

**York Solar meeting
York Town Hall
3/5/2019**

In attendance: Gerry Deming, John Morgan, Amos Smith, Sam Swearingen, Mary Underhill

Others in Attendance: Henry Fuller, Kirk Richenberg, Andrew N. Smith, Lawrence N. Smith

Discussion Summary:

Agenda

Supervisor Deming set the agenda for the meeting:

1. Maximum solar coverage of total Prime Soils located on the lot/parcel
2. Setbacks of Type 2 Solar Energy Systems (large scale systems for off-site consumption)
3. Language for Solar siting on ag lands

A. Smith provided an overview of previous work accomplished by the Solar Committee, which resulted in the current Town of York Solar Law.

M. Underhill, Planning Department, provided maps: York Solar Regulations, Setbacks, Restrictions & Prime Soils; York Prime Soils & Farmland of Statewide Importance 2018; York Historic & Trail Resources w/ Proposed Viewshed Protection Area.

Prime Soils, Ag Lands

Discussed value of ag lands, lands in production

A. Smith provided definitions of prime & statewide important soils.

Discussed soils types, soil productivity, limiting prime soil consumption.

Article 10

Local Solar Law is the foundation of the Article 10 process, assurance from NYS.

Siting Board will use local solar law as part of their review process.

Natural Resources

Wetlands, floodplains, ag lands, viewshed. See Town of York maps circulated.

Town Supervisor referred to the Town Comp Plan, which recognizes the importance of agriculture in the Town supporting prime soils protections.

Current solar law has protection of historic properties (listed on State and National Registers) and the viewshed.

Assessment/property values

NYS has not set state guidelines on the assessment of solar. Local assessor will make determination.

What is the impact of solar on local/residential property values?

Co-location of Ag & Solar

Discussion on large-scale solar w/ active ag such as sheep grazing.

Real Property Tax Service (RPTS) and Dept of Ag & Markets has determined co-location of ag w/ large scale solar as an industrial use. This could result in possible loss of ag assessment/exemption, withdrawal penalties, and loss of Ag & Markets Ag District protections.

Maximum lot coverage of solar on prime soils

Current Solar Law sets maximum coverage of solar on prime ag soils at 25% on any lot/parcel. Discussion was held.

Landowner rights discussed.

How could 25% coverage be calculated? Possible calculations were discussed, comparing per parcel/lot to project site.

Recommend keeping 25% coverage of prime soils, and changing any lot or parcel to project site.

Maximum lot coverage

Discussion on maximum lot coverage for solar. Current Solar Law sets maximum lot coverage for solar not to exceed 25% coverage of the lot (not specific to prime ag soils).

Recommend removal of maximum lot coverage, (d) (iv).

Landowner leases

Discussed importance of landowner leases, landowner can work w/ developer to settle issues.

Strong decommissioning and restoration protections should be included.

Setbacks

What happens if there are collective landowners? Discussed how to handle setbacks from shared boundaries between adjacent participating parcels.

Variations for setbacks on shared boundaries?

Project site vs. property lines, possible language change.

Recommend changing setbacks from adjacent property lines to project site.

Current Solar Law has setbacks of 300' from public roadways and adjacent property lines, for all adjacent uses, residential and non-residential. Discussion on reducing setbacks.

Discussed if setbacks should be different for different adjacent uses. *Recommend – no change here.*

Recommend changing setbacks from 300' to 100', and replace "from public roadway" with "from edge of ROW".

Definitions

With proposed changes to current law, are definitions of setbacks and project site needed?

Discuss whether solar energy system as defined in current code includes battery storage?

Time limit on completion

Current law – Building permit obtained within 6 months of approval, construction completed within 12 months of approval. Discussion held.

Recommend changing to: completing construction within 18 months once the building permit is issued. Can renew permit for an additional 6 months. Must reapply if not completed after a two-year period.

Bonds

Discussed protections with a bond, important that Town remembers to track bond in order to prevent loss of funds/bond.

What happens if the owner of solar facility/developer files for bankruptcy? Does this affect the bond with the Town?

PILOT

Discussed Town's interest in pursuing PILOTS, stated in current law.

Sales tax abatement, developers are interested.

What happens if the solar facility reduces the energy output or facility infrastructure degrades thereby producing less energy, does that impact PILOT?

PILOTS can be set by Town, County and School District.

Next actions:

Minutes compiled and forwarded to Jim Campbell and Solar Committee for review.

Discussion of viewshed at next meeting.

Next meeting will be Wednesday, April 10, 2019 @ 7 p.m. at the York Town Hall.