

October 3, 2018  
PUBLIC HEARING  
6:00 p.m.

Present: Gerald L. Deming, Supervisor, Councilmen: Amos Smith, Norman Gates and Frank Rose Jr (Mr. Rose arrived at 6:10 p.m.)

Absent: Lynn Parnell

Others: Attorney James Campbell, Lawrence Smith, Sandra and David Sliker, David Deuel, Brett Hastings (Geronimo Energy), Paul Lavoie (Attorney for Solar Liberty Energy Systems), Jason Feltham (Solar Liberty Energy Systems & Town resident), Father Stephen Muller and Dan Beaty (Abbey of the Genesee), Joe McIlroy (Planning Board Chairman), Kirk Richenberg, Henry Fuller, Carl Peter (Town of York Zoning & Code Officer), Jon English, Steve Beardsley and Thomas Gates Jr.

Supervisor Deming opened the Public Hearing at 6:00 p.m. and turned the meeting over to Attorney James Campbell.

Attorney Campbell read aloud the Public Hearing Legal Notice published in the Town's official paper, The Livingston County News, as well as posted on the town's website. Mr. Campbell stated that the format for tonight's meeting is to receive comment on proposed Local Law #2 of 2018. The Board requests anyone wishing to speak this evening give their name and please limit their remarks to 5 minutes in order to allow all to participate.

1) Paul Lavoie:

Mr. Lavoie stated he is legal counsel for Solar Liberty Energy Systems and wanted to first thank the Town for the proposed actions they are taking to incorporate solar energy into their community. Mr. Lavoie continued by saying that the regulations prepared are workable, but did have a few items that he wished to review with the Board as potential suggestions. Setbacks, as outlined, would have to be a minimum of 300 feet from public roadways and adjacent property lines. With this footage it may prevent a large area of the land from being utilized. Suggestion: 25-50 foot setbacks with a vegetative shield, would be a way to assist with neighboring boundaries. Mr. Lavoie stated that the second issue to be addressed is located under Section 5 (d)(iv)(v) referencing lot coverage. The proposed law states that solar energy systems shall not exceed 25% coverage of the lot on which it is installed and on prime agricultural soils as well. Mr. Lavoie commented that this regulation is overly restrictive, and would not be able to use a large majority of the land itself. Mr. Lavoie added, a solar energy system is technically a temporary structure for roughly 20-25 years, and thereafter the lot would return back to prime agricultural land.

Mr. Lavoie thanked the Board for allowing him to speak this evening and addressing Solar Liberty's primary concerns.

6:10p.m.- Councilman Rose arrived at this time.

2) Brett Hastings:

Mr. Hastings stated that he is representing Geronimo Energy this evening and wanted to discuss a few items of concern pertaining to the proposed Solar Energy Systems law. Mr. Hastings commented that Geronimo agrees with Solar Liberty regarding the existing setbacks and lot coverage in the law, and added that 25-50 feet would be sufficient, which is more common in New York solar laws. Limiting lot coverage hinders a developer, ultimately allowing far less of solar on such acreage. Mr. Hastings stated “as an alternative to striking the coverage restrictions, Geronimo requests the Town revise the coverage percentage to one more in line with other towns, such as in the range of 50-70% and include only the actual components that cover the lot, i.e. access road, inverters, transformers, solar panels, etc. in the calculation for both provisions”.

Mr. Hastings added that it is important to recognize that installation of solar arrays will not negatively impact the Prime Ag soils. As Solar Liberty referenced earlier, after completion of the project’s life, the array can be removed and the soil returned to its original form.

Mr. Hastings read aloud Section 5 (b)(vi) outlining the proposed storm water plan: Clearing, grading storm water and erosion control plan. Applicant shall submit an engineered Storm Water and Erosion Control Plan to the Town of York Engineer for its review and approval which shall demonstrate that post development runoff, storm drainage and erosion will not be negatively impacted by placement of the Type 2 Solar Energy System on the site. Mr. Hastings stated that usually developers have to adhere to stringent DEC regulations pertaining to erosion and runoff when dealing with water quality standards, and requests that the Town alter such language to reflect that developers are required to operate in compliance with all Federal and State permits.

Another section of the law that Mr. Hastings addressed deals with Time Limit on completion (xiv). After receiving Site Plan approval and Special Use Permit approval of a Type 2 Solar Energy System, and Applicant shall obtain a Building Permit within six (6) months of such approvals or the approvals shall automatically terminate and be deemed null and void. Additionally, the Applicant shall complete construction of an approved (Site Plan and Special Use Permit) Type 2 Solar Energy System within twelve (12) months of obtaining such approvals or the approvals shall automatically terminate and be deemed null and void and be of no force an effect at law. Mr. Hastings commented that developers wish to build solar projects as quickly as possible due to costs, but the time limits outlined in the proposed law would be difficult if not impossible to adhere to. Geronimo would like to request that the Town consider increasing the time restrictions or removal, so all parties involved have ample time to complete the project.

