A public hearing of the Town Board of the Town of Moreau was held on June 29, 2021 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York, for the purpose of hearing comments from the public on Local Law 2 of 2021 - Solar

The Supervisor called the public hearing to order at 6:00 p.m.

Town Board Members Present

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

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Malcolm O'Hara, Attorney for the Town, Jeffrey Cruz, Principal Account Clerk; Jill Bennett, Deputy Town Clerk; Tammy Daley, Billing Coordinator;

And the following participants: Joanne Carruthers, Dominic Tom, James McCarthy, Dan Dudley, Kris Nolan, Marjorie Killian, Travis Smith, Dave Byrne, Daryl Pilon, Todd Loy, Johanna Kramer, Jane Killian Fiore, Thomas Rourke, Mark Stewart, Jim Killian, Joanne Killian, John Arnold, Ed Smith, Penny Hargett, Tim Pratt, Nick Schepp, Mike Hayes, Mike Smith, Brigid Martin, Colleen Martin, Will Zimmerman, Jim Czub, Jen Hayes, Lenissa Byrne, Shelby DeCrescente, Orion DeLisle, Jim Hooper, Sue Hooper, Chris Music, Zarder Frost, Ken Kurr, Ron Zimmerman, Melissa Mansfield, Patrick Linehan, Carrie Morrison Baker, James Linehan, Alivia Killian, Pat Killian, Mark Lebowitz, Pedro Rodrigo, Kasey O'Brien, Ellen O'Brien, Shawn O'Brien, Linda Jordan, Trey Marei, Guy Swears, Rich Morris, Bob Vittengl, Jim Aiken, William Gifford, Charlie Granger, Rachel Zimmerman, Anne Kusnierz, Rachel McDermott, Sarah Linehan, Rebecca Kreppein, Savannah Kreppein, Chad Arnold, Mary Ellen Kusnierz, Lisa Lebowitz, David Dow, Scott Fitzsimmons, Mary Jenkins, Bobbi Spaulding, Matt Longman, Adele Kurtz, Laura Killian, Brock Killian, Mary Northrup, Chris Jackson, Chris Barden, Gina LeClair, Jon Mullen, Kathy Rourke, and others

The Supervisor welcomed everyone in attendance.

The Supervisor explained that proposed Local Law 2 of 2021 would add article XIV (Solar Energy Systems) to Chapter 149 of the Code of the Town of Moreau. He stated, that because they initially noticed the public hearing to be held via Zoom, they will alternate speakers between Zoom participants and those that are present. He introduced the Town Board members, the Attorney for the Town, the Town Clerk and Jeffrey Cruz, who was responsible for the Zoom broadcast. He gave a brief synopsis of how the proposed Local Law was first introduced to the Town Board and how they've proceeded over the past two years. He stated, that at present, commercial solar is only allowed in the Town's Industrial Park. Attorney O'Hara gave an overview of the proposed Local Law.

The Town Clerk confirmed that the following notice was published as a legal ad in the Post Star newspaper on June 19, 2021 and read the following aloud:

TOWN OF MOREAU
NOTICE OF PUBLIC HEARING
TO CONSIDER ADOPTION OF LOCAL LAW

NOTICE IS HEREBY GIVEN pursuant to Section 20 of the Municipal Home Rule Law of the State of New York that a public hearing will be held by the Town Board of the Town of Moreau on June 29, 2021 at 6:00 p.m. at the Town Municipal Complex, located at 351 Reynolds Road, Moreau, New York for the purpose of considering the adoption of Local Law No. 1 of 2021. The public will be able to fully observe the videoconference meeting and will be able to comment during the public hearing. The videoconference is

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available as follows: https://us02web.zoom.us/j/88592192250. To dial-in, please call **1-929-205-6099** with meeting code **88592192250. The link will also be on the Town's website at** www.townofmoreau.org. If adopted, Local Law No. 1 of 2021 would add Article XIV, Solar Energy Systems to Chapter 149 of the Moreau Town Code. Written comments on Local Law No. 1 of 2021 can be submitted to the Town Clerk up and through the time of the public hearing. A copy of proposed Local Law No. 1 of 2021 can be obtained at the Moreau Town Municipal Complex and on the Town's website.

Leeann M. McCabe

Town Clerk

Published: June 19, 2021

The Town Clerk explained that when the State of Emergency ended and meetings were to be open to the public, they had to re-notice the public hearing. She also explained that because the Town Board had adopted another Local Law before this one, this Local Law became Local Law #2 of 2021 instead of #1 of 2021.

The Town Clerk read the second notice of public hearing aloud as follows:

TOWN OF MOREAU
AMENDED NOTICE OF PUBLIC HEARING
TO CONSIDER ADOPTION OF LOCAL LAW

Given the expiration of the state of emergency on June 24, 2021, and the expiration of all executive orders, please be advised that the following location change has been made for the Solar Energy Systems Public Hearing for June 29, 2021:

NOTICE IS HEREBY GIVEN pursuant to Section 20 of the Municipal Home Rule Law of the State of New York that a public hearing will be held by the Town Board of the Town of Moreau on June 29, 2021 at 6:00 p.m. at the Town Municipal Complex, located at 351 Reynolds Road, Moreau, New York and via streaming at https://us02web.zoom.us/j/88592192250 for the purpose of considering the adoption of Local Law No. 2 of 2021. If adopted, Local Law No. 2 of 2021 would add Article XIV, Solar Energy Systems to Chapter 149 of the Moreau Town Code. Written comments on Local Law No. 2 of 2021 can be submitted to the Town Clerk up and through the time of the public hearing. Comments will be accepted in person at the hearing and via Zoom during the meeting. A copy of proposed Local Law No. 2 of 2021 can be obtained at the Moreau Town Municipal Complex and on the Town's website.

Leeann M. McCabe

Town Clerk

Published: June 29, 2021

The Supervisor stated that the Town Board would be taking no action at this meeting and the public hearing will remain open for further comment.

The Supervisor stated that they would alternate speakers between those on Zoom and those who were present. Each person will have 5 minutes to speak, with a notice by Jeffrey Cruz when there's 1-minute remaining. The Supervisor asked that anyone speaking, keep their comments germane to the topic of solar in general.

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Rachel McDermott – 180 Old West Road
Stated that the draft solar law was overly restrictive, and she opposed the restrictions of solar development on prime farmland. She stated that solar arrays and farmland can work harmoniously with each other and can provide complimentary benefits to the community and to farmers. It will provide the community with cleaner and cheaper power. It will provide an increased tax base. It will allow farmers to reinvest in their land. She stated that the draft solar law discriminates against an entire group of people in the Town, specifically farmers. A solar pilot program would provide the residents with a significant tax base. She stated that the world today is so dependent on fossil fuel and time is running out before carbon fuels will dry up. She believes, that in 20 years, the cost of growing crops and processing will be so high that family farms will be extinct. She stated that there aren't many production farmers left in the Town of Moreau. She stated, that if they can amend the law and start small, they can change that. She stated that she envisions a world where farmers have a choice to diversify their operations, which will allow them to remain in their businesses. She asked the Town Board to put forth a law that will allow everyone to benefit from the solar.

Matthew Clear via Zoom – Longwood, FL – Owns 25 Acres on Reynolds Road in the Town of Moreau
Mr. Clear stated that he was born and raised in South Glens Falls. He stated that they presently hay the property, which helps offset taxes and such. He stated that our industry and the country is singularly focused on reducing our dependency on fossil fuels. Solar installations in lieu of more houses and more buildings is a win win. Farmers can use a portion of their land for solar leases to offset rising agricultural costs. He stated that he didn't believe solar arrays cause any soil or environmental concerns and has reviewed legal documents, stating that properties will be restored to their original state once an installation reaches its useful life and is removed. He asked the Town Board to reconsider the restrictions in the proposed law, so that everyone can take advantage of these opportunities.

Sarah Linehan – 246 Gansevoort Road
Ms. Linehan stated that she supports conserving natural resources and the scenic beauty of the Town of Moreau. She urged the Town Board to move forward with the Local Law as written.

Katherine Kurtz via Zoom – 195 Burt Road and owns property on Gansevoort Road in the Ag district
Ms. Kurtz stated that she grew up in the Ag district and presently owns 200 acres being farmed for crops and livestock. She stated that her property is fully adjacent to the Killian property, where there is a proposed solar site. She stated that she was appalled by the support of the visual support of the pollution of Moreau, that will greatly diminish and devalue the vitality of the agricultural district. She stated that she supports the use of renewable energy sources, however, they should only be placed on industrial and commercially zoned land, not on New York's prime farmland. She stated that New York is in the top 20% of states that are threatened by farmland conversion. She stated that the community has a responsibility to protect these lands. She urged the elected officials to conserve and protect, improve and develop agricultural lands. She stated that she was 100% against the destruction of the agricultural district and the commercial electric generation facilities. She strongly encouraged the Town Board to keep solar out of the Ag district in the Town of Moreau.

MaryEllen Kusnierz – 238 Gansevoort Road in the Ag district
Ms. Kusnierz stated that she was opposed to solar development in the Ag District. She stated that she had done a lot of reading and many issues came up. At present, solar arrays are only allowed in the industrial zone. She stated that it would be unwise to jump ahead of the need into the Ag district. She stated that many supporters of solar talk about preserving the farmland. She stated that she respectfully disagreed. She stated that the best way to preserve farmland is to farm the land. She stated that when you talk about putting commercial solar arrays on farmland, you need to think about how hard it is to keep farmland in production. It's not something that happens easily. Installing major infrastructure onto large portions of agricultural land limits the opportunity for farmers to work on that land, and not just for a short period of time, for a quarter of a century. She stated that the public relations firms representing solar have done a wonderful job. She stated that whoever coined the phrase "solar farm" deserves a medal. Who could oppose putting a "solar farm" in the ag district? She stated that it sounded like a perfect fit. She stated that they aren't farms, they're power plants. She stated that they're renewable but still power producing plants,

taking up potentially 1,000's of acres of farmland, just in Moreau. She stated, that when she looks at some of the published information on-line, she hasn't seen any evidence of the end game. She hasn't read any stories about what happens when the leases are over. How will it be removed and where will the solar panels go? She stated that New York State has no facilities for recycling of solar panels.

Matt Longman – Solar Development Company looking at property on Selfridge Road
Stated that the proposed law is too restrictive on farmland.

Karen Hymes via Zoom –
Ms. Hymes stated that she opposed the two women who spoke earlier about blocking solar energy from the farms. She stated that she grew up in an agricultural district in the Town of Moreau, on 73 acres. She stated that she still lives in the Town and stated that we have a responsibility to the earth and to our children and grandchildren to step away from fossil fuels and to have clean, green energy. She stated, that none of the farmers who have been approached, are looking to use all of their land for solar farms. She stated that they could still farm around the solar panels while they are up and they could farm afterwards. She stated, that if they can't maintain the farms, they will be sold or broken up to developers and then this whole prime farmland will be gone forever. She stated that this is a way for farmers to harvest crops from the soil, to raise livestock and to harness solar energy. She stated that it's wrong to leave the farmers out of this opportunity and to seal the destruction of their farms. She stated that solar should be open to anyone in Town.

Laura Killian – 169 Burt Road
Ms. Killian stated that they are looking to preserve their farmland and to bring tourism back into the area. She stated that they would like to give tours of the farm because they have beautiful views of Vermont. She stated that her daughter shows cows and would like to continue to do that. She wanted to speak about the solar panels with nowhere to go. She stated that it was something that could be placed in a contract. She stated that she believed this is a win win for the Town. She too loves the views and doesn't want to look at solar panels or to have her neighbors look at solar panels. She asked that the verbiage in the draft law relating to prime farmland be removed. She believes in loving thy neighbor and appreciates the fact that Mr. Donohue, Mr. VanTassel, Mr. Noonan and Mrs. Hogan came to talk to them, even if they didn't agree with them, and to give feedback. She stated that she appreciated the fact that they heard them out. She stated that she understands other people's opinions and values that, but they didn't purchase the land, Joe Killian did. She believes the family has the right to continue to farm. She hoped everyone could look in their hearts and see that there's a win win to this.

Chris Barden – 148 Washburn Road
Mr. Barden stated that the property has been in his family for generations. He stated that he disagrees with the assertion made earlier that harvesting solar isn't solar farming. He stated that the sun has an affect on everything that they grow and harvest. He stated that we now have the technology to harvest some of this. He stated that the Town Board has a unique opportunity right now and wonders how putting solar panels on his property would impact anyone in this room. He stated that it wouldn't be viewed by anyone. He stated that this was an opportunity to increase technology in the Town. He stated that it can be done now, or the Town will have to play catch up in the future.

Ken Kurtz – 195 Burt Road
Mr. Kurtz stated that he didn't grow up here but fell in love with the community. He stated that he watched generations of family work on the farmlands. He stated that he's been a landowner for over 15 years and wants to continue to invest in the community. He stated that he didn't invest in a community that's going to be industrialized. He stated that solar should be in the commercial or industrialized areas. He stated that he wasn't opposed to the use of solar power by farmers or residents but building power plants isn't what he intended to invest in. He stated that the solar companies are in this to make money and to take advantage of communities that need the money. He stated that they have to find another way. He asked that restrictions stay the way they are in the draft local law.

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Ron Zimmerman – 327 Gansevoort Road & owns property in the R-5 District
Mr. Zimmerman stated that he was an environmental engineer by trade and is a strong advocate for reducing carbon dependency. He applauded the Town Board for their leadership to try and strike a balance, for now and future generations. As a landowner in the R-5 district, he has a vested interest in the protection and proliferation of the agricultural heritage and its resources. As the former Planning Board Chairman, he reminded the Town Board of the fact that they put together a team, consisting of members of the community, to put together recommendations for a Master Plan. He stated that the Plan went to a public hearing and the Town Board voted unanimously to accept the recommendations of the Master Plan, which in part states "Save agriculturally viable soil from development when possible". He stated, that when he looks at the draft law to see how that balances out, the Town Board has done a good job. He recited the section of the draft law, where the available area in the R-5 district could be up to 40% of a lot. He stated that if people are looking for more than that, they're being a little greedy. He applauded the Town Board for the generous compromise and stated that the draft law strikes a good balance.

Melissa Mansfield – Boralex – Renewable Energy Company
Ms. Mansfield stated that Boralex has been in the community for 20 years, with a staff of 15 and growing. For the last two years they've been meeting with officials from the Town of Moreau, to work together to be sure that the West River Road solar facilities are designed with the community in mind. She stated that they found an ideal location and only those directly involved would know it was there. She stated that tonight's public hearing is about sensibly sited solar electricity. She stated that many farmers are going to be pressured from real estate developers to sell their land. She stated that solar projects are reversible. Land is leased to the solar companies and at the end of operations the equipment is removed, the soils are rested and returned to agricultural use. She stated that the community would see increased revenues from solar generation. The proposed law put restrictions on the use solar, and along with natural restrictions, makes it less than 15% of the agricultural district. The remaining parcels aren't close together or easily connected to the transmission lines, which feed the energy into the grid. The limitations make it too costly for the solar farms to move forward. She stated that farmers should be responsible stewards of their own land and deserve a responsible solar law with the community's interest in mind.

Alivia Killian – 169 Burt Road
Asked that the current proposed law be revised. She stated that her father has been working to save the family farm from extinction. He's read research papers and articles. She stated that solar would help their farm financially. She now takes care of 30 head and also shows them. She stated that the farm has been her whole life. She stated that solar can help them now and in the future.

Patrick Killian – 120 Burt Road
Mr. Killian thanked the Town Board for coming out to his property. He stated that he started farming when he was 5 year's old. He stated that we're in the 21st century now and we need to adapt to how we do things. He stated that solar would be a bright future and a win win for everyone and will give the farmers an opportunity to be successful. The dual use will allow them to harvest the rays and to offset some of their costs. He stated that he wants to preserve the farm for the fourth-generation farmer.

Mark Lebowitz – West River Road
Mr. Lebowtiz stated that the Farmland Protection Plan was developed in 2014. It identified that prime farmland of statewide importance constitutes 65% of the total land area of the Town. He stated that there are presently no uses in the Town's Zoning that is restricted or prohibited because it's on prime farmland. He stated that the term prime farmland doesn't exist in the Town Code. He stated that the proposed prohibition of solar on prime farmland, if it were to be adopted, every other use could still be conducted except solar. He stated that it wasn't fair to allow for other uses on prime farmland but not solar. If the Town decides that it wants to protect prime farmland, which he disagreed, you can't restrict one use and allow others.

Guy Swears – three parcels in R-5 District
Mr. Swears stated that he was disappointed that the Town Board took a negative approach by imposing restrictions. He stated that he doesn't want to lose property to development but also, that he can't

continue without supplemental income. He currently leases the property for hay, but it doesn't pay for taxes and repairs on the property. He stated that solar is offering him 15 to 20 times the income he's making. He recommended that the Town Board make some amendments to the draft law. He stated that it's farmland, it doesn't need to be classified as prime. He asked that they remove the word "Prime" in the draft law and allow for 60% on parcels of 50 acres or less.

Jim Czub – 180 Old West Road
Mr. Czub stated that he and his brother were first time farmers and that they have to take all opportunities given to them. He stated that they have a solar array at their farm in Schaghticoke. It wasn't what they wanted to do but it was a financial decision. He stated that they needed to secure income for their future and their retirement. Mr. Czub stated that he opposes the law as it is written. He stated that it's taking away their opportunity to make a profit and possibly forcing them to sell.

John Arnold – 30 Palmer Ridge Road
Mr. Arnold stated that he and his family have owned and operated the farm at 30 Palmer Ridge Road for 50 years. Mr. Arnold pointed out his farm on the map that was displayed. He stated that he was for the law as it is written. He stated that he heard this evening that prime farmland isn't important. He stated that it is important if you farm it. He stated that it's easy to grow crops and make money. He stated that with solar being a short-term use, his 11-year old son wouldn't be able to rent or own the land until he's 36 years old. He stated that he had a stack of solar contracts and has heard that if they don't do solar, they'll be forced to sell to downstate developers. He stated that the only developers he's heard from in 25 years are solar developers. He stated that he doesn't expect the Town to pass a law based on his family's needs. He stated that it should be written based on the future of agriculture. He stated, that without prime farmland, you don't have agriculture. Mr. Arnold mentioned development rights, which would allow farmers to sell off the development of their land for the value of the development right now. He stated that it would protect the farmland into the future and allow it to be passed on.

Bob Vittengl – Mountain Road
Mr. Vittengl stated that the Town consists of 24,900 acres. Back in the 1900's there were a few thousand residents and several hundred farms. At present, there are approximately 16,000 residents and farm numbers have dwindled. There are 8 dairy farms, 7 horse farms and 1 sheep farm. He stated that there are 4,156 acres listed in the Comprehensive Plan. He stated that the entire world is transferring to electric and stated that solar and farming go hand in hand.

Ed Smith – Selfridge & Clark Roads
Mr. Smith stated that he opposed the law and stated that the Town has to determine if they value prime farmland. He stated that you can go down Selfridge Road, Fortsville Road and Clark Road, and he didn't think there were too many residents that want to look out and see solar farms. Mr. Smith stated that prime farmland can also be rented. He asked that the Town Board think about what the Town will look like 20-40 years from now because of how the law is written.

Mike Smith – West River Road
Mr. Smith stated that his property adjoins a property looking to have a solar farm. He stated that he opposes the rule in place and stated that he was for the solar projects. He stated that he's tried to farm his property and can see why it's so costly. He stated that this is a great opportunity to have a dual use, with farmland and solar. He commented, that if the grid should go down, you would have energy generation security. He stated, that 20 years from now, solar can be removed but a housing project can't be.

Brigid Martin – Marion Avenue
Ms. Martin stated that she believed everyone loves their community and is passionate about this subject. She stated that she didn't own property in the Ag District but wanted to give her perspective on the subject as a taxpayer and member of the community. She stated that the Town has spent a lot of money on studies relating to the farmland. There were a lot of meetings and the community came together to put together a comprehensive plan, which determined what they wanted the community to look like. She stated that the first settler arrived in Moreau in 1766, before the American Revolution. Colonial soldiers

were gifted farmland. In the 1900's there was hydropower and dams were developed for use in the factories and to sell power to the grid. Ms. Martin stated that she's been an advocate for more jobs in the community. She stated that one of the ways to do that is with farms. She stated that farms produce jobs and promote tourism, solar panels do not. She stated that no one will want to drive up and down the Town's roads looking at solar panels. She stated that the Moreau Farmland Protection Plan poses to protect our heritage and to secure our future. She stated that she supported the law and agreed with the 40%, which allows for natural energy to support the farms and reduce costs. Ms. Martin also stated, that any government who tells people what they can do with their land, needs to support them. If you tell landowners that they can't put in solar because they have farmland, then the Town needs to support the farmers. She stated, that if the Town can give $100,000 to a brewery, they can give $100,000 to a farmer.

Gina LeClair via Zoom – Sisson Road
Mrs. LeClair stated that the Moreau Town Board has historically cared about and supported their farmers. She stated that the rules in the farming district are different than any rules in the other zoning districts. She stated that there is a Right to Farm Law, which give farmers protections that no other district has. She stated that the Town along with community members recently drafted a Farmland Protection Plan. She stated that the Plan was voted on and the Town supported it. She stated that solar panels are large electric generation facilities, which would be installed on land, rented, within our farm districts. She stated that this isn't farming and she doesn't see anything green in the future when they have to be disposed of. She stated, that the only solar she supports on farmland, is infrastructure that helps the farmer pay their own electric costs. She stated that each year, when you file a tax return, you're sending money to the State and Federal governments, who support these companies for solar generation facilities. Mrs. LeClair asked that the Town Board stand up for the protection of the irreplaceable and rapidly diminishing prime farmland and protect it from projects such as this. She asked that they leave the law as it is proposed.

Dave Byrne – 10 Doe Run
Mr. Byrne stated that everything can't be agreed upon tonight. He stated that they can agree that they don't want to see solar all over the Town of Moreau. He stated, that if they want to do it the right way, they want to be smart about it. He stated that he runs a small business, Renua Energy, a Moreau-based clean-energy company, and they've been waiting in the wings for 2 years. He stated that he travels all across New York State helping farmers with their solar projects. He stated that they've been waiting patiently and hopes that they can come to a common-sense solution. He stated that this would be a win for the community. They would be offering reduced electrical costs. He stated that these are small projects that would encompass 20 acres. He stated that it also generates tax revenue. Mr. Byrne stated that solar can't be installed everywhere. You need to be within about 5 miles of a substation, and it has to have the capacity to support the project. You need to have three phase power in the vicinity of the property. If not, you would incur costs to bring three phase power to that location. He stated that there can't be wetlands on the property and that they try not to clear cut the land. He stated that there are 23.7 megawatts available in the three substations that serve the Town of Moreau. 5 megawatts are the size of their projects, so if you divide 23.7 by 5, you get 4 ½ systems that would be viable in the Town. Mr. Byrne's time expired.

Will Zimmerman – Family owns and operates Candy Cane Farms
Mr. Zimmerman stated, that as a third-generation farmer, he knows what it takes to run a farm. He stated that he supports the law because it protects the prime farmland. He stated that his grandfather started the farm in 1962 and he intends on growing and farming in the future. He asked the Town Board to keep the law as written.

William Gifford – Farmer from Gansevoort
Mr. Gifford stated that he owns property on West River Road. He stated that he was in favor of the solar uses for the Town of Moreau and that it would be beneficial for the Town. He stated that updated methods of power production should be investigated. He stated that farmers are interested in developing an environmentally friendly, green energy system and commented that it should be a partnership between the farmers and the Town. He stated that the system would increase the strength of the power grid. He stated, that if the Town of Moreau doesn't do this, other communities will. Mr. Gifford stated, when the

panels are at the end of their life cycle, they're 98% recyclable. He also stated that they don't emit toxic chemicals. He asked why his neighbor should control what he does on his property. Mr. Gifford's time expired.

Michael Fingar – via Zoom - US Light Energy
Mr. Fingar stated that he echoes many of his fellow commenters in that many considerations go into the siting and installation of a solar design project, particularly of small commercial scales of 5 megawatts or less. He stated that the most important part of siting a solar project is the electrical infrastructure. Adequately sized 3 phase distribution lines and the supporting substations are critical to ensuring that these projects can deliver value to the surrounding community. The lack of distribution infrastructures limits where they can actually install solar projects. Larger scale projects, on the community scale of 5 megawatts and above can be sited through the office of Renewable Energy, which is an office established through New York State. He stated that this bypasses local zoning laws. He stated, that the laws being proposed tonight, to his understanding, don't limit the large-scale projects of the utility size. He stated that may be worrisome to some of the Town Members. In the Town of Moreau, the infrastructure necessary to connect the smaller scale community generation projects don't appear to align with the zoning requirements. The majority of the 3 phase electrical lines appear to be located on or near Reynolds Road, which is predominately zoned R-3. He stated that zone currently prohibits solar. He stated, that if the law is adopted as written, there are only a limited number of parcels that can adequately support the requirements listed in the law and meet the electrical needs of the project. He stated that his analysis shows this to be 14 parcels or less. He stated that he encourages the Town of Moreau to take a more parcel focused approach or an overlay district, which would strongly support landowner's rights. And, rather than trying to fit the law within specific zones, the Town should look at where these projects can be sited and allow them to be sited where a landowner would like them. He stated, that through proper site plan review and decommission agreements, solar projects can deliver on the Town's statement of purpose, which is included in the current law, without negatively impacting the enjoyment of the neighboring properties. He stated, that by removing the restrictions, will allow landowners and farmers to diversify their sources of revenue and enhance the economic viability of their existing operation. He stated, that he feels the thought of all farmland being consumed by solar projects is a misconception. He stated that restrictions because of soil types are counterproductive and infringe on the rights of landowners, to do what they believe is right for their property. Mr. Fingar stated, that through the Pilot Program described in the draft local law, it will create tax revenue for the Town and School. He stated that solar does create local jobs during the installation and ongoing operation and maintenance. He stated that it creates a clean renewable asset, with no strain on the Town or County resources. And, there's no increase in traffic or lighting and helps with the State's goal in creating 70% renewable energy by 2030. Mr. Fingar strongly encouraged the Town Board to reconsider the concept of an overlay district or alternatively, consider adding zone R-3 as an allowable district, so that all landowners that are able to site these projects can.

Larissa Byrne –
Ms. Byrne thanked the Town Board members for what they do and stated that they have a difficult decision. She stated that she was in support of landowner's rights. She stated that she respects farmers and the work they do and hopes that they can be supported.

Dan Dudley – Queensbury
Mr. Dudley stated that he represents union workers and was in support of solar projects.

