

Town of New Paltz
Planning Board, Environmental Conservation Board and Clean Water and Open Space
Protection Commission, Village of New Paltz Environmental Policy Board
Solar Law Meeting
DRAFT Minutes, Meeting of May 15, 2018, at Deyo Hall

Members Present: Neil Bettez, Kevin Borden, Lynn Bowdery, Amanda Gotto, John Gotto, Ingrid Haeckel, Marty Irwin, Michael Knutson, Cara Lee, Julie Lillis, Ted Nitza, Lyle Nolan, Janelle Peotter, Rose Rudnitski, Adele Ruger, and Tom Weiner. *{Please tell me if you were there and not listed!}*

Guests: Frank Mace, Senior Project Manager, NY-Sun, NYSERDA; Candace Rossi, Project Manager, NY-Sun, NYSERDA.

1. Welcome and Introductions - Kevin Borden - Co-chair, Clean Water and Open Space Protection Commission

The meeting was called to order at 7:10 PM by CWOSP Comm. Co-chairman Kevin Borden. He asked everyone to introduce themselves and give a brief statement of what they hoped to achieve at this meeting.

2. Review of Agenda - Kevin Borden

Kevin thanked Frank Mace and Candace Rossi for coming all the way to our meeting on this day of violent weather. He asked if we could formulate a working group on a solar law for New Paltz.

3. New Paltz Resource Mapping - Ingrid Haeckel - Chair, Environmental Conservation Board

Ingrid has created a set of maps, "Town of New Paltz Suitability Analysis, Environmental Conservation Board, May 15, 2018, Draft". The computer/projector linkage was not working, so the maps themselves could not be shown, but Ingrid explained what they show. ***A pdf of the maps is attached to Ingrid's May 18th email to the members of the boards and commissions involved.*** Ingrid explained that the maps show the Town of New Paltz with overlays indicating the location of 3-phase power lines, slopes $\geq 15\%$, wetland and watercourse buffers, 100-year floodplain, prime farmland (mostly in floodplains), priority biodiversity areas as identified in the Northern Wallkill Biodiversity Plan, habitat cores from the Ulster County Habitat Cores, Green Infrastructure Center, sensitive resource areas, the remaining land, the overlap with open lands, and overlap with open lands >5 acres. To understand what open land areas for solar site development, we have to look where areas of greater than 5 acres or more are in proximity to the 3-phase power lines which can accept input from 1 MW (megawatt) or more solar generation. Maps 13 and 14 show what lands fit those restrictions.

John Gotto asked what is meant by "Large scale"? Answer: A project of 5 acres or more.

John noted that it looks like there is lots of farmland on non-prime soils where solar development might occur.

Amanda Gotto commented that there is no viewshed consideration.

Lyle Nolan said that core areas are important to protect but corridors between them are just as important.

Ingrid said that a solar law should have some way to maintain habitat connectivity.

Frank Mace asked how many acres were in the areas mapped as suitable for solar development. Ingrid did not have that figure.

Lyle wondered how many MWs does the town use? The town should not be hurt in order to send electricity elsewhere.

Frank Mace said that you need about 30 acres for a 6MW solar farm, and a 6MW power line can only accept about 30 acres worth of solar farm output. Hosting capacity limits where solar development can be.

Marty Irwin said the Town has a large property by transmission lines- can a substation be built- the Town could be energy independent.

Cara Lee added that the development of municipal land is something a solar law should consider.

Kevin Borden thanked Ingrid for her work, then moved on in the agenda to the NY-Sun Program.

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4. Introduction to NY-Sun Technical Assistance Program, Review of Model Solar Law - Candace Rossi, Project Manager, NY-Sun

Candice Rossi told us New York State Energy Research and Development Authority (NYSERDA) wants to incentivize community solar projects, make a self-sustaining solar market, and created a solar guidebook to help.

Frank Mace added that the goal is to have 3Gigawatts (GW) of solar generating capability built; the state already has 1 GW in residential power and 1 GW in community solar. They want to get solar power moving forward before the incentives expire. NY-Sun gives information resources so the wheel does not have to be invented for each town.

Candace explained that community solar was a subscriber model to purchase power or own panels and get credits from a large solar farm. There are a variety of ways this can be done: a developer could lead and enlist subscribers; or subscribers can recruit a developer to build the solar project. There is a 30% federal tax credit for development and also depreciation. They are set up as LLCs; they can sell stock to raise capital. Future owners are bound to keep the assets (the functioning solar farm). Some are built in the same ISO (Independent System Operator) zone and the same utilities. An ISO allots which electricity sources are used and juggles types as needed. Solar power is good from 9AM to 3PM, weather dependent, tricky. Solar is not a big enough source to cause big issues to the power grid.