Inspections were also addressed (xv):

Mr. Hastings commented that in the middle of this paragraph it states that the Code Enforcement Officer may visit the site with only a 24 hour notice requirement.

Geronimo requests that the Town consider 24-48 hour notice prior to inspection in order to coordinate that an operator is on site.

Lastly, Abandonment and Decommissioning (E) (1) :

Mr. Hastings stated with the proposed wording, “providing written notice to the Code Enforcement Officer within 30 days of discontinuance”, is not sufficient time in the event there is damage to the panels. There are many reasons that a project has not generated in the short term, could be weather damage or equipment failure. If it equipment failure it could potentially take several months to be up and running once again. Geronimo recommends increasing this to 12 months, which is in line with other renewable project abandonment codes.

Mr. Hastings thanked the Board once again for the steps they are taking to support renewable energy in New York.

(Mr. Hasting’s submittal is at the end of the meeting)

3) Kirk Richenberg:

Mr. Richenberg asked the Town Board how they got to this point this evening? Supervisor Deming replied that the purpose for tonight’s public hearing is to receive comment only on the proposed local law.

Mr. Richenberg stated that this law was just given to the Town Board at their last meeting, with no minutes to reflect the proposed solar regulations. How did it come to this point already?

Attorney Campbell responded that solar meetings have taken place and he, on behalf of the Town of York did submit to the Livingston County Planning Board such law for comment. We were not surprised when they recommended “Disapproval”, stating their desire to protect Prime Agricultural soils. Attorney Campbell stated that he made reference to this potential outcome at the Board’s last meeting, because of the response received in the Town of Avon. Mr. Campbell commented that the Board will not be taking any action tonight, only receiving public comment.

Mr. Richenberg questioned the Town of Avon’s regulations.

Supervisor Deming stated that we will only be accepting comment this evening on the Town of York’s regulations.

Mr. Richenberg clarified that the Town of Avon’s code is referenced in our proposed law “Accessory Use”, and feels the Board should not proceed.

Attorney Campbell responded this was a clerical error when preparing the law, which can be corrected easily.

4) David Sliker:

Mr. Sliker also addressed with the Board setbacks and lot coverage and submitted two drawings reflecting a 25 acre and 50 acre parcel, with the proposed regulations. On the 25 acre lot, with 300 foot setbacks, only 4.5 acres could be utilized. With the 50 acre lot, 17.63 acres would be usable. (Mr. Sliker’s submittal is at the end of the meeting)

5) Thomas Gates Jr.:

Mr. Gates stated he was a bit confused on Real Property Tax Law, where it relates to exemptions for solar.

Attorney Campbell replied that under Real Property Tax Law § 487, there is exemption from taxation for certain solar or wind energy systems or farm waste energy systems. Mr. Campbell further explained that local governments must offer the RPTL § 487 exemption unless they have opted out not to, which governments can decide to do so. It is not permitted to conditionally opt out of the property tax exemption. The law does allow jurisdictions that offer the RPTL § 487 exemption to negotiate payments in lieu of taxes (PILOTS).

6) Paul Lavoie:

Mr. Lavoie explained in great detail RPTL §487, commenting that NYSERDA (New York State Energy Research and Development Authority) has a great deal of information on their site and is a very good resource when trying to make clean energy viable in communities. NYSERDA promotes energy efficiency and the use of renewable energy sources. Mr. Lavoie also indicated there is a formula that his company uses to formulate payment in lieu of taxes.

7) David Deuel:

Mr. Deuel stated as a landowner of 400 acres he would like the Board to know that he does support solar and clean energy, but on a smaller scale. Mr. Deuel stated he opposes large arrays at this time because currently we have a State program to protect cropland and its habitat, and encourages the board to proceed with a BAN. Mr. Deuel commented that land being used for solar is land not being utilized for food production, and questioned where the food will come from when the land is no longer available. Loss of habitat will also certainly take place. Mr. Deuel stated he is fully supportive of Type I solar arrays.

Mr. Deuel suggested putting solar panels between road mediums of highways or at airports, instead of utilizing valuable cropland and habitat areas. They are developing other renewables such as biomass and methane, why not go this route instead of solar. Mr. Deuel commented that he has concerns about our State 20-30 years from now with potential rehab necessary. Many applicants lease the number of acres and Mr. Deuel questioned why not just buy the land, restore it thereafter and save money, if restoration is so easy.

Mr. Deuel added with the abandonment and decommissioning, won't these panels over a period of time reduce with minimal usage, ultimately "limping along, what will occur at that time.