Travis Smith – Corner Clark and Selfridge Roads
Mr. Smith stated that he owns and operates a dairy farm with his father. He stated that he doesn't support putting solar panels in the Ag Zones. He stated that he owns and rents the land that would border some of these projects. He stated that they use up acreage and commented that every acre you farm matters. He stated that if you're relying on the grid, what would stop someone from renewing their lease after 25 years or just relocating the panels. He stated, that if you want to preserve your farmland, sell the property off for developmental rights and continue to farm.

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Darryl Pilon – Standard Solar
Mr. Pilon stated that he is a solar financier. He stated that there is a limit to what can be done. He stated that it's important to look at the grid and where things can be tied in. He stated that solar projects bring jobs to the Town and when it's finished, they have to be maintained. Mr. Pilon concluded by stating that he thought 60% would be a good coverage amount.

Jim Hooper –
Mr. Hooper stated that the Town is so concerned with Ag lands and asked if anything is ever done to create Ag lands. He stated that there are 208 acres across the street from him on Reynolds Road that is prime farmland. He asked why the Town would support solar there and not in the Ag district. Mr. Hooper stated that they're only talking about 4 or 5 projects and asked why they couldn't be evaluated individually and not put a blanket policy on everyone. He stated that the whole law can be thrown out and each project can be evaluated on their merits.

Tom Rourke – 301 Selfridge Road
Mr. Rourke stated that his children and their friends are all moving back to the Town and buying land to build houses. He stated that if the law goes through it's a major injustice.

Carrie Morrison Baker – 495 Gansevoort Road
Ms. Baker stated that she didn't live in the Ag district but owns property there. She stated that she was raised on 300 acres and at present there are only 8 acres left. She stated that the property is unique, in that if they want to work the land, they would need to get easements. She stated that they did try to rent the property for a few years to cover taxes, however, they all felt they were asking too much. She now has land that hasn't been worked in 4 or 5 years. They've had to get two different easements to gain access to the property. Ms. Baker stated that she's okay with money, however, she has three sisters that could use the help. She stated that they would benefit from this and hoped that the solar law would go through.

Adele Kurtz – 11 Snowberry Lane
Ms. Kurtz stated that she grew up in the Ag district but doesn't currently live there. She stated that there were two polarizing presentations today. She stated that there are those in the community that are opposed to installation of commercial electrical generating operations in the Ag district and there are those who are looking to protect their perceived property rights. She stated that property rights come with restrictions that are governed by the Town. She stated that there are setbacks and height restrictions and other things you can and can't do. She urged the Town Board to take the emotional pleas out of the equation when considering this proposed law. She asked that the Town Board rely on the facts and balance the two polarizing positions. She stated that it can be done but it would likely require compromise from both positions. Ms. Kurtz stated that the New York State Constitution recognizes the importance of preservation and conservation of the State's natural resources and scenic beauty. She stated that this can be found in Article 14 section 4 (Conservation Bill of Rights). She stated, that it specifically states, that it's the State's policy to protect agricultural lands. She stated that the Town Board members were all charged by sworn oath to protect and uphold the New York State Constitution when they took their positions. She also stated that the Town of Moreau Comprehensive Plan was adopted after community members contemplated the future of the Town of Moreau. She stated that page 65 of the Comprehensive Plan outlines some of the goals of the Ag district. She stated that one goal was to protect farmland and open spaces. She also stated that there are restrictions from development on prime farm soils of statewide importance when possible. She asked the Town Board to take these governing laws into consideration. Ms. Kurtz stated that there is a Farmland Protection Plan, which was developed by the participation of the community and a Right to Farm Law. She stated that each of these documents provide guidance to the Town Board to make an informed decision. Both were developed with substantial input from the residents of the Town, who are here tonight. She recited a portion of the draft law, stating that solar would be allowed in the M-1, M-2 and R-5 districts. She asked why the agricultural district would have been included within the proposed land. She stated that she also understands how politicians must compromise. She stated that the law has been written and asked that the agricultural district be removed from this draft solar law, but to compromise would be to adopt the law as proposed.

A public hearing of the Town Board of the Town of Moreau was held on June 29, 2021 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York, for the purpose of hearing comments from the public on Local Law 2 of 2021 - Solar

Casey O'Brien – 200 Burt Road
Ms. O'Brien stated that she is for solar panels. She stated that it blows her mind that farmers are being told what they can and can't do with their own land. She stated that solar panels will help the struggling farmers for generations to come.

Mr. Rouke spoke a second time by stating that there's no cheap power. It goes to the highest bidder. He stated that it all goes downstate.

Laura Killian spoke a second time by stating that the Killian Farm did apply for development rights back in 2014, before they sold off their dairy herd. She stated that Saratoga Plan offered some financial money for ¼ and the rest of the property was not prime soil.

The Supervisor stated that the public hearing would remain open and that the Town will continue to receive comments. After communication with the Town Board members, they will determine what the next step will be.

The Supervisor thanked everyone for their public input.

The public hearing concluded at 8:20 p.m.

Respectfully submitted,

Leeann McCabe
Town Clerk

Leeann McCabe

From: Thomas Rourke <[redacted]>
Sent: Wednesday, June 30, 2021 4:06 PM
To: Leeann McCabe
Subject: Public hearing

I attended the hearing on 062921 and had a comment I thought of after the meeting. Most of the people there mentioned they were interested in leasing their land for solar use. How would the situation be handled if a land owner wanted to sell their land to one of the commercial solar companies?

Since the new owner of the property would be a commercial company and not an agricultural company, would you be looking to update the zoning law for the R5? I wouldn't think the solar company would be entitled to the same tax rates/benefits as the agriculture businesses are.

I live at 301 Selfridge Rd, in the R5 zone. I do oppose commercial solar farms.

Thank you for your time.

Kathy Rourke

Sent from my iPad

Leeann McCabe

From: Joanne Collins <[redacted]
Sent: Tuesday, June 29, 2021 3:59 PM
To: Leeann McCabe
Subject: farmers vs housing developments

Dear Town of Moreau Board Members,
I am absolutely shocked to read what the Town Board prefers for farmers. Do you sincerely want to keep farmland or are you thinking "taxes from housing developments"? If you sincerely want to keep land for farming, then why are you preventing the owner of the land, the farmer who works 24/7, from finding a way to financially keep his farm operating with solar panels . My husband and I strongly oppose your idea of restricting how a farmer can use his own land. As Guy Swears wrote: "housing takes farmland out of commission forever, whereas solar does not".
Put your feet into a farmer's shoes and shadow him/her and see what the realization is. Let's keep farmland secure in the R5/Ag District.
Who are you to say, no solar panels. What if you did not have a weekly/monthly paycheck and had to find other ways to pay bills and their taxes. Come on Board of Moreau, do not restrict the farmer's use of solar panels to help pay their bills.

Sincerely,
Joanne Collins
538 Selfridge Rd.

Supervisor Todd Kusnierz
Town Board Members
Town of Moreau
351 Reynolds Road
Moreau, NY 12828

June 29, 2021

RE: Proposed Solar Law

Dear Supervisor Kusnierz and Members of the Town Board,

My name is Erik Bergman and I have been a resident of Moreau for 21 years. I would like to voice my concerns that the proposed solar law is too restrictive in its language regarding the siting of solar projects. The limitations regarding percentage of parcel area allowed and the language further restricting the placement on lands designated "farmland of statewide importance" place millstone on landowners that will essentially restrict any solar development.

If the Town is truly interested in protecting the agricultural district then allowing responsible solar development is a tool to employ toward this goal. Responsible solar development will ensure that land owners have the means to keep the their land, that for many has been in families for generations. The solar projects will provide revenue, pay taxes, be environmentally friendly, require no Town services, and will be removed at their end of life – returning the land as found. Furthermore, during the operation of the solar project the land may be used for grazing or other agricultural uses – truly dual use of the land.

The alternative option to landowners is to sell the land. The most frequent, and lucrative, buyer of agricultural land is for residential subdivision and development. This route guarantees that the land will never again be used for agriculture and requires more Town services. This is the realistic and unfortunate reality for much of the land in the Agricultural Zone under the restrictions of the proposed solar law.

As a member of the Moreau Planning Board for more than 10 years I have been a consistent proponent of the rights of property owners to do with their land as allowed by law. The current solar law, and its restrictive language, essentially denies the landowner a viable, harmonious use of their land. A well written solar law can work as a tool of the Moreau Comprehensive Plan to protect the Agricultural District for generations to come. The alternative – the segmentation and development of the agricultural land is in contradiction to the Comprehensive Plan. From this viewpoint it is clear that the Town should craft effective guidelines for solar development that work with the landowners and the Comprehensive Plan to ensure that farms survive and are not subdivided into residential housing lots.

Respectfully,

Erik Bergman

Erik Bergman

Leeann McCabe

From: Pat Killian <[redacted]
Sent: Tuesday, June 29, 2021 3:39 PM
To: Todd Kusnierz; John Donohue; John Hogan; Alan Vantassel; Kyle Noonan; Leeann McCabe; Jim Martin; Melissa Mansfield Boralex
Subject: 424 signatures

Solar & Farming
To: Theodore (Todd) Kusnierz, Kyle Noonan, John Hogan, John Donohue, Alan VanTassel Solar is not a threat to agricultural activity, but rather a harmonious development that can assist the farming community. Farmers can utilize solar as a steady revenue stream to help smooth out the impact of low agricultural prices.
Allowing solar development on agricultural lands and reduces pressure to convert farm and farmland to single family homes.
The Town of Moreau should support farmers and landowners who want to support solar. The Town should not adopt a solar law that contains arbitrary soil protection measure that only apply to solar. Solar is temporary land use, and preserve the underlying agricultural land.
Please support our farmers and landowners and allow for solar.
Why is this important?
The proposed draft code is drafted in a manner that treats solar as a pariah, instead of helping to foster a positive relationship between agriculture, the environment, solar and the community.
A well drafted solar code can help ensure that farmers and the community can benefit from additional sources of income, new agriculture, soil preservation and protection from irreversible permanent development.
Farmland that hosts solar will not be sold for single family homes The Town of Moreau's 2014 farmland protection plan, projects the population in the R-5 zone could increase by 40% between 2010 and 2050.
The report projected increase is the equivalent of 135 new homes.
The plan also projected that the district would lose 770 acres to housing and an additional 800 acres for utilities and roads to serve the new residential development.
In one scenario it was determined that a total of 5,028 new single-family dwelling units could be constructed at full buildout.
A total of 1,561 could be built within the Town's agricultural zoning districts. Within the R-5 zoning district, approximately 770 single-family homes could be built.
With five (5) acre minimum zoning requirements, this would equal 3,850 acres of new residential parcels.
Solar panels don't require town services, they don't go to school and they never call the police. Solar panels don't require new roads or road maintenance by the town.
Well designed solar farms allow agriculture to exist between the panels.
Solar is a temporary land use unlike other forms of permanent development.
Deliver in Person
Signed by 426 people:

Name Zip code
Pat Killian 12803
Linda Jordan 12831
David Williams 12144-4227
joe sharpe 12831
Timothy 12803 Livingston
Scott Fitzsimmons 12803
Kristine Nolan 12804
Rory Wilson 12803
Laura Killian 12831-1624

Preston Jenkins 12803
Kelly Fitzsimmons 12803
Chris O'Brien 12831
Jacob Heber 12831
Pamela 12828 LaFontaine
John Donohue 12831
Jessica Peculis 12866
Catherine Tracy 12803
Michele 12828 Carpenter
Stacey Wilson 12803
John Nichols 12828
Brian Huntley 12803
Keegan Viele 12831
Stacey Gutowski 12828
Michael Martin 12866
Guy Swears 12831
Kristen Naylor 12844
Jen Sandquist 05201
Jake Losaw 12828
Amy McBee 93622
Carmen 12839 LaFontaine

Name Zip code
James Burns 12803
Heather Lewis 12831
Matthew 12801 Carruthers
Brenda Omalley 12804
Larry Bulman 12803
Tia Briere 05257
Jason West 05257
Kyle Maloney 27048
Katy Lahue 05403
Alivia Killian 12831
Katie Larmon 12834
Sophia 12803 Hallenbeck
mary fitzsimmons 12803
briana gill 12831
ryleigh 12019 wadsworth
Zoe Lanfear 12831
britton otis 12019
tony lamont 05201
Kylee Lockwood 05257
Noah Stein 05201
abbi nadolny 12801
Ian Colegrove 12801
hailey miller 12828
Francis 12831 DeCrescenzo
Trey Marcil 12831
Aubrey Campbell 13803
Hailey Wilbur 12828
Alexis Smith 12839
Brian Hanlin 13616

Gabrielle 12823 McFarren

Name Zip code
Lizzy Stephenson 12831
Jason Smith 18392
Jacob Fuller 12831
lara stanco 12804
cherry s 12090
Cory Wilkins 12839
Rilie west 12803
Johannah Howe 12831
brooke johnston 12803
tory sweet 12801
Ayden Swears 12828
alannah barody 12803
christina Nadolny 12047
Lucy Zimolka 12831
Morgen Kondenar 12020
Elizabeth Bennett 12831
Jazlyn Marie 12839
Noah Lanfear 12831
Carly Kennedy 12809
Liz Alger 12834
Olivia Megna 12839
Zoë Rapp 12803
Jeffrey Nadolny 12801
Chyanne 12804 Whitaker
Kadyn Jaworski 12831
Kaiden Kelly 12803
kayanna kelsey 13830
mirrah stewart 13830
Kaitlin 12831 Mcdonough
Lauren 12833 LaFountain

Name Zip code
Brandon 38829 Blankenship
kiesha nelson 12828
Jillian Capozucca 12803
Jackie Diaz 08081
Camilla Short 12831
Caitlyn McClay 12834
Lauren King 12871
Tia Buttino 12817
Hazel Crossman 12828
emily stockwell 12839
Chris Parsons 35749
Mia Mason 12828
Kate Vanderzee 12047
Mathew Young 12831
Kaitlynn McIntosh 12803
John Gill 12831
JAROD ADORNO 08753

Dalton Hogan 12839
Melissa Chase 39307
Maggie Schwartz 12866
madi davila 12839
Macey Koval 12170
Glenda Cvikel 76645
Gregory Ferrell 47304
Abby Bigelow 12839
Bernard Sulzer 07825
Victoria Marshall 05301
avrie koval 12170
Lisa Smith 23502
Melinda Silva 94520
Margaret 08021 Piotrowski

Name Zip code
Katie Yeaton 12866
Ava Hamilton 12834
Ashlyn Fish 12831
Korey Rozell 12831
Andrew Byrne 12831
Thomas MacDuff 12827
Ava Dickinson 12831
Chrissy Arquette 12803
lilly farberman 12839
Mike Spaulding 12804
molly nastacie 12871
Charles Lindsey 40965
Gerald Hencye 32533
Christopher Acker 07461
lauren chilson 12803
Scott Heath 21661
Leasa Hogan 23321
Jennifer Finchum 46112
Maeson Wilkins 12803
ruby mehan 12866
Alex Roberson 12871
emma 12831 palmisciano
German Olmeda 00739
Gina Aytman 93274
Madalynn Harris 12803
Logan Wiglet 12803
Carrie Gray 12866
Kevin Fisher 54750
Laurie Woodward 12839
Anita Bedella 46410
Nick Ced 60164
Patti Snodgrass 53821

Name Zip code
Angela Johjn 70526
Travis Yocum 33403

Michael Turner 33166
Charles poyner 67335
Bridgett Garcia 33872-2958
Oketta Yisrael 30294
william cobb 73099
Ryan Ing 12803
Justin Maxon 12094
veronicka king 12831
Tom Myott 12803
Alison DiLouie 33952
marley smith 12834
Valerie Fena 93720
Brenda 65078 Archambault
sydney dubrey 12866
Larry Moore 38059
William MacDuff 12803
Logan Bottesi 12809
Steven Gibbs 12828
Russell Jones 48229
Kevin Clark 43026
Joshua 12839 Hallenbeck
Bill Austin 12803-5471
Ronald Reineke 73127
Jesse Cooke 05201
Bill Smith 99701
Daniel Red Horse 57701
katherine arehart 12831
Danny Turner 35621
Madison Fromma 12832

Name Zip code
Sara Everts 12831
Martha Kimble 75149
Matthew Medow 37388
Katie Hoblock 12871
HERBERT 06066 BOURNE
kaitlyn moore 12803
Theresa Donohue 12831
Laura Lovett 25550
Morgan Stanco 12804
Rachel Green 12845
Cassidy 12846 Carpenter
Joshua King 80906
Debbie Bright 98902
Raymond Milton 92075
shannon dorch 12027
Dylan Stevens 12839
lauren t 12831
Tracie Compeau 77301
Emily Sherman 12839
Seth EISENBEIS 64118
Calvin Bowling 41701

Alex Ehmann 12845
Brock Killian 12831
Vada Santana 12803
Alfonso 60638 Chiaramonte
Michelle Hebert 70788-3113
Bryan Cox 51545
Bridget Hubert 12828
Ronnie Griego 33609
Ryan Neely 44707
Marc Mayer 70570

Name Zip code
Jane Linley 06468
Tanya Willis 19951
Sharon McCarson 28756
David Stinson 42634
steven DePaoli 02189
Karen McCann 89129
Sarah Guerra 05855
Damon Mcgill 123456789
Rodriguez Diana 11216
Raymond Morris 12827
Bryan MacCallum 49505
M K 11701
Jeff Bean 12803
Karen Potter 12804
Dean Swinton 12803
Rachel Mcdermott 12831
Louise Ladd 12803
Mary Donohue 12803
Joanne Killian 12831
Stephen Donohue 12803
Ronita Giznsky 58763
Davida Alston 72821
Melody Kobor 13803
Phil Scott 61401
Ricky Merrill 61883
James Czub 12154
Gary Matthews 90716
Leslie Hintz 49221
Tom Cumm 12832
Fred Seybolt 12828
Timothy Webb 12831
Stephen Hall 12803

Name Zip code
Elizabeth Morgan 14810
Dylan Studnicky 12803
Sharon Granger 12803
Michelle Simpson 79703-7314
Patricia Bills 12803
Stephen Reynolds 12803

Malia Trombley 05201
Jeff Sturkol 53144
Christine 12803 Fitzgibbon
John Bradwell 12831
Sandra Bradwell 12831
Shelia Doucet 73402
evelyn seigman 75156
Ella Chandler 12019
Brian Centerbar 12828
Charlene Endal 12803
Christopher 12831 Barden
Edwatd Potter 12803
Samara Osborne 91761
Brandin Luman 12831
Jennifer Martin 84401
Amy St. Jean 01504
Angela Moffatt 48183
Marjorie Cascone 07882
George 12996 LaFontaine
Kenneth Roper 29461
Jayne Snyder 12828
Michael Seabury 12803
Mary Vittengl 12804
Abra LaFontaine 12839

Name Zip code
Jon-christian 14717 Kaczor
Melanie Roberts 28712
Rex Biggers 84058
Jesus Yesca 12839
Karen Wolf 21224
Walter Anderson 39845
Calvin Bowling 41701
Robyn Nichols 23093
Jacquelyn 46203 Plahitko
Carryl Edwards 86004
Kent McGahhey 70560
Greg Wisely 64060
Nicole Dale 16601
Jeremy croteau 05452
Jenny Conner 66071
Ben Wettroth 84401
Peyton Smith 12839
Allison Mooney 12803
Storm Graton 05743
Melissa Barnhart 95453
Natalie Cody 12827
Allie Guay 12828
Jacob B. 85028
Bonnie kiesel 15235
DONOVAN 08068 WOODHAM
DANIELLE 08068 CLARDY

Ashley D 12828
Jamie Tyree 71730
Lori Clayton 38257
cory williams 03743

Name Zip code
Cynthia Serva 99705
Rik Jordan 12866
MANFREDO 78043 SALINAS
David Byrne 12831
Brian Kulig 01005
Kevin Fry 49266
Kate Eastman 05091
William Wiggins 36502
Pemie Kettle 81625
Gail Drake 06611
Ricky Carocci Jr. 13206
Edward 01075 Pietrzykowski
Yvonne Meza 95403
Stacey Little 62801
Ruby Levistas 90746
Odessia White 94589
Luis Vega 88030
Cory White 67002
Perry Smith 45771
Julie White 12803
Janet romoff 33068
Eric Rogers 12828
Sue Johnson 34465
Branson Otis 12027
Steven lawson 97601
Veronica Vosmera 80234
Marc Mirando 11953
Bonnie Walker 71647
Carolee Weller 32086
Lenissa Byrne 12831
Angelica Hiegel 67208

Name Zip code
Charles Mohica 96785-1152
Rochelle Berwick 92592
STEVEN KELLNER 16150
Richard Izbicki 30906
Isabella 95822 Nicolaides
elee oak 89101
Colby Yeaton 12866
sydney ives 12831
Lisa Dunlap 64119
Joey Traynor 60091
Michele Gevaert 19438
Joe Barnes 01503
Crystal Long 79606

Joshua Grider 42642
ted monsour 12803
Krista S 16417
Tammy Parrish 43725
grace kelly 48371
Kelly Jarvis 85041
Derek Bailey 07112
Caitlin Schmidt 53590
Cory Logsdon 42743
Heather McGinnis 30041
Roxy Harrington 54636
Ky Ostler 60004
Ronald Johnson 55112
Joe Pallon 93550
Camille Khan 81200
gloria czapnik 18431
Grace Parubrub 96797
James Bittner 12304
PJ Bradway 51566-2242

Name Zip code
Dale Stanley 70510
Brenda 33761 Cummings
Jim Boucher 12831
Nicholas 12803 Pomainville
Eric Barden 20910
Guy Swears 12831-1615
Karen Totino 12020
Marc Rogner 12020
Mary Jenkins 12803
Amiel Dejnozka 05250
Daniel Kravitz 12831
Joseph Bruno 12831
Allison Bradley 12866
Robert Cooper 12831
Caren Dake 12831
Mark Lebowitz 12831
Kevin Potter 12803
Lisa Lebowitz 12831
Gus Carayiannis 12828
Matthew Sersen 12831
John French 12831
Sean McDermott 12831
Susan Duckett 12831
Katen French 12831
Matthew Clear 12828
Shelby 12831 DeCrescente
Orion DeLisle 12831
Michael Curran 12803
Timothy Suprise 49024
Nancy Derway 12839
Ron McGuffin 33462

Name Zip code
Coleen Durkee 12831
Patti Jo Hicks 12831
Karen (Kasold) 12803 Hymes
Hank Pelton 12803
Carly Rodriguez 12866
Charles Granger 12803
wayne hymes 12803
Karen Swears 12831
Lisa LaMarche 12831
Mary Keenan 12839
Jeffrey Davis 12803
Robert S 12803
Christopher 06033 Ramsey
Mae Ryan 12804
Derrick Maul Jr. 12203
Don Bovair 12828
Chris Weaver 12831
Dale Barlow 12828
Brandon 12804 Echeandia
Brandon 12803 Goodspeed
Stephanie Baker 12831
Karen Muzio 12110
Maureen 12801 McKinney
Laurel Cormie 12831
Liam Smith 12866

Best regards,
Patrick Killian

Leeann McCabe

From: Mary Donohue [redacted]
Sent: Monday, June 28, 2021 3:55 PM
To: Leeann McCabe
Subject: Solar Law - To Moreau Town Board

Moreau Town Board:

Solar projects are not a threat to farms but rather an opportunity to help the farming community. By leasing their land,farmers can utilize solar as a steady revenue stream,which they can reinvest into their farms.

Solar done right can be good for agriculture. Project design can allow for traditional use of land between and among panels improving soil health. Also, per NYS Ag&Markets there are measures in place to preserve the agricultural soils,and after the solar land lease expires,the land is reverted back to active farming.

I ask that all language restricting solar anywhere in the agricultural district be removed from the proposed solar law. Thank you.

Sincerely,
Mary Donohue
10 Meadow Drive
S. Glens Falls, NY 12803

Leeann McCabe

From: Steve Donohue <[redacted]
Sent: Monday, June 28, 2021 3:00 PM
To: Leeann McCabe
Subject: Solar Law - For the Moreau Town Board

Moreau Town Board:

I believe the current language in the proposed solar law banning solar arrays on prime soil and placing percentage limits on the number of acres on which a landowner may place solar arrays on their property is overly restrictive.

Landowners should have the right to use their land, within reason, as they choose.I ask that this language be removed from the law and that solar arrays be allowed in the agricultural district without restriction other than those put forth by the NYS Department of Agriculture and Markets.

Thank you.

Sincerely,
Steve Donohue
10 Meadow Drive
South Glens Falls, NY 12803

Leeann McCabe

From: Guy Swears <[redacted]>
Sent: Friday, June 25, 2021 5:03 PM
To: Leeann McCabe
Cc: Todd Kusnierz; John Hogan; Alan Vantassel; JD Donohue; Kyle Noonan
Subject: Solar Farms in Moreau

As a lifetime resident of the Town of Moreau I am concerned that our town officials are drafting an anti-farming law that prevents farmers and landowners from siting solar arrays on their lands. If our town is really trying to preserve our Ag lands, they would be supporting these farmers' solar projects.

Farmers and property owners need additional sources of income to keep our properties from losing money and being forced to sell to residential developers. I grew up on this farm and it has been in my family for generations. I don't want to be forced to sell to downstate developers. A small solar would be just the solution we need to allow me to keep the property as agricultural lands. After the 25 years of solar production, my land would be restored back to it's current condition. Alternatively, if we have to sell to residential developers, the land would be taken out of agricultural production.

The Town's current draft proposal Is too restrictive, as it limits a solar project size to only 40% of the total acreage, and this precludes smaller properties that desperately need this additional revenue. These overly restrictive limitation does not account for the fact that there are only a limited number of sites that will work for solar, due to National Grid's substation infrastructure limitations. This lot coverage limitation should be increased to 50~60%, depending upon the lot size.

Additionally, the Town is seeking to exclude land described as "prime" farmland, which encompasses virtually all of the nearly 4000 acres in Town that are being actively farmed. NYSERDA has released new guidelines for The "Prime" farmland is

The Town has taken far too long to draft a Solar Law, with the moratorium lasting almost two years. We still don't have a draft that is fair to us small farmers and property owners, as the Town did not seek out the advice of other local Towns who have already been through this process. Farmers for Solar is asking for the lifting of any restrictions on farmland, whether it is defined as "Prime," "farmlands of statewide significance" or any other agricultural designation. Also, we are asking for the lot coverage limitation to be increased to at least 60% for smaller lots under 40 acres.

Please plan to attend the Moreau Solar Law public hearing on Tuesday, June 29th at 6pm to support your hometown farmers and landowners, who are looking to generate much-needed revenue streams, while not compromising the integrity of the local community. Please check the Town website, as this meeting will either be an online or an-person meeting. Also, if you feel strongly about reasonable property rights for our local farmers, please send a letter to Moreau Town Clerk at TownClerk@townofmoreau.org.

