

Planning Board Members Present

- John Arnold Planning Board Chairman
- Mike Shaver Planning Board Member
- Ann Purdue Planning Board Member
- Adam Seybolt Planning Board Member
- Edward Potter Alternate Planning Board Member
- Josh Westfall Town of Moreau Building Planning & Development Coordinator
- Glen Bruening Town Counsel
- Diana Corlew-Harrison Secretary

Planning Board Members Absent

- Matt Abrams Planning Board Member
- Carl Hourihan Planning Board Member
- Bradley Nelson Planning Board Member

The meeting was called to order at 7:04 pm by Chairperson Arnold

Minutes to approve: None

New Business – Site Plan Review

Site Plan Review – SPR2026-004 Top Hat Community Solar Project

Applicants seek site plan Approval for the Top Hat Community Solar Project. **Applicant: Top Hat Energy LLC. Owners of Record:** Moreau Industrial Park LLC & Town of Moreau. **Property Location:** 2-6 & 8-12 Electric Drive, 1-5, 2-6, 7&8 Corporate Place, 69 & 78-104 Farnan Road, & Farnan Road. **SBLs:** 50.-4-16 & 50.-4-22; 50.-4-14, 50.-4-13, 50.-4-23 & 50.-4-25; 50.1-4-12, 50.-4-11 & 50.-4-96.1. **Zoning District:** M-1. **SEQR:** Type I.

Speaking on behalf of the applicants were Fred Ball, Manager of Business Development of Nexamp and Faraad Rasul, Project Engineer. They had presented their high-level plan to this board in May 2026 and were returning to get site plan approval and to answer any further questions or concerns. The applicants are under purchase agreements to purchase these parcels pending site plan approval.

Mr. Shaver questioned the parcel that the Town owns and how that was to proceed. Mr. Ball stated that the town needs to approve the release of rights to Top Notch Energy and to not landlock other owners. They will be discussing this with the Town Board about this transfer.

They are proposing to build a road off the Bakers Mills project that they own also, along the National Grid power lines.

Mr. Shaver asked if road would have emergency access. He said there was an access road put in when Industrial Park was done and it came out by water tower. Mr. Westfall states he will check with Chris Abrams, Highway Superintendent.

Mr. Ball states that the units will have five new poles for equipment (utility mandated) transformers, meters, switchgears, a 20-foot service road with a turnaround for bucket trucks and fire apparatus equipment.

The units will be 645W modules, 95% Bifacial Power, 30-year Performance Warranty, Domestically Produced in Michigan, racks are ATL 1P Trackers that will follow the sun and can be installed over uneven ground, requiring less grading.

Ms. Purdue asked what the highest point the units would be. Mr. Ball states less than 20 feet high straight up and down.

Mr. Ball reviewed the road access and stormwater system. He also stated that Nexamp will maintain the operations and maintenance of this project as they do now with Bakers Mills. He states that sheep will be used for vegetation.

Ms. Purdue asked what type of vegetation would be planted. Mr. Ball states they use a Buz & Fuzz seed packet, approved by the DEC. It contains butterflies and bee friendly wildflowers. Mr. Ball states that no chemicals are used. Ms. Purdue asked to have this added to the plan. Mr. Shaver had a concern about whether people could access the sheep. Mr. Ball states that sheep herders oversee them.

Mr. Arnold asked on response time if fire happened. Mr. Ball states that there will be local contractors but was unsure at this time how this would be managed. Mr. Arnold has had prior situation on that and is concerned that it would not be a quick response if needed. They have included the emergency response plan with review.

Ms. Purdue asked if system could be shut down in case of a grass fire or a shortage. Mr. Ball states yes. The system will disconnect from grid remotely in Lawrence Massachusetts, but fire personnel would fight fire as a normal grass fire situation. Mr. Ball states that there are no moving parts, just the panels following the sun, and the wiring is all low voltage with no concern to people.

Mr. Shaver asked if gates would have lockboxes and keys would be given to fire department. Mr. Ball states it is required.

Mr. Arnold asked if they intended to expand to other parcels in the Industrial Park. Mr. Ball states that this project cannot be larger since it was only approved by National Grid as a 2.5 Mwac project. They would have to re-apply to National Grid which is a lengthy process.

Ms. Purdue asked of area on top left-hand corner of approximately 2.8 acres. Mr. Ball states that it was designed to be for battery storage but cannot be at this time due to moratorium with the Town. If ever approved, it would be a separate Nexamp project.

Mr. Arnold asked about timeline. Mr. Ball states they would like to be running by the winter of 2027/2028. They would start clearing in this winter of 2026/2027 to avoid bat hibernation time. Then they would come in to create the roads and start construction. Ms. Purdue asked if bats would come back. Mr. Ball states that they do because of the heat generated from the panels attracts the insects that will bring the bats back.

Mr. Arnold asked if there were any roads that would interconnect to Bakers Mill project and who maintains the roads. Mr. Ball states only roads would be fire access related and local contractors would maintain roads.

Ms. Purdue would like to see the plans reviewed by electrical engineers because there is no knowledge of this sort of project on the Planning Board. Mr. Westfall states that MJ Engineers will be reviewing as part of the project and Town requirements.

Ms. Purdue asked if there was an escrow set up to cover the engineering costs. This project has an escrow per Mr. Westfall that covers the engineering review, SWIPP process approvals and decommissioning plan.

Ms. Purdue would like to see clarified and enhanced emergency response and safety measures, fire suppression system, environmental impacts, such as the bat displacement, the physical disturbance due to the tree removal of 20 acres noted, vegetation and maintenance plans, does fire dept need training or special equipment, operation and maintenance plans, if any visual assessment will be done, decommission plans. She also asked if MJ Engineering would be reviewing plans.

Mr. Arnold asked if DEC would waive the visual assessment for the Hudson Falls side of the Hudson River. Mr. Ball states that this site is very steep and trees may not be all clear.

Ms. Purdue asked if the conservation easement would be a consideration of this applicant to create trails or nature area for the Town of Moreau. Mr. Ball states that they could be considered with the Town owned road involved also and if they would be open to trade or maintain that area created by this project.

Ms. Purdue asked if MJ Engineers could assist with the construction like our building inspector does when building a house. Mr. Westfall states that National Grid does that in all stages of construction. If another consultant is needed, applicant willing to add another bond if needed.

Ms. Purdue asked when the decommissioning plan draws down on the security bond, what happens. Mr. Ball states that the bond is reviewed every 5 years. Per Mr. Bruening, The Utilities Commission and the department oversee this process. Ms. Purdue stated that wording should be added to ensure the property operator is responsible for cost overruns or in case of closure. Mr. Bruening stated that the bond this is a best idea. They are guaranteed by an surety company. The language needs to be reviewed so that the Town is covered and to reflect all the concerns brought forward.

Motion made by Ms. Purdue to have Planning Board become lead agency. Seconded by Mr. Shaver, all approved.

Motion made by Ms. Purdue to classify this as a Type 1 action. Mr. Potter seconded, all approved.

Mr. Arnold wanted to review with applicants what this Board would like to see in future plans:

1. Have emergency responses clarified as to response times and if local contractor available quickly?
2. Vegetation and maintenance plan
3. Does fire department need more training or fire suppression need? Mr. Westfall will send notice to them.
4. Review the town owned- conservation easement, right of way, and/or road and the transfer of ownership.

Mr. Arnold adjourned the meeting at 8:10 pm.

Signed by Diana Corlew-Harrison on July 28, 2026. (8/20/26 Revised from PB meeting 8/17/26 approval)