconnect with National Grid.

Mr. Baskin asked if that impacts anything besides the land area used.

Mr. Bagley stated that the applicants have to spend extra money to separate the systems and run them in parallel.

Chairman Van Vorst stated that on the Environmental Assessment Form, Ag and Markets should be listed as an involved agency.

Mr. Bagley stated that they are absolutely involved.



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Mr. Hull stated that Ag and Markets is definitely involved, and they do go to them, and he was not sure why it is not listed.

Ms. Lippmann stated that coordinated review letters went out and Ag and Markets was not listed. Ms. Lippmann stated that she will send out that letter shortly.

Chairman Van Vorst asked if there needs to be a revision for sheep being brought in.

Mr. Bagley stated that they feel there is enough room and don't think there needs to be changes to the plan.

Chairman Van Vorst stated that the sheep need to be rotated and asked what the plan is for that.

Mr. Bagley stated that he does not know if they can just roam the entire system.

Chairman Van Vorst stated that if an owner of the sheep wanted to rotate the area, would they be able to do that.

Mr. Bagley stated that there is plenty of room between the panels and they can have temporary fencing.

Chairman Van Vorst asked if the permanent fencing on the perimeter will be down to the ground, so no predators get in.

Mr. Bagley stated that they have to have a little gap so that wildlife can traverse the site.

Mr. Hull stated that typically the fence will have some gap so rabbits and squirrels and such can go under. Mr. Hull stated that in terms of sheep and their management, it would be coordinated with the keepers of the sheep.

Chairman Van Vorst stated that there is a difference between squirrels and coyotes, etc. and owners of sheep would be apprehensive about introducing them to an area that makes them vulnerable.

Chairman Van Vorst asked if there had been discussions with National Grid about burying cables or having only one pole.

Mr. Bagley stated that the standard configuration is poles. The cables are buried up to the poles. Mr. Bagley stated that at this point, there will be poles and they are discussing the distance between the poles and how far from the road they can be and are trying to optimize for the neighborhood as well as the project.



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Chairman Van Vorst stated that there are four applications for solar and there is a vast range of dollar amounts for decommissioning. Chairman Van Vorst stated that he feels apprehensive that they will underestimate the cost of decommissioning and he is looking for a little more confidence or assurance to determine the current amount of escrow that will be set aside.

Mr. Bagley stated that hopefully MJ Engineering will review the decommissioning plan and agree with it, or it can be modified based on their comments. Mr. Bagley stated that there is a tremendous amount of recyclability of the systems. Mr. Bagley stated that there will be a meaningful amount that will cover costs and it will grow in 25 years in addition to the salvage value and feels it should be sufficient to cover everything that they have to do.

Ms. Lippmann stated that they are reviewing all the decommissioning plans and will have some recommendations for the town so that everything is set up that is fair for every application.

Chairman Van Vorst stated that the salvage value today may not be the same in 25-35 years and that inflation is also a concern.

Mr. Bagley stated that they are projecting the value out into the future.

Mr. Zuritis asked what is being used to value the modules in 25 years. Mr. Zuritis asked if there is some history or sample system that they can show they have been able to get a certain value out of these modules.

Mr. Bagley stated that the modules should still have 70% capacity left. Mr. Bagley stated that there is some recycle value or reusing them as a secondary module where someone can put them on their house for almost nothing.

Mr. Zuritis stated that he would question the recycle value. Mr. Zuritis asked the applicant if it would cost them to dispose of them properly.

Mr. Bagley stated that there is a market that is being created right now to recycle these and with the volume of projects in the northeast they will have places in the area so that that transportation costs would not outweigh the value of the recycling.

Mr. Zuritis stated that he would like to see some more information on the valuation of the panels.

Chairman Van Vorst stated that the Board does not want to put the Town in a position that is going to hurt the Town and so they are proceeding cautiously.

Mr. Zuritis stated that the industry doesn't have a history to really be able to say that there are projects that are 25 years old, and this is how much it costs to decommission projects.



