

PLANNING BOARD

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

**March 11, 2026
Meeting Minutes**

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

Gina Middleton, Attorney
David Paquale, Ad Hoc Member
Chad Moran, Building & Code Officer

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

APPROVAL OF MINUTES:

Minutes from the January 14, 2026 meeting were approved as submitted. All voted in favor.

NORBUT SOLAR:

Mr. Steve Saunder, Senior Council and Developer for Norbut Solar was present and explained they had the county sign off on this project, SHIPPO, DEC wetlands and had a lengthy discussion with the town engineer who came back with comments on the plan and the stormwater plan. There was one comment on the stormwater plan, which they have addressed. He went on to say they were provided a letter five minutes before the meeting started with a new issue that has never been disclosed to them. They would like to respond to the letter before the board reviews Part 2 of the E.A.F. They have made significant changes to the plan. There was a lot of critique about the original plan, which was designed by an outside consultant. After giving the plan a hard look, they redesigned the site themselves internally.

Mr. Saunders when on to say they sought to address a lot of the concerns the town's engineer had which related to over-building the site in terms of stormwater controls. That plan was submitted, reviewed and now there is a specific issue that they are prepared to address tonight as part of their discussions. He wanted to know if the board had any interest in reviewing what they have already submitted.

Mr. Saunders stated a lot of statements were made tonight that were in fact rehashing what has already been said many times before. Questions were raised about noise, they have a noise study and it says there will be no ambient noise at the property boundry, which is what the ordinance requires. Glare has been addressed in the glare report. The board's job is to review its regulations and apply the regulations to the law fairly to any applicant that comes before it. People are making complaints about the panels having hazardous materials. They have provided information of legitimate responses to all these questions, especially about the hazardous nature of the panels. It just is not true.

Mr. Saunders stated that Broome County indicated that there was no intermunicipal or countywide affects with this project. Broome County attached to their statement NYSERDA's FAQ about solar panels. It specifically says they do not release hazardous substances, there is no possibility of ground contamination from the solar panels. All these things addressed by the residents, who just don't want this project, have been addressed in the state regulatory sources that have been relied on by other agencies.

Mr. Saunders went on to say they submitted 22 exhibits in support of their application. They are prepared to show the board a visual assessment the board has never seen. Before getting into the EAF Part 2, in addition to the one stormwater issue that was raised before the meeting, they would like to know if there are any other issues that the board has with this project, in addition to the concern raised by the town engineer.

Mr. Saunders explained that they have heard for months and months the comments regarding the stormwater runoff, the flooding issues that are already existing. If those problems are already here they are not being caused by this property and their project because their project hasn't been built. With this application, they are to make sure the runoff from their project does not increase existing runoff conditions. If there are existing runoff conditions then that is something that the Town and the residents have to work out. They can't be held against their project if there are existing problems. They are charged with not making it worse. There was one comment that came in tonight but they believed they had the essential approval of the engineer on the SWPPP because there were no comments on the efficiency of the SWPPP.

Mr. Mastronardi stated that isn't true, just on the stormwater there were five comments. Mr. Saunders commented that there was one comment with four subcategories that they addressed.

Paul Congdon, Director of Engineering was present and explained when they were re-evaluating the site they realized that there was significant work going on, some cuts and fills and understood the need to impact the land as little as possible. As far as the clearing they are taking a more distributed approach to the stormwater by putting in level spreaders all over the solar field, which will slow the water down. Stormwater runoff becomes a big erosion and sediment control issue when it concentrates and really picks up velocity and increased the runoff rate. By putting in the gravel filter strips it grabs the water, spreads it out, and keeps it an even sheet flow and won't speed up and erode the land. It also promotes groundwater recharge. They feel where they have the road now the impacts will be minimized and they can address erosion and sediment control. Tree clearing does tend to tear up the land; they have to tear out the stumps. If they intend to disturb more than five acres at one time then they have to submit the plan to the Town for approval and also to the DEC where they can review the plans in detail and comment on any additional measures they should apply for or incorporate into the plan. They feel they are well protected in that regard. If they are disturbing more than five acres at one time they will have to perform two inspections per week of the site by a qualified inspector to make sure no sediment is getting off the site. They feel that is not an issue and intend to comply with the SPEDES permit to the full extent. There shouldn't be any issues in that regard.