Our families have been in Moreau for generations and this is our last ditch effort to keep our lands in the R5/Ag District out of the hands of large residential developers. God allows us to farm from below and science allows to farm from above. Housing takes farmland out of commission forever, whereas solar does not!

Thank you for your support!

Guy E. Swears
81 Old West Road
Gansevoort NY 12831

Leeann McCabe

From: Bill Lydon <[redacted]
Sent: Friday, June 25, 2021 8:05 PM
To: Leeann McCabe
Cc: John Donohue
Subject: Solar power

Moreau Town Board, Upstate New York has a long standing tradition of affording farmers the freedom to manage their land without much encrosion, witin reason. Farmers know their land best and should not be required to ask for permission of the government on how to best approach their land use.

How could the Town of Moreau allow for subdivisions of farm land into three or five acre residential lots, but not permit a temporay solar farm that would preserve the farmland, per the existing NYS Ag&Markets guidlines, and allow for the restoration of the land back to it's original sondition?

Upstate NYS communities have always understood the critical importance of property rights and I ask that the Moreau Town Board honor the property rights of our local farmers by removing the overly restrictive language banning solar on prime soil from the proposed solar law and eliminate the percentage of property on which a land owner can place solar arrays.

Thank you!!! Bill Lydon

Sent from my iPhone

Leeann McCabe

From: Jim Lewis [redacted]
Sent: Saturday, June 26, 2021 11:16 AM
To: Leeann McCabe

Moreau Town Board, Based upon soil-based restrictions being proposed by the Moreau Town Board for solar development, I am concerened that the Town is taking an authoritative position towards our farmers. The choice to farm solar energy on their land is a responsible one, and the Town should be very careful about trying to dictate how our farmers can and can't use their property.It is their choice, just like it would be their right to subdivide their land into residential lots, which would result in permanent loss of prime farmland.The solar lease would allow them to preserve farmland for future use, in accordance with NYS Ag&Markets guidelines.There are many common sense-based protective measures already in place at the state level,and we don't need additional restrictions. I urge you to allow solar on farmland here in Moreau without any excessive restrictions above and beyond NYS Ag & Markets. Thank you. Jim Lewis jr

Sent from my iPhone

Leeann McCabe

From: Steve Coulombe <[redacted]
Sent: Saturday, June 26, 2021 11:34 AM
To: Leeann McCabe
Subject: Fwd: Proposed Solar Law

Sent from my iPhone

Begin forwarded message:

> **From:** Jim Lewis <jimlewis12577@icloud.com>
> **Date:** June 26, 2021 at 11:13:21 AM EDT
> **To:** Steve Coulombe <[redacted]
> **Subject: Fwd: Proposed Solar Law**
>
> > **Subject: Proposed Solar Law**
> >
> > Moreau Town Board, Based upon soil-based restrictions being proposed by the Moreau Town Board for solar development, I am concerened that the Town is taking an authoritative position towards our farmers. The choice to farm solar energy on their land is a responsible one, and the Town should be very careful about trying to dictate how our farmers can and can't use their property.It is their choice, just like it would be their right to subdivide their land into residential lots, which would result in permanent loss of prime farmland.The solar lease would allow them to preserve farmland for future use, in accordance with NYS Ag&Markets guidelines.There are many common sense-based protective measures already in place at the state level,and we don't need additional restrictions. I urge you to allow solar on farmland here in Moreau without any excessive restrictions above and beyond NYS Ag & Markets. Thank you. Steve Coulombe 9 south rd gansevoort my

Leeann McCabe

From: Tony Wexler [redacted]
Sent: Saturday, June 26, 2021 6:30 PM
To: Leeann McCabe
Subject: Solar in Moreau

Moreau Town Board,

Solar done right can be good for agriculture. Project design can allow for traditional use of the land between and among the panels, while also generating new, reliable income to the landowners. Proposed Local Law 1 of 2021 would prohibit solar from almost all lands in the agricultural district. I find the the language in the law banning solar arrays on prime soils to be overly restrictive and would ask that it be removed from the draft. I would also like to see the percentage of land on which an owner can place solar arrays increased to sixty percent to allow our smaller property owners to take advantage of these solar contracts.
Thank you.

Tony Wexler
15 Woodlawn Ave
[redacted]

Leeann McCabe

From: Heather Lewis [redacted]
Sent: Saturday, June 26, 2021 7:11 PM
To: Leeann McCabe
Subject: Solar

Moreau Town Board , I have read the proposed solar law and find the language banning solar on prime soil in the Agricultural District to be overly restrictive. Hard working farmers and other land owners in Moreau have the right to choose how to use their land, whether it be to subdivide and develop residential lots or lease it to a solar project developer.Our local farmers and the generations that have preceded them have worked hard to care for their land and it is not the government's role to dictate how they can develop it. Therfore, I ask that the language banning solar arrays on prime soil be removed from the draft and that the percentage of land on which an owner can place solar arrays be increased to fifty percent.

Thank You!! Heather Lewis
315 Old West Road

Sent from Yahoo Mail for iPhone

Leeann McCabe

From: ctsgf [redacted]
Sent: Sunday, June 27, 2021 10:46 AM
To: Leeann McCabe
Subject: Farm land use for solar energy

Moreau Town Board

It is time for the Town of Moreau to join our neighboring towns and adopt a solar law that allows farmers to choose to lease their land and not make a solar project so burdensome that companies pass us by. Solar projects are not a threat to farms, but rather an opportunity to help the farming community. By leasing their land farmers can utilize solar as a steady revenue stream, which they can reinvest into their farms. I ask that solar arrays be allowed in the agricultural district without unecessary restrictions, following the guidelines set forth by the NYS Department of Agriculture and Markets.

Thank you.

Cathy Tracy
6 Washburn Street
South Glens Falls, NY. 12803

Leeann McCabe

From: Terry Donohue <[redacted]
Sent: Tuesday, June 15, 2021 10:10 AM
To: Leeann McCabe
Subject: Solar Law

I would like to make a comment about the upcoming hearing of the town solar law. I think it would be more fair to the landowners of the agricultural district that the language in the law banning solar arrays on prime soil should be removed. Also the percentage of land on which an owner can place arrays be increased to 50%.

Thank you
Theresa Donohue

Sent from my iPad

Leeann McCabe

From: Stephen Reynolds [redacted]
Sent: Tuesday, June 15, 2021 11:47 AM
To: Leeann McCabe
Subject: Email Inquiry from TownofMoreau.org

Hello, I'm writing regarding the town's proposed Law # 1 of 2021. I feel that any restrictions to what farmers can do with their land that is within legal boundaries of the law infringes on their ability to raise viable income to prosper. The country as a whole is trying to become less dependent on fossil fuels and your proposal detours both the farmers and the country as a whole. I totally reject your proposed Law # 1 of 2021.

Thank you for your time Stephen Reynolds 8 Henry Street South Glens Falls, NY
Sent from my iPhone

Leeann McCabe

From: pmnjenkins[redacted]
Sent: Tuesday, June 15, 2021 9:54 PM
To: Leeann McCabe
Subject: Public Hearing on Solar

Dear Town Board,

Please don't use COVID as an excuse to have a REAL Public Hearing. I'm sure the school would let you meet in the high school auditorium. Is it that you don't want to meet these people face to face? The Public Hearing is for the public to discuss with the town board not the town board to discuss amongst themselves.

The issue of solar is an important issue in this town. What happens next? Solar Energy is important to eliminate oil, gas and coal that currently generate energy and ruining our town, country and world.

In closing we hope the Town Board will hold a Public Hearing that would allow the taxpayers of Moreau have a voice in the future of Moreau and green energy.

Thank You,

Preston & Mary Jenkins

Leeann McCabe

From: Derek <[redacted]>
Sent: Thursday, June 17, 2021 8:56 AM
To: Leeann McCabe
Subject: Solar Draft Law

Town Board members,

I believe the that the current language in the solar draft law banning solar arrays on prime soil in the Agricultural District is overly restrictive and should be removed. I also think that the percentage of land on which an owner can place solar arrays should be increased to fifty percent.

Thank you!!

Derek Rogers

2 Timber Lane

Leeann McCabe

From: Eric Rogers [redacted]
Sent: Friday, June 18, 2021 7:18 PM
To: Leeann McCabe
Subject: Solar law

Town Board members, I urge the board to allow solar on farmland in Moreau without any excessive restrictions. The language that is currently in the draft banning solar on prime soil should be removed and solar arrays should be allowed in the Ag District following the guidelines set forth by the NYS Department of Agriculture and Markets. I would also ask the board to increase the percentage of land on which an owner can place solar arrays to fifty percent.

Thank you! Eric Rogers 2 Timber Lane

Sent from my iPhone

Leeann McCabe

From: Erin T [redacted]
Sent: Monday, June 21, 2021 9:41 PM
To: Leeann McCabe
Subject: Re: Support for Solar, Article XIV

Sorry again Leeann!

I need to clarify my comments to add that I support placement of solar arrays in the agricultural district and ask that the board remove the overly restrictive language banning solar arrays on prime soil from the draft law. I also support increasing the percentage of land on which an owner can place solar arrays from 40% to 60%. I support Local Law No. 1 of 2021 with those modifications.

Thanks again.

On Monday, June 21, 2021, 08:43:41 PM EDT, Erin T <ewvasquez2001@yahoo.com> wrote:

Hello Leeann,

I am sending this message to express my support for Local Law No. 1 of 2021, article XIV, allowing for solar energy to Moreau Town code.

Thank you for passing along my support for the law.

Have a great day.
~Erin Trombley

Leeann McCabe

From: Erin T <[redacted]
Sent: Monday, June 21, 2021 8:44 PM
To: Leeann McCabe
Subject: Support for Solar, Article XIV

Hello Leeann,

I am sending this message to express my support for Local Law No. 1 of 2021, article XIV, allowing for solar energy to Moreau Town code.

Thank you for passing along my support for the law.

Have a great day.
~Erin Trombley

Leeann McCabe

From: [redacted]
Sent: Wednesday, June 23, 2021 9:34 PM
To: Leeann McCabe
Subject: Solar

Moreau Town Board, Hard working farmers in Moreau have the right to choose how to use their land, whether it be to subdivide and develop residential lots or lease it to a solar project developer. Our local farmers and the generations that have preceded them have worked very hard to care for their land and it is not the government's role to dictate how they can develop it, reguardless of whether their land is classified as Prime or not. Therefore,I ask that the language banning solar arrays on Prime Soil be removed from the draft law and that the percentage of property on which a landowner can place solar arrays be increased from the current forty percent. Thank you! Mary Jenkins

Leeann McCabe

From: [redacted]
Sent: Wednesday, June 23, 2021 10:01 PM
To: Leeann McCabe
Subject: Solar

Moreau Town Board, I believe the language in the draft solar law banning solar arrays on prime soil is overly restrictive and it's sole purpose is to ban solar arrays from being placed anywhere in the agricultural district. Upstate New York has a longstanding tradition of affording farmers the freedom to manage their land without government interference, within reason. Farmers know what is best for their families, the land, and the environment. We should trust that they will do solar the right way for the earth and our community. I ask that the language banning solar on prime soil be removed from the draft law. I would also like to see the precentage of property on which a landowner may place solar arrays be increased to sixty percent. After all it is their property!! Thank you!! Preston Jenkins

Leeann McCabe

From: Bobbi Spaulding [redacted]
Sent: Wednesday, June 23, 2021 7:22 PM
To: Leeann McCabe
Subject: Email Inquiry from TownofMoreau.org

Hello LeeAnn,

I am contacting you to express my disappointment with the upcoming public meeting on solar development in our town. I fail to understand why this meeting is not being held with the public in attendance. At this point, it makes no sense.

I'm sure lots of town residents are participating in maskless church services, shopping in the grocery store with distancing markers on the floor removed and now being able to attend many venues. I believe even Yankee Stadium will be at full capacity this weekend, for 50,000+ attendees.

Surely, this little town can accommodate taxpayers for this public hearing on solar energy. This decision, in my opinion needs to be reversed to accommodate the public.

Bobbi Spaulding
Beechwood Dr.

Leeann McCabe

From: joanne carruthers [redacted]
Sent: Thursday, June 24, 2021 10:02 PM
To: Leeann McCabe
Subject: Citizen comments on Solar Energy Array draft language.

Dear Moreau Town Board,

Moreau needs to adopt a reasonable town code for solar. The language in the current draft, banning solar arrays on prime soil is anything but reasonable. One might think it was added to protect the soils for future use but it's only purpose is to ban solar arrays from being located anywhere in the agricultural district.

Our hard working farmers in Moreau have a right to choose how to use their land. Many farmers across Upstate NY, including our farmers in Moreau, have struggled in farming and need the freedom to choose the best course of action for long term viability of their farmland. Solar leases will ease their family's financial pressure and will allow them to keep the land within their family for future generations.

It is important for the Town Board to understand the benefits of community solar on farmland in the Town, educate themselves on the minimal number of viable projects in Town, based on the grid infrastructure limitations, and carefully consider the alternative of having farmers sell off their property for development, which would permanently take the land out of farming.

I ask that the language banning solar arrays on prime soil be removed from the draft. I would also ask that the percentage of property on which a landowner can place solar arrays be increased to sixty percent.

Thank You!!

Joanne Carruthers
31 First Street apt.B
SGF, NY 12803
Town of Moreau

WILLIAM I. GIFFORD

[redacted]

GANSEVOORT + TOWN OF MOREAU

To the members of the Town of Moreau Board

June 29, 2021

Re: Solar Park development off River Road

Dear Neighbor,

Plato once said "We can easily forgive a child who is afraid of the dark, but the real tragedy of life is when men are afraid of the light."

Part of coming from the dark to the light for us today is to realize that power generation using just old technology will put us more in the dark over time, while investigating and nurturing updated methods of power production will go a long way in keeping us and our progeny in the light.

We have within our town a debate about whether a business and local farmers have the right to form a partnership to develop a power generation business within our town. The partnership will be on marginal farm land largely un-noticeable from public routes of passage and where it may be noticeable; the partnership will enhance the visual impacts with decorative fencing or natural hedges.

It is not building a fossil-fuel plant or a smoke-stack industry facility. It's interested in developing an environmentally friendly green-energy system within the most hidden and under-utilized elements of our rural community.

The River Road Solar park is expected to produce enough clean-energy electricity to power 2,000 to 2,700 New York homes. (Based on a 4 acres/MW and a 15 to 20 MW power grid w/ave. NY home using 7,200 KW/year. Source: US Energy Information Admin.)

Most of you know the benefits of green, renewable energy and that it's part of a well diversified national power grid.

But do you know the benefits to the farmland itself?

1. Maintains farmland for future generations – a farm land bank for future withdrawals.
   a. Farmland in a housing development can never be reclaimed as farmland.
2. Farmland can lay fallow – take a break from commercial production with all the necessary chemical fertilizers, herbicides, and insecticides that need to be used to get the production needed to be profitable.
   a. Farmland used after being fallow for 2 years is 20 to 30% more prod w/less chemical help in the few years following the rest period. (Source: Dr Frank Amos, Agronomy professor, Cornell)
   b. Fallow farmland rebal soil nutr, re-est soil biota, breaks the pest and disease cycles.
3. The land under the 8 ft high panels produces grasses and wildflowers. Natural vegetation scrubs CO2 out of the atmosphere…
   a. Increases the bee population (honey bees are under severe stress…)
   b. Farmers can still raise livestock such as sheep on the land under the panels.

Panels are recyclable – containing AG, CU, CAD, INDIUM, GALIUM. All are highly valuable and easily recyc.

SP emits no toxic gases, materials, radiation or excess heat.

An additional tax rev for the town (incr diversity of revenue)

Increase in demand for skilled labor w/landscape mgt, Elect eng'eers, const labor for building and ongoing mtc. This will increase wage and salary revenue for the commun.

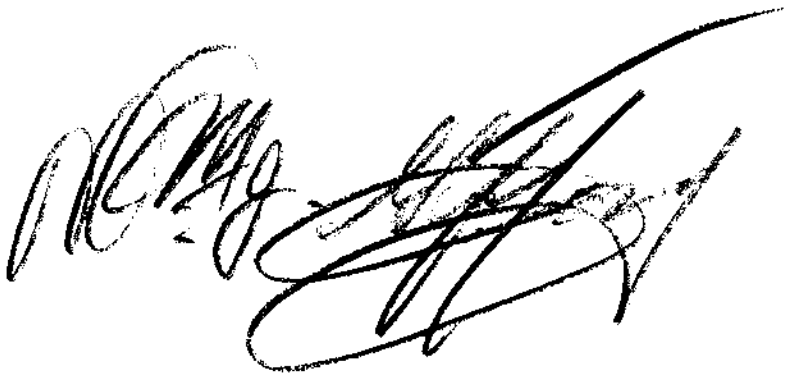
Other thoughts:

1. Property rights: why should my neighbor control what I should or should not do on or with my property as long as it's a legal activity? Our nation fought hard and was founded on the principle of basic property rights. Let me ask you a question - If you want to do something on or with your property, is it right for your neighbors to block you? I hope not. (… what have we become as a community… a nation?)

2. Business rights: if a business has researched our community and found a profitable demand for what it offers, and our community in the aggregate benefits, let the business exercise its right to build and improve itself and to build and improve our community.

We are a nation of laws and opportunities not emotions… you board members are elected to represent the best int of our commun, not the desires of a couple large donors or a close family member. Make the right decision and allow the town of M to proudly lead our commun into a fresh direction linked to our robust past.

Thank you…



SIERRA CLUB
ILLINOIS CHAPTER
70 E. LAKE, SUITE 1500
CHICAGO, IL 60601
(512) 251-1680

Benefits of Solar in Your Community

Illinois' passage of a new clean energy law (the Future Energy Jobs Act) will spur solar development across the State.

The Future Energy Jobs Act (FEJA) – otherwise known as the Clean Jobs Bill – is one of the most significant pieces of clean energy legislation to ever pass the Illinois General Assembly. It resulted from years of negotiations between utilities, consumer advocates, clean energy businesses, and environmental and environmental justice groups. It was signed into law by Governor Rauner in December 2016 and went into effect on June 1, 2017. Some programs have recently started to roll out, and we will see more programs, including the programs incentivizing solar development, opening up later in 2018.

The law requires at least 3,000 megawatts of new solar power – enough electricity to power millions of homes – to be built ***in Illinois*** by 2030. Right now, Illinois has only around 100 megwatts of solar installed in the State, most of which are rooftop/on-site systems. Due to FEJA, Illinois can expect about a 4000% increase in the development of solar across the State, bringing cleaner air, lower utility bills, economic development, job opportunities, tax base growth, and other benefits to communities all over the State.

FEJA will provide different levels of incentives to ensure that diverse types of solar projects are built, including small rooftop/on-site solar, community solar, and larger utility-scale projects, along with projects that benefit economically disadvantaged and environmental justice communities. *Ensure that your community is poised to participate in solar development and doesn't get left behind from a rapidly growing economic sector and clean energy future.*

What is Rooftop Solar vs. Community Solar vs. Utility-Scale Solar?

Solar energy can offer substantial cost savings and benefits across all types of projects. Rooftop (or on-site) systems are typically under 10 kW in size for a residential homeowner but can be larger in size for commercial and industrial customers.

Community solar projects are up to 2 MW in size and offer customers the ability to participate in and benefit from solar system who can't or don't want to install solar on their roof or property, perhaps due to roof condition, too much shading on property, living in a multi-family building, or the capital expense required for installation and/or roof repairs. Community solar participants, called "subscribers," lease or buy *a portion* of a solar project, which can be located anywhere in the same utility service territory of the subscribers and typically require around 10 to 15 acres of land. Subscribers can be homes, businesses, hospitals, schools, nursing homes, municipal buildings, or anyone with an electric bill. The electricity produced by a subscriber's share of the system is used as a credit to lower their electric bill, saving them money and allowing them to participate in the benefits of clean, renewable energy.

Larger, utility-scale projects are over 2 MW in size and produce larger outputs of solar energy, which can help maximize the achievement of environmental, energy production, local air quality, and climate protection goals, along with offering more opportunities for economic development, tax base growth, and construction and maintenance jobs.

As communities consider land use planning, permitting, and zoning requirements for solar projects, it is important to acknowledge the different types of solar projects and the different land use forms that rooftop, community, and utility-scale solar development can take, while also recognizing the multiple benefits of solar development. A one size fits all approach may not always work and may have unintended consequences of chilling community solar and other larger projects besides rooftop solar. Identifying how solar development can benefit the community will help decisionmakers determine how solar resources and projects are integrated into the community in a way that balances and protects competing development or land use forms, while not unduly or unreasonably creating barriers to solar entry.

How does solar benefit my community?

Solar development can bring a variety of benefits to the local community. These include:

- **Tax revenue for the local community**: While it depends on project size and the local tax rate, over the 30-year expected life of, for example, a community solar project, total tax revenue could be hundreds of thousands of dollars for a local community.

- **Electric bill savings:** Anyone in the same electric service territory of a community solar project will be eligible to become a subscriber. This provides the opportunity for meaningful long-term bill savings and an ability to participate in clean energy benefits. Rooftop solar customers also benefit from "net metering," a billing mechanism that credits system owners for the electricity they add to the grid, along with the energy savings that results from their system's own electricity production.

- **Local economic activity:** Solar projects involve a variety of trades and service providers, many of which may be sourced from the local community. This can include on-going landscape management, fence installation, electrical engineering, construction labor, consulting relevant to permitting, and operations and maintenance.

Solar systems do not impact property values or quality of life.

A community solar garden is a managed landscape with grass and/or wild flowers. According to the U.S. Department of Energy's National Renewable Energy Lab:

> *While the impacts of a solar farm on neighboring property values have not been studied in-depth, numerous studies found the impact of wind energy generation on neighboring property values to be negligible. As solar farms do not have the same impacts as wind farms (i.e., PV facilities do not cast a shadow on neighboring properties, cause light flicker, or have the same visual impact as wind farms), the impacts on property values caused by solar farms are anticipated to be less than the impacts of wind farms. Some communities have opted for mitigation measures to reduce visual impacts of solar farms through the use of vegetative screening or decorative fencing, since PV modules are usually mounted close to the ground (less than seven feet high).*[1]

Additionally, photovoltaic (PV) solar panels are coated with non-reflective materials designed to maximize light absorption and, as a result, minimize glare. According to a 2014 study, solar panels produce less glare and reflection than does standard window glass.[2] Regarding noise, a study conducted by Tech Environmental, Inc., for the Massachusetts Clean Energy Center, that investigated two utility-scale solar projects concludes: *Any sound from the PV array and equipment was inaudible at set back distances of 50 to 150 feet from the (project) boundary.*[3] **In fact, solar is a quiet and, typically, visually appealing neighbor that can block the path of undesirable development for decades to come.**

The same study also concludes that the electrical and magnetic fields generated by solar panels and their inverters are lower than background electrical and magnetic fields created by other devices that surround our daily lives, such as computers and cell phones, and emit fields that are several hundred times less than recommended exposure limits.

[1] National Renewable Energy Laboratory, TOP FIVE LARGE-SCALE SOLAR MYTHS (Feb. 3, 2016), *at* https://www.nrel.gov/technical-assistance/blog/posts/top-five-large-scale-solar-myths.html.
[2] Roger Colton, ASSESSING ROOFTOP SOLAR PV GLARE IN DENSE URBAN RESIDENTIAL NEIGHBORHOODS (Nov. 16, 2014), *at* http://www.fsconline.com/downloads/Papers/2014%2011%20Solar_Glare.pdf.
[3] Tech Environmental, Inc., STUDY OF ACOUSTIC AND EMF LEVELS FROM SOLAR PHOTOVOLTAIC PROJECTS (Dec. 2012), *at* http://files.masscec.com/research/StudyAcousticEMFLevelsSolarPhotovoltaicProjects.pdf.

Do solar gardens pose risks to wildlife or the surrounding community?

Photovoltaic solar gardens produce no air emissions, do not release toxic materials, and emit no radiation. Further, projects that use photovoltaic technology do not produce excessive heat. In fact, solar gardens are frequently home to nesting birds, and with the right plant and grass mix, can attract butterflies and other species.

What are the health and environmental benefits of solar energy?

Solar energy and other forms of renewable energy can replace the use of fossil fuels, such as coal and natural gas, to generate electricity. This provides significant health and environmental benefits. Burning fossil fuels release a variety of pollutants, including sulfur dioxide, nitrogen oxide, particulate matter, and mercury, which harms the environment, contributes to ozone formation and smog, and causes a variety of chronic respiratory diseases, including asthma and bronchitis, elevated occurrences of premature death, and neurological effects in children. Fossil fuels are also the single largest source of greenhouse gases, which drive man-made climate change and extreme weather events.[4]

How can communities leverage solar development to benefit your community?

As communities and counties work with solar developers to bring the benefits of solar to their residents, community advocates and municipal leaders can explore additional measures to maximize local benefits and mitigate any concerns. For instance, communities can require developers to install vegetative screening or fencing to alleviate aesthetic concerns, along with planting of certain grasses or plants underneath ground-mount solar panels to support wildlife habitat. In addition, communities may want to require local hiring, a diverse workforce, prevailing wages, along with other requirements to ensure that fossil fuel workers, communities, and individuals disproportionately harmed by the fossil fuel economy (including but not limited to communities of color, economically disadvantaged, and environmental justice communities) have equitable access to clean energy-related economic opportunities and affordable clean energy.

[4] Union of Concerned Scientists, THE HIDDEN COST OF FOSSIL FUELS (Aug. 2016), *at* https://www.ucsusa.org/clean-energy/coal-and-other-fossil-fuels/hidden-cost-of-fossils#.Ws03pIjwbIU.

US LIGHT ENERGY

June 28th, 2021

Town of Moreau Town Board
351 Reynolds Road
Moreau, NY 12828

RE: Public Hearing Comments; ADDING ARTICLE XIV, SOLAR ENERGY SYSTEMS, TO CHAPTER 149 ZONING OF THE CODE OF THE TOWN OF MOREAU

U.S. Light Energy (USLE) submits the following comments relating to the public hearing being held on 6/29/2021 to discuss the extension of L.L. No.1 of 2021.

Many considerations go into the siting and installation of a well-designed solar energy project, particularly those at the community scale (5MWac) or less. Additionally, not all electrical lines are suitable for interconnection of a project. A properly designed and thoughtfully developed project needs to consider land use, environmental and visual impacts as well as the infrastructure's potential for interconnection. However, the most challenging constraint is by far the electrical infrastructure. Adequately sized three phase electrical distribution lines and supporting substations are critical to ensuring electricity generated from these facilities can deliver value to the surrounding community. The lack of electrical distribution infrastructure significantly limits where solar energy projects can feasibly be located. It is also important to keep in mind that the recently created Office of Renewable Energy Siting (ORES) is applicable for larger projects of 20MW and up, effectively bypassing local Zoning Laws. Large projects that use the ORES process will not be bound by any local ordinance and can potentially be built wherever the larger transmission level infrastructure will allow.

