

May 14, 2019

Schultzville, NY

A public hearing the **proposed Local Law 3 of 2019 solar and wind energy systems** was held on this day in the Town Hall. Present were Supervisor Oberly, Councilmen Eliot Werner, Michael Whitton, Nancy Cunningham, Dean Michael and Town Clerk Carol-Jean Mackin. There were 14 people in the audience.

PLEDGE OF ALLEGIANCE

At 6:15 PM, Supervisor Oberly called the public hearing to order and led the Pledge of Allegiance.

The Town Clerk read the public hearing notice aloud. Supervisor Oberly opened the floor for comments.

Judy Malstrom, Assessor's Clerk –solar farms would make electric more affordable to middle and fixed incomers as it is expensive to put in solar on one's home.

Jack Auspitz, a Planning Board (PB) member – the PB just received the law and thanked the Town Board for holding the public hearing open until June so they can comment. Asks that the appendices be put on the web also.

Russ Tompkins – there were no appendices on the web. Commented on several sections, including: wording that the excess should be able to be sold back like it is for wind energy; regulations and to what degree they are measured; the angle of the solar panel placement on a roof is questioned by Mr. Tompkins; applicant requirements for screening are onerous. Regarding wind energy systems: why prohibit roof mounted systems?; on wind turbine blade lengths: why restrict them in the hamlet?; on screening of wind systems, it will be difficult to screen if it is on a tower of some height.

Arlene Campbell – supports solar farms but has concerns; we need to better define them; should we allow them in all districts? Also define farm, is the solar farm for farm purposes or for commercial purposes? We need to know if solar farms are recognized by NYS Ag and Markets, will the property get an ag exemption with the solar farm? Are there are restrictions in the MR1 district on the number of panels allowed? Perhaps there should be due to the visual impact it may have. Also, the Board should consider that solar panels affect the value of the neighboring properties. Concerning tree cutting to create space for the solar farm, are we going to limit clear cutting?

Judy Canham – regarding the limits on the system capacity for tier 2 system – on page 5-E: is there some way to incorporate future needs into the plan as people my purchase more solar cars for example in the future and need more electricity. This new rate of consumption was not figured into the initial plan.

Robert Marrisodi – Zoning Administrator- main concern for tier 3 provision, specifically for the turbine wind alternative energy equipment. The height is of concern, we should

restrict them and be concerned about the number on any property. Screening will not hide turbines 20 to 25 feet in height. It is in conflict with comprehensive plan, he does not see the connection between allowing large mass solar and wind farms and living in our small town.

Rich Morse – the solar law is very clear and supports it, it allows small solar farms under 10 acres and Central Hudson won't accept larger ones, as you need to be near three phase power. A ten acre solar farm will feed the entire town. If we did that we can eliminate the overhead line. The wind turbines are the elephant in room, tall and ugly and they can be detrimental. When you put the law with our zoning and our location, three things are evident and cause him to support the law: we are on leeward side of Catskills, so there are no wind towers here because of the mountains. The only location for a wind turbine is the ridge and our zoning does not allow for that. The wind towers for homeowners are allowed and are fine, but they still need to go before the PB for approval so they can be controlled.

Dean Michael asked Michael Whitton about an email from John Calogero, a member of ZBA who sent a letter to Michael Whitton and Dean Michael, Dean asked Mr. Whitton to read it aloud. Mr. Whitton did and said that the public hearing is being kept open and he is meeting with the PB on May 21 to discuss the law. John Calogero's letter is attached to these public hearing minutes. Dean said the ZRC took many weeks with technical assistance to work on this issue, noting that Councilman Werner was a proponent of limiting solar farms. Dean followed up with NYS Ag and Markets about the effect to farms with the construction of a solar farm on ag property. This was in response to Mr. Whitton commenting previously that a solar farm is a good way for an aging farmer to utilize the land and keep it open. Mr. Michael said that Ag and Markets considers a solar farm use as a conversion from farming to non-farming use, losing their exemption with conversion payments. Mr. Whitton countered that if they are not farming it, they should not be getting the exemption anyway. Dean said they can and do lease out their land to other farmers which preserves the exemptions. Mr. Whitton pointed out that the farmer would only lose a portion of the exemption for the piece of land the solar arrays are on. Dean said this is a commercial use and we should keep them commercial areas of town. The discussion ensued on what uses are allowed in which parts of town.

Michael Whitton: The wind portion of the law is almost exactly as it was written before this draft and was approved by the town board previously in 2015.

At 6:43 PM, There being no further comments, MM Supervisor Oberly, 2nd Councilman Whitton to hold the public hearing open until June 11, 2019 at 6:15 PM for the inclusion of additional testimony. All aye. Motion carried.

ADJOURNMENT

At 6:45 PM, MM Supervisor Oberly, 2nd Councilman Michael to adjourn the public hearing. All aye. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carol-Jean Mackin". The signature is written in a dark ink and is positioned above the printed name.

Carol-Jean Mackin,
Town Clerk