Mr. Congdon explained the remainder of the comments received from the town engineer were administrative. In general, they redesigned the site to promote keeping the water on site, slowing it down as much as possible, and not putting in the big ponds which can result in getting into the ground water and potentially introducing contaminants, which isn't allowed by the DEC. The stormwater plan addresses all these concerns.

Mr. Saunders commented with regard to the comments that the town engineer made, they will update their plan to address the comments. They were handed something five minutes before the meeting and they think it can be updated and can be fixed, not be deficient.

Ms. Middleton asked Mr. Mastronardi in terms of the SWPPP, she isn't reading that the insufficiencies can't be remedied, it sounds like that is how you are taking it. These are initial things that need to be addressed. Ms. Middleton wants to clarify it for the record, isn't reading it as completely insufficient and have to start over. Mr. Saunders commented that the comment in the letter suggesting it is a moderate to large impact and the idea that the board is going to launch into the EAF Part 2 tonight suggests that. Ms. Middleton explained the way we do the EAF Part 2 is they go through Part 2 but don't act on Part 3 until a later meeting which would give you an

opportunity or the public to provide additional information if there is something specific. We are giving you an opportunity to present now, review the site plan and the additional new items. SWPPP comments have already been made and the visual impacts would be good to go over.

Chairman Woolbaugh commented that the board relies heavily on the engineer for his comments and everything he suggests needs to be done and remedied so as a board we aren't going to make any decisions tonight until he is comfortable to give us the ok.

Mr. Saunders stated they are asking for the opportunity to respond to this and see if it is something we can't remedy. Before tonight they were not believing that the engineer had any problem with any aspect of their submission.

Chairman Woolbaugh explained he has some things he has been looking at, the exhibits and a lot of it is the construction phase, mainly the use of Quilty Hill Road. With all the equipment that will be up there what types of trucks will be going up and down the road, what size trucks? That road is in bad shape as it is. When you start running tractor trailers and dump trucks with gravel it is going to put a pounding on that road. The town will probably require a road agreement. Depending on the time of year there will be school buses four times a day, going up and down that road also. It is a narrow road. If running tractor trailers up there you are going to have to build a turn around because we don't believe the gun club will allow you to turn a tractor trailer around on their property. The town wants to see how you are going to handle that, what kind of trucks, how many trucks, how many tons of gravel will be hauled up there.

Mr. Congdon commented that is understandable. Their understanding is the town has a Road Preservation Local Law in place so any type of damage to the road will be their obligation to repair. From their understanding that road is not a load rated road, which doesn't necessarily mean anything. They don't generally have overloaded trucks that are delivered to the site. They try to keep everything within the allowable weight limits and state laws. There will be semi-trucks and gravel dump trucks. During delivery they will have 5-8 trucks per day. They don't have everything come at once, they try to stagger them. If there is a concern with school buses or other activities they can restrict and limit times.

Mr. Saunders explained they have had many municipalities put conditions on approval of when truck traffic can go through their town. It isn't anything usual. A question came up whether they were going to have a decommissioning bond and Mr. Saunders stated there would be, it is part of the town's ordinance. One thing that is not in the ordinance is the road use agreement. That doesn't mean they are not willing to do it.

Chairman Woolbaugh asked that they also include the equipment regarding the logging aspect of it, what kind of equipment will be up there for that? He added not just Quilty Hill Road but Foley Road as well.