Frank added that some sources are used all the time they are producing, including solar and hydropower. Kevin guided the discussion back to the solar law issue.

Candace walked us through the Model Solar Local Law Instructions. There were a few copies handed out, {but it can be found, with added commentary, in the *New York Solar Guidebook for Local Governments*, March 2018, pages 141-165, available as a pdf. Google the title}. Before drafting a solar law, municipalities should look at the hosting capacity and bring in the community to get input.

When asked if where the power created by a solar development is used could be a factor to consider in a solar law, Candace said that where the electrons go is not a useful criterion-- stick with the amount of wattage.

Rose Rudnitski asked about fencing and habitat issues.

Frank explained that shock electricution risk requires fencing for a commercial system.

Cara Lee said that when we establish a committee we should go to existing facilities to see what is being described.

Lyle asked about what should be done about weed control to keep trees and shrubs from growing up.

Frank said that you can use native seed mixes with wildflowers, pollinator-friendly, that trees won't grow in it.

Candace pointed out the decommissioning section in the model law.

Neil Bettez asked what is the worst case scenario?

Frank said that there has to be an escalator clause to track inflation.

Julie Lillis asked about inspections.

Frank said that solar systems are inspected and monitored as a matter of course.

Ted Nitza asked why decommissioning was not an issue for the approval of buildings.

Frank said that the concern is regarding solar development on agricultural land that should be protected. Buildings come and go, land is permanent and landowners have to be protected. The solar modules are non-toxic in the course of general use.

The discussion went on to special use permit standards.

Regarding zoning, Ingrid asked if an overlay zone has been done or proposed.

Frank said that an overlay zone might actually prevent solar development.

Amanda, regarding Section 4, said there is no mention of the solar panels.

Frank said that the panels are not the issue, access plans {*this is what I have in my notes but it doesn't make sense to me- can anyone fill in this part?*}

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5. Discussion - led by Ingrid Haeckel and Cara Lee

Cara started by saying that we will discuss the questions in the agenda. We also need to ask for volunteers to serve on a committee to work on recommendations to the Town Board.

John asked what time constraints are we working with.

Frank asked whether we had any applications now.

Neil said the town did not. The Building Inspector has no authority to consider large solar projects.

Adele Ruger and Amanda went to a session on solar projects at the NY Planning Conference. Grazing animals were pushed as a solar compatible use.

Frank said that grazing animals can cause great damage.

Ingrid asked what assistance NYSEDA offers to actually creating the solar law.

Frank explained that an attorney will review the law; don't be over-specific and repeat things covered in existing code- this makes changes very difficult to keep everything consistent. Jessica from Pace helped make the model law.

Candace said that they are happy to be an extension of the team to create our law.

Frank said that materials on SEQR in the Solar Guidebook can help towns on specifics of the SEQR process.

Janelle Peotter asked if having a law was like "Build it and they will come"? Does it make builders more likely to come?

Candace said that having clear guidelines is helpful.

Frank added that costs and profit drive developers' decisions.

Cara asked what requirements deter development?

Frank said that some requirements can add costs.

Adele asked about the effects of opting in or out of PILOT agreements.

Neil said *{I didn't catch all he said}*.. property tax calculator exists for solar.

Frank said that if taxes are too high in the first five years the project won't go. Projects can last 20-40 or more years.

Lyle said he was trying to pin down how the town benefits by having solar projects.

Frank said that the Town benefits on the upgrade of agricultural land value to the industrial land property tax rate. There followed a discussion about PILOT applications.

Kevin and Cara thanked Candace and Frank for coming and spending time with us.

The upshot: Without a solar law you only have your existing zoning and permitting.

6. Identify committee to work on solar law

Neil Bettez told the group that the Planning Board has studied the Gardiner and Rochester laws; we should not start from zero on our own law.

Ingrid said that appointing a special committee to work on it will advance it best.

Adele said that all the commissions should appoint members to the special committee.

It was decided to do that at the respective meetings of the participants.

There was a brief discussion about the possibilities of solar development on the town land fill.

7. Adjourn

The meeting was adjourned at about 9:00PM.

Respectfully submitted by Lynn Bowdery, Secretary, CWOSP Commission