

Town of Waterford
Planning Board
65 Broad Street
Waterford, NY 12188

Minutes of September 11, 2023

At 7:30 PM, attendance was taken. Chairman Woodin and members Peter Fletcher, Harriett Fusco, Paul Henry and Robert Lefebvre were present along with consultant Nan Stolzenburg. Absent was Alternate Member Brian Brusco and Town Attorney John Dowd.

A public hearing was scheduled for a new solar farm in Riberdy Grove along the Mohawk River. The property (approximately 136 acres) proposed for review is currently owned by John & Elizabeth McLaughlin of Troy.

The applicant, Seaboard Solar Operations LLC (“Seaboard”), is a renewable energy company that specializes in the development and operation of large-scale solar projects throughout the northeastern United States. It has filed an application on behalf of Riberdy Grove Solar LLC and Riberdy Grove Solar LLC.

The developer proposes to construct two 5 MW-AC solar photovoltaic sites, which includes solar panel arrays, access road, collection lines, interconnection to the grid and associated improvements. The project itself will sit on approximately 63 acres of the site and the property is bisected by two zoning districts: R-Rural and L-C. Approximately 30 acres of the project will be in the L-C zoning district.

Dylan Defrino and Bohler’s engineer, Steve Wilson, were present to represent Seaboard Solar’s special use permit and site plan review for the Riberdy Grove Solar Farm. A presentation on the details of the solar farm was given and then the meeting was opened to public comments.

Vince Ferrero of 42 Riberdy Lane asked where the solar arrays would be in relation to the seasonal camps.

Terry Rugg of 43 Riberdy Lane asked about the disposition of about 20 acres that were not included in the sale.

Art Toomey of 22 Riberdy Lane introduced himself as the “Mayor” of Riberdy Grove. He stated that he had maintained his property at the Grove for 30+ years. He explained how the residents have had issues with their landlord, John McLaughlin.

Nicole Green(?) of 21 Riberdy Lane said that the solar farm will make people homeless and drive out the wildlife in the area.

Art Toomey seconded the previous statement.

Frank Jordanais of 2 Riberdy Lane said that he leases land from John McLoughlin and felt that he had rights. Chairman Woodin asked him if he had a building permit for the work he has done on his camp? The answer was “no”.

Art Toomey spoke again and claimed that this was the first time the residents were notified and that signs were not put up until the weekend. Chairman Woodin told Mr. Toomey that he had personally put signs up on Thursday, had placed a legal notice in the Gazette, and that all abutting land owners were notified. Most of the residents in Riberdy Grove are tenants and do not own the property. In addition, Dylan Defrino had personally spoken with many of the residents since the property was first surveyed in February.

Mark Sweeney, attorney for Solar Seaboard expressed his opinion that the comments made by the residents were not related to the actual solar farm and should be addressed elsewhere. Chairman Woodin agreed that the comments were basically related to landlord-tenant problems, but said he would allow the residents to speak and urged them to focus on the technical merits of the project.

Sherry White of Riberdy Grove is owner of one of the few legitimate homes. She complained that the certified letter was sent to her ex-husband instead of her. Chairman Woodin said the letters were sent to the owners listed on the 2023 Tax Roll.

Ms. White asked about road access as Riberdy Lane is a private road and Flight Lock Road is owned by Canal Corp. She said that nobody has legal access to use the roads. Mark Sweeney responded that they have what is called “insurable access” and they are in discussions with the Power Authority for a formal easement.

Ms. White also asked who benefits from the power generated? She noted that her power comes from the lines that cross the Mohawk from Cohoes. Mr. Sweeney mentioned that power generated would go onto the grid and that Seaboard Solar has no PILOT agreement, so they would be paying full value taxes.

Ms. White stated that she had concerns about possible radiation and contamination of her well along with a typical 1.5% property devaluation for properties abutting a solar farm. She fears that lead, arsenic and cadmium can leak from the solar structures and leach into her well. Other issues included the possibility that the arrays could start a fire and the displacement of animals such as deer.

Mr. Ferrero asked about the viewshed and what would be done to hide the solar equipment.

Ms. White said that the solar farm is too close to her house (850 ft from property line and almost 1100 feet from house to the arrays). She asked the Chair if he would want a solar farm that close to his home. With that comment, the hearing was closed at 8:02 PM.