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Mr. Bagley stated that cost is a predictable amount as they know how much it costs as a gross amount and how much set off there is for salvage. Mr. Bagley stated that MJ Engineering can review and see if they have been accurate in their assumptions and determine whether their numbers look reasonable or not.

Mr. Zuritis stated that they should be able to come up with a reasonable assessment of the salvage value of the recyclable material, but the question is the panels and whether it costs money to get rid of panels instead of generating revenue.

Chairman Van Vorst stated that they need to coordinate the site visit. Chairman Van Vorst stated that he would like to see if there was an ability to create a video by using a drone to see the site from all different angles and perspectives.

Mr. Bagley stated that he was not sure that they could easily add the panels virtually to a drone video.

Mr. Bagley asked if such a video would meet the obligation of the law for a site visit.

Chairman Van Vorst stated that the drone visual would not be replacing the site visit but thinking it might be an informative addition.

Chairman Van Vorst stated that a Saturday visit be most convenient and should be coordinated with the Secretary.

Ms. Lippmann stated that at the last meeting, the Town Planning Board declared their intent to be Lead Agency. Ms. Lippmann stated that coordinated review letters have been sent out, but the Ag and Markets letter will be sent out tomorrow.

Mr. Keniry stated that if the coordinated review included Ag and Markets, then 30 days would be February 26th and past the next meeting date.

Ms. Lippmann stated that if Ag and Markets is required, then it would delay the process, but otherwise they should be okay.

Ms. Lippmann stated that after the 30 days, the Planning Board could declare themselves Lead Agency if they so choose.

Mr. Bagley stated that he was not sure that Ag and Markets are required to be coordinated with.

Ms. Lippmann stated that she agreed that they have to be notified as the project is in the Agricultural District but was not sure if they should be included in the coordinated review.



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Mr. Bagley asked if the Public hearing would be scheduled for the next meeting.

Chairman Van Vorst stated that the public hearing cannot be scheduled until the Planning Board has made some sort of decision regarding Lead Agency or SEQR determination and that it may be set for the March meeting.

Mr. Keniry stated that the site visit should be conducted, and the coordinated review completed before a public hearing is scheduled.

Application is tabled.

NEW BUSINESS

60 Middleline Rd CSI (PB 2021-011)

60 Middleline Road; SBL 238.-2-26.2

Site Plan Review and Special Use Permit for Community Solar Installation (CSI) - *Proposal of 5 MW AC CSI.*

Mr. Morgan Ruthmann of Spinney Group, **Ms. Amanda Postma** of Renovus Solar, and **Mr. Jason Dell** of Lansing Engineering presented this application.

Chairman Van Vorst stated that for full disclosure he wanted everyone to know that this property had been in his family for years; his grandfather had bought it in the 1940s and then his dad bought it.

Chairman Van Vorst read the solar statement:

|The recently enacted Local Law 3 of 2021 amended the Town Code to add Type III solar, or community solar installations. Community solar installations require a minimum of 60 acres, the systems must exceed 25kW. Community Solar is only allowed in the rural district, and requires a special use permit, site plan review and a building permit.

Local Law 3 Section 138-115.4 (D) (2) caps the total town-wide acreage of community solar installations at 150 acres. Solar systems installed prior to the passage of Local Law 3 do not count towards this cap.

All applicants are advised that while the Planning Board may initiate review on solar projects it cannot approve projects that would violate the town-wide 150 acre coverage limitation. Thus, applications for approvals related to Type III solar in the Town at all times remain subject to suspension or cessation of review pursuant to the Town Code.



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Mr. Ruthmann stated that the concept plan shows the general site plan and will be modified and revised with additional engineering as the project moves forward.

Mr. Ruthmann stated that screening was an important consideration and they have paid attention to that by retaining existing tree lines around the property and will provide additional screening and fencing where it is required. The project exceeds all setback requirements.

Mr. Ruthmann stated that FEAF and SWPPP are forthcoming.

Mr. Ruthmann stated that they have submitted the visual impact photos and they do have drone photos and could provide that.

