

A workshop of the Town Board of the Town of Moreau was held on October 29, 2020 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York, for the purpose of discussing the draft Solar Law.

Supervisor Kusnierz called the workshop to order at 5:31 p.m.

Town Board Members Present

John Hogan	Councilmember
Kyle Noonan	Councilmember
John Donohue	Councilmember
Alan VanTassel	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

Town Board Members Absent

Also present Karla Buettner, Attorney for the Town; Jill Bennett, Deputy Town Clerk

Supervisor Kusnierz welcomed everyone to the Town Board workshop on the proposed solar law for the Town of Moreau. His goal for tonight's workshop is to keep moving forward with the draft solar law. He welcomed Karla Buettner, Attorney for the Town, and asked if she wanted to continue with the official agenda or would she like to discuss specific topics?

Ms. Buettner said she has a few sections for the Town Board to work on tonight. The first is the definition for the Tier 2 Solar Energy Systems. The Board needs to reach a consensus for how to determine what size solar array will be allowed in Tier 2. The measurement can be set as a percentage of property or it can be measured in the number of megawatts. Ms. Buettner gave 2 examples from the model law to help the process. The first example says: a system capacity up to 25 kilowatts and will generate no more than 110% of the electricity used on site over the previous 12 months. The second example says: the array can have a surface area up to 4,000 sq. ft. and generate no more than 110% of electricity used on site over the previous 12 months. The second topic for tonight's workshop will be finalizing what Tiers will be allowed in what zoning districts. If there's time, the Board should start discussing specifications for the tiered systems. She used an example of height requirements. She said if the Board can get through all that tonight, good job.

Supervisor Kusnierz started by sharing his thoughts on the definition for Tier 2. He feels that they should focus on total generation capacity over the percentage of property. He's thought about this a lot and thinks this would be the fairest for landowners. If they use a flat amount for generation, they could also tie it in with the surface area of glass. The question is what number do we use for generation capacity? Councilmember Noonan asked Supervisor Kusnierz if he was looking at generation capacity as opposed to percentage of land? Supervisor Kusnierz answered yes.

Ms. Buettner read through the Tiers for the Board members. Tier 1 includes roof-mounted and building-integrated Solar Energy Systems, Tier 2 is for ground-mounted, small scale Solar Energy Systems, and Tier 3 is ground-mounted, large scale Solar Energy Systems also referred to as solar farms. Councilmember Noonan said he reviewed information from NYSERDA on this topic. He read that 4,000 sq. ft. could produce 25kw. Councilmember Hogan asked if anyone could tell him how large the solar arrays are at the Town Hall? Supervisor Kusnierz replied that he wasn't sure of the size of those panels. Councilmember Hogan said NYSERDA also used 110% of the previous 12 month usage as an example. Councilmember VanTassel said the square footage and percentage isn't the most important part of the law. Other requirements will determine if solar can be installed on a landowner's property. The requirements are guidelines for things like visibility, set-backs etc. So, if someone wants to install the largest solar system available in their zoning district, their project will also have to meet certain requirements to be approved. Supervisor Kusnierz asked each Board member how they want the definition of Tier 2 to read. Councilmember Hogan made the point that there are systems in place if a landowner wants an exception to the rule. Ms. Buettner verified that the Board wants the definition of Tier 2 to read: The total surface area of all solar panels located on a lot is up to 4,000 sq. ft. and that generates up to 110% of the electricity consumed in the last 12 months. Supervisor Kusnierz gave a visual

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reference for solar power that a solar farm could produce. He used the closed landfill as a reference. If solar panels covered most of the 40 acres there, we would be looking at producing around 6 megawatts.

The next point for discussion was what zoning districts will be allowed to install Tier 1, Tier 2 and Tier 3 solar systems. Ms. Buettner read through the tentative list she has at this time: Tier 1 is allowed in all zoning districts; Tier 2, ground-mounted, small scale, is allowed in zoning districts R-3, R-4, R-5, C-1, CC-1, C-2, C-3, M-1, M-2; Tier 3, ground-mounted, large scale, is allowed in zoning districts R-5, M-1, M-2, No ground-mounted solar systems of any size are allowed in zoning districts RP and UR. Tonight's discussion focused on zoning districts R-1 and R-2. After a lengthy discussion the Town Board reached a consensus not to allow ground-mounted solar arrays in R-1. Tier 2 will be allowed in R-2 as long as all other requirements are met.

