



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD MINUTES PUBLIC HEARING July 13, 2022

To view a recording of the full meeting, please visit Town Hall Streams or Facebook link below:  
[https://townhallstreams.com/stream.php?location\\_id=119&id=46534](https://townhallstreams.com/stream.php?location_id=119&id=46534)  
<https://www.facebook.com/TownofEG/videos/523632542817256>

The following is a summary of the Town Board Public Hearing as recorded by the Town Clerk.

**Call to Order** 5:47 PM  
**Pledge of Allegiance**  
**Town Board Meeting:**

### Members of Town Board

Present

Absent

Supervisor J. Conway  
Councilor T. Tierney  
Councilor H. Kennedy  
Councilor B. Fritz  
Councilor E. Nestler

PLEASE TAKE NOTICE, that pursuant to the direction of the East Greenbush Town Board, the Town Board shall hold a public hearing on July 13, 2022, at 5:45 P.M., at the East Greenbush Town Hall located at 225 Columbia Turnpike in the Town of East Greenbush, to receive comments from the public about a proposed local law as follows:

A local law amending the Solar Energy Law for the Town of East Greenbush, as enacted by Local Law 1 of 2017, and specifically portions of that law relating to Large-Scale Solar Energy Systems and other Solar Facilities.

By Local Law No. 1 of the year 2017, the Town board of the Town of East Greenbush enacted the Solar Energy Law for the Town of East Greenbush, for the purpose of regulating the installment of residential and commercial solar power generation installations. That local law defined a “large-scale solar energy system” (hereinafter “LSSES”) as a solar energy system producing energy primarily for the purpose of offsite sale or consumption, and it set forth special use permit approval standards for LSSES. Since passage of the Solar Energy Law, there have been changes in

solar energy technology and use, and State legislation was passed relating to the regulation of solar energy projects.

The Solar Energy Law would be amended by the proposed local law as follows: 1) definitions relating to aspects of LSSES would be added, including new definitions for Tier 1, Tier 2, and Co-Use LSSES, and certain existing definitions would be modified; 2) Solar Energy Law Section 7 (Approval Standards for LSSES) would be amended with regard to the zoning districts where LSSES would be permitted, general requirements for LSSES, and that LSSES would require special use permit and major site plan approval; 3) Solar Energy Law Section 7 would also be amended to provide for application materials and requirements (Sect. 7.05A), add a provision relating to application fees and consultant escrow funding for review (Sect. 7.05B), set forth site plan approval design standards (Sect. 7.05C), provide special use permit approval standards (Sect. 7D), and set forth approval conditions (Sect. 7E); 4) Section 7.06 would provide the Planning and Town Boards with the ability and set forth a procedure to modify Section 7.05 requirements; 5) A new Section 7.06 would be added to address LSSES decommissioning and removal, including new provisions relating to financial security and a process for removal by the Town if necessary; 6) Add new Sections 7.08, 7.09, and 7.10 to address permit timeframes and abandonment, relationship of proposed LSSES to existing zoning nonconformities, and LSSES project ownership and transfer; 7) A new Section 7.11 would be added require a payment in lieu of taxes and a host benefit agreement; and 8) add a new Subsection 6D to provide that on-farm solar energy systems are permitted in R-B, R-OS, CI, A-R Districts with a building permit as an accessory structure, subject to certain requirements.

The Town Board previously held a public hearing on June 8, 2022 on a proposed local law amending the existing Solar Energy Law relating to large-scale solar energy systems and other solar facilities. A number of comments were received from various interested parties on that proposal, and that proposed local law has now been amended, thus requiring this new public hearing. The new version of the proposed local law includes references relating to agricultural lands and invasive species (Section 2); allows the Town to require the posting of a bond to secure performance of removal of energy equipment in certain situations (Section 3); authorizes a vegetation plan pursuant to NYS Ag & Markets Regulations (Section 4); requires that removal of solar energy systems on designated farmland be completed pursuant to guidelines of the New York State Agriculture and Markets Solar Energy Project Guidelines; and provides that new requirements for decommissioning of solar facilities in areas previously used for agricultural production; and explicitly repeals Local Law No. 1 of the 2022, which set a temporary moratorium on solar facilities in the Town of East Greenbush.

A copy of the local law may be inspected at the Office of the Town Clerk during regular business hours. A copy of the proposed local law is also available on the Town's website at:

[www.eastgreenbush.org](http://www.eastgreenbush.org)

Written comments may be submitted to the Town Board by email to epangburn@eastgreenbush.org or by mail to the Town Board, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, New York 12144 at any time prior to the hearing.

By order of the East Greenbush Town Board

**Open Public Privilege:**

Mike Doud, Matrix Development; Wesley Petrone, resident at 1265 Best Rd.; and David Terpening - Addressed their comments to the Town Board.

**ADJOURNMENT**

Motion to adjourn by Supervisor Conway and seconded by Councilor Tierney and brought to a vote as follows:

Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: ABSENT
Councilor B. Fritz	VOTED: YES
Councilor E. Nestler	VOTED: YES

Respectfully submitted,

Ellen Pangburn  
East Greenbush Town Clerk