Mr. Deuel expressed once again his desire for the Board to put a BAN on solar at this time until all resources have been examined. No development should occur on prime agricultural soils and soils of statewide importance, and certainly not in land enrolled in the NYS Agricultural District, individual Ag value assessment owners should be

committed to Ag. We have to protect all viewsheds, why is east of River Road specified when MacIntyre Road has the same viewshed, just north of Fowlerville Road, southwest portion of the Town-Tuttle and Old State Roads are equally beautiful and should be protected as well.

Mr. Deuel closed by saying he is very passionate about agriculture and open space. Solar is good, but we need to be cautious and feels it is being pushed too quickly.

8) Kirk Richenberg:

The Town Board should leave the comment period open for 30-60 days.

9) Paul Lavoie:

Mr. Lavoie offered his assistance to anyone having any questions to feel free to contact him directly or speak with him after the meeting. He would like to address any and all concerns people may have.

10) Henry Fuller:

Mr. Fuller wanted the Board to be aware that the Town of Avon community has the opportunity to buy into solar energy.

After no further comments from the public, Attorney Campbell stated that the Board will leave the Public Hearing open for written comments but would not recommend 30-60 days. Mr. Campbell stated that we do not want a large gap of time because our existing moratorium will be expiring on October 17<sup>th</sup>, and asked the Board what date to receive comments until. The Board agreed to accept written comments until Tuesday, October 9, 2018 by 4:30 p.m.

#### ADJOURNMENT

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to adjourn the Public Hearing until October 11<sup>th</sup> Regular Town Board Meeting. Voted on and approved, Yes-4, No-0.

Public Hearing closed at 6:50 p.m.

Respectfully Submitted,  
*Christine M. Harris*  
Christine M. Harris, Clerk

**\*\* Additional comments were received on October 9, 2018 and are listed below after Mr. Hasting's and Mr. Sliker's submittals:**

Father Stephen Muller- Abbey of the Genesee, Kirk Richenberg, York Planning Board and a second submittal from Brett Hastings (Geronimo/Solar Liberty jointly)



Town Supervisor;

Members of the Town Board;  
& Planning Board of  
the Town of York  
2668 Main Street  
York, NY 14592

October 3<sup>rd</sup>, 2018

*RE: Geronimo Energy/ Solar Liberty Comments on the Town of York's Proposed Local Law No. 2 of 2018*

Dear Mr. Deming and Members of the Town Board & Planning Board,

Geronimo Energy and Solar Liberty ("Geronimo") appreciates the opportunity to submit written comments and participate in the public hearing on October 3<sup>rd</sup>, 2018 regarding the portions of the Town of York's ("Town") Proposed Local Law No. 2 of 2018 ("Law") affecting regulation of solar projects within the Town.

Overall, Geronimo is supportive of the Law. The Law properly balances the need to protect the health, safety, and welfare of citizens with the property rights of landowners within the Town to use their property in an economically beneficial manner and the importance of adapting to changes in state policy.

While generally supportive, there are a few provisions that Geronimo is concerned may be unreasonably prohibitive for solar development within the town. We have provided recommended revisions for discussion below:

***Article VI, Section 618 of the Zoning Law entitled "Solar Energy Systems" includes the following subsections to be considered for revision:***

- (ii). Setbacks. Type2 Solar Energy Systems setbacks shall be a minimum of **300 feet** from public roadways and adjacent property lines and shall be measured from the solar array panels at lowest elevation.

Restricting setbacks to 300 feet vs. 50 feet substantially diminishes the area available for a project's footprint, which results in significant economic harm by decreasing project output without decreasing land (and other) carrying costs. The law appears to create setbacks for Type 2 solar systems that are 2-10 times more restrictive than general district setbacks, while solar energy is a far more benign form of development than many residential, commercial, and industrial developments. Fifty-foot setbacks, which are more common in New York solar laws, provide adequate area for fencing and planting of buffer zones where necessary and treat solar fairly compared to other more intensive uses allowed with less setbacks in the Town's code.

- (iv). Lot Coverage. Type 2 Solar Energy Systems shall not exceed **25% coverage** of the lot on which it is installed. The **coverage area shall be determined by the area enclosed by the perimeter of the Solar Energy System** at minimum tilt.
- (v). Coverage Restrictions for Prime Agricultural Soils: Type 2 Solar Energy Systems shall not be constructed in a fashion that will cover more than **25% of the total Prime Agricultural Soils** located on any lot or parcel. The coverage area shall be determined by the area enclosed by the perimeter of the Solar Energy System at minimum tilt.

