

The workshop was held in person. The Supervisor called the meeting to order at 6:00 p.m. with an attendance roll call.

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| PRESENT: | Patrick Killian | Councilmember |
| | Mark Stewart | Councilmember |
| | John Donohue, Jr. | Councilmember |
| | Jesse A. Fish, Jr. | Supervisor |

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| ALSO PRESENT: | Erin Trombley | Town Clerk |
| | Josh Westfall | Building, Planning and Development Coordinator |

OTHERS PRESENT: Nick Schepp, Olivia Feldman

Supervisor Fish opened the workshop by explaining the subject and format of the workshop; no public comments would be entertained.

DISCUSSION:

Building, Planning and Development (BPD) Coordinator Westfall stated that the draft Solar law currently under review was based on the previous law that had not been adopted. Some of the updates he outlined include a rezoning, site plan review, special permit, all with Town Board approval. Additionally, he detailed provisions for small- and large-scale projects—small-scale projects would include residential roof- and ground-mount arrays, the latter of which would be limited to fifteen feet tall with shielding from public right-of-way, and large-scale projects have a height limit of twenty feet, and other regulations including a decommissioning bond. He said the main consideration is where these could be placed in the Town, and that they had sought guidance from Saratoga County in the month prior, which had provided a map similar to the Corinth solar map. The issue he wanted to discuss was whether to limit solar to areas that were mapped at 1000 feet to transmission lines and 2000 feet to substations, or everywhere in Town within boundaries of the code.

Councilmember Donohue said the majority of the new law is from 2 or 3 years ago, doesn't include a no line district, though such a thing had been recommended by the former Zoning Administrator Jim Martin and former counsel. He continued, saying Josh Westfall and Jim Martin worked with him to establish a district like a PUD – people apply based on fit. In reference to large arrays or so-called solar farms, he said he didn't want to see panels everywhere, but this kind of project will work well somewhere in Town. He said he is in favor of visual screening, so neighbors don't have to look at hundreds of panels. Rather than designating parts of Town as a Solar zone, he said it will be the whole Town as long as the project in question meets the criteria and is approved by the Board.

BPD Coordinator Westfall said a letter from the utility company stating that the power would be added to the grid is one element of consideration. Councilmember Donohue said the decommissioning plan is important, but the law is largely the same as the past version with some revision, definitions, and clarifications. BPD Coordinator Westfall said the language of the new law is cleaner and easier to understand.

Councilmember Stewart said three years ago the courtroom was full of members of the community talking about Solar in Moreau. He asked how the Town should handle pre-existing solar that doesn't have a decommission plan. Mr. Westfall said this is accessory use, where a decommission plan isn't needed. A decommission plan is for large-scale projects only, he said, and a permit is required to install residential solar even now. Councilmember Stewart said large-scale projects are most applicable to the M1 district and with the potential for large arrays to be allowed anywhere, people may have objections. He added that in the past, solar companies identified only three areas in the Town compatible with large-scale solar. He said after hearing that information at the time they reviewed the previous law, he felt more comfortable with the idea.

Councilmember Donohue said solar in the agricultural district was the hot topic last time, and NYS Department of Agriculture and Markets has strict criteria. Solar will not take agricultural land out of existence, he said, but if farmers sell land to developers, the land is gone forever. He continued, adding that New York State can override the Town if regulations are too restrictive, and said it is happening somewhere South of Moreau in the state. In other words, he said, the law needs to make sense. BPD Coordinator Westfall said NYS can override the Town decision, but will work with the Town to meet the criteria of the Town code. He said there is a 110% capacity cap set by NYS Ag & Markets in agricultural areas.

Councilmember Stewart asked if the proposed law requires connection to the grid, and whether that would mean smaller operations couldn't produce solar power just for use on their farms. Mr. Westfall stated that on page 4 of 16 the 110% of consumed power cap is defined. Councilmember Donohue asked whether it would be a good idea to make a statement within the law that says the Town will follow all the NYS Ag & Markets guidelines in the agricultural district. Councilmember Stewart said he agreed with the idea of making the statement about adhering to Ag & Markets standards. He went on to ask about setbacks, set at 50 feet from the front, and 40 feet on the side, asking if these are consistent with other municipalities. BPD Coordinator Westfall said they are. Councilmember Stewart said if the farms are sold into 5-acres development parcels, they can never be brought back. He said the main issue in the previous law was the designation of "prime farmland," and giving he final say to the Board is giving the law a second chance.

Councilmember Donohue said Ag and Markets guidance is extra insurance to protect the land. Mr. Westfall went on to say he believes the overlay district is important because many places could benefit. Councilmember Donohue said both NYSEDA and NYS Ags & Markets believe these projects are beneficial, and Town Board review will ensure a good fit for each project in the Town.

Councilmember Stewart asked about abandonment, §149-5 on page 2 of 16. Mr. Westfall said this only applies to large-scale projects, and that he will clarify the wording. Councilmember Donohue said he is willing to move forward. Councilmember Killian said, as a former dairy farmer, when you look at statistics, development is taking over farmland at a rate of an acre every 3 minutes nationwide, or 175 acres an hour. The new solar law can bring opportunity and needs to be shaped, he said, adding he knew of farmers struggling with inflation and margins, returns on investment. He also many solar companies had reached out and it could be a great opportunity, though he also did not want to see panels everywhere. He said each farmer has different opportunities, and good things could happen. He said that in the past 92% of those polled supported solar and 8% did not, and they should think the law through carefully. He also said he would abstain from voting on items that could impact him.

Councilmember Stewart said moving forward to the next step of a public hearing, there are three things he would like the public to weigh-in on: percentage, setbacks, and screening requirements. He said this way people can make money, use energy, and still respect their neighbors. He said in other municipalities he has seen large installations set much farther back than 50 feet with significant screening.

Councilmember Donohue asked Mr. Westfall if he could make the discussed changes and get them out to the public so they could set a public hearing. Councilmember Stewart agreed and asked if the hearing could be set for the 1st July meeting. Mr. Westfall said the hearing date has to be set at a Town Board meeting. Councilmember Stewart asked if requested changes could be made before the first July Town Board meeting. Mr. Westfall said he could. Supervisor Fish asked if it would be wise to set a separate public hearing for the solar law, since it was a topic of much debate in the past. Councilmember Stewart agreed saying if the public hearing goes as it did in the past, it could last for hours.

ADJOURNMENT

Resolution 221-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Killian to adjourn the meeting.

Asked if all were in favor, the responses were as follows:

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| Councilmember Killian | Aye |
| Councilmember Stewart | Aye |
| Councilmember Donohue | Aye |
| Supervisor Fish | Aye |

The motion carried 4:0

The meeting was adjourned at 6:38 p.m.

Respectfully submitted,
Erin Trombley
Erin Trombley, Town Clerk