

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
November 1, 2022**

MEMBERS PRESENT

Art DePasqua, Chairman
Jack Auspitz
Tom Bannano
Gerald Dolan
Justin Carrol
Alex Ferrini
Paul Thomas

MEMBERS ABSENT

Secretary – Arlene Campbell

ALSO PRESENT

Eliot Werner, Liaison Officer
Jeff Newman, MCEI

Chairman DePasqua called the meeting to order at 7:30 pm.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

None

APPLICATIONS:

Stylman Site Plan for Ground Mounted SES – property located at 126-131 Schultzhill Road, **Tax Grid No.**

Applicant wishes to construct two Ground Mounted SES and a canopy.

Mr. Stylman along with Grayson Ball, Project Manager of Sun Common both appeared for this application. Mr. Ball explained that they are proposing to construct two Ground Mounted solar arrays and one solar canopy system plus three TESLA Powerball battery systems. This is a 10.09-acre property in the AR 5 Zoning District. He gave the details of the two proposed ground-mounted arrays. The canopy is proposed to be located on the driveway to be used as a carport. He underscored that the State regulated flood plains is 400 feet away from the proposed site.

Mr. Ball explained the two energy systems (Meter A and Meter B). The installation of the array on timber frame canopy to the north of the house is

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connected to the house utility called Meter A and the south ground mount connected to the studio utility is Meter B.

Mr. Carroll asked for clarity about the proposal. Per the zoning regulation, the permitting requirements for Tier 2 solar energy systems include ground-mounted solar energy systems with a maximum system capacity of 25 kW AC. The proposal states Meter A – 22 kW AC and Meter B – 7.68 kW AC. He also asked about the power usage for the last 12 months. Is this equal to or under 110% of the electricity consumed over the previous last 12 months?

Sec. 250.71 E of the Town of Clinton Zoning Law states that “Permitting requirements for Tier 2 solar energy systems. Tier 2 solar energy systems include ground-mounted solar energy systems with a system capacity up to 25 kW AC and that generate no more than 110% of the electricity consumed on the site over the previous 12 months, or an estimated future usage of no more 110% of the electricity consumed on the site over the ensuing 12 months based on new construction.”

Mr. Ball responded that the total system proposed for the combined meter is 29.68 kW AC. This is under the 110% threshold of power usage over the previous 12 months.

Mr. Carroll asked about the expired building permit on the property. Mr. Stylman responded that they are in the process of closing this permit out. (It was noted that a building permit on this property just recently expired). Mr. Newman said that the open permit will be closed out by the time the approval process for this application is finished.

Mr. Carroll discussed the number of structures on this property. He asked the board if the proposed two ground-mounted arrays and the canopy are considered one structure or multiple structures. It’s also a question of whether the proposed solar system is treated as one. He feels that this application requires a variance in the number of structures and system capacity which is over 25kW AC based on the total aggregate system capacity of 29.68 kW AC. He asked, “Is this one project or 3 projects (two ground-mounted arrays and one canopy)?”

Mr. Auspitz noted that ground mounted array is not counted as an accessory structure per the code as stated below.

Local Law No. 4 of 2015 states that § 250-22 Accessory Structures.

A) Accessory Structures, as defined in this chapter, may not be located in any yard of a Residential Lot except as permitted in § 250-23, Measurement and use of Lots, and are subject to the following limitations. In no event shall these

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limitations apply to Ground Mounted Solar Energy Systems or to Ground Mounted Wind Energy Systems which shall be governed by § 250-49A.

Ms. Campbell noted that Tier 2 still has to comply with the setback regulations as outlined in Appendix 2 of the regulation.

The board had a lengthy discussion about the application on hand.

Mr. Thomas asked if they all feed in the same place. Is the system capacity over 25 kW AC?

Mr. Carroll responded, "Yes, the total capacity is over 25 kW AC."

Mr. Thomas stated that this falls under Tier 3 if the total capacity is over 25 kW AC per the zoning regulations. Tier 3 requires Special Permit.

Sec. 250-71 F states that "Tier 3 solar energy systems include any solar energy systems that cannot be defined as Tier 1 or Tier 2 systems. All applicants for a Tier 3 solar energy system must first consult with their electric utility to ensure sufficient hosting capacity for the planned solar energy system."

The board exchanged opinions about the issue. Is the proposed action Tier 2 or Tier 3?

Mr. Carroll feels that this is closer to Tier 2 than Tier 3. As per the applicant, the aggregate system capacity is 29.68 kW AC but is under the 110% threshold of power consumption. He asked the board if the variance is an option in regard to the system capacity.

The board reviewed Tier 3 regulations. Mr. Carroll commented that Tier 3 is more on Solar Farm. Tier 3 also needs a decommissioning plan. He opined that if the number of structures is not a requirement for the ground-mounted system, maybe they can consider the proposal as two separate systems.

Mr. Thomas stated that if this is considered two separate systems then it meets the Tier 2 requirement but if it is based on the aggregate system capacity, it falls under Tier 3 which needs a setback variance.

Mr. Carroll noted that the proposal meets the setbacks on Tier 2 but not on Tier 3.

Mr. Ball said that they have 60 feet on the sideyard. Mr. Carroll noted that Tier 3 requires 150 feet side yard setback.

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The board discussed whether the proposed ground-mounted system can be moved to meet the setback requirement. Mr. Stylman responded that this will require tree clearing.

Mr. Carroll stated that they are doing two separate units and feeding two separate buildings with two separate meters. Mr. Ferrini noted that this is also on one parcel.

Mr. Thomas verified how the system works. He asked, “The system doesn’t power the building, right? It goes to the meter and back to the grid. Mr. Ball confirmed. If there’s extra, then it goes back to the grid.

The board had a very lengthy discussion about whether this application is under Tier 2 or Tier 3.

Mr. Thomas stated that they need to have a good reason why this will fall under Tier 2 if the board determines that this is Tier 2. He asked the property owner if reducing the capacity impacts them significantly. Mr. Stylman responded, “Yes”.

The board exchanged opinions on how to address the issue. Mr. Thomas asked Mr. Newman about his view on the proposal.

Mr. Newman responded that he feels that the limiting factor is the two meters on the property. He said that he needs more time to look into it. In reference to the setback issue for Tier 3, he asked if the solar array to the north can be reconfigured to meet the setback. He also suggested that maybe the arrays can be switched to the location of the proposed solar array to address the setback issue.

Mr. Carroll thinks it would be tough given the trees around. He doesn’t think there’

Mr. Stylman responded that he doesn’t think that it will make a big difference. They also need to make sure that the location has the most source of sunlight.

After a very lengthy discussion, the panel agreed that the applicant needs to consider their option. They also need to talk to Central Hudson regarding the

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calculation of power usage. The ZEO is to make a determination whether the proposal is Tier 2 or Tier 3.

No action was taken.

OTHER MATTERS:

BOARD DISCUSSION:

The board discussed accessory dwelling units and accessory structures.

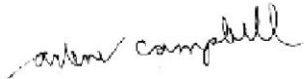
APPROVAL OF MINUTES:

Mr. Dolan motioned to accept the minutes of October 18, 2022, seconded by Mr. Ferrini, all Aye, Motion carried, 7-0.

ADJOURNMENT:

Mr. Auspitz motioned to adjourn the meeting at 8:45 pm, seconded by Mr. Carroll All, Aye, Motion carried, 7-0.

Respectfully Submitted,



Arlene A. Campbell, Clerk
Planning & Zoning Board of Appeals