Limiting a project area and prime ag area to 25% coverage, including all the area inside the perimeter of the project area, zones almost all utility scale solar projects out. Limiting lot coverage forces a developer to build less solar on the same acreage (with fixed land-acquisition costs), which harms project economics, and diverts potential tax benefits from the town, county and school to the landowner. Projects without lot coverage limits can be freely designed to maximize power production. We also note that a project subject to a lot-coverage limit has the same total footprint as a project that is not subject to one, just with infrastructure that is more spaced out – so any reductions in project impact resulting from imposing such a limit may be negligible.

As an alternative to striking the coverage restrictions, Geronimo requests the Town revising the coverage percentage to one more in line with other towns, such as in the range of 50-70% and include only the actual components that cover the lot, i.e. access road, inverters, transformers, solar panels, etc. in the calculation for both provisions.

In addition to our comments about coverage restrictions, it is critical to highlight that installation of a solar array will not negatively impact the long-term viability of Prime Agricultural Soils. Upon completion of the project's life, the array can be removed, and the soil returned to its original state, unlike many other potential commercial or other uses of a piece of land. Therefore, we would encourage the rules to reflect our previous comments.

- (i). Clearing, grading storm water and erosion control plan. Applicant shall submit an engineered Storm Water and Erosion Control Plan to the Town of York Engineer for its review and approval which shall demonstrate that post development runoff, storm drainage and erosion will **not be negatively impacted** by placement of the Type 2 Solar Energy System on the site.

Generally, developers are required to meet stringent DEC governed SPDES permit requirements to minimize erosion and runoff and avoid violating water quality standards. Requiring solar developers to build projects with no impacts to erosion or runoff exceeds state standards and likely exceeds standards for far more impactful forms of development within the Town. Geronimo requests that the Town instead include language requiring solar developers to operate in compliance with all applicable state and federal agency permits instead.

**six (6) months** of such approvals or the approvals shall automatically terminate and be deemed null and void. Additionally, the Applicant shall complete construction of an approved (Site Plan and Special Use Permit) Type 2 Solar Energy System within **twelve (12) months** of obtaining such approvals or the approvals shall automatically terminate and be deemed null and void and be of no force or effect at law.

Developers generally endeavor to build projects as quickly as possible because of various project carrying costs. Unfortunately many milestones are timed by organizations outside of the control of the developer. For instance, one part of the interconnection process with the NYISO includes a "Class Year Study" that evaluates all of the power generating projects and their associated impacts through an electrical grid zone to determine the shared costs for any necessary system upgrades. The 2016 Class Year process took two years to complete and projects can NOT be built beforehand. Moreover, the equipment needed to interconnect the project to the electric grid often have year long procurement lead times that cannot be expedited. Geronimo requests that the Town consider removing or increasing these time restrictions so that all grid-interconnected solar projects have the opportunity to partner with the Town for their mutual benefit.

- (xv). Inspections. Upon reasonable notice, the Town of York Code Enforcement Officer, or his or her designee, may enter a Lot on which a Solar Energy System has been approved for the purpose of determining compliance with any requirements or conditions of this Article or any approval given or permit issued pursuant to this Article. Twenty-four (24) hours' notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. Furthermore, a **Type 2 Solar Energy System shall be inspected** by a New York State licensed Professional Engineer that has been approved by the Town of York **at any time** upon a determination by the Town's Code Enforcement Officer that damage to such system may have occurred, and a copy of the written inspection report shall be submitted to the Code Enforcement Officer. Any fee or expense associated with this inspection shall be borne entirely by the permit holder and shall be reimbursed to the Town of York within thirty 30 days after delivery to the permit holder of an invoice substantiating such charges. Any failure to pay such reimbursable charges may result in revocation of any Special Use Permit granted. The Town of York reserves the right to levy all such un-reimbursed expenses onto the real property tax bill associated with the real property upon which the Solar Energy System is located.

Please consider at least a 24 – 48-hour notice prior to inspection, as coordination with the operator is necessary to provide a safe environment to proceed.

A. Abandonment and Decommissioning.

- (1) If the use of an approved Solar Energy System is discontinued, the owner or operator shall provide written notice to the Code Enforcement Officer within thirty (30) days of such discontinuance. In any case, Solar Energy Systems are considered inoperative and abandoned **after 90 days without electrical energy generation** which is consumed onsite (or credit for onsite consumption is received) for Type 1 Solar Energy Systems or without production of energy for offsite sale to and consumption by one or more customers for Type 2 Solar Energy Systems.

Please consider increasing this to 12 months, similar to other renewable project abandonment codes. There are many reasons why a project may become unable to generate in the short term, including damage from inclement weather and equipment failure – for example, if the owner suffers a failure of the project transformer, the lead times for equipment like this can be anywhere from 6-9 months. In these instances, the project is at risk of being decommissioned due to a component failure that can be remedied – and the project owner, losing revenue every day the project is not generating, has every intention and incentive to get the project back online.

