

June 11, 2019

Schultzville, NY

A CONTINUED public hearing the **proposed Local Law 2 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 eight 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.

John Calogero – a ZBA member commented in a prepared statement, read by Dean Michael which is attached to these minutes. Generally, John is concerned that the law is advocating allowing commercial uses in residential zones.

Art DePasqua – this is spot zoning, commercial uses in residential areas open Pandora’s Box. We need to look at the potential build out that can occur with these solar farms. There are many vacant 10 acre plus lots so a build out plan would let us see what could occur. Land values and taxes will be affected by these solar farms; also, does not understand decommissioning and bonding of these solar farms, can the Town afford this if a company went bankrupt?

Jack Auspitz – agrees with Art’s concerns about spot zoning. Thanks Mike Whitton and the Board for listening to the PB views and making changes which improve it in certain ways. If adopted, the Town Board should opt out of section 487 of the real property tax law which gives an automatic 15-year exemption from any increase in property values from the solar energy system. Urges this be proofread very carefully, there are several typos that need attention. Eliot asked for clarification on the tax law, Jack explained that for 15 years, the Town can’t tax the increase in the property value from the solar farm system.

Chris Juliano – agreed with John Calogero, worked with several others from the original ZRC to create the solar law; supports solar energy, opined on the work of the members of the ZRC; we should look into the taxing issue for solar farms because we need to see the benefit in the Town and protect property owners from subsidizing tax breaks for the solar farms.

Russ Tompkins – the law is vague in differences between tier 1, 2 and 3. Went through the document and pointed out concerns, including the height of roof mounted panels, the grade of the ground and the word natural needs definition; Mike Whitton will make these more clear; tier 2 setbacks of 300 feet are excessive for hamlet properties, looking for a definition of tier 3 – is it a solar farm? Mike Whitton said essentially yes. Dean Michael said we started the law because people were putting panels in the front yard and neighbors complained. The law was written with these setbacks to disallow the panels in the front yard with a few exceptions.

Ray Rivard – zoning is necessary to control growth, asked about industrial grade vs personal turbines for windmill. Buyers did not want to consider purchasing his farm in upstate NY because the property behind it was considering a commercial wind farm. Mike Whitton did not make any changes to the law for windmills, he simply left it alone. Supervisor Oberly said we don't have enough wind locally to make wind power viable. Eliot said the height limit in the law also makes them not viable. Jack Auspitz pointed out that the law allows wind turbines for personal use only.

Rich Morse – re: wind turbines, we are on the leeward side of the Catskills, so wind power is not an issue. Glad to hear positive comments on solar energy. We are getting new powerlines through town and they will get larger if we don't consider alternative energy. It would take four - 10-acre solar farms to power the whole town and we can eliminate the overhead powerlines. The 9G solar installation brought the town together to create this law, we need this law and there is a lot of merit, we need to eliminate our dependence on fossil fuels. It shows how we come together when there is a problem, so he encourages moving forward with the law and dealing with any problems as they occur. A tier 3 system is a commercial enterprise, a property used for agriculture is a commercial use. As we expand what farms can do on their property to remain viable, solar farms should be considered. The law makes sense and supports the law. Dean pointed out the power lines are there for power to get to NYC so they will not be eliminated by solar. Eliot asked how does a town implement a town wide solar farm? Mr. Morse discussed his understanding of purchasing solar which he does now for his personal use. Solar farms have to go into three phase systems and there are only in a few places around town where that can connect to Central Hudson's grid.

At 6:50 PM, There being no further comments, MM Supervisor Oberly, 2nd Councilman Michael to close the public hearing. All aye. Motion carried.

ADJOURNMENT

At 6:50 PM, MM Supervisor Oberly, 2nd Councilman Michel to adjourn the public hearing. All aye. Motion carried.

Respectfully submitted,



Carol-Jean Mackin,
Town Clerk

John Calogero statement:

The zoning review committee which was comprised of a broad-based group of Clinton citizens and assisted by the Town planner, addressed the solar issue at great length and reached a set of guidelines which represented, at least in part, all the parties interested in this issue. I am not sure why that work is not being considered but for what is being represented as Tier one and Tier two, the nuts and bolts are not appreciably different. The issue for me is with tier three. We wrestled with the basic concept of solar farms and no one, present Town Board members included, could get around the intrinsic idea that producing power way beyond the amount needed for personal use, and selling that power to someone else, be it a neighbor or a company, represents a commercial use. Please note that the group was in no way opposed to clean solar power, but had to acknowledge the fact. With that in mind, staying in harmony with the Comprehensive Plan, that type of installation was restricted to the areas of Clinton zoned for commercial use.

What is proposed in this law would allow anyone with 10 acres or more to operate such an installation. The law covers screening, setbacks, glare, safety and so on. All good! What seems to be missing is that like the Events center proposal, you are advocating allowing commercial uses in residential zones. No amount of requirements and safety concerns change this basic fact. While expanding solar is admirable, an agenda driven law may have far reaching consequences.

First and foremost, this is a blow to the concept of zoning which has served the town pretty well since 1971. It has kept the town's open spaces as hoped. Development has been measured and tasteful. It has provided the town with some tools to monitor properties and maintain some standards. Allowing this change of use opens the door to any number of challenges. If this commercial use is allowed, why not others? There are many property owners who would like to be able to operate some business or another at their home, which is not permitted under home occupation. How could the town defend a challenge by say a potential self-storage facility or even a contractor's yard? "We prefer solar over storage" is not going to cut it in a court.

What mechanism are you putting in place to see that tax assessments are adjusted? Surely a property that can generate substantial revenue would have to be assessed as such so that the neighboring property owners, and the rest of the town for that matter do not wind up subsidizing these businesses.

Finally, though it is admirable to ask for minimal clearing of trees for these installations, you are potentially covering large areas of land and changing the habitat in many ways. I would hope that first consideration would be given to tracts that perhaps were cleared for other purposes long ago. I am no expert in this area but would hope that what is gained in greenhouse gas improvements is not lost in negative environmental impact in some other way.

Thank you for your consideration.

John Calogero