

# PLANNING BOARD

Town of Kirkwood  
70 Crescent Drive  
Kirkwood, NY 13795

December 9, 2024

Meeting Minutes

Present: Adisen Harden, Member  
Jason Maxian, Member  
Mike Maciak, Member  
Dan Wasson, Member  
Gordie Woolbaugh, Chairperson

Gina Middleton, Attorney  
Chad Moran, Building & Code Enforcement

Chairman Woolbaugh called the meeting to order at 7:00 PM.

## APPROVAL OF MINUTES:

Minutes from the November 12, 2024 meeting were approved as submitted. All voted in favor.

## E.A.F. DETERMINATEION – MY SOLAR GRID ON BEHALF OF PROGRESSIVE DENTAL:

Motion by Dan Wasson and seconded by Jason Maxian to declare the Planning Board of the Town of Kirkwood as the Lead Agency for the SEQR review of the Progressive Dental proposed roof mounted solar installation project, to be located at 1113 Route 11, Kirkwood, NY 13795, and declare such proposed project a Type 2 Action pursuant to SEQR Regulation 6 NYCRR Part 617.5(c)(15) requiring no further action.

Roll Call Vote:	Adisen Harden	Yes
	Jason Maxian	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion Carried.

## SITE PLAN REVIEW – MY SOLAR GRID ON BEHALF OF PROGRESSIVE DENTAL:

Dr. Sonny Spera was present from Progressive Dental.

Chairman Woolbaugh explained that NYS DOT made a comment that anything in the right-of-way must be removed and Dr. Spera commented he isn't aware of anything but they had put out cones prior to fixing some paving and there was grass installed to keep people from driving on it but that has all been taken out.

Chris Jenkins, owner of My Solar Grid explained that DOT had called My Solar Grid and asked if it was a ground mount system, they were told it was a roof mount system and they indicated there was no problem.

Dan Wasson asked if the inverters were facing south and how loud they will be and Mr. Jenkins explained there are five inverters and you won't hear them, they are residential inverters. The air conditioner next to them will be louder.

Chairman Woolbaugh asked if they were stationary panels and Mr. Jenkins stated yes.

Chairman Woolbaugh asked if all the setbacks were met and Chad Moran stated yes.

Motion by Jason Maxian and seconded by Mike Maciak to approve the site plan as submitted.

Roll Call Vote:	Adisen Harden	Yes
	Jason Maxian	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion Carried.

**SITE PLAN REVIEW (CONTINUED) – STANLEY HOLLOW CREEK, LLC – A SUBSIDIARY OF BLUEWAVE SOLAR:**

Chairman Woolbaugh commented that an email was received from John Mastronardi and he is satisfied with the updated EAF.

Mr. Wilson from Bohler and Mr. Seman-Graves from BlueWave were present. Mr. Wilson explained that all corrections were done and have been submitted.

Ms. Middleton noted for the record that the EAF Determination was previously determined to be a Type 1 Action.

Ms. Middleton read the questions to Part 2 of the Full EAF, the board members answered each question, and the completed form is included in the file.

Ms. Middleton noted for the record that soil testing will be done and the SWPPP addressed these items, which was approved by John Mastronardi.

Dan Wasson asked when this is dismantled will everything be pulled out and Mr. Seman-Graves explained they follow Ags & Markets and they have specific guidelines for NYS standards. They go down 4-ft. and remove everything. Ms. Middleton commented this is also Agrivoltaic, it is a combination and they are going to be continuing agricultural uses while in place.

Dan Wasson asked if there would be any lighting around this and Mr. Wilson commented no.

Ms. Middleton noted for the record that this a permissible use, per the law, in the agricultural district, and is allowed in that area.

Ms. Middleton explained Part 3 provides the reasons in support of the determination, there were no moderate to large impacts and the Board’s primary analysis involves the permissible use, soil testing, appropriate SWPPP, and the mitigation for visual impact is being completed by the applicant.

Motion by Mike Maciak and seconded by Adisen Harden for a negative declaration and determination of no significance pursuant to the SEQR review and a review of all of the items that have been reviewed thus far including the SWPPP and all previously provided items.

Roll Call Vote:	Adisen Harden	Yes
	Jason Maxian	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes

Chairman Woolbaugh                      Yes

Motion carried.

**SITE PLAN REVIEW – STANLEY HOLLOW CREEK, LLC – A SUBSIDIARY OF BLUEWAVE SOLAR:**

Chairman Woolbaugh asked what kind of trees will be planted and Mr. Wilson explained balsam fir. Chairman Woolbaugh asked how many feet per year will they grow and Mr. Wilson explained the first year they probably won't grow much, but after than they will grow rather quickly. By year 8-10 they will be over 12 feet high.

Ms. Middleton explained they looked into the escrow agreement that was discussed at the last meeting and that is something that can be done. A generic draft has been started by her firm. A couple of items need to be finalized including determining who would potentially be eligible, anyone within visual line eyesight of the solar panels. An analysis would need to be done to determine which properties those would be. Also, access would need to be limited to the escrow account to those properties only, cap the amount of dollars they would be entitled to and then escrow the maximum amount with a potential administration fee on the Town's end for administrating the escrow account. Mr. Seman-Graves asked if it would be pictures and receipts and Ms. Middleton agreed. Ms. Middleton will provide the applicant with a draft agreement in a few weeks. In terms of which properties that will involve a visual analysis by the applicant. There could be a time limit, such as 10 years. The analysis will be based on topography. We are looking for a list of parcels and property addresses.

Dan Wasson clarified the applicant, property owner, wouldn't have to put the money up first then get reimbursed and Ms. Middleton stated no but there would have to be proof of completion. If the property is sold it would transfer to the new owner for the remainder of the escrow period, whatever the board decides.

Mr. Seman-Graves questioned if the board could approve with contingencies and Ms. Middleton is hesitant to do that, would advise the board hold off until agreement is done. The board agreed they would not approve with contingencies now, they will hold it over for another month until the January 2025 meeting.

A schedule was discussed that included Ms. Middleton will have the draft agreement to the applicant in approximately two weeks and the next Planning Board meeting will be Wednesday, January 8, 2025. Mr. Seman-Graves asked if a draft resolution could be circulated in case there are any other comments on there so they can address prior to the meeting and Ms. Middleton agreed.

Motion by Mike Maciak and seconded by Dan Wasson to adjourn the meeting. The meeting was adjourned at 7:51 pm.

Respectfully Submitted,

Mary Kay Sullivan  
Secretary, Kirkwood Planning Board

cc: Planning Board Members  
Kelley Diffendorf  
John Finch, Jr.  
Chad Moran

Bob McKertich  
Gina Middleton  
Katie Legg  
Scott Snyder