In conclusion, Geronimo overall supports the Law and applauds the Town for updating its Zoning Law to reflect the exciting changes in state policy, supporting increased renewable energy within the state. We thank the Town Board, Town Planning Board and Supervisor for considering our comments and look forward to participating in the process with you and with all interested stakeholders.

Sincerely,



Brett Hastings  
Senior Developer - NYS  
Geronimo Energy  
6032 Horton Rd.  
Bliss, NY 14024  
bhastings@geronimoenergy.com  
585.748.3333

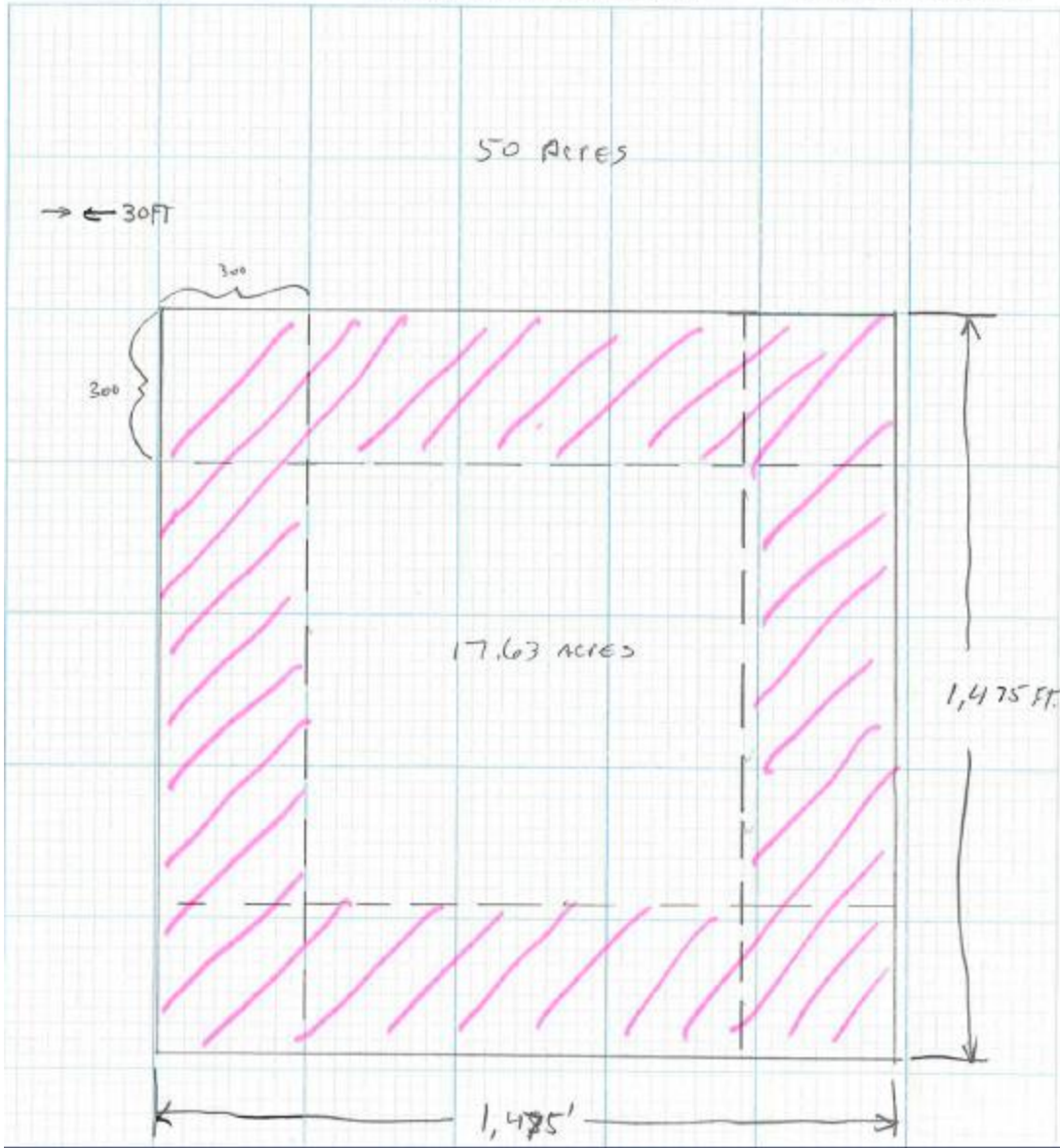




Submitted to the Board  
by David Sliker  
10/3/18



Electrical  
HVAC  
Codes & Safety  
Mechanical  
Pumps & Piping  
Fluid Power  
Facility & Plant Management



Good morning Chrissy,

I hope you enjoyed the long weekend. Below are our written comments to be added to the comments at the public hearing last Wednesday.