In the Town of Moreau, the electrical infrastructure necessary to connect Community Distributed Generation (CDG) does not appear to align with the proposed zoning requirements. For example, the majority of the three phase electrical lines are located on Reynolds road, which is predominately zoned R-3, where solar is currently prohibited. If adopted as written, our analysis has shown only 14 parcels would be physically available to meet the proposed siting requirements and electrical need of a project. Furthermore, this does not take into account those landowner's willingness to lease for solar development. We urge the Town to consider this crucial element when assessing the impact of adopting this Solar Zoning Law as written.

Furthermore, USLE encourages the Town of Moreau to strongly consider the landowners' rights when drafting this law, and take a more parcel-focused, or "overlay" approach to project siting requirements rather than trying to fit the Law within existing zones that do not account for existing utility distribution infrastructure. Instead of limiting opportunities to a select few areas, this approach would allow an equal opportunity for landowners to host projects if they so choose, whenever their land is suitable. We believe through proper site plan review and decommissioning agreements, solar projects can deliver on the Town's Statement of Purpose without negatively impacting the quiet enjoyment of neighboring properties.

In addition, the removal of arbitrary zone restrictions will allow landowners, and farmers in particular, to diversify their sources of revenue and enhance the economic viability of existing agricultural operations. Even when solar is allowed in all zoning districts, farmland can and will remain an abundantly available and beneficial resource in the Town of Moreau. The idea that all the farmlands will be entirely or largely

US LIGHT ENERGY

June 28th, 2021

consumed by solar is a misconception and it is not realistic when factoring in the infrastructure and economic challenges faced by all solar projects. Through the use of a strong decommissioning plan, adherence to NYSDAM guidelines and SEQR criteria, lot size and coverage requirements, and the limited nature of the electrical infrastructure, restrictions such as zone and soil type are unnecessary and counterproductive while infringing on the rights of landowners to do what they believe is right for their own property and economic circumstances.

A restrictive, zone-based approach to the Solar Law will not only infringe on property owners' rights, but will limit the benefits that solar can bring to the community such as:

1. Creating additional tax revenue for the Town, County, and School District by using PILOT agreements as proposed in the current draft law;
2. Creating local jobs: during the development, installation, ongoing operations and maintenance, and legal and financial management;
3. Creating a clean, renewable energy asset in the community that has fairly static impacts and results in no additional strain on Town, County or School resources and results in no increases in traffic, lighting, public utilities, or noise;
4. Supporting the State's Energy Plan of achieving 70% renewable energy by 2030;
5. Creating an additional source of revenue to landowners who lease their land for solar development; and
6. Providing an energy credit to participating community members, businesses and the municipality, all of who can save on their electric bill by subscribing in a Community Solar project.

We strongly encourage the Town Board to reconsider the concept of an overlay district. Alternatively, given that the majority of the three phase infrastructure appears to be located within areas zoned R-3, consider incorporating the R-3 zoning district as an allowable district for solar subject to site plan and/or special use permit approval. Thank you for your continued consideration of our comments and commitment to developing a solar law in the Town of Moreau.

Sincerely,

Michael Fingar

Chief Operating Officer
U.S. Light Energy
O: (518) 288-7800 x103
mfingar@uslightenergy.com

Leeann McCabe

From: Todd Loy [redacted]
Sent: Wednesday, June 30, 2021 6:28 AM
To: Todd Kusnierz; John Hogan; Alan Vantassel; JD Donohue; Kyle Noonan; Leeann McCabe
Subject: Solar Farm Comment

I attended the community meeting last night but had to leave prior to speaking. I hope my comments can still be accepted.

I fully support the local farming community and strongly encourage the town board to ammend the current law and allow the farmers to designate portions of their land for solar farming.

Many of the speakers last night expressed their concern that prime farmland would be destroyed by these solar projects. Farmer's are struggling and while I am sure the would love to utilize their land to grow crops and raise livestock, they are having a difficult time just staying in operation. They are looking at other creative options to help them keep their farms in their family for present and future generations. Solar power will allow them to do that.

Other speakers expressed concern over the visual impact a solar farm would have. Solar farms are not just placed in the middle of a cornfield but usually tucked away discretely where visual impact is at a minimum. There is a good chance that you have driven past a solar farm before and not even realized it. I am much more concerned with the visual blight of the route 9 corridor than I am with the impact of a solar farm.

Solar farms would give our local farmers a steam of steady dependable income from a clean renewable energy source that they would use to invest in their farms and help keep them in operation for future generations.

Think about this. If a farmer closes up shop and sells out to a downstate developer none of this prime farmland would be used for farming and then none of this will even matter. If the town is sincerely concerned with protecting the farmers and the prime farmland within this community, they need to allow these farmers to dedicate a small portion of their land to solar farming.

Todd Loy
4 Primrose Avenue
South Glens Falls, NY 12803
[redacted]

Leeann McCabe

From: Lisa Sperry
Sent: Tuesday, July 6, 2021 1:21 PM
To: Leeann McCabe
Subject: FW:

FYI

Lisa A. Sperry
Confidential Secretary

Town of Moreau
Supervisor's Office
351 Reynolds Road
Moreau, NY 12828
ssec@townofmoreau.org
(518)792-1030 Ext. 6
(518)792-1062 FAX

From: Robert Vittengl AEC[redacted]
Sent: Friday, July 2, 2021 5:23 PM
To: Lisa Sperry <ssec@townofmoreau.org>; Todd Kusnierz <moreausuper@townofmoreau.org>
Cc: Alan Vantassel <avantassel@townofmoreau.org>; JD Donohue <jdonohue@townofmoreau.org>; John Hogan <jhogan@townofmoreau.org>; Kyle Noonan <knoonan@townofmoreau.org>
Subject:

Town of Moreau Board officials,

As a Town resident for over 40 years , and active in the community , I would like to make sure this written document is applied to the open meeting files for the solar in farmland public hearing. I spoke for my allotted time , but as you can see, that more time was needed to inform the board to their options.

I was surprised to see just how much mis information about the pairing of farming and solar panels that was presented at the public hearing. I would ask each board member to research these 12 articles , and 6 videos that speak the facts.

What amazing is that the is so much success in our region of the country pairing solar with diversified farming , allowing new small business to start up and thrive in a new world , that didn't exist before solar farms were installed.

You will find the following new small start ups that pair well with solar

1 Sheep grazing to control vegetation , small farmers do the mowing with sheep and get paid to do , producing a new revenue stream for the small farmer , and natural fertilization for the fields . Win – Win

2 Farmers can grow all sorts of produce , under and around the solar panels , way less watering needed , and the extra shade helps plants thrive in the overheated climate that is constantly changing to the high side . Tomatoes do extremely well under the panels , and melons thrive in front of the panels , watermelons and hand melons both 😊

3 Planting pollinator seeds between the rows of panels , and bring in the hives to thrive in this new protected area . This will open up extra revenue for farmers or they can sublease out.

#4 Growing saffron with solar. This was an experiment with UVM , and has now gone mainstream. They pair well together , and this is the most expensive spice selling from $200 to $800 per gram. That sure beats the dairy prices .

#5 The list goes on and on , but the point to be made is diversification is the key to success in this ever changing world.

Fact in the Town of Moreau in the year 1900 , town population was 2,999 people and the number of farms over 500 , renewables the town was just being built . Farms made up 80% of the Town of Moreau

Todays facts for the Town of Moreau in 2021 , town population is 16,000 plus , and the number of farms has shrunk to less than 25 , of which 65 % are related to the horse industry (this is due to the proximity of Saratoga) only a handful of operating farms .

Dairy farms 8 and shrinking
Tree Farms 1 we could use more Christmas tree farms and nursery's
Pig farms 0 lost are last one a few years back
Calf and Beef 3 holding their own
Horse farms 11 and growing (largest AG use in Saratoga Co and Saratoga County leads NYS in this field)
Orchards 0 we need a half of dozen of these
Organic vegetable farms 0 we need 15 more of these
Vegetable farms 0 we need 24 more of these
Cover crops 10 mainly for the horse population , we can afford to reduce this number .

The Town of Moreau has adopted the right to farm law , but has not offered grants or low interest loans for a new family to be able to start up a new farm, but with some loan assistance and grants , I can see several dozen new small start up popping up to make a living in Moreau.

The problem is not protecting the farms in Moreau , if the Town wanted to protect them to survive will need several hundred thousands of dollars to help them survive , and the total tax assessment of the farmland is $7,900,000 according to the Moreau Farmland Protection Plan by Chazen in 2014 , report base of agriculture in the town is 4%

On the other hand , the assessment of the 252 acres of renewables in the Town of Moreau account for over 20% of the tax base , yet has no roads , and sends no children to school. These 252 acres of renewables bring in 5 times of what all of the 3900 acres of farmland bring in , in tax revenues. I would say several hundred more acres into the renewable field will help out the Town finances for the future. Spier Falls dam has been 120 years producing electricity and paying taxes. I would think the Town would want to work with these 2 hydro operators in helping the Town secure its independence in the future. The PUC granted permit upgrades for 2 transmission lines in the town over the past 6 years for a total upgrade of almost 200 million dollars . They must feel that electricity is a priority for the region and the state .

In allowing more renewables , will put Moreau into becoming a not only a net zero community , but will be producing enough electricity for the region. Albany , Schenectady , or Troy can not make that claim , nor can Hudson , Kingston , Rhienbeck , and the list goes on.

With the retirement of Indian Point Nuclear power plant on 4/30/2021 , it was commissioned to start 10/1/62 , and this plant produced 2,000 MW of electricity , and the eminent shutting down of Ginna Plant (constructed in 1962) 580 MW , that needs to be replaced by some new source of power . As you can see , we need to offset this loss asap.

So the choice is to allow fossil fuel plants , coal , oil , Nat Gas to be built on our available acreage , to off set the loss , or allow renewables to co- exist with farms and they can both thrive together .

I would ask each board member to read and watch these articles, and report back to me any mis information .

Solar's impact on your farm and animals
https://mail.google.com/mail/u/0/#inbox/FMfcgzGkZGfQhsGqwplsgWrRgzkhgljw

Link https://www.sciencedaily.com/releases/2019/07/190729123751.htm

Article from Yale https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQhsGqqJKpWCxNKnhRNHxJ

Link Agrivoltaics https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQXmRVgQfHfppnhtKQlgkC

Link more Agrivoltaics https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQXmRVgQfHfppnhtKQlgkC

Link to pollinators https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQXlKQJRqjpTTmpxsZcbSL

Link solar and crops https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQXmRpKcMCbmSztJhhglrN

How solar and livestock work
together https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQXmRVqKHCmzLXRJpzcnfg

How pollinators work with
solar https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQXlKrgPwpjjFdkwjTvGSC

A farmers guide to going solar USDA
https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQXlKGxGpHQNxvHDbwZRpg

Link , energy and food working together https://www.pri.org/stories/2018-06-08/energy-and-food-together-under-solar-panels-crops-thrive

Growing saffron with solar in
Vt https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQXlKGxGpHQNxvHDbwZRpg

Video https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQXlKGxGpHQNxvHDbwZRpg

Sheep and solar https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQFtgHQjhHJlJmZQfLTfMT

NYS highlight / Stewarts Ice Cream solar field in Halfmoon
https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQFtgQhVkpBfxsKcglpLCM

Introducing
agrivoltaics https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQFtgZmGtVMbxCMkRdXnGV

Climate change and farming
https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQFrPSQvSnmnRKhcsKJwxL

Importance of diversifying
farming https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQFsXTHdJvZcNLWtZwLfDt

Link Ag stability thru
solar https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQFvnDxKmRxjsBhDrxWnGh

Sheep on a solar farm https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQFvmJsnBKRcmWLTBjrSfj

Ag solar growing melons in China
https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQFvmJsnBKRcmWLTBjrSfj

Beekeeper in Vt talks solar
https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQXlKrgPwpjjFdkwjTvGSC

More agvoltaics and
sheep https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfcgzGkZGfQFvlzmvgFDStpxVJvcXPB

Lets look into the future (the windshield) , not the past (rear view mirror)

Thanks in advance, for taking the time to help the Town of Moreau , grow environmentally with a nice touch of new farming opportunities.

Best ,

Bob

Robert Vittengl
Solar Consultant
[redacted]
O.[redacted]
C.[redacted]
F.[redacted]

Ann R. Purdue
11 Macory Way
Gansevoort, New York 12831
[redacted]

June 28, 2021

Honorable Town Supervisor and Members of
the Town Board of the Town of Moreau
351 Reynolds Road
Fort Edward, New York 12828

Re: Proposed Solar Power Law - Local Law No. 2 of 2021

Dear Members of the Town Board:

I would first like to express my appreciation for the time and effort that the Board has invested in the development of the draft solar power law. I support the utilization of sustainable energy resources, and I am encouraged that the Town has endeavored to promote solar power. However, I have concerns regarding certain provisions of the proposed solar law, which I respectfully submit for your consideration.

Issue: Commercial Solar Power Projects (Tier 3) in the R-5 District

By allowing the installation and operation of large-scale Tier 3 commercial solar projects in the R-5 District, the proposed law may materially impact the agricultural character of the District as well as the overall character of the community.

The R-5 District includes the bulk of the Town's active farmland and consists of over 8,300 acres. Our code currently limits permitted uses to single family residential and agricultural purposes, with the purpose of promoting, enhancing, and protecting agriculture.

Unlike Tier 1 and Tier 2 projects, Tier 3 solar power projects generally cover substantial acreage, requiring the clearing of existing forest and fields and negatively impacting the habitat for birds and other wildlife. With their fenced-in arrays, Tier 3 projects are unable to share the land with other uses. They do not co-exist with agricultural use. It is unlikely that, once taken out of agricultural use, the property will ever be returned to agricultural use.

Due to the negative impacts of such large-scale solar projects, they are usually situated on land that has limited utility or value, such as brownfields, abandoned landfills, or transportation and transmission corridors. They should not encumber property that has potential for better uses.

The value of the agriculture and the R-5 District are clearly supported by the Town's Comprehensive Plan which was updated two years ago and the Town's Farmland Protection Plan which was adopted in 2014.

The Comprehensive Plan and the Farmland Protection Plan recognize the importance of the preserving agricultural lands, for numerous reasons, including the positive contribution of such lands to the Town's rural, small town character, the Town's tax base, jobs creation and real property tax revenue, while generating little demand for public services or infrastructure. The Plans also recognize that agricultural uses are under constant threat from encroaching development.

The Comprehensive Plan sets forth the Town's goals relative to agricultural resources:

- Protect farmland and open spaces. Farmland in this case serves a dual benefit because it provides open spaces that contribute to the rural feel of the town while also serving an economic benefit by supporting crop production;
- Maintain the presence of the agricultural district as well as the protections it affords to farmers and growers in the Town of Moreau: and
- Restrict development on Prime Farmland Soils and Soils of Statewide Importance when possible.

The proposed solar power law does not promote these principles. Instead, the rationale underlying the allowance for large-scale solar power appears to be that these projects will provide farmers with another source of revenue from their farms, allowing them to afford to remain in farming. However, there is no requirement or expectation that they will continue to farm the portion of their land that is not consumed by the solar power projects. Allowing up to 40% lot coverage by solar projects, the proposed law does not consider whether farming is economically or otherwise feasible on the remaining 60%.

I understand that some owners of farmland may feel that it is unfair to restrict the use of their property. However, New York's municipalities have had the authority to establish reasonable land use and zoning regulation for decades. These regulations are intended to promote the best interests of their communities through orderly land use and development. Permitting large-scale solar to enhance revenue to the farm landowners does not promote orderly land use or development. For example, if large-scale solar is permitted, other commercial uses might be proposed - such as RV, trailer, prefab homes, auto storage and sales – to provide farmland owners with additional revenue.

In sum, the proposed allowance of large-scale solar projects represents a major divergence from the Comprehensive Plan and Farmland Protection Plan. The proposed law impacts substantial acreage of farmland. Before the law is enacted as proposed, we should carefully assess and understand the magnitude of its potential impacts on the character of our community, its tax base, habitat, and agricultural land use, through a complete Environmental Impact Study.

Issue: Providing for the Proper Operation, Management and Decommissioning of Tier 3 Projects

The proposed law requires that the operator prepare an operating and management plan and a decommissioning plan. However, these provisions should be strengthened to better ensure that the operators properly operate and decommission their projects.

Proper operation and decommissioning are important to ensure that the Town does not become the host of abandoned or poorly maintained solar projects. Such projects would constitute eyesores and inhibit the return of the property to productive use.

So, these plans need to be comprehensive and unambiguous and constitute the legally enforceable agreement of the project operator. They should be reviewed by a qualified independent consultant retained by the Town at the expense of the operator, prior to Planning Board approval.

These plans should also provide adequate financial security to provide for the cost of removal by the Town if the operator fails to do so. Solar project operators are generally shell companies, with no other assets than the projects themselves, and may not otherwise be motivated to perform their decommission obligations. Security should be subject to Planning Board review, posted prior to commencement of construction and maintained until the operator has fulfilled all its obligations. The amount and type of the security should be determined and updated periodically (every 5 years), with the assistance of an independent professional engineer retained by the Town at the expense of the operator. If the Town's costs to decommission the project exceed the security, the Town should have the right to impose a lien on the system and the underlying real estate to the extent of that excess.

Issue: Tier 3 Project Site Review Requirements

The proposed law provides for visual impact assessments and screening and landscaping plans for Tier 3 projects in the R-5 District. These requirements should apply in all districts in which Tier 3 projects are permitted.

The maximum height of Tier 3 project structures is proposed to be the same as for structures in the district in which it is situated. In the M-1 District, the maximum height is 60 feet, while commercial solar panel arrays typically are much lower (i.e., 18 feet). Concentrated solar power plants may require more substantial infrastructure than solar PV projects, but it does not appear that the proposed law intends to allow for these types of projects. So, it may make more sense to set out a specific height limit for the solar power projects.

The proposed law requires buried cable under 48 inches of cover in the R-5 District. This requirement should apply to all districts.

Issue: PILOT Provisions for Commercial Solar Projects

It is my understanding that the Town may allow the value of solar power systems to be exempt from local property tax. If it opts to exempt the solar power system value from tax, the Town might enter into a PILOT agreement with the operator. NYSERDA suggests that the PILOT payments are between 1% and 3% of the compensation that the operators receive for the power that they generate. The Town may also elect not to exempt the solar power systems.

Given that the Town has a few taxation options, it would be worthwhile to understand the impact of those options on the Town's tax revenue.

Technical Corrections and Clarifications:

I have also attached a copy of the proposed law on which I have marked some additional comments or revisions. Most of these are clerical in nature or seek clarification of the language.

I would be happy to meet with members of the Board or the Town's attorney to discuss these comments, at their convenience.

Thank you again for your efforts.

Sincerely,

Ann R. Purdue

Ann R. Purdue

cc:
Karla Buettner, Esq.
Jim Martin

LOCAL LAW NO. 1 OF 2021

ADDING ARTICLE XIV, SOLAR ENERGY SYSTEMS, TO CHAPTER 149 ZONING OF THE CODE OF THE TOWN OF MOREAU

Article XIV is added as follows:

§149-92 Authority.

This Solar Energy Systems Law is adopted pursuant to Article IX of the New York State Constitution §2(c)(8), New York Statute of Local Governments §10(5), New York Municipal Home Rule Law §10(1)(i) and (ii) and §10(1)(a)(8), and New York Real Property Tax Law §487(9). In addition, Town Law § 261 through §263 authorizes the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor."

§149-93 Applicability.

The requirements of this article shall apply to all solar energy systems installed or modified after its effective date, excluding general maintenance and repair ~~and building integrated photovoltaic systems~~. DELETE: INCLUDED IN TIER 1

§149-94 Statement of purpose.

A. This solar energy article is adopted as a new article in Chapter 149 Zoning, of the Code of the Town of Moreau to advance and protect the public health, safety, and welfare of the Town of Moreau, including:

1. Taking advantage of a safe, abundant, renewable, and nonpolluting energy resource.

2. Decreasing the cost of energy to the owners of government, commercial and residential properties, including single-family houses.

3. ~~Enhancing agricultural viability and mitigating the impact on agricultural land resources and~~ providing public utilities that meet present needs and anticipate future needs of residents; ~~and~~

4. Increasing employment and business development in the region by furthering the installation of solar energy systems.

5. Decreasing the use of fossil fuels, thereby reducing the carbon footprint of the Town;

REQUIREMENT: IDEA IN #6

6. Enhancing the economic viability of agricultural operations, while mitigating the potentially negative impact of solar power systems on agricultural land resources, including the land's productive capabilities and the rural character of the Town, in accordance with the Town's Comprehensive Plan.

7. Mitigating the permanent loss of agricultural lands to subdivision while providing alternative revenue sources to augment existing agricultural income

Delete: When use converted to commercial solar (long term lease), agric. land unlikely to be used in agric. again. Not clear that solar project is preferred over subdivision.

§149-95 Definitions.

As used in this article, the following words and terms shall have the meanings indicated:

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM
A roof-mounted solar energy system of a principal or accessory building that is designed and constructed as an integral part of the roof frame, sheathing or surface. The components of a building-integrated system may be designed to replace or substitute for architectural or structural elements of a building's roof and generally complement, blend with or form part of a building's architectural appearance. Such components will generally maintain a uniform plane with, and/or form a part of, the roofline or roofing into which they are integrated. Such a system is used in lieu of a separate solar (PV) system where components of the system are designed and attached to a building independent of building architecture. 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 skylight systems, and roofing materials.

DEFINE "PV" →

DECOMMISSIONING
The process of making a solar energy system inoperable, complete removal and proper disposal of all system components, and remediating either the land upon which the system was sited, and/or the building on or in which it was installed. Remediation may include restoration of building components, grading, seeding, replanting, and revegetating the area impacted by the removal of the system and any associated components or facilities. ADD BACK: EXCESS CONCRETE NOT TO BE BURIED OR LEFT BEHIND.

DECOMMISSIONING PLAN
A plan that demonstrates how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the property to its original state prior to construction. It ensures the property will be restored to a useful, nonhazardous condition without delay including but not limited to: Restoration of the surface grade and soil after removal of equipment, Revegetation of restored soil areas with native seed mixes, excluding any invasive species.

FARMLAND OF STATEWIDE IMPORTANCE
Land, designated as "Farmland of Statewide Importance" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of state wide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies.

Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

GLARE
The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respect.

GROUND-MOUNTED SOLAR ENERGY SYSTEM
A solar PV system that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for on-site and off-site consumption.

KILOWATT (kW)
A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used; 1,000 kW is equal to one megawatt (MW).

KILOWATT HOUR (kWh)
A unit of energy equivalent to one kilowatt of power generated or expended for one hour of time.

LOT COVERAGE
For the purpose of this Article, lot coverage includes the area covered by a solar panel or array as measured on a horizontal plane projected from the perimeter of said panel or array vertically to the ground. For panels or arrays where the tilt angle is adjusted by week, month, season or other time period, lot coverage shall be determined by the tilt angle producing the greatest lot coverage.

NET METERING
A system in which solar panels or other renewable energy generators are connected to a public utility power grid and surplus power is transferred onto to the grid, allowing customers to offset the cost of power drawn from the utility.

PRIME FARMLAND: Land, designated as "Prime Farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

PRINCIPAL USE – the main or primary purpose for which land is used, occupied, or maintained. When more than one use is present on a lot, the most intense use shall be the principal or primary use

PRODUCTIVE FARMLAND, COMMON
Land designated by the U.S. Department of Agriculture and Prime Farmland or Prime Farmland if Drained, representing land that has the best combination of physical and chemical

characteristics for producing feed, feed, forage, fiber and oilseed crops and is also available for these land uses, or Unique Soils, or land designated as Farmland of Statewide Importance by the USDA, New York State Department of Environmental Conservation or the U.S. Army Corps of Engineers.

REMOTE NET METERING
An arrangement with the electric utility that allows the kilowatt hours (kWh) generated from a solar PV system located at a specific site to be credited towards kWh of consumption at a different location.

ROOF-MOUNTED SOLAR ENERGY SYSTEM
A solar PV system consisting of panels and associated brackets and hardware installed on an existing roof of any legally permitted principle or accessory building for the purpose of producing electricity for on-site or off-site consumption.

SOLAR ENERGY EQUIPMENT
Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy as part of the solar PV system.

SOLAR ENERGY SYSTEM
The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System.

Delete CSP - Not PV System.

SOLAR ENERGY SYSTEM, TIER 3
A solar energy system that has the capacity to collect the sun's light energy to either generate one MW or more of power that feeds into the utility grid; or generate steam and drive a turbine (commonly referred to as concentrated solar power (CSP)) that generates one MW or more of power that feeds directly into the grid.

WHAT IF LESS THAN ONE MW?

SOLAR ENERGY SYSTEM, TIER 2
A solar energy system for residential, business, or farm use that has the capacity to collect the sun's light energy and generate no more than 110% of the electricity consumed over the previous 12 month period by land use(s) existing on the lot where the solar energy system is located or on multiple lots in cases where remote net metering is allowed. For new construction that does not have a twelve-month log of electricity use, a projection of electricity use over the first 12 months shall be used. For the purposes of this Chapter a Tier 2 solar energy system shall be considered an accessory use.

SOLAR ENERGY SYSTEM, TIER 1
A solar energy system for residential, business or farm that is identified as a Roof-Mounted Solar Energy System or Building-Integrated Solar Energy Systems.

SOLAR PANEL
A photovoltaic device capable of collecting and converting solar energy into electrical energy.

§149-96. Permits and Transfers.

A. Permit requirement. No solar energy system shall be constructed, reconstructed, moved, or have modifications to physical size, capacity, location or placement undertaken in the Town of Moreau except by first obtaining a building permit from the Town of Moreau Building Department.

B. Exemptions. Replacement in-kind or repair of a solar energy system may occur without Planning Board approval when there shall be:

CLARIFY: WAS IT INTENDED TO EXEMPT FROM BUILDING PERMIT?

1. No increase in total height.
2. No increase in physical size.
3. No change in location.
4. No increase in rated capacity beyond the limits defined herein.

C. Transfer. The standards of this Article and the terms or conditions for approval of any solar energy system as approved by the Planning Board under the standards of this Article shall remain in effect regardless of the transfer of any solar energy system or solar energy system permit, or sale of the entity owning such facility

§149-97 Standards for Tier 1 Solar Energy Systems.

