

A workshop of the Town Board of the Town of Moreau was held on September 21, 2020 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York, for the purpose of discussing the draft Solar Law.

The Deputy Supervisor called the workshop to order at 6:05 p.m. He led the Pledge of Allegiance.

The Deputy Clerk called the roll.

Town Board Members Present

John Hogan	Councilmember
Kyle Noonan	Councilmember
John Donohue	Councilmember
Alan VanTassel	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor (arrived at 6:30 p.m.)

Town Board Members Absent

None

Also present: Tammy Daley, Deputy Town Clerk; James Martin, Zoning Administrator; Karla Buettner, Attorney for the Town.

Councilmember Noonan stated that the workshop was fully on Zoom, and there was no one else present there and everyone was watching from home. He stated that they do have an agenda for the evening and thanked Councilmember VanTassel for guiding them through the process to get where they were tonight. He stated they could start sharing around the nine things that were on the agenda, starting with the overview of the process.

Attorney Buettner stated Supervisor Kusnierz asked her to give an overview on where they were, where they are, and where they are going. She stated about a year ago there was a moratorium placed by the Town Board concerning all solar in the Town. At the time the only place solar was allowed was in the Industrial Zone. The purpose of the moratorium was to have the Town Board really look at the model law from NYSEDA and at other Municipal solar laws, and to work with Jim Martin in the Zoning Department and herself to put together a draft law. They took in account everything in the Town that was important. She stated during the first six months of the moratorium they met with various people from NYSEDA. They also reviewed laws from fifteen different communities and worked with the State and with those different communities to try to figure out how to move forward. She stated she attended several seminars through the Association of Towns about the solar law, and a new law came into effect with the Governor's budget this year. Then Covid-19 hit, everything was moving forward only at a slower pace. This was because the Town was looking at other pressing issues, safety issues mainly. In the last six months the Town Board has been given and gone over extensively a new draft law. She stated what the Town Board has before them tonight is the most recent draft of each section of the proposed solar law with the changes that the Board requested. She would like to piecemeal the discussion and look closely at a couple areas. Once they are comfortable with the draft law, the Board should present it to the Planning Board for their perspective since they will be applying the law. Once the law is passed, if someone comes in and says they want to put in solar on their home or property, they would go to the Planning Board, so it would make sense to have them on board as well.

Councilmember VanTassel suggested maybe they should tackle the first item on the agenda because it would be an easy one. He stated he would express his thoughts and then have everyone else say what they thought about it. He stated in the Town's current draft, the roof mounted and building integrated has been stated as small scale. Then there is a second group called large scale. He stated that there should be a distinct difference on how the Town is going to establish guidelines around those two different groups. Maybe it should be roof mounted and building integrated in tier one and ground mounted in tier two. He stated he feels strongly about it but is only one Board member. The ground mounted is a little of a

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challenge in the draft. He stated that they start the entry point at 1 megawatt, and that could go up to maybe 6 or 8 acres. It could also be a home user that wants to put solar panel up to heat their pool.

Councilmember Hogan stated that he likes that idea. He wasn't aware of the different tiers by NYSERDA, he likes the plan of that and would agree to do that. Councilmember Noonan stated he is okay with that as well, and it will be easier for the Planning Board to look at it. Councilmember Donohue agreed with having the tiers. He also thinks incorporating the size and capacities should also be in the tier system.

James Martin stated he had a couple of thoughts. He wanted them to keep in mind that these applications don't start with the Planning Board or the Zoning Board. They start with a building permit. He stated he doesn't think the person who drafted this model law was in a Municipal building office. They don't see that the applications we get for solar systems are going to be much like pool applications. The homeowner will be bringing in the applications. He stated he doesn't think the law should be highly sophisticated to meet the needs of the law, so people can understand and have the capabilities to submit an application. He thinks the tier system isn't a bad idea but they need to be careful with basis of megawatts and things like that. He said that the common homeowner is going to be applying for the permits. He would rather see a simple requirement for a ground mounted solar system in a residential setting that can be only so many square feet. That would be a process people could work with.