Mr. Ruthmann stated that ACOE permits and US Fish and Wildlife correspondence will be provided.

Mr. Ruthmann stated that they have an issue related to the system perimeter coverage. Mr. Ruthmann asked whether it is intended to function as a lot coverage criteria, which is how MJ Engineering identified it in their comment letter. Mr. Ruthmann stated that he disagreed with that because if the ordinance means the perimeter area of the panels themselves, then their panel coverage would only be about 12% and below the existing criteria. Mr. Ruthman stated that coverage was a misnomer because under stormwater management guidelines, DEC SPDES permit actually define impervious area or coverage as impermeable surfaces that cannot infiltrate rainfall so based on feedback they have gotten from DEC, panels that allow the rainwater to permeate the soil beneath them are not considered coverage areas, so the term "system coverage perimeter" is actually not a term that is used in the context of zoning and municipal land use for solar installations as far as they are aware.

Mr. Ruthmann stated that lot coverage criteria are being phased out altogether from NYSERDA's model ordinance.

Mr. Ruthmann stated that it is not clear why the lot coverage pertains only to the watershed overlay district in the current zoning and not in the Rural district.

Mr. Ruthmann stated that the March 29th draft of the solar ordinance which is on the town's website contained a blanket provision for all Type III systems and stated that the system coverage perimeter shouldn't exceed 50% of a parcel but it didn't contain any particular limitation on projects in the watershed overlay district. Mr. Ruthman stated that based on that standard this project would fall well below that standard. Mr. Ruthmann stated that the subsequent amendment that was passed on April 29th states that 20% coverage is for watershed overlay district but no coverage maximum for other districts.

Mr. Ruthmann stated that he would like clarification for the rationale for including only the watershed overlay district because if the Town's consideration is focused on stormwater impacts



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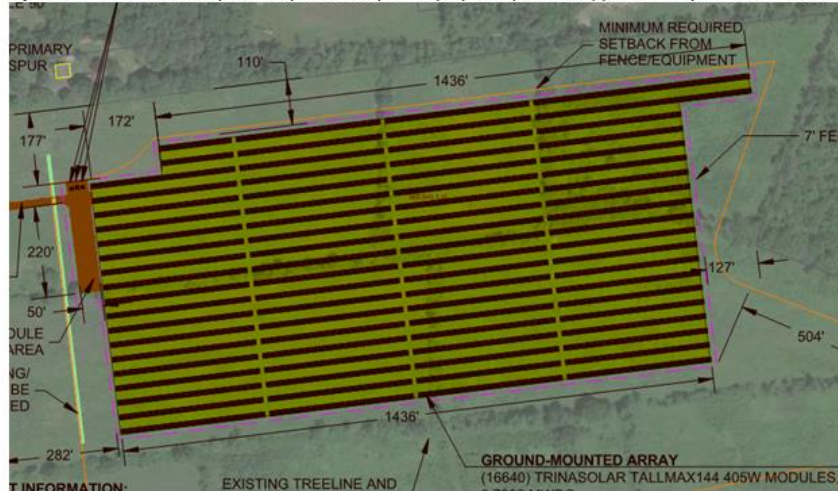
on the watershed, then it would be useful to know as DEC guidelines that dictate the SWPPP typically require only erosion and sediment controls as long as the hydrology of the site is not being altered.

Mr. Ruthmann stated that, if necessary, they may have to apply for a variance to the Zoning Board of Appeals.

Ms. Lippmann stated that the zoning code is written as “system perimeter coverage”. Ms. Lippmann stated that she included the panel perimeter area but did not include the fencing perimeter. Ms. Lippmann stated that she had received Mr. Stickles’ interpretation that the coverage perimeter was the outside perimeter of the system as shown in the first figure below.

Ms. Lippmann showed two figures on the screen to illustrate how the coverage is being interpreted. The first picture shows the perimeter of the system and she received concurrence from Mr. Stickles as to the interpretation of the code. The coverage calculated as shown is 35.3% and because of the way the code is written, this is the way it was intended.