A. All Tier 1 Solar Energy Systems shall be installed by a qualified solar installer, as determined by the Town of Moreau Building Department.

B. All Tier 1 Solar Energy Systems shall be designed, erected, and installed, operated and maintained in accordance with all applicable codes, regulations and standards set forth in this Chapter and any applicable federal, state, and county laws.

C. A building permit shall be required for installation of all Tier 1 Solar Energy Systems.

D. Tier 1 Roof-Mounted Solar Energy Systems requirements.

1. Permitted Use. Tier 1 Roof-Mounted Solar Energy Systems are permitted as an accessory use in all zoning districts without site plan

review when attached to any lawfully permitted building or structure.

2. Height. Tier 1 Roof-Mounted Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

3. Panel Location on the Roof. Tier 1 Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:

   a. Panels must be mounted parallel to the roof's surface with a maximum distance of 18 inches of separation between the roof surface and panel. (9)
   b. Panels on pitched roofs shall not extend higher than the peak of the roof.
   c. No portion of the system, including but not limited to mounting brackets, panels or hardware shall be located on any of the gable, rear wall or front wall eave (overhang) of the building.
   d. Panels on flat roofs shall not extend above the top edge of the parapet, or more than [24] inches above the flat surface of the roof, whichever is higher and shall not have an incline in excess of 10%.
   e. Panels and modules shall be listed and labeled in accordance with UL 1703 and shall be installed in accordance with the manufacturer's printed instructions.

4. Glare: All panels shall have an anti-reflective coating.

E. Tier 1 Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

§149-98 Standards for Tier 2 Solar Energy Systems.

A. All Tier 2 Solar Energy Systems shall be installed by a qualified solar installer, as determined by the Town of Moreau Building Department.

B. All Tier 2 Solar Energy Systems shall be designed, erected, ~~and~~ installed, operated and maintained in accordance with all applicable codes, regulations and standards set forth in this Chapter and any applicable federal, state, and county laws.

C. All Tier 2 Solar Energy Systems shall require site plan review and approval * by the Planning Board in accordance with Article VI of this Chapter.

* Clarify? Use same language as in §149-99 A.

D. Tier 2 Solar Energy Systems requirements.

1. Permitted Use. All Tier 2 Solar Energy Systems are permitted as accessory

structures through site plan review and approval from the Planning Board in the One- and Two-Family Residential (R-2), Agriculture, One- and Two-Family Residential (R-3, R-4, and R-5) Districts; General Commercial (C-1) District; Commercial and Communications (CC-1) District; Neighborhood Commercial (C-2) District; Residential and Commercial (C-3) District; General Manufacturing and Industrial (M-1) District; and the Light Manufacturing and Industrial (M-2) Districts.

2. Height, location, and setback requirements.

a. The height of Tier 2 Solar Energy Systems shall be limited to the maximum height of accessory structures in the district or 15 feet, whichever is less. When solar panels and mounts are oriented at maximum tilt, ~~the height shall not exceed 15 feet~~.

CLARIFY

b. All components of a Tier 2 Solar Energy System shall be located in the center of the rear yard at least 30 feet from side yard lot line. Tier 2 Solar Energy Systems are prohibited in the side or front yards.

c. Solar panels and mounts of Tier 2 Solar Energy Systems shall be positioned to minimize shading of property to the north while still providing adequate sunlight access for the panels.

NOT SURE WHAT THIS MEANS.

3. Lot coverage. Tier 2 Solar Energy Systems regardless of the lot size on which they are located are limited to a coverage area of 4,000 square feet of solar panel surface area. The surface area covered by ground-mounted solar panels shall be included in total lot coverage of the zoning district within which they are located.

4. Screening. To the maximum extent practicable, Tier 2 Solar Energy Systems are to be positioned so that maximum screening from the view of pedestrians, bicyclists and motorists on the public right-of-way, and from the view of neighboring property owners is achieved. Supplemental architectural features, berming, grading, planting and fence installation that will harmonize with the character of the property and surrounding area shall be used to screen the view of the system.

5. Glare: All Panels shall have anti-reflective coatings.

§149-99 Standards for Tier 3 Solar Energy Systems.

* → ADD EQUIVALENT OF 149-98 A. + B.

A. Tier 3 Solar Energy Systems are permitted as a primary or principal use through site plan review and approval from the Planning Board within the Agriculture One- and Two-Family Residential (R-5) District, General Manufacturing and Industrial (M-1) District; and the Light Manufacturing and Industrial (M-2) District subject to the requirements set forth in this section. Tier 3 Solar Energy Systems shall not be permitted to be constructed on Prime Farmland, farmland of statewide importance, farmland of local importance, or of unique soils as defined by the US Department of Agriculture (USDA), New York State Department of Environmental Conservation (DEC), the US Army Corps of Engineers, or

** OTHER REVISIONS NEEDED IF R-5 IS NOT PERMITTED TIER 3.

local governing body. Applications for the installation of a Tier 3 Solar Energy System shall be reviewed by the Zoning Administrator and referred, with comments, to the Planning Board for site plan review and action, which can include approval, approval on conditions, or denial. The process and submittal requirements from Article VI shall be used.

USE THIS SAME LANGUAGE FOR TIER 2

B. Site plan review application requirements. For a site plan application, the site plan application on file in the Building Department is to be used as well as the requirements from Article VI and the application shall be supplemented with the following information:

*CLARIFY: Owner and operator? OTHERS? WHAT WILL CONSENT LOOK LIKE?

1. If the property of the proposed project is to be leased, legal consent among all parties,* specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.

2. A scaled site plan showing the layout of the Tier 3 Solar Energy System, including all accessory equipment and facilities bearing the stamp and signature of a professional engineer or architect licensed by the NYS Department of Education, shall be required.

3. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

4. Special requirements for development and operation of Tier 3 Solar Energy System in the R-5 District. In consideration of the heavy concentrations of agricultural uses in the R-5 District and the overriding interest to protect agricultural uses in the Town of Moreau, the following additional requirements shall be met for any system located in the R-5 District.

   a. The applicant shall indicate on the site plan and describe in written narrative form what best management practices are being undertaken to preserve agricultural use of the land in and around the area designated for the Tier 3 Solar Energy System. Such practices include, but are not limited to, the provision of barriers to securely separate wildlife and farm animals from the solar equipment; a quantitative assessment of the agricultural lands (crop production, pasture lands, etc.) before and after installation of the Tier 3 Solar Energy System; and the inclusion of measures to maximize agricultural use of the land in and around the area of the Tier 3 Solar Energy System after the system is fully installed and operational.

REQUIRE VISUAL IMPACT ASSESSMENT FOR ALL DISTRICTS

   b. A visual impact assessment of the Tier 3 Solar Energy System at the conclusion of the first phase of development (if relevant) and at a full build-out of the system. The assessment shall include rendered images of the viewshed from publicly owned lands (parks, roads, streets, facilities), a description of the area impacted and mitigative measures taken to reduce the visual impact.

c. A screening and landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening. All screening shall be planted within each 10 linear feet of the Tier 3 Solar Energy System. To the maximum extent practicable, Tier 3 Solar Energy System are to be positioned so that maximum screening from the view of pedestrians, bicyclists and motorists on the public right-of-way, and from the view of neighboring property owners is achieved. Supplemental architectural features, berming, grading, planting and fence installation that will harmonize with the character of the property and surrounding area shall be used to screen the view of the system.

Require for all districts

d. Prior to a final decision on the site plan and as part of the review process, the applicant shall meet with the Town Assessor to discuss any tax assessment implications of the permanent conversion of the land area previously designated for agricultural purposes to accommodation of the Tier 3 Solar Energy System. The preliminary findings from the assessor shall be reported as part of the review process.

5. Property operation and maintenance plan. A separate, written plan for maintenance and upkeep of the solar equipment, associated facilities and surrounding land shall be required. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming. An escrow account or letter of credit will be required to cover the expenses associated with funding the maintenance plan in the event the applicant or designated responsible entity is not able to fulfill the terms of the maintenance plan as required as part of the site plan review.

6. Decommissioning plan. Removal of Tier 3 Solar Energy Systems must be completed in accordance with a written decommissioning plan. The decommissioning plan shall specify the procedure for decommissioning, dismantling and complete removal of the solar equipment and associated facilities. The decommissioning plan will ensure the proper removal of all Tier 3 Solar Energy Systems and associated equipment and restoration of the site to a stable, vegetated condition. The requirements of the decommissioning plan (the plan) shall be as follows:

Require binding, enforceable agreement among owner, operator & Town

a. The plan shall be submitted as part of the application.

b. Compliance with the plan shall be made a condition of a decision on the associated site plan review application.

c. The plan must specify that should the system become inoperable or can no longer be used, it shall be removed by the applicant or any subsequent owner at their expense.

d. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation will be conducted to return the parcel to its original state prior to construction.

e. The plan shall include a timeline for execution.

f. The plan shall include a provision of a cost estimate detailing the projected cost of executing the decommissioning plan. The cost estimate shall be prepared by a professional engineer or contractor retained by the Town at the sole cost and expense of the applicant. The cost estimate shall consider inflation so that costs are adequately covered through a future date to be determined by the Planning Board.

Will estimate be subject to review over time? May increase security if cost increases?

g. The amount to fully cover the cost of the decommissioning the Tier 3 Solar Energy System shall be secured in the form of a cash escrow account or letter of credit. The form of security shall be reviewed by the Town Attorney and accepted by the Planning Board.

h. If the Tier 3 Solar Energy System is not properly decommissioned after the Town deems the system to be abandoned, the Town may remove the system, restore the property as specified in the decommissioning plan and impose a lien on the property to cover the costs for the decommissioning.

✓ i. The plan shall be signed by the owner and/or operator of the Tier 3 Solar Energy System.

C. Site plan review standards.

Review: Could be 60 ft in M-1? 30 ft in R-5?

1. Height and setback. Tier 3 Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.
2. Lot size. Tier 3 Solar Energy Systems shall be located on lots with a minimum lot size of 10 acres.
3. Lot coverage. The percentage of lot coverage will vary depending upon the zoning district in which the system is to be located.

    a. In the M-1 and M-2 Districts, lot coverage may be up to 40 percent of the gross area of each lot on which system components will be located. System components shall not be located in any designated wetland area or wetland buffer.

    b. In the R-5 District, lot coverage may be up to 40 percent of the gross area of each lot on which system components are to be located. System components shall not be located in any designated wetland area or wetland buffer.

4. All ground-mounted, Tier 3 Solar Energy Systems shall be enclosed by fencing, a

minimum of six feet high and a maximum of eight feet high, to prevent unauthorized access. Warning signs with the owner's contact information shall be placed at each entrance of the fencing. The type of fencing shall be determined by the Planning Board after considering the nature, use and visual or aesthetic impacts on adjoining properties. The fencing and the system may be required to be further screened by landscaping to avoid adverse aesthetic impacts as determined by the Planning Board.

5. Any application under this section shall meet any substantive provisions contained in local site plan requirements in the Zoning Chapter that, in the judgment of the Planning Board, are applicable to the system being proposed.

6. A vegetative management plan detailing development, implementation, and maintenance of native vegetation to the extent practicable by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, native plant species and seed mixes shall be used.

shall be submitted with property operation and maintenance plan

7. Installation on farms shall abide by rules, standards and regulations established by NYSDAM. The construction and installation of any energy system shall be designed to minimize any adverse impacts on the productivity of the soil and the farm operation

8. Existing access roads are permitted to be utilized. Any new access roads are to be located along the edge of agricultural fields, in areas next to hedgerows and field boundaries and in the nonagricultural portions of the site to the extent practicable. The width of access roads across or along agricultural fields is to be no wider than 20 feet so as to minimize the loss of agricultural lands and comply with the State of New York fire access code. The surface of solar farm access roads to be constructed through agricultural fields should be level with the adjacent field surface where possible.

9. Structures for overhead collection lines are to be located upon the nonagricultural areas and along field edges where possible. Electric interconnect cables and transmission lines are to be buried in agricultural fields wherever practical. ← WHAT IF NOT ON AGRIC. LAND? Interconnect cables and transmission lines installed aboveground shall be located outside agricultural field boundaries. When above-ground cables and transmission lines must cross agricultural fields, taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable. All buried electric cables in cropland, hayland and improved pasture shall have a minimum depth of 48 inches of cover. At no time is the depth of cover to be less than 48 inches below the soil surface. ← SHOULD THIS BE REQUIRED IN ALL DISTRICTS?

CLARIFY NOT A SENTENCE →

10. The Planning Board may impose conditions on its approval of any site plan under this section in order to enforce the standards referred to in this section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

at a rate of at least 80% of its rated capacity.

§149-100 Abandonment and decommissioning.

A. Tier 3 Solar Energy Systems shall be deemed abandoned after 1 year without electrical generation and transmission. A Tier 3 Solar Energy System also shall be deemed abandoned if following site plan approval initial construction of the system has commenced and is not completed within 18 months of issuance of the first building permit for the project.

B. Extension of time. The time at which a Tier 3 Solar Energy System shall be deemed abandoned may be extended by the Planning Board for up to an additional period of one year, provided the system owner presents to the Board a viable plan outlining the steps and schedules for placing the system in service or back in service, at no less than 80% of its rated capacity, within the time period of the extension. An application for an extension of time shall be made to the Planning Board by the Tier 3 Solar Energy System owner prior to abandonment as defined herein. Extenuating circumstances as to why the Tier 3 Solar Energy System has not been operating or why construction has not been completed may be considered by the Board in determining whether to grant an extension.

C. A Tier 3 Solar Energy System that has been deemed abandoned shall be decommissioned and removed as per the decommissioning plan. The decommissioning plan must be completed within 360 days of notification by the Building Department to the owner of the Tier 3 Solar Energy System.

D. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the bond and/or security for the removal of the Tier 3 Solar Energy System and restoration of the site in accordance with the decommissioning plan.

ALLOW TOWN LIEN FOR EXCESS COST.

§149-101 Payment in Lieu of Taxes (PILOT)

CONFUSING: Please explain how this works; IMPACT ON TAX REVENUE?

A. Purpose

This section of the Moreau Solar Law is adopted to ensure that the benefits of the community's solar energy resource are available to the entire community, by promoting the installation of solar energy generating equipment through a payment-in-lieu-taxes (PILOT), granting reduced costs to system developers and energy consumers, and providing a revenue stream to the entire community.

B. Definitions

ANNUAL PAYMENT - the payment due under a PILOT Agreement entered into pursuant to Real Property Tax Law § 487(9).

ANNUAL PAYMENT DATE - January 1st of each year

CAPACITY - the manufacturer's nameplate capacity of the Solar Energy System as measured in

kilowatts (kW) or megawatts (MW) AC

ENERGY EQUIPMENT - means collectors, controls, energy storage devices, heat pumps and pumps, heat exchangers, windmills, and other materials, hardware or equipment necessary to the process by which solar radiation is (i) collected, (ii) converted into another form of energy such as thermal, electrical, mechanical or chemical, (iii) stored, (iv) protected from unnecessary dissipation and (v) distributed. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building. It does include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards required by New York law

OWNER - the owner of the property on which a Solar Energy System is located or installed, or their lessee, licensee or other person authorized to install and operate a Solar Energy System on the property

RESIDENTIAL SOLAR ENERGY SYSTEMS - a Solar Energy System with a nameplate generating capacity less than 50 kW AC in size, installed on the roof or the property of a residential dwelling (including multi-family dwellings), and designed to serve that dwelling.

SOLAR ENERGY SYSTEM - an arrangement or combination of Solar Energy Equipment designed to provide heating, cooling, hot water, or mechanical, chemical, or electrical energy by the collection of solar energy and its conversion, storage, protection and distribution.

C. PILOT Required

1. The owner of a property on which a Solar Energy System is located or installed (including any improvement, reconstruction, or replacement thereof), shall enter into a PILOT Agreement with the Town consistent with the terms of this section, except for

a) Residential Solar Energy Systems

b) Solar Energy Systems that do not seek or qualify for an exemption from real property taxes pursuant to Real Property Tax Law § 487(4).

2. The Lessee or licensee of any owner of a property required to enter into a PILOT Agreement by this section, which owns or controls the Solar Energy System, may enter into the PILOT Agreement on behalf of the owner of the property.

3. Any owner or developer of a Solar Energy System that meets the requirements under Real Property Tax Law 487(4) MUST notify the Assessor via certified mail of its intent to construct a Solar Energy System. Such notice must be sent to: Assessor, Town of Moreau, 351 Reynolds Road, Moreau, New York 12828. Upon receipt of such notification from an owner or other person of intent to install a Solar Energy System, the Assessor shall immediately, but in no case more than sixty days after receipt of the notification, notify the owner or other person of the mandatory required for a PILOT Agreement pursuant to the terms of this section.

4. In the event of the failure of an owner, developer or other person of a Solar Energy System to provide the Town within the sixty (60) days' notice of intent to install such Solar Energy System as required by the above Subsection 3 the Town may, at its option, require the owner, developer or other person to enter into a PILOT Agreement for the full amount of the real property taxes that would otherwise be due but for the real property tax exemption authorized by Real Property Tax Law 487.

5. The failure or refusal of an owner, developer or other person of a Solar Energy System to enter into and execute a PILOT Agreement with the Town as required by this law shall result in the real property on which such Solar Energy System is situated being ineligible for the real property tax exemption authorized by Real Property Tax Law 487.

6. Nothing in this section shall exempt any requirement for compliance with state and local codes for the installation of any solar energy equipment or a solar energy system, or authorize the installation of any solar energy equipment or a solar energy system. All solar energy systems must file a Real Property Tax Exemption application pursuant to Real Property Tax Law § 487 to receive a tax exemption.

7. The Annual Payments under the PILOT Agreement shall not exceed the amounts that would be otherwise payable but for the exemption under Real Property Tax 487 as the same may be amended, superseded or replaced.

D. Contents of PILOT Agreements

1. Each PILOT Agreement entered into shall include

a. Name and contact information of the Owner or other party authorized to act upon behalf of the Owner of the Solar Energy System.

b. The SBL number for each parcel or portion of a parcel on which the Solar Energy System will be located.

c. A requirement for fifteen successive annual payments, to be paid commencing on the first Annual Payment Date after the effective date of the Real Property Tax Exemption granted pursuant to Real Property Tax Law § 487 as the same may be amended, superseded or replaced.

d. The Capacity of the Solar Energy System, and that if the Capacity is increased or increased as a result of a system upgrade, replacement, partial removal or retirement of Solar Energy Equipment, the annual payments shall be increased or decreased on a pro rata basis for the remaining years of the Agreement.

e. That the parties agree that under the authority of Real Property Tax Law § 487 as the same may be amended, superseded or replaced, the Solar Energy System shall be considered exempt from real property taxes with the exception of special district fees for the fifteen-year life of the PILOT Agreement.

f. That the PILOT Agreement may not be assigned without the prior written consent of the Town which consent may not be unreasonably withheld if the Assignee has agreed in writing to accept all obligations of the Owner, except that the Owner may, with advance written notice to the Town but without prior consent, assign its payment obligations under the PILOT Agreement to an affiliate of the Owner or to any party who has provided or is providing financing to the Owner for or related to the Solar Energy System, and has agreed in writing to accept all payment obligations of the Owner.

g. That a Notice of this Agreement may be recorded by the Owner at its expense, and that the Town shall cooperate in the execution of any Notices or Assignments with the Owner and its successors.

h. That the Annual Payment shall be set per resolution by the Town Board at the Organizational Meeting.

i. That if the Annual Payment is not paid when due, that upon failure to cure within thirty (30) days, the Town may cancel the PILOT Agreement without notice to the Owner, and the Solar Energy System shall thereafter be subject to taxation at its full assessed value.

j. In addition, if the Annual Payment is not paid when due, a late fee equal to twelve (12%) percent of the amount due shall be assessed on an annual basis.

§ 149-102 Penalties for offenses.

Any violation of this solar energy article shall be subject to the same civil and criminal penalties provided for in the zoning regulations of the Town of Moreau.

§ 149-103 Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

From: Robert Vittengl AEC [redacted]
Sent: Thursday, July 15, 2021 9:06 AM
To: Todd Kusnierz <moreausuper@townofmoreau.org>; Lisa Sperry <ssec@townofmoreau.org>; Kyle Noonan <knoonan@townofmoreau.org>; John Hogan <jhogan@townofmoreau.org>; JD Donohue <jdonohue@townofmoreau.org>; Alan Vantassel <avantassel@townofmoreau.org>
Subject: please add to public comment for open hearing for solar in Moreau

Lisa , Please add these comments on the public comment for the Town of Moreau Solar on farmlands public hearing minutes , and also the research for the record.

I am Robert Vittengl , resident of the Town of Moreau , former Town Councilman , and a concerned citizen for the environment.

My Dad started a farm tractor business (Ford farm equipment) in Town over 60 years ago , when the Town had hundreds of farms , and a much smaller population , and I had the opportunity as a small boy from the age of 12 or so , to tour most of the farms in the town with my Dad , while he was doing sales and service business with the local farmers. I have a keen understanding of the make up of the Town of Moreau.

Since the public hearing I have spent several days researching both the solar and agricultural markets ,and I wish to provide the following facts provided by folks much smarter than me , and I want to make sure you as town officials do the same research so you will be able to make and educated decision on this important subject.

As you will find , solar is the secret sauce in priming the pump , to get dozens of new small farmers started right here in Moreau. Sheep Grazing , Beekeepers , Pollinator farms for fruits and vegetable farms , and Free range chicken farms are just the start of what is in the future for our farm base when we add solar and farming as a mix.

I would like to add in the research info on this from Cornell , The Atkinson Center for Sustainability , the link is below
Link https://solargrazing.org/cornell-university/

Link
https://mrec.org/files/2020/02/Barter.Ag_.Econ_.AndEnvPotentialOfColocateUtilityScaleSolarWithSheep.2020.pdf

I would also like to add the research on Solar Grazing as an emerging field , with research from Oregon State University , National Renewable Energy Laboratory (amazing facility I toured in Colorado) , some International research , Cornell University right here in New York , and finally several private research institutions in the link below
Link https://solargrazing.org/resources/

I would also like to add the link to NYSERDSA study to co located solar with agriculture , here you can also get on the mailing list to keep the board up to speed with all of the research on this field
Link https://solargrazing.org/nyserda/

This organization seem to have everything on one page you need , sample contracts for farmers , legal info from PACE University , and tons of research , and this organization is right here in New York State
Link https://solargrazing.org/

The last fact is we need to discuss is as follows year 1898 year 2021

Town population	2,999	16,000
Number of farms in Moreau	500 plus	less than 30

Number of acres of farm in Moreau in 2021 3,950 acres tax base 4% Number of acres of renewables 252 acres tax base over 20%
It appears that the town finances benefit far better with renewables than farm land with hardly any needs , zero students to school , minimal roads to plow , etc.

The Town also enjoys over 8,000 acres of Town , County , and State parklands .

Renewables (all forms Hydro , Solar , and Wind should be embraced by the Town , as we could be a leader in developing a net zero community with sustainability and security that few towns in the nation could offer.)

The make up of energy as of 2019 in New York State was renewables 29% , nuclear 30% , 41 % balance was Nat Gas , and Biofuels. Since then Indian Point Nuclear Plant was shut down and this provided 2/3 of the nuclear power , Gina is scheduled to close soon (it is on life support) and by 2030 there will be zero nuclear power available . NYPA predicts that the amount of energy for New York will double by 2040 , so you can see the dilemma we are in without more renewables coming on line quickly . Check out this strategic plan information from NYPA below
linkhttps://www.nypa.gov/news/press-releases/2020/20201209-strategicplan

Last , if there is any misinformation here , please let me know so I can correct .

Thank you!

Leeann McCabe

From: Lisa Sperry
Sent: Sunday, July 18, 2021 9:21 PM
To: Leeann McCabe
Subject: Fwd: Solar in Moreau

FYI

Sent from my iPhone

Begin forwarded message:

> **From:** Sean Marry [redacted]
> **Date:** July 18, 2021 at 8:21:05 AM EDT
> **To:** Todd Kusnierz <moreausuper@townofmoreau.org>
> **Cc:** John Hogan <jhogan@townofmoreau.org>, Alan Vantassel <avantassel@townofmoreau.org>, JD Donohue <jdonohue@townofmoreau.org>, Kyle Noonan <knoonan@townofmoreau.org>
> **Subject: Solar in Moreau**
>
> Mr. Kusnierz,
>
> I think that "prime farmland" should be taken out of the bylaw proposal and the bylaws are to strict. I support solar in Moreau!
>
> Thank you,
> Sean Marry
> 15 Royal Pines Dr.
>
> Sent from my iPhone

There has been an ongoing dialogue in the Town of Moreau as to whether solar installations should be allowed in areas of the Town where there exist Prime Farmlands. Presently, no uses in any of the zoning districts within the town are regulated based upon the presence or absence of Prime Farmlands.

The proposed addition to the zoning code would absolutely prohibit solar installations of 1 MW or more upon farmlands, while not prohibiting any other uses upon such farmlands. That means that, within the R-5 zoning district, residential subdivisions, golf courses, municipal buildings, quarries, gravel pits, RV parks, cemeteries and many other permitted uses can be established without regard to whether such uses are situated upon Prime Farmlands. Only solar installations would be absolutely prohibited, notwithstanding that solar installations can be constructed in a manner which preserves the underlying farmland and which is compatible with the simultaneous use of such lands for agricultural purposes.

Rather than absolutely prohibiting solar installations on farmlands in the R-5 zoning district, the Town should do what it does with the permitted uses referenced above, namely, allow solar uses with a special use permit obtained from the Zoning Board of Appeals. Among other things, that will assure that any solar installation placed in the R-5 zone will be "of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts or reduce property values" (Town of Moreau Town Code Section 149-32 (1)).

Despite wishful thinking to the contrary, farming in the Town of Moreau is on the wane, and to preserve their agricultural livelihoods our existing farmers must be afforded every opportunity available to make their properties productive. ----Mark Lebowitz

SWEENEY | LAW FIRM
16 Keith Road, Delmar, New York 12054
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Mark T. Sweeney, Esq.
Phone: 518.461.6838
mark@mtsweeneylaw.com

July 19, 2021

Via E-Mail and Regular Mail

Town of Moreau Town Board
351 Reynold Road
Moreau, New York 12828
Attn: Hon. Theodore T. Kusnierz, Jr.

Re: Seaboard Solar Operations LLC Comments to Proposed LOCAL LAW NO. 1 OF 2021, Adding Article XIV, Solar Energy Systems, to Chapter 149 Zoning of the Code of the Town of Moreau

Dear Supervior Kusnierz and Members of the Town Board:

We represent Seaboard Solar Operations, LLC ("**Seaboard**"), a renewable energy company that specializes in the development of community solar and utility-scale solar projects throughout the Northeast. Seaboard's experience includes the development of more than 40 solar projects in five states. In total, Seaboard's portfolio of projects generates more than 100 total megawatts ("**MW**") of solar energy, which is enough to power more than 10,000 homes.