Councilmember Hogan stated that it is not the homeowners that will be building them. Jim stated that the homeowner will be applying for the permits for them. Councilmen Hogan stated that the solar people installing the units would tell the homeowner what the units will supply for what they are looking to do. In turn the homeowner would take that to apply for the permit. Jim stated the homeowner is going to ask, how big can I go, how much solar can I have. He said that's what they need to regulate. If the homeowner has 1/3 of an acre of land how much can they dedicate to solar, and how far off the property line does it have to be.

Attorney Buettner stated the tier two in the model law says capacity use or square footage. She said the question for them is do you want to use the part of it that discusses the kilowatt or the part that discusses square footage. The model law they are looking at is similar to what they are saying, just not broken down as much. She stated it sounds to her that they want to redefine solar energy systems by removing small scale and large scale out of the terminology. In exchange it would be tier one is either roof mounted or building integrated, no definition about output or size. Tier two would be measured by either a kilowatt or square footage, and you would have to identify the numbers. Tier three would be anything else.

Attorney Buettner asked if the Board agreed with this. Councilmembers Hogan, VanTassel and Noonan, and Donohue all verbalized their agreement with her summary. Councilmember VanTassel stated they should try and stay on track, what they are looking for now is the definition of the law and then they can look at setbacks and size in the appropriate section of the law. Jim stated that he understands that, he just wants to make sure the law is written in a way that everyone can understand it. If a homeowner applies for a building permit for a tier two system in their house, they can come in and say, this is the size of my lot. Councilmember Donohue stated as mentioned before that the experts will know how big of an array you should have. He doesn't think the residents are going to be going out and measure and say I need this amount of solar. He stated the experts are going to do that for them. Jim Martin stated he does understand that, and this will be like a pool provider. The professional puts in the pool, the homeowner gets the permit. Having the resident translate the solar equipment into a building application might get complicated. Jim stated as the Zoning Administrator he wants to know what size tier two can obtain. Councilmember Noonan stated he thought having 4,000 square feet might be too much. He also stated he wants to stay on the low side of square footage and the resident can ask for more if needed. Attorney Buettner stated they might not want to get into asking for more square footage, because then they would need a variance. Councilmember Donohue said they should say up to 4,000 square feet but needs to be within the setbacks and meet the criteria.

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Supervisor Kusnierz stated he provided an agenda for the evening and the idea was to come to a consensus if the Board wants to use a tier system and if they wanted to use three tiers. They can come back at a later time and refine those definitions. The Board members agreed to the three- tier system.

The next issue Supervisor Kusnierz discussed was the zoning. He stated he wanted to know where the Board was okay with solar and not okay with solar. Councilmember Hogan stated he was pro solar and wouldn't mind solar in any zoning district. Councilmember Noonan stated that he is pro solar as well. He is concerned that some of C1, C2, and C3 are the back yards of some R1 residents and ground mounted solar there would not be good. Supervisor Kusnierz stated that we have commercial growth in the C-1 area with sewer coming in. The landowners' bills in that district will be impacted whether an entity comes in and buys their property or rents it. If they put in solar arrays, from a Real Property Tax standpoint, the Town is not going to see a lot of revenue from it. Supervisor Kusnierz stated that he would like to ask the Board to consider not allowing commercial size arrays in the C-1 area.

Councilmember Noonan added he also feels that C1 should be protected from that. Attorney Buettner said that have already banned solar arrays in C1 in the draft law. The draft law states that only large- scale solar arrays are only allowed in R5, N1 and N2. Councilmember Noonan would like to hear from neighbors that border the newer neighborhoods that are in R4, and those that border R2. Supervisor Kusnierz stated they can look at that down the road if they have a certain area they can take into consideration. Supervisor Kusnierz thinks that solar arrays should be banned from the Resource Protection areas too. Councilmember Hogan agreed, saying they shouldn't be where recreation areas are or have entities take them over.

Supervisor Kusnierz said that this going to require more workshops to get this to where they can release it for the public to comment on it.

The workshop ended at 7:00 p.m.

Respectfully submitted,

Tammy Daley
Deputy Town Clerk

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