



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MINUTES PUBLIC HEARING June 8, 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=45782
https://www.facebook.com/watch/live?ref=watch_permalink&v=1714180698974552

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

Call to Order 5:45 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 **June 8, 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 enacting Amendments to Portions of the Solar Energy Law Governing 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 “LSSSES”) 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 LSSSES. 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 LSSSES would be added, including new definitions for Tier 1, Tier 2, and Co-Use LSSSES, and certain existing definitions would be modified; 2) Solar Energy Law Section 7 (Approval Standards for LSSSES) would be amended with regard to the zoning districts where LSSSES would be permitted, general requirements for LSSSES, and that LSSSES would require 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) Section 7.07 would be added to address LSSSES decommissioning and removal, including new provisions relating to financial security and a process for removal by the Town if necessary; 6) Sections 7.08, 7.09, and 7.10 would be added to address permit timeframes and abandonment, relationship of proposed LSSSES to existing zoning nonconformities, and LSSSES project and property ownership and transfer; 7) Section 7.11 would be added to require a payment in lieu of taxes and a host benefit agreement; and 8) a new Subsection 6D would be added 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.

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:

<https://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.

Proposed Local Law-Large Scale Solar Systems

By order of the East Greenbush Town Board
Dated: May 25, 2022
Ellen Pangburn, Town Clerk

Supervisor Conway – Read attached recommendation submitted by Planning Chair, Matt Mastin.

Open Public Privilege:

Resident, David Terpening – Addressed his comments to the Town Board.

Resident, Lillian Kramer – Submitted attached 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: YES
Councilor B. Fritz	VOTED: YES
Councilor E. Nestler	VOTED: ABSENT

Respectfully submitted,

Ellen Pangburn
East Greenbush Town Clerk

DRAFT

MEMORANDUM

TO: MATT MASTIN, CHAIRMAN, EAST GREENBUSH PLANNING BOARD

FROM: JOHN CONWAY, PLANNING BOARD MEMBER

SUBJECT: COMMENTS ON PROPOSED LARGE SCALE SOLAR ENERGY SYSTEMS
LAW

DATE: MAY 25, 2022

I reviewed drafts of the proposed Large-Scale Solar Energy Systems Law, and I have met with Adam Yagelski and Anna Feltham of the Planning Department to discuss my concerns.

Generally, I believe it is appropriate for the Town to allow and support this type of development, under the right circumstances.

The current draft seems to be an excellent basis for development of a law that will allow the development of large-scale solar energy systems in the Town, while protecting the interests of the Town and its residents. As currently written the law contemplates a number of possible scenarios and seeks to address each. I would prefer to see, if it is possible, a law that focuses more on principles and sets forth regulations that apply across all scenarios. For example, given that there will be a number of setback requirement, form property lines, roads, nonparticipating properties, nonparticipating residences and so forth, could one set apply everywhere in the Town?

The application review standards are based on sound principles and provide an excellent guide for this Board, but they may appear complex and unduly restrictive. I wonder how much of this material really needs to be included in the statute. These standards might also be simplified by recognizing that some matters are simply required and there is little if any latitude. The current draft, for example, mentions a signage plan, when in other sections of the law the signage that is required and the signage that is allowed is very well specified. In this regard, "Section 706 Modification of Requirements" provides a way of addressing any standard or requirement that could unduly prevent an otherwise worthy project from going forward.

I do want to point out that the Town's interests are well served in the current draft by the escrows and bonds that are required for maintenance (including emergencies) and decommissioning. These should protect the Town from any unforeseen and long-term adverse impacts.

I appreciate the opportunity to offer these comments.

**LARGE-SCALE SOLAR ENERGY SYSTEMS
LOCAL LAW NO. 1 OF 2017, AMENDMENT
REFERRAL TO TOWN BOARD**

May 25, 2022

MOTION OF RECOMMENDATION TO TOWN BOARD:

MOTION: A motion was made by Chairman Mastin as follows: **In accordance with Section 4.4.1.B of the Town's Comprehensive Zoning Law the Planning Board hereby favorably recommends adoption of a Town Board proposal amending Solar Energy Law (Local Law 1 of 2017, as amended by Local Law No. 3 of 2017).**

In making this recommendation the Planning Board has reviewed, among other documents, the Town's Comprehensive Zoning Law, the Town's Comprehensive Plan, the Conservation Advisory Council's Solar Assessment, dated September 2021 and other materials such as written comments from Planning Board member John Conway which are attached.

In making this recommendation the Planning Board finds that such change does not conflict with the general purposes goals, and intent of the Comprehensive Zoning Law; and

Such change is consistent with the Town's Comprehensive Plan.

Seconded by John Conway & roll called as follows:

M. Mastin-YES; K. Bergmann-YES; R. Viola-NO; D. Panton-YES; J. Conway-YES.

MOTION CARRIED BY A 4-1 VOTE

I'm in support of Large Scale Solar.

As East Greenbush was popular for farming, we have a lot of undeveloped farmland. As much as I'd love to see NOTHING happen to that land, we all know that's not going to happen. Large scale solar could be a happy medium between East Greenbush developing AND the residents disdain for becoming overly residentially developed. In addition to that, from what I understand, the tax revenue that's produced from residential development ends up being a wash after the costs the town has to pay for infrastructure, emergency response, etc. — therefore making residential development less valuable especially on our already stressed out infrastructure. I'll admit, I'm not well versed in how solar would impact our tax base but maybe it would be a more enticing form of development while also being environmentally friendly — a possible win win!

There are a lot of places that the town wants to see developed, yet the infrastructure just isn't there for the kind of residential development developers want. I personally live in one of those areas. Developer are insisting that they HAVE to develop high density housing in order to make it lucrative enough for them because they'll have to dump a lot of money into upgrading/attaching to public sewer/water while refusing to just develop houses on larger lots with septic/well. Our roads, schools, and traffic in this area also can't handle this kind of residential influx either. This is where I personally believe large scale solar would be beneficial by allowing development of that area while not stressing the already overburdened resources and keeping the Green in East Greenbush!

Thank you,
Lillian Kramer