Chairman Woolbaugh commented that a question from the public came up about ditching. There are bridges and culverts on the plans, not sure if they are referring to those or not. Mr. Congdon explained the ditches they were referring to are water bars, on the lower part of the site. The level spreaders serve as the diversion ditches. Rather than pushing all the water to one side where it can cause problems they slow it down, spread it out. They will have the level spreaders every 75 feet, which is not very far apart. That will grab any of the water. It will be a keystone in there which holds on to the water and either slowly trickle out or gradually get down into the ground water. They feel that is better than diversion ditches.

There was a lengthy discussion regarding the decommissioning plan that was included in the application. The Town's code requires the cost of the decommissioning plus 20%. There was concern that the dollar amount in the decommissioning plan presented would not be enough if the solar farm had to be decommissioned in 20

years. If Norbut Solar were to decommission today the \$513,000 covers it. In 20 years, it will cost \$600,000. Ms. Middleton explained what we are looking for is additional analysis or documentation on how those dollars were calculated. How was that actual amount calculated? How was the \$170,000 for each sufficient? Where are those base amounts coming from?

Mr. Saunders explained they used the actual time and materials based on the project that they are building. If their 5-megawatt site has 10,000 panels/11,000 panels they have a multiplier that is added to each component. They think they have given the board what the ordinance requires. Ms. Middleton is trying to figure where the bottom base number came from that is the multiplier. Mr. Congdon stated they came from NYSERDA and their historical knowledge of what it costs.

Ms. Middleton explained one of the issues that came up is the access road, Foley Road, which is partially residential. Is all access coming in on Quilty Hill Road and Mr. Congdon stated yes. A short section of Foley Road will be used to get to Quilty Hill Road but they won't be going down Foley Road past Quilty Hill Road.

Dan Wasson commented there are steep slopes up there and he thinks the residents up there are very concerned about them. In the EAF it has 43% is 15 degrees or greater. What he has read solar panels should be at 10 degrees and they are 15% or greater. Mr. Congdon explains it depends on the type of solar panels and racking. In this case the racking they are using can go up to 20%. Dan Wasson asked what is the greatest slope up there and Mr. Congdon stated 40%. Most of the steep slopes they are avoiding.

Dan Wasson asked how are you going to keep the water from flying down that hill and Mr. Congdon explained primarily the gravel spreaders and minimizing the amount of impervious that they are putting in there. Some of the road will be compacted gravel because with the steeper slopes they can't do impervious on them. In any areas that are flatter than 10% they will be using a pervious section for road, which is loose gravel and allows water to hold there. They will have gravel strips every 75 feet that will collect running water. Jason Maxian asked where does the water go after it hits the strips, is it supposed to spread out over the land or will it all end up going out the ends and then down and Mr. Congdon explained it spreads it out over the land. Jason Maxian asked if it went to a structure or a manhole and Mr. Congdon stated no, but they do have a couple of crossings and some bridges and culverts for the existing streams they want to maintain those drainage paths.

Chairman Woolbaugh asked if there was a final ok from the fire chief and he is. Dan Wasson commented that he had spoken to Shawn Skinner and he has said he didn't care if they put the trees that have to go all the way around it against the fence on the other side of the 10-foot barrier. Chairman Woolbaugh asked if the fire departments would need any special equipment, being they are volunteer fire departments do they have it and Mr. Saunders explained they would not need any particular equipment that they don't already have. With a solar fire NYSERDA and the consultants that will provide the training to the fire departments advise first responders that the way to fight a fire is to let it burn. You keep the fire within the fenced area until it burns itself out. The State of New York is saying this is the way to address a solar fire. There are no batteries at this site. Batteries are the number one potential problem when talking about fires and solar facilities. The inverters do have the possibility of overheating but they are located on central pads throughout the entire project. The panels themselves don't burn so if an inverter catches fire the idea is the fire fighter should not and can't go in with water, it is an electrical situation. You have to contain it to the facility and it will burn itself out.

