



Kirkland Trails, Inc.

kirklandnytrails@gmail.com
www.kirklandnytrails.org

P.O. Box 86, Clinton, NY 13323

October 20, 2022

Town of Kirkland Planning Board
Lumbard Hall
100 North Park Row
Clinton, NY 13323

Dear Sirs:

I am writing to you on behalf of the Kirkland Trails Board of Directors regarding the Atlas Renewables Kirkland 1 and Kirkland 2 Solar Farm application before the planning board. The Kirkland Trails Board opposes the approval of this project, as stated in the following resolution which we recently adopted:

“Be it resolved that the Kirkland Trails Board of Directors opposes the construction of the 60-acre solar farm proposed by Atlas Renewables, LLC in the Town of Kirkland portion of the Clintonview Farms property. Kirkland Trails strongly supports the responsible development of renewable energy projects, including solar; however, we feel that this is not an appropriate location for a solar farm.

This project would jeopardize our goal of creating multiuse trails connecting the Towns of Kirkland and New Hartford. It also would carry serious environmental risks due to the clear-cutting of 65 acres of forest on sloping terrain that includes deep ravines and Mud Creek, a tributary of Sauquoit Creek, which already has significant flooding problems. The risks of developing a solar farm at this site include, but are not limited to, stormwater flooding downstream, water quality degradation, loss of forest carbon sequestration, and loss of wildlife habitat.

We strongly urge the Town of Kirkland Planning Board to reject the application by Atlas Renewables for approval of this project. “

We have serious concerns regarding the environmental impact of this project. We are especially concerned that clear-cutting 65 acres of forest and disturbing wetlands in the upper reaches of the Mud Creek Watershed will increase stormwater run-off and the risk of flooding in the watershed. Both Sauquoit Creek and its tributary, Mud Creek, experienced severe flooding in 2013, which had a major impact on the Towns of New Hartford and Whitestown. This was detailed in a Mud Creek flood study commissioned by the DEC in 2014, a copy of which we have forwarded to the planning board. Besides potential flooding issues, there are concerns about fragmentation of wildlife habitat, alterations of water quality, damage to wetlands and loss of vegetative buffers at streams and gorges.

President: James Bramley
Vice President: Chip Bassett
Secretary: Sharon Williams
Treasurer: Tom Grenier

Board Members: Katherine Collett
Joseph Gale
Germaine Gogel
Nick Heintz
Ann Silversmith

We question whether this project is compliant with the Town of Kirkland Solar Ordinance (LL#2 of 2020) which states among its objectives (Section 118-49, A):

- 4) To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources, and;
- 5) To create synergy between solar and the desire to create a healthy community and to include recreational usage.

Furthermore, Section 118-49, G, "Permitting requirements for Tier 3 Solar Energy Systems" states:

7. Tree-cutting. Removal of existing trees larger than [6] inches in diameter shall be minimized to the extent possible.

We also question whether approving this Tier 3 Solar Energy System would be consistent with the objectives of the current Town of Kirkland Zoning Districts. The Clintonview Property is designated Rural Residential (R-R), in which Tier 3 solar projects are allowed, yet the objectives for R-R are as follows (Section 118-6; underlining added):

- A. R-R Rural Residential District: to maintain active farming areas while providing for low- to moderate-density housing development. The goal is to maintain farmland, open spaces and the general rural character of these areas of the Town. Another aim is to protect sensitive environmental resources, including groundwater and surface water supplies, and erodible soils; to maintain traffic flow and safety by minimizing driveway cuts onto existing roads; and to protect scenic vistas. Allowable residential uses include single- and two-family structures. Development patterns and densities are based upon the carrying capacity of the land. Support retail (e.g., farm stands) are also allowed.

In fact, solar projects are currently allowed under the solar ordinance in all zoning districts except R-TC and R-M. For example, a Tier 3 solar farm could be placed in a Resource Conservation Overlay District (O-RC) which seems particularly inconsistent with the stated objectives for such a district:

- I. O-RC Resource Conservation Overlay District: to protect floodplains, wetlands, and other sensitive environmental areas within the Town, to ensure against loss of life and property from flooding, to maintain areas as natural stormwater retention basins, to maintain and improve water quality and to maintain natural areas for wildlife and human aesthetic enjoyment.

We feel that Tier 3 solar projects should be considered an industrial development, and as such are not appropriate for most of the Town of Kirkland's zoning districts.

Initially the Sherrill Brook Community Forest Coalition sought to purchase and preserve this entire unique forested property for recreational purposes, but its purchase offer was rejected. As a member of the Coalition, Kirkland Trails recognizes the potential benefits of this beautiful area situated adjacent to Sherrill Brook Park and close to the population centers of Clinton, New Hartford and Utica. We feel that development of solar projects within the property would seriously compromise its recreational potential.

Kirkland Trails then attempted to work with Atlas Renewables to develop trails around their project within the Clintonview Property. However, we are now convinced that Atlas is not negotiating with us in good faith, as evidenced by their repeated display of maps of the project which show no space to accommodate trails around the borders of the solar arrays. At the September 26, 2022 planning board meeting Mr. Torrent, Director of

Atlas Renewables, also relegated planning for trails to the indefinite future when Atlas hopes to develop a separate solar project in the New Hartford portion of the Clintonview property.

These solar projects also jeopardize our long-term goal of developing a separate trail connecting the Villages of Clinton and New Hartford along the abandoned O & W Railroad corridor which runs along the north boundary of the Clintonview Property parallel to Route 12B

In closing, we wish to emphasize that the Kirkland Trails Board strongly supports the development of renewable energy projects, including solar projects, in appropriate locations in the Town of Kirkland and elsewhere. We feel that the Clintonview Farms location is not an appropriate location. We request that the Town of Kirkland Planning Board conduct an in-depth Environmental Impact Study for this project, especially focusing on water issues, and coordinate with the Towns of New Hartford and Whitestown and the Sauquoit Creek Basin Commission. We urge the Planning Board to reject Atlas Renewables' application for this project. We also suggest that the Town of Kirkland should institute a moratorium on solar projects within the town to review and revise its zoning regulations considering the rapid proliferation of these projects. Perhaps, given the growing impact of this issue, a new zoning district should be designated for Tier 3 Solar Systems and the town zoning district map modified to show these districts.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Bramley". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jim Bramley
President, Kirkland Trails