

Town of Enfield
Special Town Board Meeting Minutes
Enfield Community Building
Thursday, May 21, 2015
6:30 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Virginia Bryant, Town Councilperson Mike Carpenter, Town Councilperson Beth McGee, Deputy Town Clerk Sue Thompson, Code Enforcement Officer, Alan Teeter. Town Councilperson Vera Howe-Strait absent.

Supervisor Rider opened the special meeting at 6:30 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag.

Supervisor Rider stated the agenda for this meeting was a “working” meeting regarding Solar Farms Law in the Town of Enfield. She also informed the Board that the Subdivision Law needs more work before it is submitted as a law. Guy Krogh, Enfield town lawyer, will work on the law and resubmit it to the town board for approval.

Supervisor Rider moved, with a second by Councilperson McGee, that the work and submission of the Subdivision Law be postponed and moved to the Board agenda for July 8, 2015.

Discussion: Everyone agreed this postponement was a good idea.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson McGee aye, Supervisor Rider aye, Councilperson Howe-Strait absent. Carried.

Supervisor Rider informed the Board that Councilperson McGee had researched other municipal solar laws. Board members should have received copies of these laws. Towns included were Pompey, Newburgh, and Geneva.

Councilperson McGee stated she read through the town’s Wind Farm Law to find what might indicate what the town thought important issues were for the town.

Code Enforcement Officer Alan Teeter presented copies of the solar permit forms which the town now uses.

Supervisor Rider informed the Board that the town does not have a solar law in existence.

Councilperson Carpenter stated that NYSEERDA would be changing their guidelines in January 2016. Councilperson McGee asked if the cost of solar panels was going down versus subsidies people can receive. He replied yes, but NYSEERDA usually renews the subsidy date before money runs out.

There was discussion regarding remote net-metering – off the grid and on the grid and purchase of grid. Councilperson Carpenter stated that some users set up a wind power generator to subsidize solar power during winter months.

Code Enforcement Officer Alan Teeter stated that the town uses the unified solar permit by NYSEERDA. This permit was adopted for use by the town board.

Supervisor Rider suggested the board start with defining solar usage.

Councilperson McGee suggested the board decide what is important to the town regarding a large scale solar farm. She stated that the Wind Farm Law provided an agricultural use exemption. The exemption states that no permit or other approval shall be required. (Local Law #1 of 2009 – Wind Energy Facilities - Section 2: Permits C. Agriculture Use Exemption)

Code Enforcement Officer, Alan Teeter stated the history for the law was “pro-farming” concerns for residents.

Councilperson McGee stated the ban on natural gas in the town addressed the traditional drilling and access to the gas on agricultural land.

Code Enforcement Officer Alan Teeter asked what the board had in mind for a solar law. Were they looking to regulate large or small solar usage?

Councilperson McGee stated they needed to define solar usage and to address what the community wants in regard to solar usage. She is concerned about “decommissioned” solar panels and how they are handled. She wants issues and concerns regarding neighboring property addressed.

Discussion: It was pointed out that the Site Plan Review Law will “kick-in” when the project disturbs an acre of land.

Councilperson Carpenter read a part of the Site Plan Review law regarding size of project and buildings. He asked if a solar racking structure would fall under any of the building definitions in the site plan review law. He also wondered if they needed to be more specific in regard to solar structures. Should the solar projects be addressed in the site plan review law or be in a separate solar law for the town?

Councilperson McGee asked Code Enforcement Officer Alan Teeter what would make it easier for his job in regard to regulations for solar structures. He replied it might give him more work to do when permits are submitted. He stated that the regulations would be addressed through the Code Enforcement Office and then the Planning Board depending on the construction of the solar project. He stated that the unified solar permit now handles the small solar projects.

Discussion: There was discussion on concerns regarding how the wind farm law handled the size and decommissioning of any windmills/farms. The same handling of solar panels should be addressed whether it is on a large or small scale project. The procedure of how to obtain a solar permit should be addressed also. Price structures should be set up which should also include any additional charges for structure costs/decommission costs so it does not come back to the town for payment.

Councilperson Carpenter asked what the board wanted to accomplish for this meeting. Do they want to write a law now or figure out the perimeters first? He reported he read 3 of the laws sent by Councilperson McGee and he instantly saw a problem with their “unawareness” of the practical side of the solar law. He stated that town boards need advice from solar installers. A clear picture of what solar is being defined should be

addressed. Different aspects involving lot lines, views of the neighbors, how it will function. Will the solar farms be grid tied or expanded to tie into grids? Safety should be addressed. Does NYSERDA require fencing around the solar area? He stated that technology will rapidly change in regard to solar systems in the next 10 years.

Councilperson Bryant stated she liked the Geneva solar law because it was simple. She thinks the solar law should be part of the building codes and address major and minor land usage. She thought it could also be a part of the Site Plan Review Law.

Discussion: There was discussion on Site Plan Review Law and the Subdivision Regulations. The question if regulations are enforceable compared to a law was debated.

Councilperson Carpenter stated he thought a solar law would go along with the other town laws – wind farm, site plan, and subdivision.

Councilperson McGee stated what issues she thought the town would want to regulate/address regarding solar installation /farms:

- Keep in mind the laws we already have in place to handle site plan and subdivision.
- Reference to the Site Plan Review Law regarding: “development activities in certain environmentally sensitive areas, as well as through identifying and minimizing certain adverse effects of unregulated development upon drainage, traffic, public utilities, surface and ground water quality, wildlife habitat and other natural and public resources, and the need for and provision of community services”.
- Large scale solar farming – the aesthetics for the neighbors.
- Abandonment and decommission.
- Solar permit – who can install solar panels.
- The purpose as to why solar – renewable energy is important to the community.
- Fire and building code regulations for solar insulation.
- Future solar access – looking to the future for the town. Guidelines for future solar access create an infrastructure.
- Building structures that may block access to solar panels. Referenced Newburgh Solar Law.

Councilperson Carpenter asked what size systems are being installed. He commented that it sounded like smaller systems were being placed in urban areas. He stated that the larger solar farms will trigger the Site Plan Review Law process. He asked if the board needs to give Alan regulations to deal with the different size solar installations.

Discussion: There was discussion on sizes of houses compared to the size of solar farm areas. The Board needs to be aware of the interfacing between a solar law and site plan review law. Should there be regulations regarding lot size and placement of solar panels?

Councilperson McGee thought anything below 20,000 kilowatt solar panels is residential. Code Enforcement Officer Alan Teeter stated he follows through with the Unified Solar Permit no matter what size it is. He stated that there have been no problems so far.

Councilperson Carpenter suggested they decide how to handle the writing of the law. Councilperson McGee stated she would be willing to work with Code Enforcement Officer Alan Teeter on writing a preliminary law. Code Enforcement Officer Alan Teeter agreed to meet with Councilperson McGee. Councilperson McGee stated she will communicate with the Board regarding the preliminary law using e-mail.

Supervisor Rider stated she did not want to place the solar law on the agenda until a preliminary law was written. Councilperson Carpenter stated that Rebecca Carpenter would be willing to look at the law. She installs solar panels and is familiar with regulations from NYSERDA. He stated he would like to see the law in place by the end of the year. He suggested the next meeting could be at the end of July. Everyone agreed on this meeting.

Adjournment: Supervisor Rider moved, with a second by Councilperson McGee to adjourn at 7:55 p.m.

Respectfully submitted,

Sue Thompson, Deputy Enfield Town Clerk