

A public hearing was held by the Town Board of the Town of Moreau on June 25, 2019 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York for the purpose of hearing public comment on proposed Local Law 1 of 2019.

The Supervisor called the public hearing to order at 6:00 p.m.

**Town Board Members Present**

Alan VanTassel	Councilman
Kyle Noonan	Councilman
Theodore T. Kusnierz, Jr.	Supervisor

**Town Board Members Absent**

John Hogan	Councilman
Gina LeClair	Councilwoman

**Also present:** Leeann McCabe, Town Clerk; Matthew Dreimiller, Building Inspector; Planning Board members and Alternate members: John Arnold, Ron Zimmerman and Ann Purdue; Zoning Board member: Kevin Elms; Kathleen Moore, Post Star Reporter; Town Residents: Anne Kusnierz, Sarah Linehan, Patrick Killian, Vince Sporrer, Jane McFarlane, James & Joanne Killian, Kasey O'Brien, Ellen O'Brien, Paul LaBerge, Marc Weatherill and Rachel McDermott; Village Residents: Joanne Carruthers, Keith Comstock and Alfred Chapman; Others present: Jackie Munro, Jane Killian Fiore, Kris Nolan, Marjorie Killian, Jeanne Killian Hayes, Mary Killian Vittengl, Roseanne Fortin and Jim Czub

The Supervisor welcomed everyone to the public hearing and explained the purpose of the proposed local law. He stated that the Town has been made aware of several proposals to install large scale solar arrays on farmland in the Town of Moreau. Currently, under the Town Zoning, they're not permitted in the Ag District. The purpose of the hearing is to receive comment from the public and from those who live in the Ag District.

The following Notice of Public Hearing was posted in the Post Star Newspaper on June 15, 2019 and read aloud as follows:

**TOWN OF MOREAU  
NOTICE OF PUBLIC HEARING  
TO CONSIDER ADOPTION OF LOCAL LAW**

NOTICE IS HEREBY GIVEN pursuant to Section 20 of the Municipal Home Rule Law of the State of New York that a public hearing will be held by the Town Board of the Town of Moreau on June 25, 2019 at 6:00 p.m. at the Town Municipal Complex, located at 351 Reynolds Road, Moreau, New York for the purpose of considering the adoption of Local Law No. 1 of 2019. If adopted, Local Law No. 1 of 2019 would create Chapter 75 of the Moreau Town Code – Temporary Moratorium on Permits for and Installation of Ground-Mounted Solar Energy Systems and Large-Scale Solar Energy Systems Within the Town of Moreau. The moratorium prohibits the permitting of new Ground-Mounted Solar Energy Systems and Large-Scale Solar Energy Systems, including the consideration of applications as of the date of the adoption of this notice. Written comments on Local Law No. 1 of 2019 can be submitted to the Town Clerk up and through the time of the public hearing. A copy of proposed Local Law No. 1 of 2019 can be obtained at the Moreau Town Municipal Complex and on the Town's website.

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Leeann M. McCabe  
Town Clerk

Published: June 15, 2019

The Supervisor explained that anyone wishing to speak will have 5 minutes and after everyone has had a chance to speak, if there is time remaining, those who wish to speak again may have a chance. He explained that there are two public hearings scheduled for this evening and advised that they both would remain open for further comments, for the next several weeks.

The Supervisor stated that the Saratoga County Planning Board approved Local Law 1 of 2019 with comment, which was read into the record as follows:

The staff of the Saratoga County Planning Board has previously provided to the Town, several examples of local laws adopted by other Saratoga County municipalities (Wilton, Northumberland, Milton and Greenfield) to regulate the location and the review and permitting of ground-mounted solar energy systems in their respective towns. One of the principal concerns across the county has been how to define the impacts and mitigation of such to existing and vibrant agricultural land use in the towns, as it will be for Moreau. Such impacts may be both beneficial as well as negative, particularly as incentives are presented to owners of inactive or unproductive farmland. As this may be the case, we would recommend that particular attention is given to the proactive regulation of this use in the Town's R5 District, which essentially comprises the Town's portion of the Consolidated Agricultural District #1.

The first person to make comment to the Town Board was John Arnold. He commended the Town Board on the moratorium and stated that it will give the Town time to get its zoning in place and regulate its use in the Ag District. Mr. Arnold stated that he was concerned with reading that these are solar farms. He clarified that they are not farms, they're energy generating facilities. He stated that these solar arrays are not temporary structures and can have impacts on the environment and on the farmland.

