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Subject: solar arrays

From: "Somers, Bob (AGRICULTURE)" <Bob.Somers@agriculture.ny.gov>

Date: Tue, May 14, 2019 12:41 pm

To: "dmichael@getaction.net" <dmichael@getaction.net>

The Department of Taxation and Finance administers the agricultural assessment program. Their position on this issue is when agricultural land is converted to a solar facility, it is a commercial use. Even with a co-use of sheep grazing or bee foraging, it is considered a commercial use and a conversion of agricultural land to non-farm uses. The land may also be subject to a conversion payment if it received an agricultural assessment.

Robert Somers, Ph.D., C.F
Manager, Farmland Protection Unit

Department of Agriculture and Markets

10B Airline Drive, Albany, NY 12235

(518) 457-8887 | bob.somers@agriculture.ny.gov

<http://www.agriculture.ny.gov>

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From: John Calo

Date: Tue, May 14, 2019 11:01 am

Michael

Arlene copied the boards regarding your note to Joseph and Arthur about the Solar/Wind vote coming up for hearing and comment. Having been on the revision team I would like to make a comment or two.

"You will see that the current wind a solar law on the books was left mostly unchanged. The biggest difference is the addition of Tier 3 Solar Systems. These are more commonly referred to as "solar farms". The aim of this law is to allow those with larger parcels the ability to install large solar arrays."

I am sure that Dean will accurately summarize the work of the team trying to bring the law up to date. We wrestled with the percentage of over-production allowed in tier I and II so as to avoid that overage from becoming an end in and of itself and thereby a commercial use in a residential area. We questioned ourselves constantly. "Why limit a safe, clean, friendly source of energy?" This was a thorny issue. I recalled a recent ZBA case where a property owner sought a setback variance due to an installation error. The public turned out in great numbers to provide comment. Some demanded that the array be moved, some that it be forbidden altogether and others that it was a great thing to see. I was taken aback by the passion displayed by the public on this case which I refer to as "The Dueling Environmentalists." The arrays were being seen as visual pollution by many, out of character in a rural, historic area by others, an affront on a scenic road and so on. Despite the owner's huge out of pocket expenditure, which will never be recovered in his lifetime, the ZBA heard comments like "disgusting-offensive-overpowering-stress producing- industrial poisoning- destructive to our quality of

life-" to quote a few. While some asserted that they would no longer walk down that road, others mentioned how forward-thinking the owner was to want to be off the menacing power grid. All of this commentary came from within a group identifying as "Green" but drove home the message that there are many shades. Add to this that one of the basic messages of the Comprehensive plan is the desire of the residents to keep the town rural, agricultural, open and close to "as is" as possible. It took the patience of Job to come up with something about which everyone was at least a little bit unhappy.

As far as tier III goes, solar farms are a reality. To some they are a thing of beauty, to others a thing of the devil. Again, Dean can accurately summarize the revision team's thoughts/discussion. They are however clearly a commercial operation and as such will/should be limited to specific areas of our town. If they are allowed on larger parcels where other commercial uses are not, would the prohibition of other commercial uses prevail in a challenge? Personally, I wonder if they have existed for enough time to have accurate data on long-term effect on bird life as well as on other animal and plant species. There can be no doubt that they have covered viable farm land in other towns. Perhaps you might find some honest studies of their effects at this point, which did not exist when we started the revision. On this point I wish you could call on Solomon, not so much Job. In the meantime, again I trust Dean to fill in the Board on the revision team's long considerations.

With the law as proposed, a property owner wishing to be allowed more overage production for tier I and II can always go for a variance to the ZBA. Likewise, a tier III applicant can get a public hearing before the Planning Board and a variance before the ZBA. This provides the residents an opportunity comment on a specific case and its effect on our town.