Many thanks!  
Fr. Stephen

**RECEIVED**  
BY *cmh* 10/19/18 DATE

I put numbers on the top of the pages of the version we were given Wednesday night. I will be going by those page numbers.

P. 6, (iii), I can see showing all the property lot lines, but what is the purpose of showing "the location and dimensions of all existing buildings or structures and uses on any parcel within 500 feet of the outer perimeter"? Our solar developer objected correctly, "Could be a significant task and expensive".

P. 6, (iv), Our developer (Kearsarge) objected, "This is onerous for town permit. Some of the components may change from permit stage to construction with no impact on safety/footprint, etc. I think better suited to be submitted as part of final submittal to get certification of occupancy/completion from the town if it will be required".

P. 6, c, Kearsarge commented, "Unclear what is meant by "remediation of soil and vegetation". Would be better just to say "to restore parcel to its original condition".

Pp 6-7, (i), Why is the security bond needed so early? Kearsarge commented, "Is this standard practice for towns in NY? We typically see this required later in the process."

P. 7, (ii), 300 feet seems like too much. At the May 30<sup>th</sup> meeting when we were around the table I the office we decided on 200' for residential, 100' from property line, and 60' from road. Heather sent that to Jim Campbell in an email but it never got incorporated. I like the comment by the representative of Solar Liberty Wednesday night suggesting 20' or 25' with vegetative shields or berms.

P. 9, (xiv), Regarding 6 months and 12 months, Kearsarge commented, "This is not realistic. Need time for financing and weather, etc. [Instead of 6 months and 12 months it] should be start building permit within 12 months and construction within 24, subject to utility interconnection (so we can be mechanically complete without utility being done). Even that is a short timeline, but 6 months is not okay." And Kearsarge suggests adding "Extensions not to be unreasonably withheld" at the end of this paragraph. At the public hearing the representative for Solar Liberty also thought this timeline was too short. He made a good point that it is in the best interest of the solar company and the landowner to have the system up and running as soon as possible.

P. 9, (xvi), Since the permittee pays, can these be limited in terms of how many? Perhaps the first year and then every other year after that, or every 5<sup>th</sup> year? And can it be narrowed to a "reasonable cause"? For instance, the first line could be changed to, "Upon reasonable notice and cause, the Town of York . . ."

P. 11, (1), Instead of 30 days and 90 days, Kearsarge thinks it should be 60 days and 180 days. What is the purpose of so tight a timeline? Let's be reasonable. Kearsarge commented, "Often is 60 days notice and then 180 days without generation in case of weather catastrophe, etc. to give more time to get back up and running." The representative for Solar Liberty also thought this was too tight and gave the example of a lighting strike messing up the system and taking time to fix. Again, it is in the best interest of the landowner and the renter to have the system back up and running as soon as possible. Kearsarge suggests a "force majeure" clause be added to the end of paragraphs 1, 2, and 3 on this page (11). It could read, "In the event of a force majeure, the leasee has a right to cure for 180 days without being in breach."

P. 11, (2), Again, either extend it to 60 days and 180 days, or add a force majeure clause of 180 days at the end of the paragraph.

P. 11, (3), Either 60 days and 180 days or force majeure clause at the end.

RECEIVED  
BY CmH | 10/9/18 DATE

To The York Town Board;

The following are comments for the proposed Local Law No.2 of the Year 2018 entitled "Adding Solar Energy System article to the zoning ordinance of the Town of York". I am not in favor of this proposed law.

The solar committee that was put together after the moratoria was passed in 2017 was handpicked by board members ,not open to the whole community, and was established without advertising to fill the positions. The solar committee meetings were rarely attended by all members as is indicated by the minutes from these meetings on the Town of York web site. The minutes from the meetings are not all posted, the last one posted as of this time are from 5/16/18. I have a concern about all of the definitions and language in the proposed law. Did the committee have in depth discussion on all of the terms and language in this proposed law keeping in mind all of the potential impacts.

Also the procedure that was followed to establish this proposed law, does not follow the steps the board has used in the past. The town attorney was attending the solar committee meetings with a version of this law that the committee was reviewing. The town board never passed a resolution to have the town attorney draft this proposed law. The York town board never officially reviewed the proposed law prior to the town attorney presenting it to the Livingston Co. Planning Dept. The York town board received this proposed law on 9/12/18 and at the same board meeting without significant time to review it or make comment and/or discuss this proposed law scheduled a public hearing for this proposed law. In the matter of steps followed, an example happened at this same board meeting, the board passed a resolution to have the town attorney draft a proposed law for a different potential local law in regards to zoning in the town of York.