Chairman Woolbaugh asked what size vegetation are you putting in there for the screening outside of the 8-foot fence and Mr. Saunders explained for the specific property owners that need to be screened, separate and apart from the visual assessment, if there is a property at the top of Quilty Hill Road, where the point of interconnect is, they have shown screening on the plan but that is certainly to be developed. Some municipalities actually

tell them they want to see this screening on day one, some will say show us what it will look like in year five or year ten. That is part of the process of going back and forth as to what you want to see in the landscaping. If they are given a charge, that it has to be a certain height they will come back with a proposal of how to screen that. What they have provided in terms of landscaping hasn't been questioned to this point. Everything is on the table in terms of providing additional details if you are not satisfied with what they have already provided.

Mr. Congdon referring to the drawing explained they try to maintain as much of the existing vegetation as possible, which will be a better screening. It showed the different kinds of trees and plants that could be used. Mr. Saunders commented they provide a wide variety of choices; it just depends on a particular residence that has to be screened on how they approach it. Mr. Congdon explained the plans calls for the trees to be 5-6 feet tall, which is the best growing height. If they are bigger they will grow slower. Chairman Woolbaugh stated it would depend on who is looking in that area, who lives there, who is actually seeing that would determine how quickly they want that covered.

Mr. Saunders passed out to the board members a map showing the locations selected for photos and visualizations, which is included in the file. Referring to the larger maps he reviewed with the board the locations on Haskins Road, Foley Road, and Quilty Hill Road where the photos were taken and what people will see from those locations with the leaves on and off. There will be four residents on Haskins Road who will see about 5% or less of the entire solar farm for several months of the year when the leaves are off. They will see the panels. There is one residence on Haskins Road that would need screening.

Ms. Middleton explained that the applicant provided a FAQ and there are copies if anyone would like one now. It will be put up on the town's website also.

Dan Wasson commented it was mentioned that there are hazardous materials up there and if you run into hazardous materials you have to stop. Mr. Saunders stated absolutely but the gentlemen's comment is hearsay. They don't know where they are getting that information. We are required to answer these questions under oath and if we falsify an answer and we find out there is hazardous waste there and we have ignored it would be a problem. Once they get up there during construction and find 50-gallon barrels they would have to address it.

Chairman Woolbaugh commented that in the 239 review they also recommended testing the wells and so forth, testing before and after if the project is approved. The last project that was approved had that requirement. Specific locations will be provided to the applicant. A question was asked if every well should be tested and Chairman Woolbaugh commented any property on the down slope that will get any of that runoff. Mr. Saunders stated that they are happy to cooperate with the board in terms of responding to the board with reasonable requests if the request is based on the claim there are hazardous materials coming from the project they are building but there is no support for that. That is what is in their responses. Dan Wasson stated that if our citizens are worried for their livelihood, in order to keep their houses, he doesn't think that is unreasonable. There was a discussion regarding the soil testing and it was determined that testing would be done before the project begins, once the project is complete and then after the first year and every five years after.

Ms. Middleton explained with the comments submitted by our engineer the FEAF should be tabled until next month. If there are additional comments from the public feel free to submit them in writing and we can address any additional comments. Chairman Woolbaugh commented the sooner the better for any additional comments or questions. He would appreciate getting the information at least a week in advance so the board has time to review.

Mr. Mastronardi is requesting that the applicant when responding to his comments should also provide the documents that you actually updated before the next meeting.

Ms. Middleton asked the board if there are additional items that the board would like comments on prior to the next meeting to email them to her and they will be provided to the applicant.

Dan Wasson asked if they could provide what vehicles will be used on Quilty Hill Road, what vehicles will be staying on site and how they will be refueled. Mr. Congdon stated they could provide a traffic study to explain all that.

Motion by Jason Maxian and seconded by Dan Wasson to adjourn the meeting. The meeting was adjourned at 8:27 pm.

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board

cc: Planning Board Members
Kelley Diffendorf
Poe Williams
Chad Moran
Bob McKertich
Katie Legg
Rick Pedro