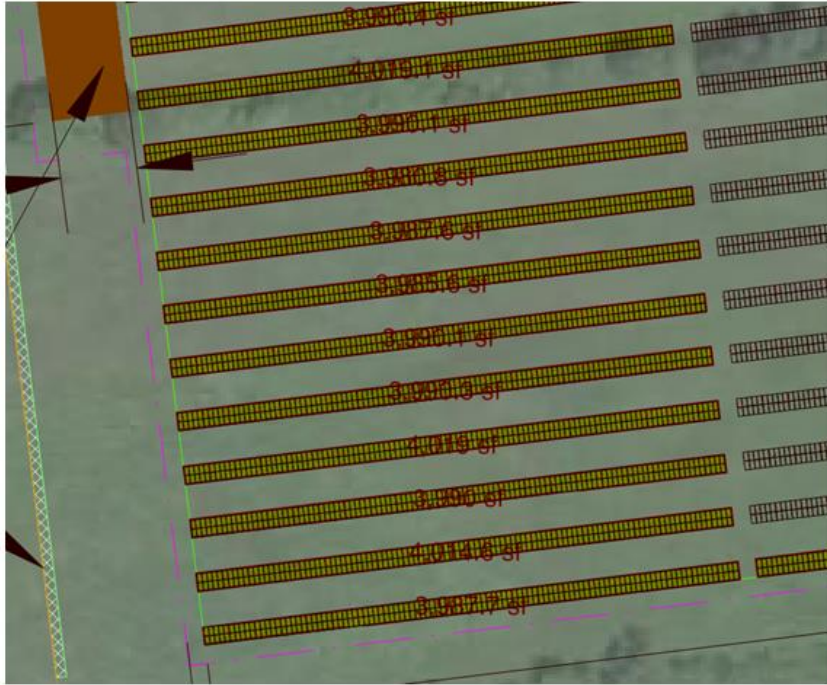
Option 1 – all area encompassed by the solar panels (in yellow): This is approximately 22.2 acres or 35.3% coverage (exceeds zoning max of 20%).



Ms. Lippmann stated that if the interpretation were to be taken a different way to include just the surface area of the panels, then Mr. Ruthmann’s project would be at 12% coverage and the requirement would be satisfied.



Option 2 – Only the surface area of the panels is calculated (in yellow). This is approximately 7.35 acres or 11.7% coverage and meets zoning.



Ms. Lippmann stated that the path forward is an area variance if the application cannot be modified to reduce the coverage.

Mr. Maher stated that he wanted to confirm that the Building Department has provided a formal interpretation.

Mr. Baskin asked how the does coverage relate to the physically disturbed area.

Ms. Lippmann stated that disturbance can be land grading that return to pervious surfaces which do not count in the coverage calculation. In the Town of Ballston zoning code, it is stated that solar panels are considered impervious, which changes the coverage calculation for solar panels, but area disturbances are completely different because a lot of the area may return to pervious surfaces.

Mr. Baskin stated that in the previous application, the project site is proposed to 91.9 acres, and it says that 4.6 acres will be disturbed, but in this application, Ms. Lippmann stated that that all 12.8 acres will be disturbed.

Ms. Lippmann stated that once a SWPPP is developed, the actual disturbance will be significantly less than what is currently indicated.



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Mr. Ruthmann stated that the helical piers disturb a lot less than concrete piers. Mr. Ruthmann stated that that he did not agree with the main interpretation of lot coverage perimeter as he did not believe that it is the consistent with the spirit of the what the law seeks to accomplish. Mr. Ruthmann stated that he would be happy to go forward with a request for an area variance or may be an opportunity to review the language.

Ms. Postma stated that the site is relatively flat and did not anticipate needing to do a lot of significant grading. The area that they consider impervious is less than 20,000 SF and only 1% of the site area.

Chairman Van Vorst stated that the five-year period for the ACOE determination has expired, and it will need to be updated.

