

York Solar meeting
York Town Hall
2/28/2018

In attendance: Supervisor Deming, Steve Beardsley, Sam Swearingen, Heather Grant, Mary Underhill

Others in Attendance: Andrew Smith, Henry (Steel) Fuller, Davies Nagel, Mrs. Swearingen, Kirk Richenberg, Lee Gratwick, Marta Burroughs, Becky Lewis

Discussion Summary:

Abbey solar project

- Discussion of 10-acre solar field, for sole use of the Abbey with minor sell back to the grid (incidental access sales).
- Future project, considering 125 acres. Max of 200 acres? Source of income to sustain the Abbey. Enlarged station likely? Can the proposed handle the additional supply?
- Discussion on location of solar on site.
- Get a copy of bond for proposed?

General

- Discussion on bonds vs. letters of credit (LOC). LOC can have auto renewal feature. Renewal will allow Town coverage that extends into the future. If the LOC is not renewed, the Town can withdraw. Concern is if a company folds and property owner abandons property, the Town has 100+ acres of solar panels to decommission/remove.
- Financial surety- calculated at time of proposal. Town and Atty establish terms.
- Surety bonds and LOC: look for necessary language in the bond, renewal dates & auto renewal clauses, irrevocable.
- Can a solar project be an accessory project if the property owner is not owner? Committee said no, has to be owner for accessory project.
- Moratorium appears to not allow it if there is a 3rd party owns it. Does this prohibit small business owners/ag operations that want to participate in community solar or solar offsite for their own use?
- Discussion on liability, and turnkey operations.
- Notification of change of ownership, can this be done? Confirm bond/LOC is still maintained, irrevocable.
- Investigate model bonds/LOC?
- Town of Dryden- protections of agricultural lands/visual protections
 - Existing solar law promotes ag protections by requiring screw jack placement instead of concrete for solar panels. Allows for ease of removal and restoration.
 - SEQR- completed in conjunction with site plan review and SEQR Visual Impact Statement.
- Send Town of Dryden solar law to Committee. (Planning Dept)
- Other known sites
 - Avon Central School – approx. 7 acres
 - Letchworth – Visitors Center.
- In addition to ag resources, Town should consider conservation of additional natural resources: soils, steep slopes, wetlands, etc.
 - Town Conservation Advisor Council

- Send natural resource maps (Planning Dept)
- Town Viewshed Map- Draft, needs to be adopted.
- Discussion on zoning, potential sites, landowners rights and ability to generate income from rental.
- Agricultural District Inclusion & Ag Exemptions
 - If solar systems are used for ag use, DAM will consider them farm equipment and protect them under Ag Districts Law. Systems cannot generate excess energy, not to exceed more than 110% of the annual needs of the farm.
 - Conversion penalties may apply if farmland that is receiving an ag assessment is converted to a non-ag use. Timeframes for in/out of Ag District may apply.
- Can current zoning be used to locate/ limit solar as a use town-wide? Typical industrial zoning is used, Town has minimal amount of acreage allocated to industrial zoning.
- Can Town set a maximum acreage for solar uses? Contact DOS (Planning Dept)
- Existing solar laws – Town of Mount Morris, Caledonia and Groveland. Groveland is most recent, may be a good foundation.
- Consider Ag & Markets Guidelines doc. Consider siting guidelines that avoid prime agricultural soils.
- Fencing, trees and buffering considerations.
- Per Real Property Tax Service, tax is on value of panels and equipment.
- Discussion on PILOTs, opting in vs. option out.
- Discussion on overlay zoning districts similar to the Town’s Wind Overlay Districts (floating zone). Can you limit the maximum acreage of a floating zone/can acreage of solar be capped?
- Discussed how agriculture and solar can work on the same parcel (sheep and bee pollinator habitat)
- Get decommissioning clauses from Abbey and Sam (Dennis Vacko is Sam’s lawyer).
- Discussion on solar training. Ideal would include planning & zoning for solar, attorney to address landowner due diligence, DAM for solar siting, RPTS for taxation of solar and PILOTs. NY Sun can be available for technical assistance. (Planning Dept) Dennis Macarow (?) was Rx as the attorney.

Materials distributed to the Solar Committee and made available on the Town of York website:

Guidelines for Agricultural Mitigation for Solar Energy Projects, NYS Department of Agriculture and Markets.

Recently Asked Questions About the Real Property Tax Law on the Topic of Solar Energy Systems, Issue #2. NYS Department of Taxation and Finance.

Understanding Solar Installations in Agricultural Districts Fact Sheet, NY-SUN.

Landowner Considerations for Solar Land Leases Fact Sheet, NY-SUN.

Electric Substations with 1 Mile Buffer Map, Livingston County Planning Department.

Town of York Electric Substations and Power Lines Map, Livingston County Planning Department.

Next meeting will be Wednesday, March 21, 2018 @ 6:30 p.m. at the York Town Hall.