

PLANNING BOARD

**Town of Kirkwood
70 Crescent Drive
Kirkwood, NY 13795**

PUBLIC HEARING

June 11, 2025

Site Plan Review and Special Use Permit Application for construction of a 15MWac solar farm at property located at 149 Quilty Hill Road (TM# 147.00-1-2.2 & 147.00-1-7.11) in Agricultural/Rural Residence Zoning Districts, and property located at 165 Foley Road (TM# 147.00-2-11) in Residence R and Agricultural/Rural Residence Zoning Districts in the Town of Kirkwood, on the application of Norbut Solar Farms

Chairman Woolbaugh read the notice of public hearing and commented we have the affidavit of posting by the Town Clerk, notice to property owners within 500 feet of the project, affidavit of publication in the Press & Sun Bulletin. We have the Broome County Planning Department 239-m recommendations, and a SEQR Full EAF has been filed.

Chairman Woolbaugh asked the applicant to give an overview of what the project is. Mr. Steve Saunders, Developer and Assistant Council for Norbut explained they are proposing a 15-megawatt solar facility. They came to the Town about a year ago with a project and there were concerns with it, particularly the interconnections. In this project they have moved it to a different parcel further up the hill. Mr. Saunders explained Norbut has been in the solar business since 2018, has developed or have projects in development for 28 different sites. Referring to Sheet C4A, Mr. Saunders explained the project. There are no batteries on this site. There are three sites for this project. The entrance to the project will now be located on Quilty Hill Road with the main road ending in the Rural Agricultural district, not in the residential district. None of the solar farm is in the residential district. All three sites will be combined into one parcel. There will be approximately 41,000 panels, this is a community distributed solar generation facility connected to the electrical grid through NYSEG and will provide clean energy to the community of Kirkwood as well as the Southern Tier.

Chairman Woolbaugh questioned the residential parcel and Mr. Saunders explained there is a private road that cuts through the residential parcel off Foley Road, which they will not be using at all. The facilities road is limited to only the agricultural/rural residential district.

Dan Wasson asked where the interconnection is going to be located and Mr. Saunders explained on Quilty Hill Road, at the top, across from two non-residential property owner parcels. Dan Wasson asked how many poles will be there and Mr. Saunders explained there will be five poles per site, 15 poles total. Each of the three sites will have a meter for the utility, a meter for Norbut, and a closer which is a piece of equipment that is designed to shut down any energy that is coming in and out of the site when workers are working on the grid.

Chairman Woolbaugh commented the residents do not want to see it or hear it. Mr. Saunders referred the Board to Exhibit N, noise. The only pieces of equipment to create any audible noise are the inverters, which make a humming sound during the day when the equipment is operating. They are inaudible within 20 feet of the location of the inverters in the center of the site. The nearest property line to the equipment, 54.15 feet away to the west, the anticipated noise level will be 0 db. The nearest adjoining residence to the equipment is 254.31 feet away to the east, the anticipated noise level will be 0 db.

Mr. Saunders referred the Board to Exhibit E, visibility. He explained that the yellow shaded area is not visible to the structures or existing vegetation. The pink shaded area is not visible due to topography. The white shaded area will be visible. These renderings are shown with the leaves on the trees, and do not reflect leaf-off conditions. Mr. Saunders explained with these projects it is often requested from them to provide visual simulations with leaf-off conditions. They have proposed some screening vegetation. They will try to make the polls as unintrusive as possible.

Chairman Woolbaugh commented that the visual simulation photos will be required, and screening will also be required. Mr. Saunders is requesting that the Board provide them with specific areas that the Board would like the visual simulation photos taken.

John Mastronardi commented that a concern is that the SWPPP was more of a draft, not enough detail, not enough calculations and not done per DEC's design manual. A call will be set up with the Town's engineer and the project's engineer to discuss what is needed.

Chairman Woolbaugh opened the public hearing to public participation at 7:28 p.m.

Joseph Anthony, Haskins Road, commented that if this gets passed his concerns are will his taxes go up, does this impact his electric bill, heavy traffic over the bridge, concerned about the wildlife, and how many trees are going to be cut down.