Mr. Ruthmann stated that that is correct and that he had spoken to Kevin Weed at VanGuilder and Associates and he is helping them with this. Mr. Ruthmann stated that the only jurisdictional wetlands on this site are on the east side of the project near Route 50. Mr. Ruthmann stated that there is no impact to waters of the United States, so they don't anticipate any issue.

Chairman Van Vorst stated that in the Ag Data statement, Item H, name and address of farm operations list the address of "53 Middleline Rd" for both parcels and one may be incorrect and would need to be corrected.

Mr. Ruthmann stated that there may have been a typo.

Chairman Van Vorst stated that the Planning Board expresses their intent to declare Lead Agency and Ms. Lippmann should initiate coordinate review.

Chairman Van Vorst stated that a site visit on Saturday or Sunday would need to be coordinated with the Planning Board Secretary. Chairman Van Vorst stated that if drone pictures are available, it would be advantageous to see those with the arrays superimposed in either video or photo form.

Mr. Ruthmann stated that he will see what they can do.

Mr. Zuritis stated that he was curious about the Building Inspector's determination regarding perimeter versus panel area.

Chairman Van Vorst stated that Mr. Zuritis should conference with Mr. Stickle to discuss.

Mr. Ruthmann stated that he would like to be part of the conversation.

Mr. Maher stated that an official interpretation has been submitted by the Building Department and that is how it stands.



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Chairman Van Vorst stated that Ms. Lippmann will send out coordination letters.

Mr. Baskin stated that he would like to see more details in the decommissioning plan

Ms. Postma stated that they provided calculations based on NYSERDA guidance on how to value decommissioning, and that is how they got that number. Ms. Postma stated that the decommissioning plan is intentionally vague as they are looking for guidance as to what the Town wants and will work with MJ Engineering to standardize that.

Active Solar - Randall Road Solar Farm (PB 2021-012)

Randall Road; SBL 226.-1-43.1

Site Plan Review and Special Use Permit for Community Solar Installation - *Proposal for construction of a 7.40 MW solar farm.*

Mr. Jason Dell of Lansing Engineering and **Mr. Frank McCleneghen**, applicant, presented this application.

Mr. Keniry was recused for this application.

Chairman Van Vorst stated that the Town Attorney would advise on this application.

Chairman Van Vorst read the solar statement:

[The recently enacted Local Law 3 of 2021 amended the Town Code to add Type III solar, or community solar installations. Community solar installations require a minimum of 60 acres, the systems must exceed 25kW. Community Solar is only allowed in the rural district, and requires a special use permit, site plan review and a building permit.

Local Law 3 Section 138-115.4 (D) (2) caps the total town-wide acreage of community solar installations at 150 acres. Solar systems installed prior to the passage of Local Law 3 do not count towards this cap.

All applicants are advised that while the Planning Board may initiate review on solar projects it cannot approve projects that would violate the town-wide 150 acre coverage limitation. Thus, applications for approvals related to Type III solar in the Town at all times remain subject to suspension or cessation of review pursuant to the Town Code.

Mr. Dell stated that the project site is located along Randall Road on approximately 79 acres that is within the Rural District. The site is located about 885 feet west of the intersection of Randall Road and Hop City Road. The site consists of predominantly woods and meadow with some



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existing old farm related structures. The applicant is proposing the construction of a 7.4 MW solar facility, consisting of approximately 16,516 solar panels. Access will be provided via three curb cuts on Randall Rd.

Mr. Dell stated that a seven-foot-high chain link fence is proposed to surround each section of the solar facility and sliding gates are proposed that will allow for access into facilities. A Knox box will also be located at each one of these gates.

Mr. Dell stated that visibility of the array is not anticipated to have any negative impact on the adjacent property as the arrays are set back 200 feet from the roadway and at least 250 feet away from any adjacent residences as required by code.

Mr. Dell stated that the 100-foot setback has been provided to all properties with the exception of the properties owned by National Grid. The National Grid properties include either power lines or the large substation that was recently constructed. Mr. Dell stated that it is his understanding that the Town Board is taking up the setbacks to the utility corridors issue at the next Town Board meeting.