This complete process seems to have been rushed and done without all facts and information about all types of solar energy considered. I heard the statement made at one of the solar committee meetings I attend that large solar may not come to this town but you need to have a law for it anyway. It is evidence of a hurried and sloppy process when the law being proposed reference language and code numbers from another towns code and not the York Zoning Code. This is truly a waste of taxpayer dollars and time. I also raise the question of how can a board member make a well informed decision on how to vote on this proposed law, if they did not attend the public hearing? There is time to do this right. As was heard by the board members that were in attendance at the public hearing for this proposed law there not one comment made by the public to go any farther with law as written. I feel all land owners should have the right use their land as they wish. I also would like to include the following opinion article that was published in the most recent Farm Bureau newsletter of " Grassroots ".

Kirk Richenberg



# Harvesting the Sun Creates Challenges for Solar Farms

A mid-September community meeting in New York's Greene County drew a crowd of more than a hundred local citizens with opinions about a 50 megawatt (50MW) solar facility proposed on active farmland in the town of Coxsack. Billed as a public forum, the meeting was, in fact, controlled by opponents of the project. Misinformation was rampant and those wishing to speak in support of the project were silenced or shouted down. At the center of this proposal is a 1,200-acre farm site, of which 833 acres have been leased by the developer.

The founder of the local opposition group Saving Greene is a local landowner whose large home overlooks the proposed site. She handed out a map with inked-out areas it claimed to be destined for darkness. The leased site is completely blacked out. Yet the developer plans to use less than 400 acres for the solar arrays. The other two-thirds will remain in active farming or conservation.

Most important, in these difficult financial times for New York's farmers, the owner says the lease of this portion of his land will allow him to retain ownership of the farm. In addition, the developer offers attractive financial benefits not just to the landowner but to the community as a whole. Developers of the Greene County Solar Facility have offered a \$4.5 million payment

back to the host community, local

and biomass electricity production, coupled with an increasingly aggressive commitment to energy efficiency. This is the real future of the state's energy structure. For New York farmers, who are by nature attuned to changing market forces, this new reality presents a strategic economic moment. Someone is going to be making money. Why shouldn't it include those who are working in agriculture?

Change is always hard, and it invites controversy. It has been 20 years since the first wind turbines went up on farmland in central New York. Yet, despite the success of many small and large wind farms across the state, which have provided reliable and needed income to many farming families, renewable energy developers are still finding it hard to win communities over to support their projects. While farmers are often supportive, recognizing the value of lease fees and tax benefits, owners, especially second-home owners, are able to mount political opposition, adding to project costs, causing delays and even stopping permit approvals.

Ironically, solar facilities are among the least disruptive of any electricity-producing technologies. The land used by the solar facility can be returned to full agricultural production after the planned life of the project.

While most local opposition to

large-scale renewable projects boils down to the issue of viewed, farmers and supporters of agriculture increasingly see the connection between farming and the world's growing climate crisis. We watch the devastation in places like Puerto Rico and the Carolinas caused by the historic fury of catastrophic storms, coupled with a summer of record heat and western wildfires. Over time, farm families will be among those hardest hit. Climate change is undermining the ability to grow food in a productive and environmentally sustainable way. Simply reducing greenhouse gas emissions is not sufficient to reduce the damage human activity has already contributed to the environment. Efforts are needed to actually draw down carbon from the air, something farmers are uniquely suited to do. Practices such as cover crops, no-till, and rotational planting and grazing help sequester carbon in the soil.

It won't be long before harvesting the sun is a recognized mainstay of the farming community. As a state, New York actively encourages both the development of renewable energy and the preservation of active farmland. Those who invest in, and find the right balance between the two will define success in the coming years, saving the land from permanent suburbanization, protecting the planet and finding the resources to keep families on the land for generations to come.



Anne Reynolds  
Executive Director,  
Alliance for Clean Energy New York

governments and school district, with the community to decide how best to use this economic benefit.

What the opponents of this project fail to realize is that their community is not really facing a choice between soybeans or solar panels. It is facing the likely outcome of a future featuring tract homes and strip malls, with farmland removed from the picture completely.

Background to this controversy is influenced by New York State's plans to generate 50 percent of its electricity using renewable energy sources by 2030. That means doubling the amount of solar, wind (onsshore and offshore), hydropower,

October 9<sup>th</sup>, 2018

To YORK TOWN BOARD,

Suggestions for Proposed Local Law #2

1. 4F make farms exempt from Site Plan Review as they are in current zoning.
2. 5ii until view sheds are established in our current zoning laws this should be eliminated from Proposed Local Law #2.
3. 5D #2 Revisit setbacks 300ft. wasting to much prime soils.
4. 5D #4 increase lot coverage.
5. 5D you have two #5's and two #6's.
6. 5D under fencing change to #7 and what is fencing standard and height.