As you may know, Seaboard is currently assessing the potential development of a solar energy production facility ("**Facility**" or "**Project**") located at 285 Selfridge Road ("**Site**") in the Town of Moreau ("**Town**"). The Project will produce approximately 5 megawatts ("**MW**") of solar energy and includes the preservation of +/- 28 acres on one vacant parcels of land, totaling approximately +/- 55.11 acres in size. The +/- 28 acres would be preserved as is. Additionally, Seaboard plans to utilize a bee-pollinator friendly hydroseeding mix as aground-cover, which would enable local farmers to utilize the project for beekeeping.

In conjunction with our evaluations of the Site, Seaboard has been following the Board's deliberations over Local Law #2 of 2021 – Solar ("**Draft Solar Law**") and had staff in attendance at the public hearing on the proposed Draft Solar Law at its scheduled meeting on June 29, 2021 ("**Public Hearing**"). Seaboard has reviewed the Draft Solar Law and respectfully offers the following comments to assist the Town Board in its consideration of the Draft Solar Law.

- **Section §149-99 Standards for Tier 3 Solar Energy Systems** - Section 149-99 (A) of the Draft Solar Law establishes areas where solar projects are permitted and in the next sentence establishes a prohibition that will effectively preclude siting Tier 3 Solar Energy Systems solar systems in those very designated areas. This is because most of the properties located in the R-5, M-1 and M-2 zoning districts are conformed by properties with Prime Farmland soils as defined in the Draft Solar Law. These restrictions have a significant impact on project viability and can be further exacerbated by parcel shape and topography issues that often arise in the context of solar project

development. Moreover, such a blanket prohibition may have the unintended consequence of effectively prohibiting solar development in areas the Town has designated for solar energy thus frustrating the achievement of the goals set forth in §149-94 of the Draft Solar Law.

The proposed limitation of installing Tier 3 Solar Energy Systems on Prime Farmland greatly reduces the number of parcels that would be feasible within the very areas of Town which the Town Board has deemed acceptable for solar energy projects (i.e., Agriculture One- and Two-Family Residential (R-5) Districts; General Manufacturing and Industrial (M-1) Districts; and the Light Manufacturing and Industrial (M-2) Districts). It is reasonable to presume this restriction was intended to protect the agricultural resources of the Town, however, we respectfully submit that such a goal can be accomplished without the effective elimination of solar energy production from these areas entirely. Not only is such a requirement atypical of what many municipalities have implemented, but we also respectfully submit that it is unnecessary due to the relatively low impact of solar facilities to such resources as compared to other uses.

The compatibility of solar energy projects and the preservation of agricultural soils has been of prime concern to NYSERDA and the NYS Dept. of Agriculture and Markets ("NYSDAM"). As a result of these agencies work, restrictive guidelines for the development of solar projects in areas where agricultural resources are present have been prepared and must be followed during development. In addition, if local approvals are received, it remains necessary to apply to NYSDAM for review and consideration. This process is to ensure that such projects will serve the dual goals of the development of clean renewable energy which will positively affect climate conditions and the ability of agricultural operations to continue in the long-term as well as avoiding the unnecessary loss of agricultural resources, community character and culture in municipalities. We acknowledge that these efforts on the state level do not preclude the Town Board from enacting its own requirements but respectfully submit that this particular provision of the Draft Solar Law defeats the Town's ability to achieve both the goals of the State and Moreau's stated purpose of the Draft Solar Law.

We respect the importance of the Town's efforts to preserve the agricultural resources and respectfully submit that these goals can be achieved with a more narrowly drafted provision to address the potential loss of agricultural resources. Law Under the Draft Solar Law, (a) all Tier 3 solar projects are required to be decommissioned and the area restored when no longer in use, (b) the Town will review and approve a decommissioning plan as part of the approval process, (c) decommissioning security in the form of a cash escrow or letter of credit must be provided, and most significantly, (d) submit a plan and narrative setting forth the Best Management Practices to be undertaken to preserve the agricultural use of the land, assessments of appropriate wildlife barriers and an assessment of agricultural lands before and after installation of the solar projects. These requirements are entirely consistent with the designation of these zoning districts as suitable for solar energy development and to ensure agricultural resources are not unduly impacted as set forth in the Draft Solar Law. These provisions, together with the NYSDAM guidelines and review of impacts to agricultural resources, will be of paramount importance during review of solar project applications. To the contrary, given the widespread nature of the prime farmland soils throughout these designated zoning districts, these provisions, if they remain unchanged, will be entirely moot and never be applied to determine whether a particular project is appropriate due to the effective and complete prohibition of solar energy projects in such areas. We respectfully submit that, if unchanged, the Draft Solar Law itself will prevent the Town from securing the dual benefits of responsible management of agricultural resources and clean, renewable solar energy.

Additionally, we respectfully submit that real, practical limitations exist in the Town that make it unnecessary for the Town to adopt such a blanket prohibition to protect its agricultural

resources. There are currently existing impediments to solar development that already limit the viability and feasibility of solar projects, such that a proliferation of solar development within the Town is unlikely. Specifically, there are relatively few areas in the Town where solar projects can be developed and interconnected to the grid because of overloaded lines in the area[1]. These overloaded lines alone restrict solar development in the Town, and when combined with the restrictions in the Draft Solar Law, could potentially prevent the development of any future commercial solar projects, which would be contrary to the state's renewable energy goals, Town policy as articulated in the Draft Solar Law, and would reduce overall tax revenue flowing to the Town from these projects. Incorporating the revisions suggested herein will help to ensure continued viability for well-sited solar project development within the Town, while at the same time ensuring minimal impact to agricultural resources and the health, safety, and welfare of the community.

Based on the above, we respectfully submit that the careful evaluation of solar projects on a case-by-case basis as called for in the Draft Solar Law (outside of §149-99) will enable the Town to permit only those projects that meet its standards. For example, Seaboard's Site and Project meet all the requirements stated in the Draft Solar Law except for the prohibition of Tier 3 Solar Energy Systems from areas of Prime Farmland. Additionally, as the Site is not currently used for farming activities and because it would be required to decommission the project and restore the property per the plan approved by the Town, impacts to the soils quality can be minimized and the Project would not be eliminating any current or possible future farming activity on the Site.

We respectfully suggest that the Draft Solar Law be revised to eliminate the prohibition of installing Tier 3 Solar Energy Systems of Prime Farmland within the zoning districts where it has been deemed to be a permitted use. In the alternative, the Draft Solar Law should be amended to allow an applicant an option to seek a Waiver from this requirement, in which the Board would be able to treat each project on a case-by-case scenario and ensure the requirements of §149-99 are met such that the agricultural resources will be appropriately protected. We believe this suggested revision is more in line with the Town's stated policy, as articulated in the Draft Solar Law, recognizing the value of solar development, while still taking into account the mitigation of any potential project impacts.

Seaboard is appreciative of the opportunity to present its comments to the Town Board to assist in its consideration of the Draft Solar Law, and we look forward to discussing these comments further at the following Town Board meeting.

If you have any questions, please feel free to contact me directly. Thank you for your consideration.

Respectfully submitted,

Mark T. Sweeney

cc: Moreau Town Board Members (via email only)
Karla Williams Buettner, Esq., Town Attorney (via email only)
Pedro Rodriguez, Seaboard (via email only)
Matthew Longman, Seaboard (via email only)

[1] Seaboard has prepared a comprehensive analysis of the interconnection issues that limit solar development in the Town, a copy of which is attached to this letter as Exhibit A for your ease of reference.

EXHIBIT A

Seaboard Solar Operations LLC Solar Feasibility and Interconnection Viability Report in the Town of Moreau, New York

The intent of this report, prepared by Seaboard Solar Operations LLC, is to provide the Town of Moreau with a brief overview of solar viability within the town based on present interconnection conditions as of July 2021.

The Town of Moreau's electrical needs are provided by substations and distribution lines a combination of 3-Phase Lines and Single-Phase lines owned and operated by National Grid. Arrays under 20 MW can only interconnect into the standard 3-phase 13.2 kV lines, 34.5 kV, and 46 kV sub-transmission lines that will be explained further on. Solar arrays cannot interconnect into Single-Phase lines, but it is possible although expensive for Single Phase lines to be upgraded to 3-Phase lines. Because of the high cost of those upgrades most developers are looking at properties within one mile of 3 phase lines that have the capacity to support a system.

Solar arrays provide a clean alternate source of energy to this electrical service system that is produced at the project location and consumed in its vicinity. Therefore, the generation created by a solar project built within the town will technically be used by the businesses and citizens of the Town of Moreau. These projects are limited by the available capacity in the substations and distribution lines. Due to the low feasibility of locating any project within the Town of Moreau near the distribution lines derived from substations located outside of the town's borders, this analysis will focus on two substations located in the Town of Moreau, the Butler Substation and the Farnan Substation, and their distribution lines that comprise the vast majority of Moreau's electrical infrastructure.

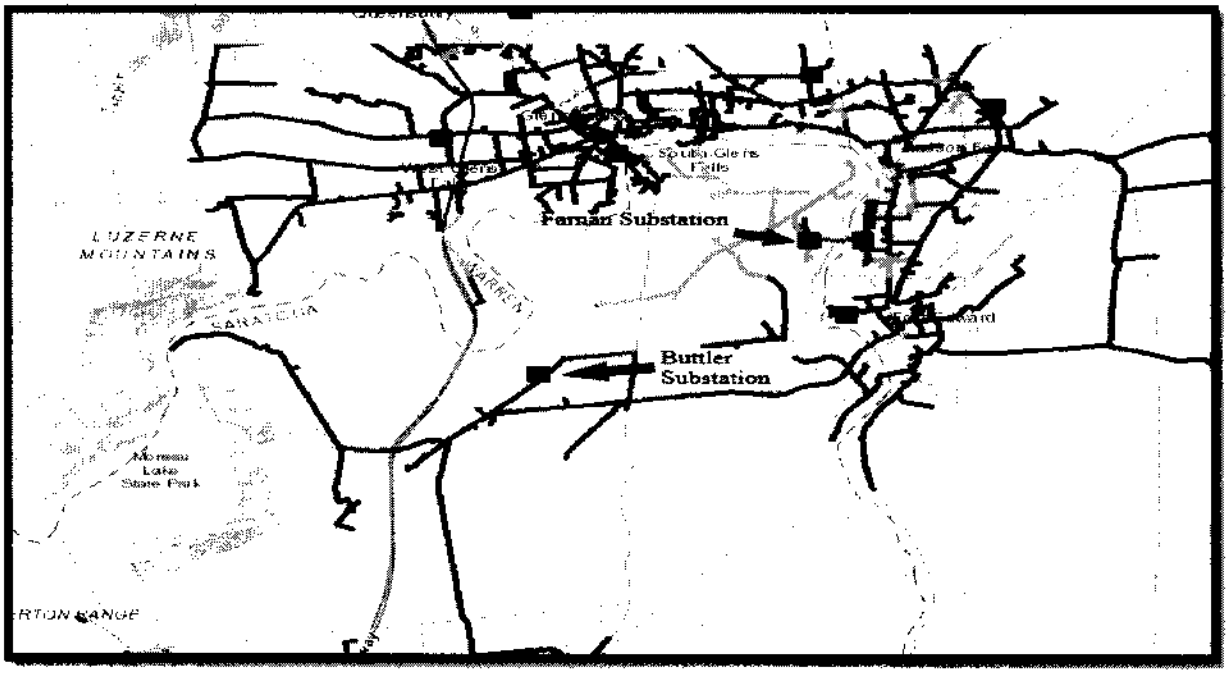
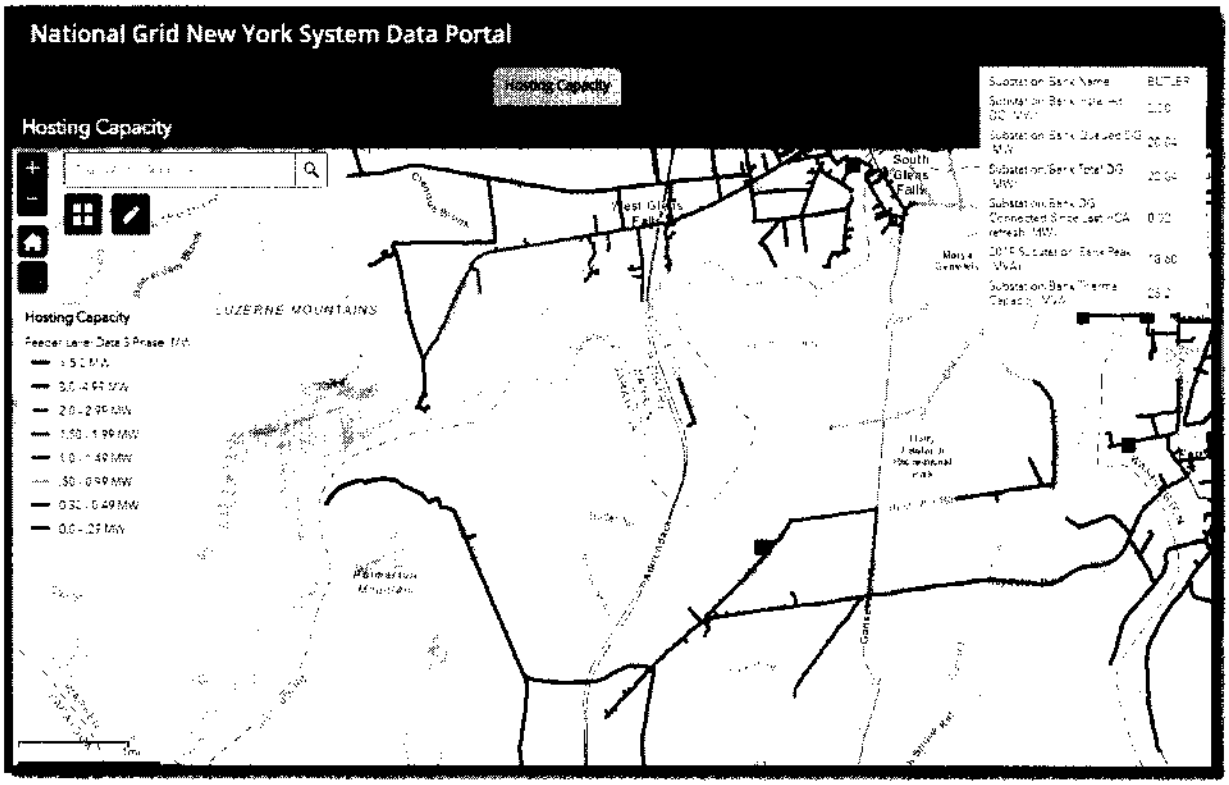


Figure 1 above *National Grid's Electricity 3-phase Infrastructure located in the Town of Moreau. The majority of electricity infrastructure that services the town is derived from Butler and Farnan Substations.*

For all New York State utility companies, including National Grid, the governing factor that limits the amount of distributed energy resources (DER), including solar and wind energy systems are set by the thermal capacity rating (MVA) of the substation transformer. On top of this, each individual distribution feeder (Butler has 2 separate feeder) is limited to a maximum of 10 MW of distributed energy resources, including wind and solar energy.

Figure 2 below shows the Butler Substation and its distribution lines with the substation data that indicates the Thermal Capacity rating to be 25.20 MVA. The total energy resources connected or planned for connection is currently 22.04 MW (Substation/Bank Total DG), which severely limits additional distributed energy resources from connecting. Furthermore, the color of the distribution lines indicates that a majority of them are saturated leaving few remaining areas conducive to interconnecting any energy resource. By viewing this data, we are able to conclude



that it would be extremely difficult to add additional distributed energy resources, which include solar or wind, to the Butler substation.

Figure 2 above Butler Substation and distribution lines covering Eastern Moreau.

The same analysis that was done for the Butler substation was also performed on the Farnan substation. *Figure 3* below shows the Farnan Substation and its distribution lines with the substation data that shows the Thermal Capacity Rating to be 5.25 MVA. The total energy resources connected or planned for connection is currently 5.08 MW (Substation/Bank Total DG), which eliminates additional distributed energy resources from connecting, as the cost to upgrade any substation far outsizes the profits of the project. In addition to this, the majority of distribution lines within the town of Moreau are red, indicating saturation, and the remaining capacity on this substation would most likely be filled in neighboring towns due to the greater number of less saturated distribution lines outside of Moreau. By viewing this data, we are able to conclude that it would be incredibly difficult for a developer to add additional distributed energy resources located within the Town of Moreau to the Farnan Substation.

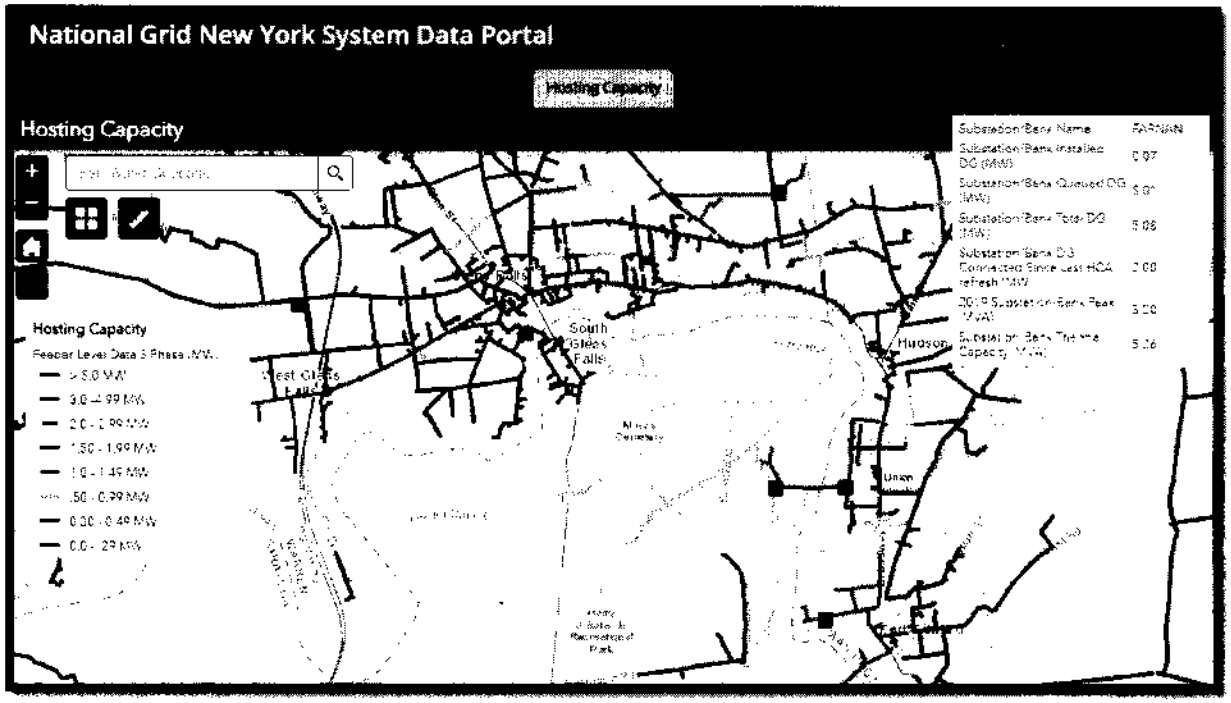


Figure 3 Farnan above Substation and distribution lines covering northern Moreau.

In the state of New York there is another way to interconnect a solar array into the grid via, a 34.5 kV sub-transmission feeder. These special feeders are rare in the state of New York and we believe that there are no 34.5 kV sub-transmission lines in the town of Moreau. Figure 4 and 5 show the areas where NGRID owned transmission lines are located in the town of Moreau, and most of the voltages for those lines are 115 kV lines.

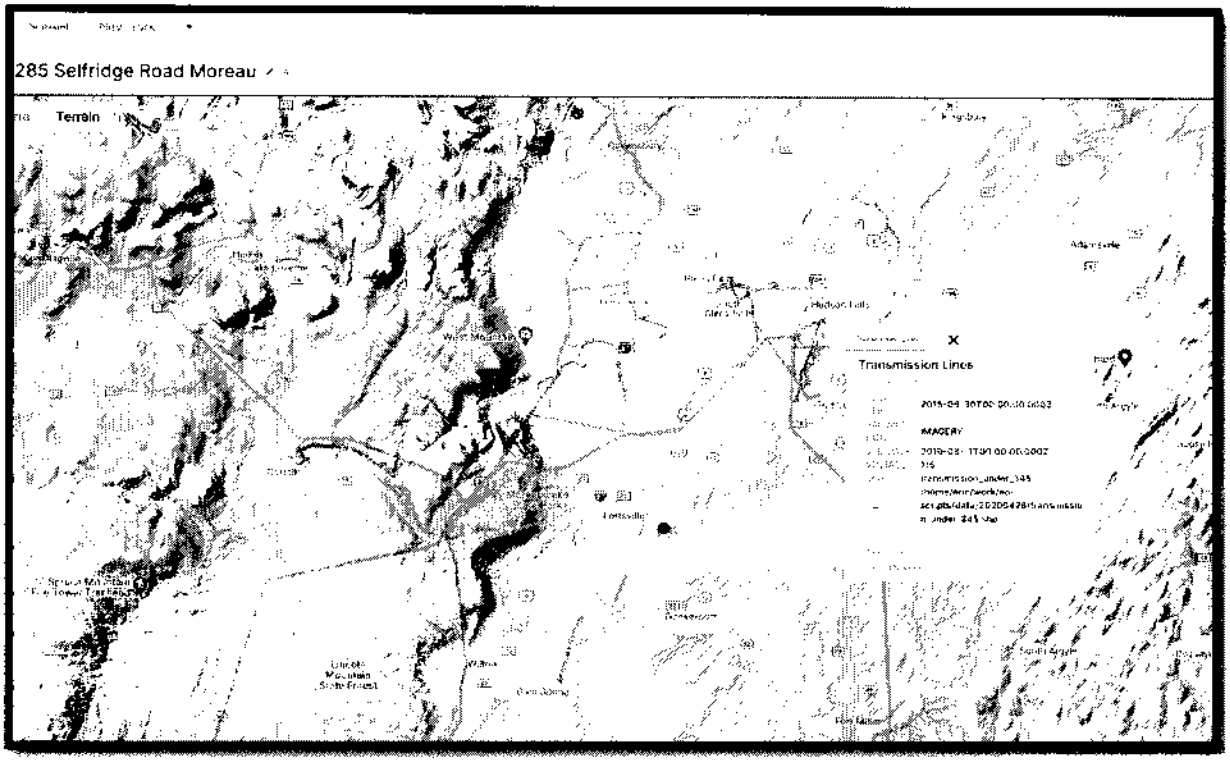


Figure 4 above National Grid non-distribution line within the town of Moreau.

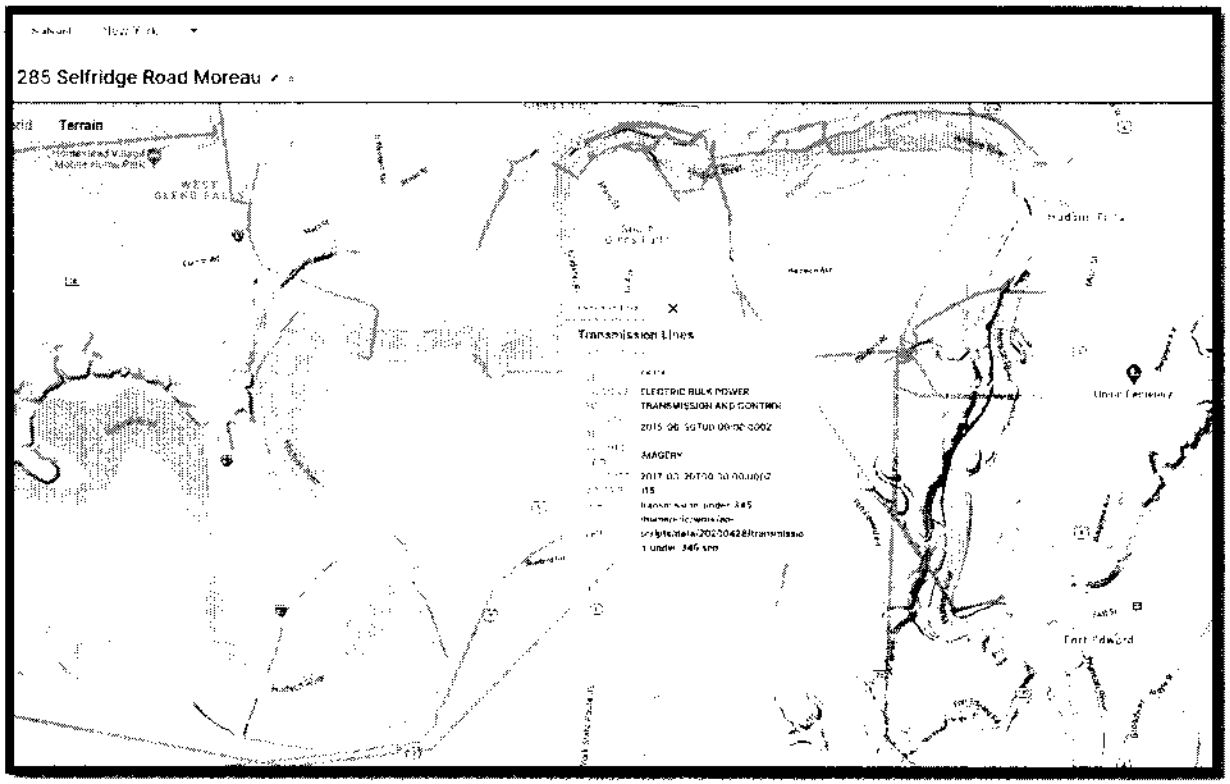


Figure 5 above Close up of National Grid non-distribution line within the town of Moreau.

Please note, all information and images provided in this memo are able to be viewed publicly by visit the links listed below.

National Grid New York System Data Portal (esri.com)

State of New York - Utility Interconnection Queue Data

To Serve And Strengthen Agriculture
Saratoga County Farm Bureau
PO Box 256, Granville, NY 12832
Phone: 518-935-8569 Email: ktrombly@nyfb.org

July 16, 2021

Dear Town of Moreau,

Saratoga County Farm Bureau recognizes the importance of preserving farmland while balancing landowner rights for solar development. We would like to thank the town for undertaking the difficult task of balancing these competing land uses.

