

Town of Fenner Planning Board Minutes: 10/18/2023

Present: Monica Cody, Andy Stone, Sue Yanulis, Andre Schokker, Pete Snyder

Andy Stone called meeting to order at 7:31 pm.

Discussion of meeting minutes from 10/4/2023:

Motion to approve the meeting minutes from 10/4/2023 by Andre Schokker, seconded by Pete Snyder. Motion carries.

It was requested that the Town Clerk post the approved meeting minutes expeditiously from 10/4/2023.

Discussion of Hoffman Falls Wind (ORES Matter #23-00038): Official Request for Stakeholder Input on Representative Viewpoints

- 12 windmills are being sighted in the town of Fenner by Liberty Renewables.
- On 10/13/23 Liberty Renewables reps met with Andy Stone, Dave Jones and Nadine Bell (Town of Fenner Attorney). Summary of discussion included that some studies are finished. The cultural work is nearly done, as well as the Geotech work and 30% of the engineering. They did not discuss what roads would be used for blade transport but that they would pay to widen roads as needed within the town's 25 ft allowance from the center of the road. Blades are 250 ft long and will cause an issue with existing road conditions.
 - o Planning Board discussed that there could be local impact of power outages or line moves to make turns while traveling on roads during installation.
- These blades have heaters to prevent ice buildup and will shut blades down if ice buildup is detected.
- If ORES determines to use the Town of Fenner setbacks from turbines, the setback would be 1.5x height of tower to top of blade from center of turbine (990 ft setback). If ORES determines to use the 94C setback, it would be 1.1x the height of tower to top of blade from center of turbine (726ft setback).
- These tower pad would be 10' deep, with an 80' circumference with rock anchors. (Existing windmills are 15' deep. Note was made that one tipped over with that depth and a shorter stack.)
- For reference, some residential wells in the area are less than 30' deep, and existing windmills are 15' deep with anchors in rock. There is also shale in the subject areas and opportunities for creating points of well contamination ingress in surrounding home wells and impact on well flow rates. These conditions increase the possibility of future needs of new residential wells and is a potential point of concern.
- It was brought up that another local wind project has had an issue with its proximity to the Air Force test facility in Sherburn and flight pattern impact from windmill interference. This project is geographically closer to the Sherburn facility than the referenced project and could present a similar point of concern.

The planning board reviewed the Official Request and provided the following to be included in a response:

IN RESPONSE to EDR and the Applicant (Liberty Renewables) requesting feedback for identification of additional Visually Sensitive areas before November 5, 2023:

- Addition of the following locations should be added:
 - o The four highest points in the town of Fenner, assumed to be on Peterboro Road, Mutton Hill, Irish Ridge Rd, and Cody Roads, (assumed to be the Miller homestead and the Weaver homestead, the Perry homestead, and the Davis homestead). These locations present viewsheds that are in alignment with the Town of Fenner Comprehensive Plan as quintessential Fenner views.

IN RESPONSE to EDR and the Applicant requesting feedback for identification of any proposed land uses that may be sensitive to visual impact before November 5, 2023:

- The applicant should be made aware that The Town of Fenner has a moratorium on large capacity battery storage.
- The applicant should be made aware that there are areas within the town that are working on Farmland Preservation Easements which could have long lead times associated with them.
- It should be noted that there is existing wind zoning in the town of Fenner (zone C) and none of these proposed wind turbines are going into the approved zone C, so this project does not align with the Town Of Fenner Comprehensive Plan and current regulations. No efforts have been made to request modification of the current zone C footprint to the Town of Fenner Planning Board's knowledge at this time.

IN RESPONSE to EDR and the Applicant requesting feedback for the selection of viewpoints for the production of photosimulations before November 5, 2023:

- Modification of the following location and justification:
 - o **View point #51 (Cody Rd.) should be facing SE not NW. As currently described in the request, the photo simulation would not show where the proposed windmills would be. The image from August 31, 2023 is also facing the incorrect direction.**
 - o **View Point #54 (South Rd.) should include more East-SE, as well as South-SE and NE-East to cover the additional viewshed hit by the proposed windmills. The image from August 31, 2023 is also facing the incorrect direction.**
 - o **View Point #68 (Bingly Rd.) is correctly noted in the table that the image should face SE, but the image provided faces NE from August 31, 2023 and should be corrected.**
 - o **It is recommended that all of the locations noted be checked for accuracy as other towns' images were also noted to be looking in the incorrect direction (so any simulation would not show any windmills).**
- Addition of the following locations should be added:

- **View point #53 (Wyss Rd.) should be included in all directions, the current image from 8/31/23 looks only to the west. The appropriate directionals of West/Southwest/South and Northeast/east/southeast should also be included.**
- **View point # 52 (Tower Rd.) should be included in Northwest/west/southwest/south/southeast directions. The SUNY Morrisville horse facility is located there, and the surround of wind turbines can upset the horse demeanor and cause unsafe riding conditions.**

Motion by Pete Snyder to make the above recommendations to the Town of Fenner Board. Second by Sue Yanulis. Motion carries.

Discussion of Feedback from NYS Distributed Energy Resources Advisory Group Training, attended by Sue Yanulis

- NYS Distributed Energy Resources Advisory Group recommended using Silicone solar panels because they are not environmentally toxic and there is a recycling facility in NYS to support them.
- Concern was expressed that Cadmium is in some types of solar panels, which is considered a toxic material and there is not a recycling facility that can handle this material in NYS. The NYS Distributed Energy Resources Group commented that there should be visibility into the leases signed to determine the accountability and responsibility for removal (between land owners vs. the town in the event a landowner or energy company is unable to appropriately handle panels at the end of their useful life.) There is no facility to get rid of Cadmium based panels in NYS and it is very expensive to do so elsewhere.

Planning Board recommendations to the Town Board:

- Town residents in the subject Hoffman Falls wind project area should seek knowledge of their existing well flow rates and water quality to have a baseline for monitoring from in the event there are impacts in the future when windmills are installed.
- Town residents with solar contracts should be alerted to seek counsel regarding their disposal and recycling commitments within said contracts, and if the town or property owners are liable for disposal cost in the future. (Cadmium is used in some panels which Cypress Creek has said will be installed, which to our knowledge there is not a recycling facility in NY at this time for). Town Board should consider regulations on time limits surrounding disposal and removal of defunct/decommissioned solar panels in the future, preferably within 1 year of decommission activities.
- Town board should consider requirement that solar panels not contain Cadmium or any other materials considered toxic for disposal within the town of Fenner, knowing that they pose a potential health risk and are costly to dispose of safely. Silicon solar panels would be the preferred material at this time, knowing there is a NY based recycling facility. Furthermore, it was a recommendation by NYS Distributed Energy Resources Advisory Group that this be the preferred panel construction.

- Town of Fenner board should consider regulations to require wind turbines contain heating elements for de-icing in their regulations.

Motion to make these recommendations to the Town of Fenner Town Board by Sue Yanulis, second by Andre Schokker. Motion carries.

Motion to close by Sue Yanulis, second by Andre Schokker at 9:16PM. Motion carried.

Respectfully Submitted,

Monica Cody