Ms. Buettner recommended that once the Town Board is comfortable with the draft solar law, it should be given to the Planning and Zoning Boards to review at their meetings. This is particularly important since they will be carrying out the new law. Supervisor Kusnierz asked Ms. Buettner that when this draft law is ready to go out to the public that extensive legislative intent be included to assist our Boards. The reason for this is to cut down the ambiguity as to what the Town Board meant when adopting the law. Ms. Buettner said absolutely. Councilmember VanTassel wanted to make sure he understood correctly that the R-1, RP, and UR zoning districts are out for Tier 2. Supervisor Kusnierz and Ms. Buettner said yes.

Tier 1 roof-mounted Solar Energy Systems will be allowed in all zoning districts. Councilmember Hogan asked if siding that is embedded with solar components would fall under the definition of Tier 1. Ms. Buettner read the definition of Tier 1 as a building integrated system may occur within transparent skylight systems, within roofing systems replacing traditional roofing materials, a combination of photovoltaic building components integrated into any building's skylight system and roofing materials. She said this definition came from NYSEDA. Councilmember Hogan said siding with solar components are currently being developed. Do we want to address this now? Councilmember VanTassel commented that he is not inclined to address something that doesn't exist yet.

Supervisor Kusnierz moved on to which zoning districts will be allowed to have Tier 3 – ground-mounted, large scale Solar Energy Systems. The most recent draft shows Tier 3 being allowed in zoning districts R-5, M-1 and M-2. The Supervisor posed the question should R-3 allow Tier 3 solar systems if stringent requirements are met? He's talked to landowners in that district, who have sizeable properties, that want large scale solar arrays. Supervisor Kusnierz also asked the Town Board to think about whether to allow Tier 2 solar arrays along the Hudson River. A new recreational trail system is going in along the river. Do people want to see solar arrays when they're out enjoying nature? The Supervisor said he wants to have processes in place, such as the use of conservation easements. Processes can give the Town Board caveats to use when they need them.

Councilmember VanTassel asked Ms. Buettner to clarify what the rules are for allowing solar arrays in one area of a zoning district and not allowing them in other areas of the same district. He also asked if they could create a requirement for needing a certain number of acres to install ground-mounted solar arrays. Ms. Buettner said no you can't allow them in one part and not another part in the same district. She said the way you get around that is to allow solar arrays in the whole district, but craft the law with requirements, such as space, height, and setbacks. The additional requirements will ultimately rule out areas within a zoning district that won't meet requirements.

Supervisor Kusnierz said that the hour for tonight's workshop was almost up. He said the decision has been made for what zoning districts will be allowed to put in Tier 1 and Tier 2 solar systems. He would like the Board to decide which zoning districts will allow Tier 3. The Supervisor said he would personally like to see Tier 3 allowed in zoning districts R-5, M-1, and M-2. After some discussion there was a consensus reached to keep R-5, M-1, M-2 as allowed for Tier 3 Solar Energy Systems.

Supervisor Kusnierz asked Ms. Buettner what she would like the Town Board to focus on for the next solar law workshop. She replied that Board members could look at 149-97, and 149-98 to see if they're ok with

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how the criteria is written. She would also like Board members to review the Pilot Law handout regarding how property with solar energy systems is taxed. Ms. Buettner said after these last 2 items are addressed, the draft law could go to the Planning and Zoning Boards for review.

Supervisor Kusnierz thanked everyone. He said he appreciated their work on this. Ms. Buettner asked if the Board wanted to schedule the next workshop now? They decided the next solar law workshop would be held on November 5, 2020 at 6:30 p.m.

The meeting was adjourned at 6:38 p.m.

Respectfully submitted,

Jill Bennett
Deputy Town Clerk