Saratoga County Farm Bureau requests the town reconsider some portions of the proposed solar law, the addition of Article XIV to chapter 149 zoning of the code of the Town of Moreau. Saratoga County Farm Bureau requests the town follow the New York State Department of Agriculture and Markets 305(a) guidance for solar citing instead of the more restrictive regulations currently proposed.

Thank you for your time and consideration.

Sincerely,

Jamie Pettis
Saratoga County Farm Bureau President

Leeann McCabe

From: Dave Byrne [redacted]
Sent: Tuesday, July 20, 2021 11:47 AM
To: Leeann McCabe
Cc: Todd Kusnierz; Alan Vantassel; JD Donohue; John Hogan; Kyle Noonan
Subject: Comment on Proposed Solar Law
Attachments: Moreau Substation Info 8 SEP 2020.pdf; NYSAGM-guidelines-for-solar-construction-mitigation-ag.pdf; agricultural-mitigation-payment-requirements-guidelines.pdf

Dear Ms. McCabe,
Please include the following and attached comment in the public record.
Thank you.

Dear Moreau Town Board,
As a local citizen and solar business owner, I'm writing to express my support for the intelligent siting of Tier 3 solar arrays on Prime Farmland and Agricultural Lands of Statewide Importance, with an allowable lot coverage (under glass) of 60%. Based upon my first-hand experience working on solar projects across New York State, please consider the following points:

Numerous Protective Measures Already Apply to Solar Projects on Agricultural Lands
New York State Agriculture and Markets (NYSAGM) already has numerous protective measures in place, which has been captured in Construction Mitigation for Agricultural Lands (see Attachment 1), which has extensive requirements for installing projects on farmland, as well as decommissioning procedures. Additionally, through the NOI process, if a project meets certain thresholds, in addition to meeting the above referenced Construction Guidelines, they would be required make an Agricultural Mitigation Payment to a designated fund (See Attachment 2). Construction Mitigation for Agricultural Lands, which has extensive requirements for installing projects on farmland, as well as decommissioning procedures.

Typical Solar Construction Practices
In addition to the state's protective measures, I want to clarify that solar leases actually preserve farmland for the next generation because of specific construction practices, which include: minimized soil disturbance or removal by driving posts, versus pouring concrete piers; stockpiling soils displaced by trenching, and keeping all soils on site; siting equipment pads off the fields; and in accordance with decommissioning agreements, removing all equipment and restoring the site back to its original condition after the agreed-upon term. Lastly, during the 25 to 35 year operational lifespan of a solar system, the existing depleted farmland can increase in its value to agricultural practices as the soil has been re-charged with nutrients from standing vegetative cover. As the depleted agricultural soils are given a period to rest, soil quality and nutrient gains are achieved, which can contribute to the biodiversity of agricultural land.

Limited Grid Capacity & Impact on Active Farmland
With the understanding that there are already strong protective measures in place to protect farmlands, as well as sustainable solar construction practices, I want to address misconceptions that solar arrays will be popping up everywhere across town and it will have a significant impact on Prime Farmland. Based upon our 2020 research of National Grid's hosting capacities on substations in or adjacent to Moreau (with associated available capacities) we found the following capacities available at these respective substations: Butler Road (12.5MW AC), Farnan Rd (2.2MW AC), and Wilton (9MW AC). Please refer to Attachment 3 (Moreau Substation Info 9 SEP 2020) and note that, in aggregate, this equates to a total available Capacity of 23.7MW AC. If we assume the max system size of 5MW AC for distributed generation, this equated to approximately 4.5 systems. If we assume approximately 22 acres per system, this equates to approximately 100 acres. **When compared to the 3900 acres in active farm use in**

the Town of Morea, this equates to 2.5% of the total farmland. This will be a small tradeoff, when compared to the economic benefits to property owners, as well as the environmental benefits.

Smart Development

After establishing that the local substation capacities can only support a handful of 5MW AC projects in Town, we need to look at the feeders that have capacity, as only three phase circuit feeders are capable of hosting 5MW AC projects, and are typically limited to two projects per main feeder. Other important considerations are Federal and State wetlands, topography, extent of required land clearing, and—last but not least—the potential impact on the local community.

After extensive searching and due diligence, we've found viable potential project locations that would not have a major visual impact on the community nor corresponding property values. We can say, with confidence and a clean conscience, that—if we lived near our proposed project locations—we would not be adversely impacted by the solar installation.

Benefits Outweight Costs

In summary, the capacity constraints of National Grid's substations, three phase feeders, and other infrastructure serves as a self-limiting mechanism that minimizes the number of viable potential projects in Town. When coupled with wetlands and community/viewshed impact considerations, this mitigates the concern of significant impact on operational and viable farmland in Town. There are multiple winners with Tier 3 Solar projects: the property owner, who has the ability to significantly increase his/her income and change their financial family tree; the Town, which will generate tax revenue (at a much higher amount than active farmland offers); local Citizens, who can benefit from lower utility rates (which becomes more important with increased inflation and cost of living) and slightly lower taxes (based upon the additional tax revenue afforded the Town); the environment, due to the nature of the clean, local power production and recycling of end of life solar panels (mostly comprised of aluminum and glass). Also, the two projects that we're proposing in the Town were selected because—based upon extensive existing visual buffers (including a transfer station)--Tier 3 solar installations at those locations would not have any major visual impacts on the community.

These benefits outweigh the costs and there would only be a few viable 20 acre projects in the Town. Please allow for these benefits to be achieved, albeit in a limited scope, for these viable projects in R-5 District, on Prime Farmland and Farmland of Statewide Significance.

I believe that there's a way to do smart, minimally impactful solar development in our Town that will address the expressed concerns regarding agricultural lands, while also allowing for maximum benefits for all stakeholders, including the property owners and taxpayers.

Thank you for taking the time to thoughtfully weigh these limited costs versus significant benefits.

Dave Byrne

--

Best,
Dave

David Byrne
Founder/Owner
[redacted]

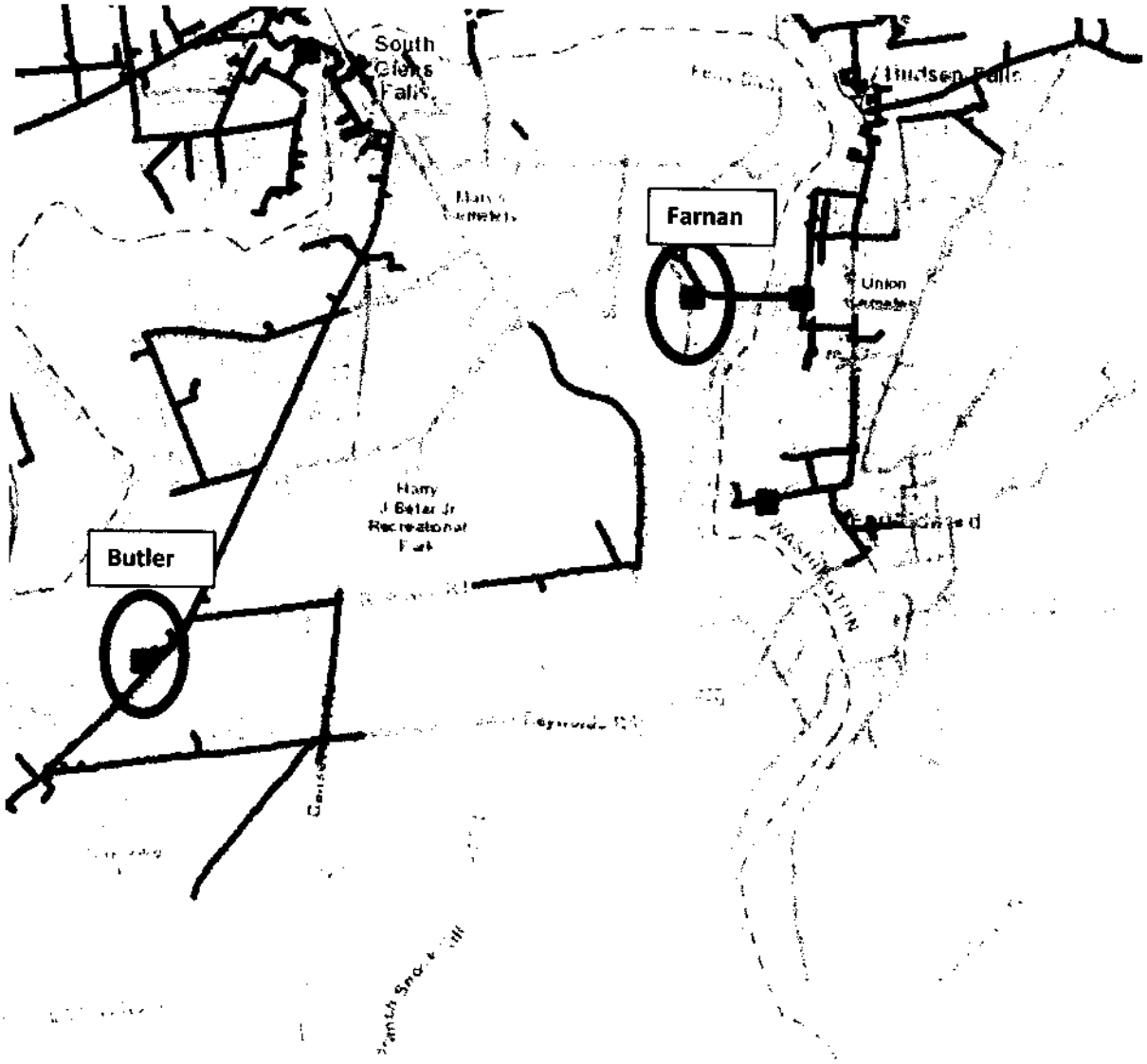
https://renuaenergy.com

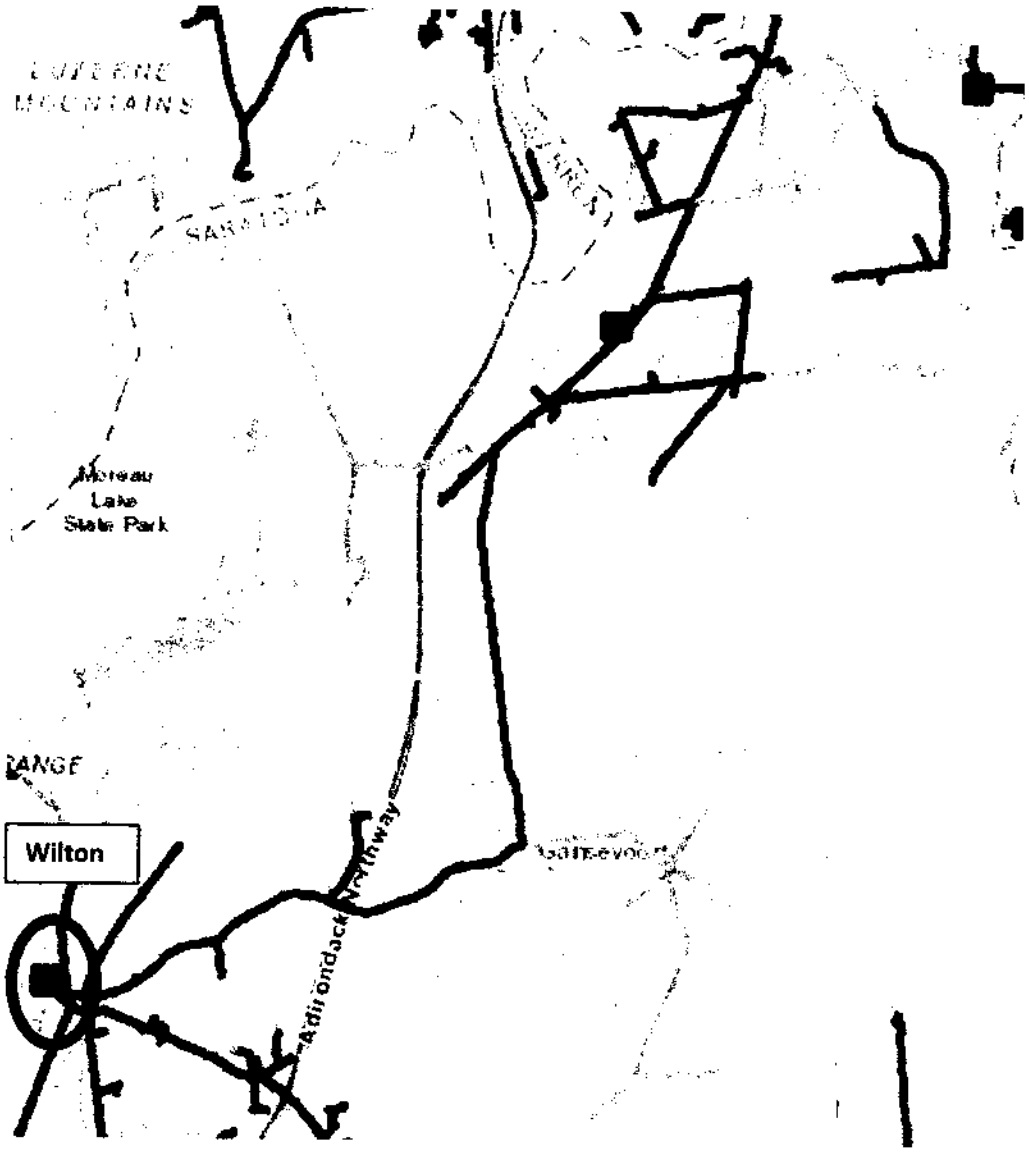
Substations in or adjacent to Moreau (with associated available capacities):

- Butler Road (12.5MW AC)
- Farnan Rd (2.2MW AC)
- Wilton (9MW AC)

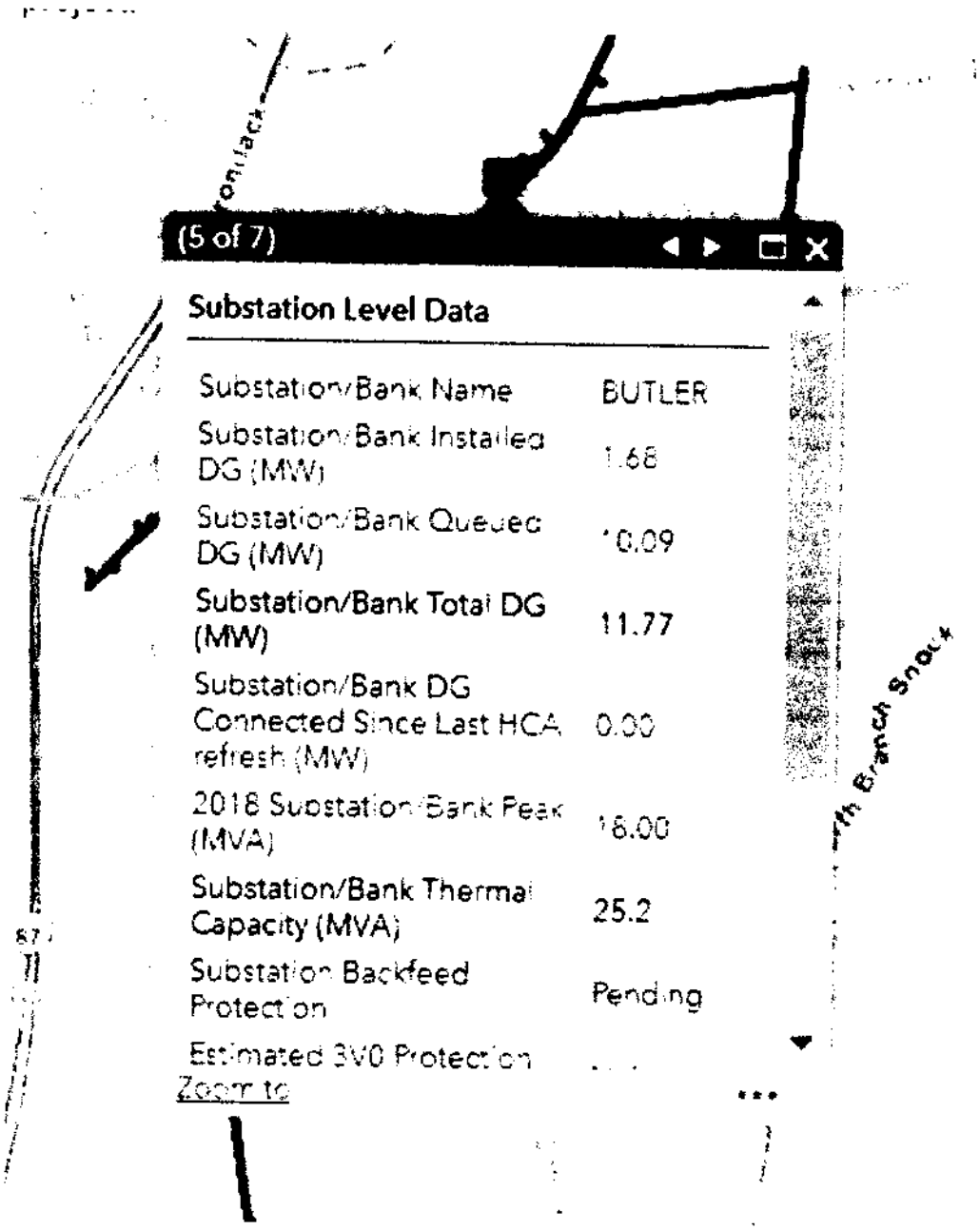
Total Available Capacity: 23.7MW AC (5MW AC max per system, so equates to ~4.5 systems)

Overview of Three Relevant Substations

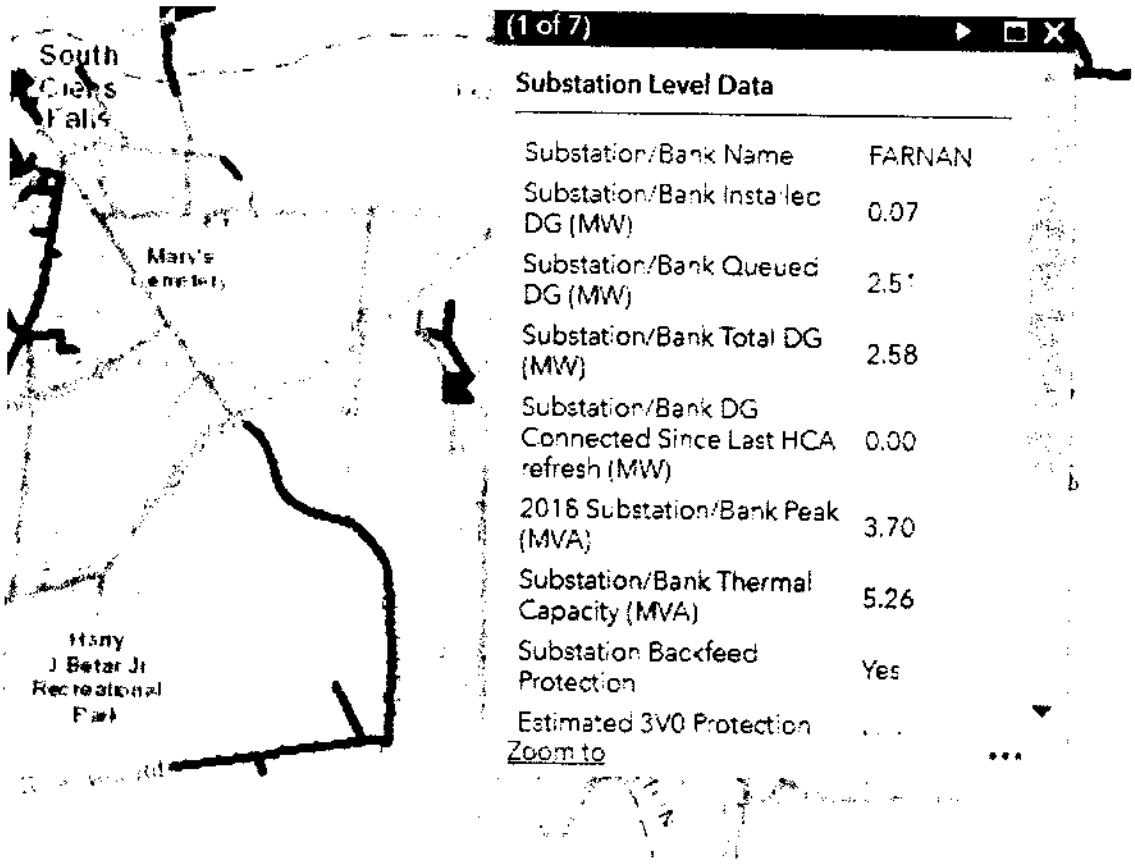



Moreau
Lake
State Park
Wilton
Adirondack Northway

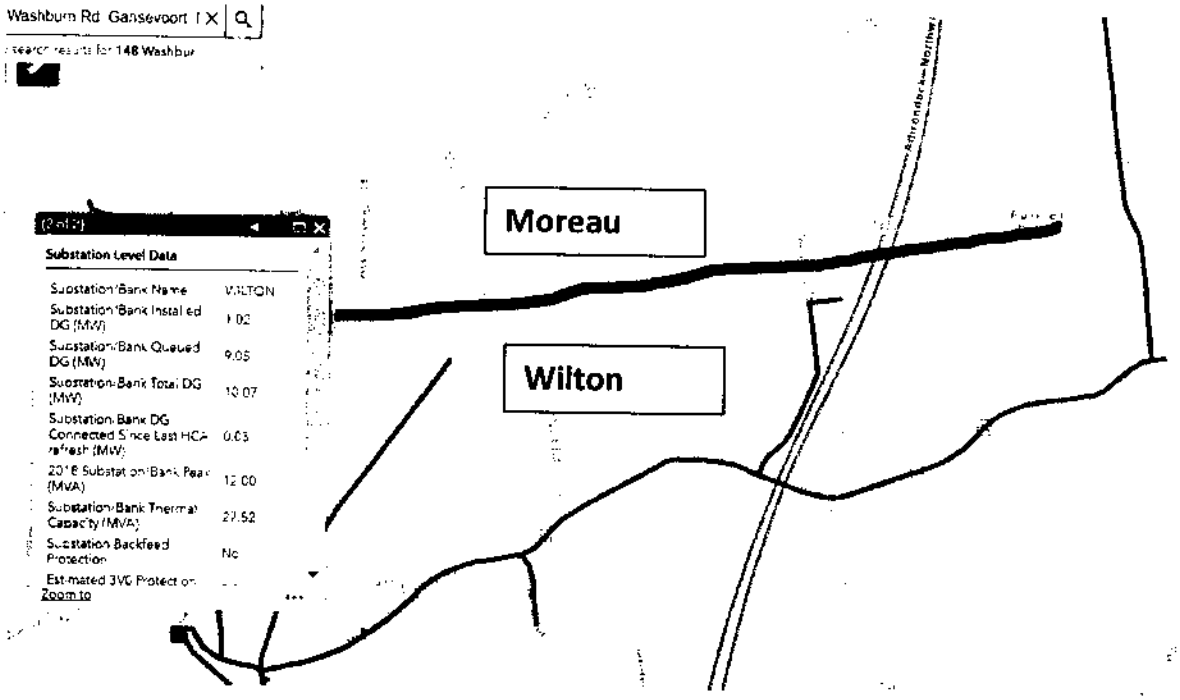
Butler Substation: Capacity for 2.5 projects (5MW AC each)



Farnan Rd: Capacity for one (1) 2.2MW AC project



<u>Wilton Substation</u>: Located outside of Moreau and feeders stop short of town boundary with Wilton, except for one line that has limited capacity (shown in Maroon below). Can safely assume that, based upon costs of extending three phase lines, only two (2) projects in Moreau (totaling 9MW AC)



NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS

Guidelines for
Solar Energy Projects - Construction Mitigation for Agricultural Lands
(Revision 10/18/2019)

The following are guidelines for mitigating construction impacts on agricultural land during the following stages of a solar energy project: Construction, Post-Construction Restoration, Monitoring and Remediation, and Decommissioning. These guidelines apply to project areas subject to ground disturbance[1] within agricultural lands including:

- Lands where agriculture use will continue or resume following the completion of construction (typically those lands outside of the developed project's security fence);
- Lands where the proposed solar development will be returning to agricultural use upon decommissioning, (typically those lands inside of the developed project's security fence);
- Applicable Area under review pursuant to Public Service Law Article 10 Siting of Major Electric Facilities.

The Project Company will incorporate these Guidelines into the development plans and applications for permitting and approval for solar projects that impact agricultural lands. If the Environmental Monitor, hereafter referred to as EM, determines that there is any conflict between these Guidelines and the requirements for project construction that arise out of the project permitting process, the Project Company and its EM, will notify the New York State Department of Agriculture and Markets (NYSDAM), Division of Land and Water Resources, and seek a reasonable alternative.

Environmental Monitor (EM)

The Project Company (or its contractor) shall hire or designate an EM to oversee the construction, restoration and follow-up monitoring in agricultural areas. The EM shall be an individual with a confident understanding of normal agriculture practices[2] (such as cultivation, crop rotation, nutrient management, drainage (subsurface and/or surface), chemical application, agricultural equipment operation, fencing, soils, plant identification, etc.) and able to identify how the project may affect the site and the applicable agricultural practices. The EM should also have experience with or understanding of the use of a soil penetrometer for compaction testing and record keeping. The EM may serve dual inspection roles associated with other Project permits and/or construction duties, if the agricultural workload allows. The EM should be available to provide site-specific agricultural information as necessary for project development through field review and direct contact with both the affected farm operators and NYSDAM. The EM should maintain regular contact with appropriate onsite project construction supervision and inspectors throughout the construction phase. The EM should maintain regular contact with the affected farm operator(s) concerning agricultural land impacted, management matters pertinent to the agricultural operations and the site-specific implementation of agricultural resource mitigation measures. The EM will serve as the agricultural point of contact.

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[1] Ground Disturbance is defined as an activity that contributes to measurable soil compaction, alters the soil profile or removes vegetative cover. Construction activities that utilize low ground pressure vehicles that do not result in a visible rut that alters soil compaction, is not considered a Ground Disturbance. Soil compaction should be tested using an appropriate soil penetrometer or other soil compaction measuring device. The soil compaction test results within the affected area will be compared with those of the adjacent unaffected portion of the agricultural area.

[2] An EM is not expected to have knowledge regarding all of the listed agricultural practices, but rather a general understanding such that the EM is able to perform the EM function.

1. For projects involving less than 50 acres of agricultural land within the limits of disturbance (LOD),[3] the EM shall be available for consultation and/or on-site whenever construction or restoration work that causes Ground Disturbance is occurring on agricultural land.