Mr. Dell stated that the results of the visual impact assessment showed a need for a row of vegetative screening for the southern array.

Mr. Dell stated that SWPPP and decommissioning plans have been submitted.

Mr. Dell stated that the review letter from Ms. Lippmann was received and they will be commenting on that.

Mr. Dell stated that 100' setback to the utility is not met; all other setbacks are met.

Mr. Maher asked if the applicant had asked for an interpretation from the Town Board.

Mr. McCleneghen stated that when the solar law was being developed, the developers had asked for consideration of the setbacks to the utility corridors, but it was left out when the law was enacted. Mr. McCleneghen stated that he has spoken with the Town Supervisor who indicated that they will be proposing an amendment. Mr. McCleneghen stated that he hoped to move this project along in parallel to the Town Board process.

Ms. Lippmann stated that in discussions with the Town Supervisor and the Town Attorney, the Supervisor indicated a willingness to consider the proposal and bring it to the Town Board. The Town Board has its own process, and it would require a public hearing, so it is not something that could take place before the next Planning Board meeting.

Mr. Maher stated that currently the project is not in compliance.



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Ms. Lippmann stated that is correct and the project requires a variance.

Mr. Maher stated that the non-compliant condition may go away.

Ms. Lippmann stated that is correct, but that “nothing’s done until it’s done.”

Chairman Van Vorst stated that in Stormwater analysis letter, paragraph 2, it states “The project will also utilize the NYSDEC limited use pervious access road section to provide access to the solar panels.” Chairman Van Vorst asked how it would be pervious and not impervious.

Mr. Dell stated that the DEC has given them a construction detail for that road, and it is deemed to be a pervious surface post-construction that is to be utilized of solar farms. Mr. Dell stated that was included in the SWPPP for review by MJ Engineering.

Ms. Lippmann stated that is correct and DEC has made provisions for limited-access roads and this application meets that guidance.

Chairman Van Vorst asked if this road is constructed differently.

Ms. Lippmann stated that yes, it is not compacted in a way that makes it impervious. Ms. Lippmann stated that it is constructed slightly differently than a gravel private road as it does not need to be as robust. Ms. Lippmann stated that because it is limited use it does have significant benefit to a solar application such as this and DEC has provided guidance to allow for these not to have permits for stormwater management.

Chairman Van Vorst stated that in the Ag Data statement, Item G was left blank.

Mr. Dell stated that he will check on that and get it corrected.

Chairman Van Vorst stated that on the FEAF item B (f) was not checked.

Mr. Dell stated that he will verify and change, if necessary.

Chairman Van Vorst stated that on the FEAF item E.1 (b), it is indicated that they will be adding 17.16 acres of forested land. Chairman Van Vorst asked if they were going to plant a lot of trees.

Mr. Dell stated that that was a mistake and he will correct that.

Chairman Van Vorst stated that the decommissioning plan lists two facilities instead of three.

Mr. McCleneghen stated that the system is split into two separate systems similar to the 284 Middleline application. Mr. McCleneghen stated that they were going to originally be 6 MW



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systems, and by the time they dealt with issues such as wetlands, they system got sized down and now they have two separate interconnections, so it is broken into two systems and one approval.

Chairman Van Vorst stated that in the cover letter narrative, it states “7.4 MW system” but elsewhere it states 6.93 MW DC. Chairman Van Vorst asked if that was a mistake.

Mr. McCleneghen stated that there may been a panel number change.

Mr. Dell stated that he agreed.

Mr. McCleneghen stated that he will look at that and make sure it is consistent.

Chairman Van Vorst asked about the acreage numbers of 79 acres and 25 acres.

Mr. McCleneghen stated that 75 acres is the parcel size, and 25 acres is the area inside the fencing for the solar system.

Mr. Dell stated that he believed that is correct and he will verify that.

Chairman Van Vorst stated that the map does not identify neighboring property owners and they will need to be identified.

Mr. Dell stated “okay.”

Chairman Van Vorst stated that as Mr. Baskin mentioned for the last application, they need more detail on the decommissioning plan and need as much information as possible so they can make a decision.