Anne Kusnierz of Gansevoort Road, made comment to the Town Board. She stated that she has been growing Christmas trees for over 62 years and has taken great pride in the stewardship of her land. She stated that she had been a Board member back in the 1960's when the law was proposed, which would have had a dreadful impact on the Ag District. She stated that she was able to prevent the proposed law. She stated, that once again, she was trying to protect the Ag District. She stated that she supports the moratorium, so the Town can look into each detail of the solar farms that are being proposed. She stated that the Town Board will decide if it is a good thing for the Town of Moreau. Ms. Kusnierz displayed a map to the audience showing how extensive the Ag District is in the Town. She stated that the Town needs time, by way of the moratorium, to determine the impact of solar farms.

Rachel McDermott, Old West Road, made comment to the Town Board. She stated that her farmland is partially in the Ag District. She stated that there should be consideration for certain regulations regarding the implementation of solar farms. As a farmer she is supportive of the development of solar arrays. She stated that whether you pro solar or against solar, you should be entrusted to be the steward of your own land. She stated that her farm lacks infrastructure for power and has limitations to development as farmers down the road. This would allow them to bridge the gap.

Jim Czub addressed the Town Board. He stated that he owns farmland in Rensselaer, Saratoga, Montgomery and Washington counties as well as in Massachusetts. He's a first generation farmer, starting at 17 years old and for over 42 years. He stated that he was looking to protect his assets by looking for diversification opportunities. He stated that he currently has a 12 1/2 acre solar field. He stated that this will give him the opportunity to have a retirement fund in the next 10 years. He stated that he didn't support the moratorium. He thought the zoning could be worked out in a few months. He stated that there were laws out there and towns that have already done it.

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Patrick Killian, Burt Road, addressed the Town Board. He stated that his father started the farm 70 years ago and was the steward of the land. He stated there were 8 sisters and 3 brothers, all working the farm. He made the comment that solar isn't permanent. He stated that the reason for a moratorium is to see what the pros and cons are. He stated that he owns 500 acres in the Town, with a small percentage to be used for solar to offset the costs. He stated that they lease to a tenant but it still doesn't cover the cost of the taxes. He stated the solar would give him the opportunity for his family to keep the succession of Killian farming going. He stated that he had looked at ten different solar companies and had said no to all of them. He stated that he has signed a contract with a local company. Mr. Killian stated that he appreciated what the Town Board was trying to do but didn't think that it needed to be dragged out for six months. He hoped that he and the Town could come to an agreement.

Al Chapman, Clark Street, stated that he understands the concerns but didn't think that the proposed moratorium would exclude anyone from getting a variance.

Vince Sporrer, Fort Edward Road, stated that government telling you what to do is difficult to swallow at times but it's important that you have an even playing field, so everyone understands what the rules are. He stated, that without that, there are cheaters. There's always someone who will try to take advantage of something. He stated that you need rules, which will help the local government and Planning Board be able to establish good policies.

Mr. Czub spoke a second time and welcomed anyone to view his solar array in Schaghticoke. He stated again that six months was too long and asked the Town Board to consider one month.

Mary Killian stated that she was present to support her brother Patrick Killian.

Paul Banish, Boralex, stated that his company is considering a site in Moreau. He stated that his background is in environmental science. He studied sustainable development. He stated that he's a huge advocate of renewable energy and commented that community solar projects are the way to go. It helps diversify money in the towns. He stated that all towns can benefit from tax income by having solar farms. He stated that he thought the moratorium is good because the current laws don't consider solar development. They're considered power plants. He stated that there are ways to development solar farms that can help benefit the site. He stated that while the solar farm would be temporary for 30 years, they would be giving a break to the soil. When the term is over, they easily take the system back out. Mr. Banish stated that the moratorium is good because it will give the Town a chance to review the need for solar, where it works and where it doesn't. He hoped that with the moratorium, good, fair regulations are put in place that make sense for the Town.

Supervisor Kusnierz stated that they were not going to close the public hearing. It will be left open until a further point in time. The Town will continue to receive comments from the public. He asked that comments be sent electronically or in person to himself or the Town Clerk and he'll make sure they're included in the record.

The Supervisor stated that the Town isn't doing anything differently than what's being provided for by our local code now. He stated, right now, you can't have these structures in the Ag District. The moratorium will allow the Town up to 180 days to consider the technology and whether the Board, based on comments from the public, wants to change the local ordinance, keep it the same or put restrictions on them. He stated that the technology is evolving and in 2016 New York State put together a model solar energy law, which many communities are adopting. He stated that several communities in Saratoga County have already done that. Some of the things they require as part of the local ordinance are set backs and decommissioning clauses. The Town wants to take everything into consideration and make sure they do it right. He stated that there are plus and minus signs on both sides of the equation. The Town Board is going to do its due diligence and hopefully will have a workable solution that benefits all of those who have spoken. In order to do that, the Town Board is going to need some time, which is why they need the 180 day moratorium in place.

The Supervisor thanked everyone for coming and making comment to the Town Board.

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The public hearing concluded at 6:40 p.m.

Respectfully submitted,

Leeann McCabe  
Town Clerk