Jessica Gervasi questioned are the deliveries going to be during a certain timeframe specifically to avoid school buses? She also questioned the construction noise, is there a noise mandate? They already have a lot of highway noise. She also questioned if there will be a road agreement, Foley Road is a dead-end road, they do not see a lot of outside traffic. How is the Town going to manage the extra traffic? Stormwater is also a concern because of the large slope. What is the acreage for trees being cleared? What is the detention system going to be like? What is being done for the quality of the stormwater? Regarding the wetlands in the center of that site, the DEC just changed their wetland regulations, they are being much more stringent with the regulations.

Martin Kennerup, Jr., 155 Foley Road, commented we went through this a year ago, now they have dressed it, made changes. They are from out of town; they do not care about the Town of Kirkwood. There is a 27-degree slope from the top of the hill to the bottom. You can take a snowball or water, when it goes down the hill it gets bigger and faster. The creek between 155 and 145 Foley Road, on the western edge of his property, is maintained by the Town of Kirkwood. Has anyone look to see how bad that is, how deep it is from the runoff now? That is going to be an additional expense, which the Town of Kirkwood cannot afford. The first solar panel behind his backdoor is 162 yards, which he measured today. If you pass the project you might as well take West Foley Road off the map because the stormwater, from 167 Foley Road to the dead end, all have water problems, water coming off the hill. If you remove all the grass and vegetation where is the water going to go? It does not matter how deep a retention pond is, it is not going to hold the water. Norbut stated that the private access road will not be used. When the surveyors were around last year they drove around the property at 155 and 167 Foley Road like they owned the property. When we said something they said we are from Norbut and we can do anything we want. They have a project in the Town of Coventry and were fined \$5,000,000.00 for environmental problems. All he is asking is common sense. Think about the residents.

Andrew Sacco, resident on Trim Street and representing the Binghamton Gun Club explained the Binghamton Gun Club will celebrate their 100th anniversary. They have several hundred members, and they charge a nominal fee for membership of \$65.00 per year. They have the #1 para-Olympic shooting athlete in the world that trains there every day. They have the NYS Youth Shooting Championship coming up soon. People come to the club because it is beautiful, serene, it is a nice place to go, it is quiet. We are not looking at solar panels we are looking at nature. Their mission statement promotes outdoor sports in the Town of Kirkwood for the youth and the people of Broome County. Mr. Sacco went on to say he believes they are grandfathered in when their lead shot falls onto adjacent properties, although it is minimal. They are a shot gun club. If they have to make any mitigation it would be very expensive, a cost someone else would have to incur, not the gun club. The club offers hunting to its members, Kirkwood is rifle country. The hunters are very safe, people living on Quilty Hill Road have never had any issues. Solar farm owners from another Town, we do not know their ethical, political persuasions are and could be a big cause for concern. DEC would have to get involved with this because of all the wildlife that is up at the gun club. If they had to change the layout of the club, that would be very costly, and they cannot afford to do. If this goes forward and there is a work schedule, it will have to comply with their hunting and shooting. They cannot afford to shut down during construction. That is there only source of revenue, shooting is April thru November but shooting goes on all winter long. They have a concern with property values and taxes.

Larry Holt, Trim Street, asked if they said there were no batteries, which there were not. In case of a fire who will train the fire department, all the fire departments because it is mutual aid? How will they access this if there is a fire? What is a guarantee on a solar panel? What if snow and ice get on them? Who maintains that property?

Ken Crocker, 528 Colesville Road, asked if this project is going over the crest of the hill because there is a problem with stormwater. If it starts coming over on his property he is not going to be happy. He asked who is going to be doing this work, is there a project labor agreement? It should be people that live here, not people from elsewhere. How many trees are they taking out? Are they coming over the crest of the hill on the northern end?

Scott Ferguson, 167 Foley Road, commented that if you go up the farm, the top of Quilty Hill Road, it used to be a horse farm up there. They hand dug the well, close to the wetlands. At the height of a drought the water in the well was only 18 inches from the surface. The water in this land is very shallow. As a result of this aquifer that runs through this wetland area, at the bottom and down Foley Road they have very shallow wells. Wells there are 10 feet, 30 feet, 35 feet, and 50 feet. Will this damage our wells, on Foley Road and Quilty Hill Road? If they have to redrill their well they will have to drill at a depth of 280 feet, which is going to be very expensive. A figure of \$17,000 was given for a new well to be drilled.

Hearing no other comments Chairman Woolbaugh closed the public hearing at 7:50 pm.

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board