Mr. McCleneghen stated that he has a standard spreadsheet that shows their computations that he can share with the board.

Mr. Maher asked if the applicant utilized the NYSERDA guidelines.

Mr. McCleneghen stated that they have done a fair amount of these systems, and they have some efficiencies in decommissioning as well.

Mr. Maher stated that he would appreciate the applicant forwarding the guidelines to the Board as it would be helpful for the board.

Mr. Baskin stated that he would like to see some standardization regarding disturbance from Ms. Lippmann. Mr. Baskin stated that the application states 1.32 acres.



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Mr. McCleneghen stated that ground coverage is different than disturbance from a stormwater perspective. Ground coverage ratio is defined by the Town. Mr. McCleneghen stated that this project is not in that district and as such is not subject to the ground coverage issue. Mr. McCleneghen stated that they do have to adhere to the stormwater guidelines and that is why their application shows such a low number because they are just looking at the area of pounded piling. The 1.32 acres is not the area of the panels, just the posts.

Mr. Baskin stated that he would like to see a uniform way of talking about disturbance.

Ms. Lippmann stated that in the previous application, the disturbance area will be flushed out when the SWPPP is furnished. Currently they have included the whole project area, but it will be different.

Ms. Lippmann stated that she does not have any concerns regarding the current application and how they have calculated disturbance.

Mr. McCleneghen stated that this a fixed-tilt system and the panels do not move.

Chairman Van Vorst stated that he wanted to make sure that these facilities are accepting to sheep grazing so the fencing and access should be conducive to sheep grazing.

Mr. McCleneghen stated that they currently have two sites that have sheep grazing in Milton. They bring in temporary water and the sheep get brought in on a trailer right on the access road. The access roads don't get used much, probably around four times a year. Bulk water is brought in which feeds into a trough, grassy areas are sectioned off with temporary fencing to allow for rotating, and they have not had any problems with having 4" under the perimeter fencing.

Chairman Van Vorst polled the board if they want to declare Lead Agency. All members agreed.

Chairman Van Vorst stated that Ms. Lippmann should send out coordinated review letters and to include Ag and Markets.

Mr. McCleneghen stated that he will coordinate a site visit with the Planning Board Secretary.

Bloomfield Solar CSI (PB 2021-017)

Mann and Garrett Road; SBL 215.-1-48.1

Site Plan Review and Special Use Permit for Community Solar Installation - *Proposal for the construction of 7.5 MW DC solar system along Garrett Rd.*

Mr. Travis Mitchell of Environmental Design Partnership and **Mr. Gillian Black** of Eden Renewables.



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Chairman Van Vorst stated that he was disclosing that Mr. Mitchell is a distant relative.

Chairman Van Vorst read the solar statement:

The recently enacted Local Law 3 of 2021 amended the Town Code to add Type III solar, or community solar installations. Community solar installations require a minimum of 60 acres, the systems must exceed 25kW. Community Solar is only allowed in the rural district, and requires a special use permit, site plan review and a building permit.

Local Law 3 Section 138-115.4 (D) (2) caps the total town-wide acreage of community solar installations at 150 acres. Solar systems installed prior to the passage of Local Law 3 do not count towards this cap.

All applicants are advised that while the Planning Board may initiate review on solar projects it cannot approve projects that would violate the town-wide 150 acre coverage limitation. Thus, applications for approvals related to Type III solar in the Town at all times remain subject to suspension or cessation of review pursuant to the Town Code.

Mr. Black presented a Power Point introducing the project to the Board.

Mr. Black stated that they are focused on community solar with energy storage.

Mr. Black stated that a 7.5 MW system powers about 1225 homes.

Mr. Black stated that they develop Community Solar farm which connects to the grid. Each solar farm has a meter and a utility account and every kilowatt hour that hits the grid is converted to dollars and cents that are then distributed to subscribers of the solar farm. In this case, National Grid is the utility that handles the billing credits which are subtracted from the subscribers bills and it is about a 10% discount.