Thank You York Planning Board.

## Christine Harris

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**From:** James W. Campbell Jr., Esq. <jim@krukandcampbell.com>  
**Sent:** Thursday, October 11, 2018 11:40 AM  
**To:** jerry.deming@valleyrailcar.com; Christine Harris  
**Subject:** FW: York Draft Solar Law - Geronimo/Solar Liberty joint recommendations

Hi Jerry and Chrissy.

I found this email in my spam folder today. This is one of the gentleman that was at the public hearing and provided a written comment sheet. It looks like these are intended to further supplement those comments already provided. Chrissy, can you please provide this to the Board?

Thanks,

Jim

James W. Campbell, Jr., Esq.  
Kruk & Campbell, P.C.  
7312 East Main Street  
Post Office Box 30-A  
Lima, New York 14485  
(585) 624-5030  
(585) 624-3972 fax  
jim@krukandcampbell.com

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**From:** Brett Hastings [mailto:bhastings@geronimoenergy.com]  
**Sent:** Thursday, October 04, 2018 7:43 PM  
**To:** James W. Campbell Jr., Esq. <jim@krukandcampbell.com>  
**Subject:** York Draft Solar Law - Geronimo/Solar Liberty joint recommendations

Jim,

I don't have supervisor Deming's email, so I hope you don't mind that I sent this to you to be forwarded on to him and his board.

Please also include this as further documentation for the public hearing comment period.

Mr. Deming and board members,

First, let me start by thanking you and the board and Jim for the way the public hearing was run. It was professional, efficient and productive. I have been to many and have seen them go uncontrolled on a number of occasions, this meeting was refreshing.

As a result of some of the comments and as follow up to the comments we provided last night, I wanted provide the Town with some excerpts from the Castile, NY local solar law to offer as a comparison and as a potential language modification source.

*Regarding Setbacks, lot coverage & Aq coverage:*

C. **Large-Scale Solar Energy Systems:** Large Scale Solar Energy Systems are permitted within the C – Commercial District and the M-Manufacturing District as a primary use or as an accessory use upon issuance of a special use permit and site plan approval by the Town of Castile Planning Board, consistent with the requirements of the Town of Castile

Zoning Law. In these C and M Districts, as a primary use, up to 50% lot coverage is permitted. As accessory use, 20% of the lot may be used for the solar installation. A buffer must be installed and the solar installation must be greater than 250 feet from a residence.

D. **Large-Scale Solar Energy Systems** are permitted within the R-A, Rural-Agriculture zone as an accessory use (i.e.: on the same parcel) to support agriculture production activities up to 120% of actual annual usage as verified by the most recent 3 years of electricity use. It must be located 65 (sixty-five) feet from right-of way lines, fifty feet from a neighboring property line, and 250 feet from a residence. It will be constructed with a minimum underside clearance of 3 (three) feet and shall have maximum heights of 25 feet.

E. **Large-Scale Solar Energy Systems** are permitted within the R-A, Rural-Agriculture zone if such systems are producing electricity or heat primarily (more than 20%) for off –premises sale or consumption. This non-agricultural (industrial) use will have the following additional stipulations apply:

1. There must be a 50 (fifty) feet setback from the property line of an adjacent non-participating parcel. Setback including buffer width shall be 65 feet from the right-of-way. Installation must be buffered and 250 feet from a residence.
2. All panels or arrays must be 3 (three) feet underside clearance and maximum height of 25 feet.

**Regarding Abandonment:**

**Abandonment:** Solar energy systems are considered abandoned after three hundred and sixty-six (366) days without electrical generation and must be removed from the property within one year of written notice.

**Regarding permit timing:**

This code excerpt doesn't reference any timing constraints, however if constraints were to be imposed, we would recommend requiring a building permit within 3 years from the date of issuance of the Special Use Permit, to account for some of the items I discussed yesterday and included the document I left with you and the board.

2. All equipment except collecting solar panels shall be enclosed, or underground, and secured from inadvertent access. A building permit to show compliance with all building codes for structural and fire safety shall be obtained from the appropriate agency. Verification must be provided that reflection and electromagnetic interference are of equal or less impact than manufacturers specifications and "generally accepted standards".
3. All types of solar installations are permitted under this law in the commercial and industrial zones with a special use permit and site plan review approval except as noted here-in.
4. All residential solar installations, ground mounted, are permitted by special use permit if meeting all the safety, size, and setback requirements in this article and all requirements for accessory uses elsewhere in the Town of Castile Zoning Law.
5. Modifications to solar energy systems or solar heat systems that change the scale, design, scope, or purpose of the system require review and / or resubmission to the Town Planning Board.

I look forward to answering any questions you may have. Thank you for your time.

Regards,

**Brett Hastings**

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