2. For projects involving 50 acres or more of agricultural land within the (LOD) (including projects involving the same parent company whether phased or contiguous projects), the EM shall be on site whenever construction or restoration work requiring or involving Ground Disturbance is occurring on agricultural land and shall notify NYSDAM of Project activity. The purpose of the agency coordination would be to assure that the mitigation measures of these guidelines are being met to the fullest extent practicable. The Project Company and the NYSDAM will agree to schedule inspections in a manner that avoids delay in the work. NYSDAM requires the opportunity to review and will approve the proposed EM based on qualifications or capacities.

Construction Requirements

- Before any topsoil is stripped, representative soil samples should be obtained from the areas to be disturbed. The soil sampling should be consistent with Cornell University's soil testing guidelines, and samples should be submitted to a laboratory for testing PH, percent organic material, cation exchange capacity, Phosphorus/Phosphate (P), and Potassium/Potash (K). The results are to establish a benchmark that the soil's PH, Nitrogen (N), Phosphorus/Phosphate (P), and Potassium/Potash (K) are to be measured against upon restoration. If soil sampling is not performed, fertilizer and lime application recommendations for disturbed areas can be found at https://www.agriculture.ny.gov/ap/agservices/Fertilizer_Lime_and_Seeding_Recommendations.pdf .

- Stripped topsoil should be stockpiled from work areas (e.g. parking areas, electric conductor trenches, along access roads, equipment pads) and kept separate from other excavated material (rock and/or sub-soil) until the completion of the facility for final restoration. For proper topsoil segregation, at least 25 feet of additional temporary workspace (ATWS) may be needed along "open-cut" underground utility trenches. All topsoil will be stockpiled as close as is reasonably practical to the area where stripped/removed and shall be used for restoration on that particular area. Any topsoil removed from permanently converted agricultural areas (e.g. permanent roads, etc.) should be temporarily stockpiled and eventually spread evenly in adjacent agricultural areas within the project Limits of Disturbance (LOD) ; however not to significantly alter the hydrology of the area. Clearly designate topsoil stockpile areas and topsoil disposal areas in the field and on construction drawings; changes or additions to the designated stockpile areas may be needed based on field conditions in consultation with the EM. Sufficient LOD (as designated on the site plan or by the EM) area should be allotted to allow adequate access to the stockpile for topsoil replacement during restoration.

    - Topsoil stockpiles on agricultural areas left in place prior to October 31st should he seeded with Aroostook Winter Rye or equivalent at an application rate of three bushels (168 lbs.) per acre and mulched with straw mulch at rate of two to three bales per 1000 Sq. Ft.

    - Topsoil stockpiles left in place between October 31st and May 31st should be mulched with straw at a rate of two to three bales per 1000 Sq. Ft. to prevent soil loss.

- The surface of access roads located outside of the generation facility's security fence and constructed through agricultural fields shall be level with the adjacent field surface. If a level road design is not

[3] The Limits of Disturbance (LOD) includes all project related ground disturbances and all areas within the project's security fencing.

feasible, all access roads should be constructed to allow a farm crossing (for specific equipment and livestock) and to restore/ maintain original surface drainage patterns.

- Install culverts and/or waterbars to maintain or improve site specific natural drainage patterns.

- Do not allow vehicles or equipment outside the planned LOD without the EM seeking prior approval from the landowner (and/or agricultural producer), and associated permit amendments as necessary. Limit all vehicle and equipment traffic, parking, and material storage to the access road and/or designated work areas, such as laydown areas, with exception the use of low ground pressure equipment.[4] Where repeated temporary access is necessary across portions of agricultural areas outside of the security fence, preparation for such access should consist of either stripping / stockpiling all topsoil linearly along the access road, or the use of timber matting.

- Proposed permanent access should be established as soon as possible by removing topsoil according to the depth of topsoil as directed by the EM. Any extra topsoil removed from permanently converted areas (e.g. permanent roads, equipment pads, etc.) should be temporarily stockpiled and eventually spread evenly in adjacent agricultural areas within the project Limits of Disturbance (LOD); however not to significantly alter the hydrology of the area.

- When open-cut trenching is proposed, topsoil stripping is required from the work area adjacent to the trench (including segregated stockpile areas and equipment access). Trencher or road saw like equipment are not allowed for trench excavation in agricultural areas, as the equipment does not segregate topsoil from subsoil. Horizontal Directional Drilling (HDD) or equivalent installation that does not disrupt the soil profile, may limit agricultural ground disturbances. Any HDD drilling fluid inadvertently discharged must be removed from agricultural areas. Narrow open trenches less than 25 feet long involving a single directly buried conductor or conduit (as required) to connect short rows within the array, are exempt from topsoil segregation.

- Electric collection, communication and transmission lines installed above ground can create long term interference with mechanized farming on agricultural land. Thus, interconnect conductors outside of the security fence must be buried in agricultural fields wherever practicable. Where overhead utility lines are required, (including Point(s) of Interconnection) installation must be located outside field boundaries or along permanent access road(s) wherever possible. When overhead utilities must cross farmland, minimize agricultural impacts by using taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable.

- All buried utilities located **within** the generation facility's security fence must have a minimum depth of 18-inches of cover if buried in a conduit and a minimum depth of twenty-four inches of cover if directly buried (e.g. not routed in conduit).[5]

- The following requirements apply to all buried utilities located **outside** of the generation facility security fence:

    - In cropland, hayland, and improved pasture buried electric conductors must have a minimum depth of 48-inches of cover. In areas where the depth of soil over bedrock is less than 48-inches, the

[4] low ground pressure vehicles that do not result in a visible rut that alters soil compaction.

[5] Burial of electrical conductors located within the energy generation facility may be superseded by more stringent updated electrical code or applicable governing code.

electric conductors must be buried below the surface of the bedrock if friable/rippable, or as near as possible to the surface of the bedrock.

- In unimproved grazing areas or on land permanently devoted to pasture the minimum depth of cover must be 36-inches.

- Where electrical conductors are buried directly below the generation facility's access road or immediately adjacent (at road edge) to the access road, the minimum depth of cover must be 24-inches. Conductors must be close enough to the road edge as to be not subject to agricultural cultivation / sub-soiling.

- When buried utilities alter the natural stratification of soil horizons and natural soil drainage patterns, rectify the effects with measures such as subsurface intercept drain lines. Consult the local Soil and Water Conservation District concerning the type of intercept drain lines to install to prevent surface seeps and the seasonally prolonged saturation of the conductor installation zone and adjacent areas. Install and/or repair all drain lines according to Natural Resources Conservation Service conservation practice standards and specifications. Drain tile must meet or exceed the AASHTO M-252 specifications. Repair of subsurface drains tiles should be consistent with the NYSDAM's details for *"Repair of Severed Tile Line"* found in the pipeline drawing A-5 (http://www.agriculture.ny.gov/ap/agservices/Pipeline-Drawings.pdf).

- In pasture areas, it may be necessary to construct temporary fencing (in addition to the Project's permanent security fences) around work areas to prevent livestock access to active construction areas and areas undergoing restoration. For areas returning to pasture, temporary fencing will be required to delay the pasturing of livestock within the restored portion of the LOD until pasture areas are appropriately revegetated. Temporary fencing including the project's required temporary access for the associated fence installations should be included within the LOD as well as noted on the construction drawings. The Project Company will be responsible for maintaining the temporary fencing until the EM determines that the vegetation in the restored area is established and able to accommodate grazing. At such time, the Project Company should be responsible for removal of the temporary fences.

Post-Construction restoration requirements applicable to continued use agricultural areas that suffered ground disturbance due to construction activities (typically lands outside of the developed project's security fence).

- All construction debris in active agriculture areas including pieces of wire, bolts, and other unused metal objects will need to be removed and properly disposed of as soon as practical to prevent mixing with any topsoil.

- Excess concrete will not be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas. Remove all excess subsoil and rock unearthed from construction related activities occurring in areas intended to return to agricultural use. On-site disposal of such material is not permissible in active agricultural lands. Designated spoil disposal locations should be specified in the associated construction plans. If landowner agreements, LOD boundary, or Project's land use approvals do not allow for on-site disposal, material must be removed from the site.[6]

[6] Any permits necessary for disposal under local, State and/or federal laws and regulations must be obtained by the facility operator, with the cooperation of the landowner when required.

- Excess stripped topsoil shall not be utilized for fill within the project area. Any extra topsoil removed from permanently impacted areas (e.g. roads, equipment pads, etc.) should be evenly spread in adjacent agricultural project areas, however not to significantly alter the hydrology of the area.

- Regrade all access roads outside of the security fencing (as determined necessary by the EM), to allow for farm equipment crossing and restore original surface drainage patterns, or other drainage pattern incorporated into the design.

- Repair all surface or subsurface drainage structures damaged during construction as close to preconstruction conditions as possible, unless said structures are to be removed as part of the project design. Correct any surface or subsurface drainage problems resulting from construction of the solar energy project with the appropriate mitigation as determined by the Environmental Monitor, Soil and Water Conservation District and the Landowner.

- On agricultural land needing restoration because of ground disturbance, postpone any restoration practices until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration must not be conducted while soils are in a wet or plastic state of consistency. Stockpiled topsoil must not be regraded, and subsoil must not be decompacted until plasticity, as determined by the Atterberg field test, is adequately reduced. No permanent project restoration activities shall occur in agricultural areas between the months of October through May unless favorable soil moisture conditions exist.

- In all continued use agricultural land where the topsoil was stripped, subsoil decompaction shall be conducted prior to topsoil replacement. Following construction, all such areas will be decompacted to a depth of 18 inches with a tractor mounted deep ripper or heavy-duty chisel plow. Soil compaction results shall be no more than 250 pounds per square inch (PSI) throughout the decompacted 18 inches as measured with a soil penetrometer. Following decompaction, all rocks 4 inches and larger in size unearthed from decompaction will be removed from the surface of the subsoil prior to replacement of the topsoil. The topsoil will be replaced to original depth and the original contours will be reestablished where possible. All rocks 4 inches and larger from topsoil shall be removed from the surface of the topsoil. Subsoil decompaction and topsoil replacement must be avoided after October 1, unless approved on a site-specific basis by the landowner in consultation with NYSDAM. All parties involved must be cognizant that areas restored after October 1st may not obtain sufficient growth for stabilization[7] to prevent erosion over the winter months. If areas are to be restored after October 1st, necessary provisions must be made to prevent potential springtime erosion, as well as restore any eroded areas in the springtime, to establish proper growth. Excess stripped topsoil shall be evenly spread in the adjacent project areas, or adjacent agricultural areas (within the LOD), however, not to significantly alter the hydrology of the area.

- In all continued use agricultural areas where the topsoil was not stripped, including timber matted areas, the EM shall determine appropriate activities to return the area to agricultural use. These activities may include decompaction, rock removal, and revegetation. Soil compaction should be tested in the affected areas and the affected area's adjacent undisturbed areas using an appropriate soil penetrometer or other soil compaction measuring device as soon as soils achieve moisture equilibrium with adjacent unaffected areas. Compaction tests will be made at regular intervals of distance throughout the affected areas, including each soil type identified within the affected areas. Soil compaction results shall be measured with a soil penetrometer not exceeding more than 250 pounds per square inch (PSI), by

[7] Sufficient growth for stabilization should be determined by comparison with unaffected crop production. Annual crops restored after normal planting window (as determined by the landowner or associated producer) should be stabilized with Aroostook Winter Rye at the rate of 150/100 lbs. per acre (broad cast/drill seeder).

comparing probing depths of both the affected and unaffected areas. Where representative soil density of the affected area's collective depth measurements present compaction restrictions exceeding an acceptable deviation of no more than 20% from the adjacent undisturbed area's mean soil density, additional decompaction may be required to a depth of 18-inches with a tractor mounted deep ripper or heavy-duty chisel plow. Following decompaction, remove all rocks unearthed from decompaction activities 4 inches and larger in size from the surface. Revegetation shall be performed in accordance with the instructions below.

- Seed all agricultural areas from which the vegetation was removed or destroyed with the seed mix specified by the landowner/agriculture producer or as otherwise recommended in the Department's fertilizer, lime and seeding guideline: [https://www.agriculture.ny.gov/ap/agservices/Fertilizer_Lime_and_Seeding_Recommendations.pdf]. Soil amendments should be applied as necessary so that restored agricultural areas' soil properties, at minimum, reasonably reflect the pre-construction soil test results or as otherwise agreed to by the involved parties to ensure continued agricultural use. All parties must be cognizant that areas restored after October 1st may not obtain sufficient growth to prevent erosion over the winter months. If areas are to be restored after October 1st, necessary provisions must be made to restore and/or re-seed any eroded or poorly germinated areas in the springtime, to establish proper growth.

Monitoring and Remediation

Project Companies shall provide a monitoring and remediation period of one complete growing season following the date upon which the desired crop is planted. All projects subject to NYS Public Service Law Article 10 will provide a monitoring period of two complete growing seasons following the date upon which the project achieves the establishment of the desired crop.

On site monitoring shall be conducted seasonally at least three times during the growing season (Spring, Summer, Fall). Monitoring is required to identify any remaining impacts directly associated with the construction of the project on agricultural lands proposed to remain or resume agriculture production, including the effects of climatic cycles such as frost action, precipitation and growing seasons to occur, from which various monitoring observations can be made. NYSDAM expects the Project Company (or its contractor) to retain the EM for follow-up monitoring and remediation (as needed) in agricultural areas. Monitoring is limited to the restored agricultural area. Non-project related impacts affecting the restored project area will be discussed with NYSDAM staff and considered for omission from future monitoring and remediation. The EM is expected to record the following observations from onsite inspections:[8]

- **Topsoil Thickness and Trench Settling** – The EM observations may require small hand dug holes to observe the percentage of settled topsoil in areas where the topsoil was stripped, or trenching was performed without stripping topsoil. Observations concerning depth of topsoil deficiencies shall require further remediation by re-appropriating additional topsoil. Acceptable materials for remediation are: known areas of native excess topsoil (according to records of project specific excess topsoil disposal spread within the original LOD) or imported topsoil free of invasive species that is consistent with the quality of topsoil on the affected site.

[8] The activities that follow are not necessary for restored agricultural lands on which the farmer or landowner has commenced activities, including agricultural activities or other use that tend to reverse restoration or create conditions that would otherwise trigger restoration. Should NYSDAM contend upon inspection that conditions indicate that post-construction restoration activities were improperly performed or insufficient, NYSDAM may inform the project company and NYSERDA for further investigation and remediation.

- **Excessive Rock (>4-inches)** - Determined by a visual inspection of disturbed areas as compared to unaffected portions of the same field located outside the construction area. Observations concerning excess stone material in comparison to off-site conditions shall require further remediation including removal and disposal of all excess rocks and large stones.

- **Soil Compaction** - Project affected agricultural soils should be tested using an appropriate soil penetrometer or other soil compaction measuring device. Compaction tests will be made at regular intervals of distance throughout the access or work areas, including each soil type identified on the affected agricultural areas. Where representative soil density of the affected area exceeds the representative soil density of the unaffected areas, additional decompaction may be required. Consultation with NYSDAM staff and the agricultural producer(s) should be conducted prior to scheduling additional decompaction. If warranted, decompaction to a depth of 18-inches with a tractor mounted deep ripper or heavy-duty chisel plow. Restoration of displaced topsoil to original depth and re-establish original contours where possible. Decompaction deep shattering will be applied during periods of relatively low soil moisture to ensure the desired mitigation and to prevent additional soil compaction. Oversized stone/rock (Four-inches) material that is uplifted/unearthed to the surface as a result of the deep shattering will be removed.

- **Drainage** – The EM shall visually inspect the restored agricultural areas in search of pervasive stunted crop growth due to seasonal saturation, not previously experienced at the site and not resulting from the agricultural producer's irrigation management or due to excessive rainfall. Identified areas of stunted crop growth shall be compared to the nearest undisturbed adjacent areas under a substantially equivalent terrain and crop management plan. Drainage observations should be evaluated to determine if the project affected surface or sub-surface drainage during construction or restoration. Project caused drainage issues affecting or likely to reduce crop productivity of the adjacent areas will have to be remediated via a positive surface drainage, sub-surface drainage repair or an equivalent.

- **Agriculture Fencing and Gates** – The EM shall inspect Project associated fencing and gates (installed, altered or repaired) within the Project's LOD associated with agricultural activities for function and longevity. The Project Company is responsible during the Monitoring and Remediation Phase for maintaining the integrity of Project associated fencing and gates.

The Project Company (or its contractor) shall consolidate each applicable growing season's observations into an annual report during the monitoring period and shall be provided upon request to NYSDAM. Annual reports should include date stamped photographs illustrating crop growth in comparison with unaffected portions the agricultural areas.

The EM shall record observations of the establishment of the desired crop and subsequent crop productivity within restored agricultural areas and shall be evaluated by comparing its productivity to that of the nearest adjacent undisturbed agricultural land of similar crop type within the same field. If a decline in crop productivity is apparent the Project Company as well as other appropriate parties must determine whether the decline is due to project activities. If project activities are determined to be the primary detrimental factor, the project EM will notify NYSDAM concerning unsuccessful restoration and to potentially schedule a NYSDAM staff field visit. If project restoration is determined to be insufficient, the Project Company will develop a plan for appropriate rehabilitation measures to be implemented. NYSDAM staff will review and approve said plan prior to implementation. Additional monitoring may be required depending on additional restoration activities needed.

The Project Company is not responsible for site conditions and/or potential damages attributable to the agricultural producer's land use management or others' land use management.

Decommissioning

If the operation of the generation facility is permanently discontinued, remove all above ground structures (including panels, racking, signage, equipment pad, security fencing) and underground utilities if less than 48-inches deep. All concrete piers, footers, or other supports must be removed to a minimum depth of 48-inches below the soil surface. The following requirements apply to electric conductors located at the respective range of depth below the surface:

- 48-inches plus: All underground electric conduits and direct buried conductors may be abandoned in place. Applicable conduit risers must be removed, and abandoned conduit must be sealed or capped to avoid a potential to direct subsurface drainage onto neighboring land uses.

- Less than 48-inches: All underground direct buried electric conductors and conductors in conduit and associated conduit with less than 48-inches of cover must be removed, by means of causing the least amount of disturbance as possible.

Access roads in agricultural areas must be removed, unless otherwise specified by the landowner. If access is to be removed, topsoil will have to be returned from recorded project excess native topsoil disposal areas, if present, or imported topsoil free of invasive species that is consistent with the quality of topsoil on the affected site. Restore all areas intended for agricultural production, according to recommendations by the current landowner or leasing agricultural producer, and as required by any applicable permit, the Soil and Water Conservation District, and NYSDAM.

Monitoring and restoration requirements in accordance to the prior sections of these guidelines, will be required for the decommissioning restoration. NYSDAM requires notice before the Project Company undertakes decommissioning.

_____ (Project Company) hereby agrees to use best efforts to adopt and employ the provisions of the NYSDAM Guidelines for Agricultural Mitigation for Solar Energy Projects in all material aspects of the construction, post construction and decommissioning of this project. Where Project Company determines that it cannot perform an activity in a manner that meets the material terms of any provision of the Guidelines, the Project Company or its Environmental Monitor will notify NYSDAM and make good faith efforts to devise an alternative solution that will mitigate adverse agricultural impacts.

_____ _____

Signature Date

MITIGATION PAYMENT REQUIREMENTS

NY-Sun Projects in Agricultural Districts

NEW YORK STATE OF OPPORTUNITY | NY-Sun

NYSERDA has adopted a new approach to address concerns relating to solar development and the protection of agricultural lands in Agricultural Districts. Projects receiving NY-Sun incentive awards from NYSERDA may be responsible for making an agricultural mitigation payment to a designated fund based on the extent to which the solar project footprint, defined as the Facility Area, overlaps with land classified as MSG 1-4[1], as further described below.

The Mitigation Payment Requirements are only applicable to NY-Sun projects in designated New York State Agricultural Districts that have submitted interconnection applications (Step 3 of the Standardized Interconnection Requirements) on or after November 1, 2020. No payment related to agricultural mitigation or easement is or will be required regarding any project submits an interconnection application prior to November 1, 2020, including those that have received or shall receive NY-Sun incentives awards.

Definitions

- The Facility Area is defined as all land area occupied during the commercial operation of the generation facility, the associated interconnection equipment and, if applicable, energy storage equipment. Generally, this will include all areas within the facility's perimeter security fence(s) and the applicable facility related improvements outside of fenced areas. The Facility Area shall include the area "inside the fence" of the project including all fencing inclosing the mechanical equipment such as the solar arrays, inverters, location of any combiner boxes, fuses, switches, meters, distribution boards, monitoring systems such as Balance of Systems components, interconnection equipment, and stormwater controls. The Facility Area shall additionally include improvements of the project "outside of the fence" including access roads, parking areas, stormwater controls and other permanent facilities, or structures installed at the Facility Area, except vegetative landscape screenings or appropriately buried utilities such as electrical conductors or conduit(s).
- MSG 1-4 are defined by the NYS Department of Agriculture and Markets for each soil type in each county identified by the United State Department of Agriculture, and are used to classify the state's agricultural lands based upon soil productivity and capability. Each county in New York State has a listing of all soil types present in the county that is associated with a specific mineral soil group, MSG 1 through 10.
- The Mitigation Value per Acre is defined as the dollar value for MSG 1, 2, 3 and 4 according to the most current document entitled "Agricultural Assessment Values Per Acre" as prepared annually by the NYS Department of Taxation and Finance (NYSTF)[2].
- The Mitigation Fund Payment is the calculated amount described below, which acts as the estimated benchmark that the Proposer would expect to pay based on the proposed site configuration (Facility Area), knowledge of on-site conditions and before any other action to decrease this payment amount. Payment amounts may be adjusted through

[1] https://agriculture.ny.gov/land-and-water/tax-credits-and-agricultural-assessments#agricultural-assessment-information

[2] The Agricultural Assessment Values per Acre document is available from the NYSTF: https://www.tax.ny.gov/pdf/publications/orpts/2020-ag-values-web.pdf

consultations with the New York State Department of Agriculture and Markets (AGM) regarding co-agricultural opportunities, and based on the final site configuration (reduced or expanded facility occupied acreage).

- For projects with Facility Areas that exceed 30 acres of overlap with MSG 1-4, the Mitigation Fund Payment must be estimated and included by the NY-Sun Participating Contractor as part of the NY-Sun incentive application, and will be confirmed by NYSERDA prior to the approval of an award. The actual Mitigation Fund Payment, due at Commercial Operation Date (COD), will be determined by NYSERDA based on the actual site footprint and any actual Facility Area overlap with MSG 1-4, and reduced by the value of NYSERDA approved co-agricultural measures, if any. The Mitigation Payment shall not exceed the estimated Mitigation Fund Payment value at the time of an award, unless the proposed project layout is substantively revised or expanded to increase to the Facility Area's footprint on MSG1-4.

The Mitigation Fund Payment will not increase due to a subsequent reclassification of MSG 1-4 or changes in the Mitigation Value per Acre.

Mitigation Fund Calculation

NY-Sun Participating Contractors submitting applications for ground-mount projects with Facility Areas greater than 30 acres located within New York State Agricultural Districts will be required to identify the mineral soil group map units for the entire acreage within the defined Facility Area using the most recent annual NYS Agricultural Land Classification for the county(ies) where the proposed facility is located. If the total acreage of the Facility Area occupied by MSG 1-4 can be demonstrated by the Contractor as being is less than 30 acres, no Mitigation Fund Payment calculation will be required by the Contractor at the time of the bid submission.

If the final occupied acreage of the Facility Area on MSG 1-4 exceeds 30 acres, the Mitigation Fund Payment will be calculated by:

1. Finding the MSG 1-4 total acreage that the Facility Area occupies;
2. Assigning the appropriate Mitigation Value per Acre for each of the MSG 1, 2, 3, and 4 in the Facility Area;
3. Summing the total dollar value associated with each MSG 1-4; and
4. Multiplying this total dollar value by the proportion of the overall parcel(s) acreage that will be converted to the Facility Area.

For example, if the entire parcel(s) is being converted, the Mitigation Fund Payment is the total sum of the Mitigation Value per Acre for MSG 1-4. If 20% of the total parcel(s) acreage is converted by the Facility Area, the Mitigation Fund Payment would be 20% of the Mitigation Value per Acre total for MSG 1-4.

NYSERDA has provided Contractors with mapping resources (the interactive map is available here) to assess the level of overlap that their Bid Facility's Facility Area is expected to have on MSG 1-4. All areas of the map displayed in green and labeled as "Mineral Soil Groups" are classified as MSG 1-4, and overlap on these areas in excess of 30 cares of the final Facility Area will trigger the mitigation mechanism described above. The data in the interactive map is also available in downloadable Shapefiles, organized by REDC Region, on the Large Scale Renewables Solicitations webpage.

NYSERDA has also provided an Agricultural Mitigation Estimate Calculator, which Contractors may use to estimate what payment a project may be subject to based on the Facility Area as currently proposed. The Calculator contains instructions within to allow Contractors to estimate their potential Mitigation Fund Payment, and is available at nyserda.ny.gov/solar-contractor-resources.

The estimated Mitigation Fund Payment is a benchmark from which Contractors are encouraged to work with the AGM to implement mitigation measures that retain or introduce agricultural productivity within the Facility Area and/or the total parcel area upon which the project is sited, and/or to modify the proposed Facility Area to minimize the facility's occupation of MSG 1-4, which may result in a reduction of the Mitigation Payment amount.

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The estimated Mitigation Fund Payment is a benchmark from which Contractors are encouraged to work with the AGM to implement mitigation measures that retain or introduce agricultural productivity within the Facility Area and/or the total parcel area upon which the project is sited, and/or to modify the proposed Facility Area to minimize the facility's occupation of MSG 1-4, which may result in a reduction of the Mitigation Payment amount.

Leeann McCabe

From: Lenissa Byrne [redacted]
Sent: Tuesday, July 20, 2021 12:31 PM
To: Leeann McCabe
Subject: Solar Law

Dear Town of Moreau,

I am writing you today as a citizen of the Town of Moreau, to voice my support of solar power on the town's farmland. Additionally, I am in full support of a property owner's right to choose how to use their land, so long as it is not negatively impacting others.

I am supportive of solar power on the town's farmland, with the knowledge that there is quite limited possibility for solar and it is not possible for solar to overtake more than a small portion of farmland, owing largely to limitations on the existing power grid. Alterations to this existing power grid are cost prohibitive. Therefore, the amount of solar projects that are possible within our town is quite limited.

Solar power is good for the environment. It can help destitute farmers, whose land has been in their family for generations, keep their land in their family. Why would the town choose NOT to support these worthy causes, when these projects can in fact be completed with zero to minimal visual impact on limited tracts of farmland?

Please pass the law in support of solar power on prime farmland and farmland of statewide significance.

Thank you,

Lenissa Byrne

Please include my comments as part of the public comment.