The regular meeting began with Lynn Sipperly presenting a minor subdivision for Jon and Barbara Terpening of 10 Knox Street. The Terpenings own a 1.07 acre parcel that they want to subdivide so that they can build a retirement home on the new lot which would be # 12 Knox Street. The new lot will be mostly (about 95%) in the Town while the driveway will exit onto what is unofficially known as Knox Alley. Chairman Woodin noted that the ZBA would be meeting on September 19th to consider a variance (minimum frontage setback) for the house proposed on future # 12. Briefly discussed were some issues brought up at the previous ZBA meeting. Among them was a request for an official name for the alley other than Knox Street as that has caused confusion for emergency response provided. Knox Street runs perpendicular to the alley, so it is not obvious that the alley has Knox Street addresses.

Trash was another concern as who would pick up the trash at # 12? County Waste requires # 8 and # 10 to bring their trash cans down to the intersection of Knox Street and the alley for pick up. This has resulted in some issues with animals getting into the trash and spreading it onto neighbors' yards. Chairman Woodin said that is something that should be discussed with the Village as #12 would likely have their trash picked up under the Village Trash Contract. Finally, a public hearing was set for October 16th at 7:30 PM.

At 8:24 PM, the Board reconvened to discuss the Riberdy Grove Solar Farm project. Steve Wilson (Bohler Engineering) in response to some comments made by Ms. White stated that the solar panels are mostly silicone with some non-water soluble cadmium. It will not leach into the ground. There will be remote sensors that will notify maintenance crews if a panel breaks. No radiation will be emitted with the inverters.

Mr. Wilson explained that Bohler has tweaked the EAF and the waterfront plan and updated the site plan including a landscape plan. Two separate SWPPPs will be submitted to DEC for approval since there is technically two adjacent solar facilities. Bohler will check on the SWPPP weekly for problems and provide weekly reports. Some impacts are unavoidable, but they will try to mitigate. One example is replacing lost forest land with pollinator habitats. Another is to reduce grades of 15% and greater to 10%. As far as visual impacts, except for the top of the Colonie Landfill, the solar farm will not be visible.

Less than half of the property will be utilized for the solar arrays. Solar Seaboard has previously asked the Town Board what they would like for the remaining property to become. One possibility is to place the remainder of the land into a conservation trust. The Town Board had previously expressed a desire to see the property remain on the tax rolls. Chairman Woodin said that this could be made a condition of approval.

Supervisor Jack Lawler asked about provisions for end of life plans when the project service life expires after 25 years. It was explained that the farm could continue beyond 25 years, but that Solar Seaboard would be posting a bond for the eventual removal based on a 3% annual inflation rate. The Town Zoning Code also has a very detailed section that deals with de-commissioning a solar farm and that will become part of any conditional approval.

There was discussion about the riparian buffer zones along the shores of a pond. This involves a 4 acre area. Nan Stolzenburg recommended that grading be limited on the steeper slopes and that a buffer be in place around the pond. Chairman Woodin asked if 100 feet would be appropriate as it was mentioned that wetlands don't allow encroachment within 100 feet.

A maintenance plan will be necessary. The Building Inspector will verify if the equipment (panel inverters) meet code. Proof of insurance will also be required to obtain the building permit.

A copy of the purchase agreement will be provided by Seaboard.

The visualization impact continues to be an issue. A new study was presented that still shows area with potential visibility. When combined with photos from specific points of interest, it is determined that the arrays won't be visible in almost all cases. Essentially, making this determination is a two step process involving the computer model which identifies potential visual areas and then conforming that with photos from the actual sites. It was noted that SHPO has signed off on the visibility issue as they required photos taken from historical sites to determine if the arrays would be visible from sites like Cohoes Falls and Harmony Mills.

The Board voted 5 – 0 (Woodin motioned, Fletcher 2nd) to accept the project for completeness. It was then determined that the establishment of SEQR Lead Agency requires that other Towns and agencies (DEC, Army Corps, Canal Corp) be notified regarding a coordinated review. Bohler will do this and send out a copy of the presentation plan, the FEAF and site plan.

The Board voted 5 – 0 (Woodin motioned, Fletcher 2nd) to move the October meeting from the 9th to the 16th.

At 9:37 PM, Woodin motioned to adjourn, 2nd by Fletcher.