Mr. Black stated that their system is single axis that tilt east to west tracking the sun during the day. They have implemented battery storage in their projects.

Mr. Black stated that instead of planting just turf grass under the panels, they create pollinator-friendly habitats which results in biodiversity enhancements. They use indigenous trees and shrubs for screening, and they have bird and bat boxes distributed throughout the site. They use sheep grazing to reduce mowing frequency. They manage the site throughout its life to make sure they are accomplishing their biodiversity goals. They host beekeepers. They offer about \$2000 per project per year to local K-12 schools towards curriculum development to integrate solar technology into their curriculum and offer \$1000 scholarships to graduating seniors.



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Mr. Mitchell stated that this is an 85-acre site that has frontage on Mann and Garrett Road. To the north they are proposing a 7.5 MW DC solar array on about 38 acres within the fence area.

Mr. Mitchell stated that they have made some modifications addressing some of Ms. Lippmann's comment letter.

Mr. Mitchell stated that they are looking at the possibility of subdividing the parcel to have a standalone 60-acre parcel, so they will include the subdivision in the next submission.

Mr. Mitchell stated that they have proposed a utility interconnect to the Northeast where there is an existing access easement to Garrett road. That interconnect will include a transformer style equipment on the property leading to a couple of poles and a configuration that will be approved by National Grid.

Mr. Mitchell stated that they had received MJ Engineering's comment regarding the setbacks and have adjusted the plan to have the fencing in the setback area and it is now compliant.

Mr. Mitchell stated that like the last project, this project does not meet the setback requirement with the utility parcel. Mr. Mitchell stated that if the Town Board does not take up the change, then they have two options to either request a variance or to move things around to maintain the 100' setback requirement.

Mr. Baskin asked how many panels would be in the array.

Mr. Black stated that depending on the wattage model, it would be between 16000 to 18000 panels.

Mr. Black stated that in terms of the utility corridor issue, in Schodack where the parcel owner owns both sides of the utility, it has been allowed. Mr. Black asked if that rule is set or if the Planning Board has any leeway with that setback.

Ms. Lippmann stated that the Planning Board does not have leeway to grant a waiver. Ms. Lippmann stated that like the previous applicant, the applicant may petition the Town Board to make changes to the law or get a variance from the Zoning Board.

Chairman Van Vorst stated that they would like to see more visuals and maybe drone photography would be useful.

Mr. Mitchell stated that they have used drones for visual analysis in the past and they can make them part of the application. Mr. Mitchell stated that he is not sure about videos, but they will take a look.

Chairman Van Vorst stated that the map provided should show neighboring properties. Chairman Van Vorst stated that the map shows "Midline Rd", but it should be "Middleline Rd".

Mr. Mitchell stated that it will be corrected.

Mr. Baskin stated that he did not see a decommissioning plan and asked if that is forthcoming, and Mr. Mitchell stated that it is.



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Chairman Van Vorst stated that it is the intention of the Planning Board to declare Lead agency and he polled the Board. All members agreed (Mr. Blair was not present).

Chairman Van Vorst stated that he authorized coordinated review letters to be sent out and to include Ag and Markets and to coordinate a site visit.

Mr. Baskin asked if they would have 4 or 6 power poles.

Mr. Black stated that they are using a pad-mounted solution and they could knock it down to 2-3 poles, but it is contingent upon the grid study. Their intention is likely to have three poles, but they will learn more as they work with National Grid.

Mr. Baskin stated that he would like to see that in the visuals.

Mr. Mitchell asked if members had any thoughts on receptor locations for the visual analysis.

Chairman Van Vorst stated that it would be helpful to see the neighboring property owners.

Mr. Baskin stated that the northwest may have some residences.

Mr. Mitchell stated that he will look and see if there are representative neighboring parcels.

MOTION: Mr. Maher made a motion to adjourn the meeting. Mr. Baskin seconded the motion. All in favor. **CARRIED.**

Meeting ended at 8:50 pm.

Respectfully submitted,

Nisha Merchant

Planning Board Secretary