

**TOWN OF NORTH EAST
TOWN BOARD
WORKSHOP
MINUTES
June 21, 2018**

Councilman Present:

Supervisor Kaye
Councilman Merwin
Councilman Fedele
Councilman Midwood

Councilman Absent:

Councilman Chris Kennan

Also present at the meeting were Jon Arnason, Chair of the Solar Committee, Julie Schroeder, Committee Member and Bill Kish.

Call to Order:

Supervisor Kaye called the meeting to order at 7:00 p.m.

Discussion of Proposed Solar Law:

Supervisor Kaye stated the purpose of the Workshop Meeting was to discuss the comments received from the Planning Board, Zoning Board of Appeals and the Conservation Advisory Council (CAC) in regards to the proposed Solar Law that has been drafted by the Solar Committee in the last year.

Jon Arnason- Chairperson of the Solar Committee addressed the comments from the above mentioned board with the Town Board. A copy of the letters' received from each of the Boards are attached to the end of the minutes as a reference.

Mr. Arnason first addressed the Planning Board comments. The first question the Planning Board raised was the requirement of soil test for roof mounted solar panels. Mr. Arnason said the solar committee agrees that soil tests are unnecessary for rooftop or building mounted solar panels or solar car ports and the draft law has been modified to reflect the change.

The Planning Board asked what the definition of significant glare was? Mr. Arnason stated that the definition of glare should stay in the proposed law and the requirement would be to coat the solar panels with non-reflective materials. The specifics of what constitutes glare can be dealt with at the special permit process.

The Planning Board referred to section 4 (i) of the proposed law about the ZBA and Planning Board being encouraged to condition their approval of proposed developments on sites adjacent to solar energy systems. The Planning Board wanted to know if this inferred that the board would be establishing a preference over other types of development on sites adjacent to solar energy systems so as to protect their access to sufficient sunlight to remain economically viable over time. Mr. Arnason's response was that the provision on access to sunlight was only precatory and would only come in to play when in connection with an application for a special permit application or site plan approval.

Planning Board referenced Section 6 (k): Who would be responsible for recertification and will there be details addressing this? Mr. Arnason stated the solar committee, ZBA and Planning Board believe the requirement of recertification is unenforceable and may be contrary to state law on special permits. This requirement has been removed from this section of the proposed law and has been removed as a requirement for free standing solar systems and for solar farms.

The planning board referenced section 8(a) of proposed law in regards to certified installers. The planning board felt that it was excessive to have someone who is certified install solar panels on a residential home as the homeowner may want to do this work themselves.

The solar committee felt that this was not a necessary requirement for residential installations, but that a certified installer should be used for a solar farm.

Section 9 – Towers and Transmission lines, The Planning Board questioned additional transmission lines and poles and towers. Their concern was that on a solar farm any new transmission lines and poles should be considered part of the development so their environmental impact and aesthetic impact can be reviewed.

Mr. Arnson stated that the solar committee has added a new section 10 (b) (4) that requires drawings showing all locations and size of towers and transmission lines be submitted as part of the application process.

Section 9 (c), The Planning Board questioned the part of this section about removing prime agricultural land from potential agricultural production, they understood that when a solar farm was present, but with decommissioning the land would be quickly restored to agricultural use. The Solar Committee did not find this to be confusing and stated that this requirement would be part of the special use permit process with the ZBA and Planning Board and when the project is built it will not remove the land from permanent production.

Bill Kish asked about protection of farmland and stated that anything done to farmland should not be damaging. Mr. Arnason said that could draft a separate section of the solar law to address this.

Enclosure of Solar Farm by a fence, The Planning Board questioned the height of the fence. The Solar Committee response was that this was a requirement in other Town and in other model laws that were reviewed when drafting this local law. It is a safety requirement that will prevent vandalism and prevent children from going in to the area of a solar farm and getting injured. In Section 9 (l) the Planning Board letter asked what the maximum height of a fence should be. Although there is no requirement as to what the fence should be made of it could be further discussed during the special permit process or the ZBA could give a variance for the height. Solar farms should be screened with vegetation.

Height of Solar Panels- The planning board questioned the maximum height of a solar panel as 30 feet they felt that this was much too high. The Solar Committee was not sure where the Planning Board got this figure. The Solar Committee said that 12 feet was the standard height.

A new section of the local law will be added to address minimization of paving and concrete located on solar farms.

The Planning Board questioned a performance bond and felt that it would be so prohibitive that only the richest people would be able to set up a solar farm.

The Solar Committees response to these questions was that it was a critical requirement to protect the Town with the issuance of a performance bond for the installation of a solar farm; However the Town Board does have the ability to wave the bond requirement. Mr. Arnason said that if a company could not put up the performance bond that the town should be concerned as the performance bond would cover the decommissioning of the site. He also noted that this requirement was in the NYS Solar Guidebook for Local Governments.

The Board and Mr. Arnason next reviewed the Zoning Board of Appeals comments. Mr. Arnason said that the ZBA questioned modifications to an existing solar system. The ZBA felt that a 25% change would be a more appropriate level than 5% change to the system to require a special permit. The Solar Committee agreed and has changed it to 25% change or modification to existing solar system would require a special permit. Also added was hot water to be the permitted system use.

The ZBA also had a question about Section 6(k) and Page 13 of the Solar Law about the expiration of special permits for free-standing, ground mounted, solar carports, solar energy systems and solar farms that the special permit would expire after 3 years and need to be renewed. The ZBA felt that this should be removed from the law. The ZBA does not feel that the renewal of a special permit is required every 3 years.

The only comment the CAC had was that the land used for a solar farm still had agricultural use to it. The solar committee has added the term Farm Land of statewide importance to the solar law in section 10 (c).

Mr. Arnason suggested that the Town Board may want to have someone who is a Solar Consultant be available for the public hearing of this local law. Mr. Arnason also suggested that Candice Rossi of NYSEDA may be available for the public hearing.

Supervisor Kaye asked about front yard setback. Mr. Arnason said that the Town Board would have to determine the setback for the entrance to a solar farm.

Supervisor Kaye asked about the use of Payment in Lieu of Taxes (PILOT) for Solar Farms and why they should be considered. Mr. Arnason said that we should have a provision in the local law about this type of program. Mr. Arnason also suggested putting in a limitation on the size of a solar farm.

ADJOURNMENT:

On a motion by Councilman Midwood, seconded by Councilman Fedele the following was:

ADOPTED – AYES – 4 (Kaye, Merwin, Midwood, Fedele)
NAYS – 0

RESOLVED, to adjourn the meeting at 8:10 p.m.

Respectfully submitted,

Lisa Cope
Town Clerk

Approved: August 9, 2018