

**Town of Claverack**  
**Draft Solar Law**  
**Written Comments and Public Comments Received at June 2, 2022 Meeting**

**Setbacks/Coverage**

- 500' setback from the non-participating homeowner is not far enough
- 15' side setback does not allow for sufficient screening—suggested 25'
- Solar developers should have to set-aside easements to make sure that there is adequate open space.
- Proposed Section 7(B)(h) states that “[o]nly landscaping may occur within the setback unless otherwise allowed for by the Planning Board.” As currently structured, this provision seemingly requires a setback from any access road, collection line, or fencing incident to the project. Setbacks from these project components seems unnecessary and is largely unworkable.
- Section 7(B)(l)(ii)(1) directs solar projects larger than 10 acres to “[c]onduct a visual assessment of the visual impacts of the Solar Energy System on public roadways, adjacent properties, and other residential properties within a ½ mile of the project and clearly with the line-of-sight of the project as viewed from the residence. At a minimum, a line-of-sight profile analysis shall be provided.” In effect, this requirement will compel myriad line of sight (LOS) analyses at significant cost, with limited benefit. Suggest that this be left to visual experts rather than proscribe the method for which the visual analysis will be conducted.
- Proposed Section 7(B)(n), the 50% limitation is burdensome and restrictive and does not take into consideration the potential for the solar project to propose co-utilization of the solar project for agricultural purposes.
- Regarding setback provisions for Tier 4 projects, with a setback of 500 feet from nonparticipating residences. That is a very restrictive parameter, compelling siting nearly a tenth of a mile away. Additionally, the 100-foot rear setback is unduly restrictive where there are no receptors on the “back” portions of the lots. Instead proposed the following setbacks:
  - Non-participating residential property lines – 100 feet
  - Centerline of Public Roads – 50 feet
  - Non-participating property lines (non-residential) – 50 feet
  - Non-participating occupied residences – 250 feet

**Enforcement/Review/Follow-up**

- Suggest that a 5-year review of approved solar projects be added the law and sufficient escrow be kept ensuring that any issues are addressed.
- Any new owner/operator of solar project must come back to the town to review the conditions placed on the project when it was originally approved so there is no uncertainty of what was agreed to and approved by the Planning Board.
- If there is a change in ownership of the solar development, there should be a pause in the building out until the Town meets with the new developer to go over terms of the PB approval to make sure that they are understood and followed.
- How will the town enforce the developer in 12-15 years?
- Any changes to a project should have to go back to the Planning Board for review/approval.
- Make sure that there is a sufficient bond secured so that if a project is abandoned, the property can be returned to its original state.
- What procedures are in place to ensure that the conditions set forth by the Planning Board are enforced as the solar project is built and maintained?

- If there is a change of ownership, there should be a pause in the project to ensure that all conditions are understood and agreed to.
- The developer should have to disclose where they are going to connect to the grid as part of their project application.
- All agreements/commitments between neighbors and solar developers/town should be in writing so that they are enforceable.
- There should be better/stronger communication between the Code Enforcement Officer and the Planning Board/Town Attorney during the build-out of the project to ensure that the conditions are being followed.
- The new zoning law should require that each time a project is sold (before, during, or after installation), the new owners must have the projects approved before moving forward or continuing operation.

### **Screening/Glare/Landscaping/Run-off**

- Suggested that a licensed landscaping plan be required to ensure that reasonable screening is used for Tier 3 and Tier 4 projects
- What controls are put in place to make sure that there isn't significant run-off and erosion from the solar panels?
- Need to somehow reduce the glare from the panels to nearby properties.
- Suggest that berms and plantings be installed first near non-participating properties.
- Section 7(B)(l)(ii)(2) details several planting and landscaping requirements. Recommend that the Town Board exclude these kinds of constraints from the draft Solar Energy Local Law; they are simply too inflexible and may not afford the Town Board the degree of flexibility it would want in evaluating solar energy projects on a case-by-case basis.
- In 7.(B).(m).(ii.), reference is made to planting native species within the solar field installation and in the landscaping areas required. In two instances within this paragraph the phrase "to the extent practicable" is used to describe planting native species. The Town should make clear that it is, in the view of NYS agencies and plant authorities, ALWAYS practicable to plant natives rather than non-native species that do not support biodiversity locally. Faced with rapidly lessening biodiversity in the Northeast US, it is our responsibility to plant native species. Therefore I would like to see the words "to the extent practicable" removed in both instances from this paragraph.

### **Zoning Districts**

- Need to balance use agricultural land for solar. What is the tipping point?
- Commercial Zones should be allowed to be used for large scale solar installations.
- Tier 3 and 4 solar energy systems should be allowed, through a special exemption permit, in at least the Light Industrial, Heavy Industrial and Agricultural/Residential Zoning Districts.

### **Miscellaneous Items**

- Solar developers should be required to engage the community, including offering training/internships.
- Suggest that draft language that requires that all Tier 4 Solar Energy Systems, including those that go through the NYS Office of Renewable Energy Siting, be exempt from the Planning Board site plan and special exemption permit application requirements
- The Town's proposed law specifically disallows salvage value to be considered as part of the decommissioning financial security. The draft law's comments identify a concern about the unknown "future salvage value." However, the components of the materials that going into a solar project have value, which can be certified by an engineer. Instead of disallowing salvage value, the law could contain a mechanism for reevaluating salvage values every five years.

- Section 7(A)(b) makes reference to the requirement to obtain signatures and consent from neighboring residents, and the table in Appendix 2 refers to "Non-Participating Occupied Residence", these are not clearly related in the text. I suggest that "Non-Participating Occupied Residence" be added to the Definitions in Section 2.

### **General Questions/Statements**

- Can the town cap the number of projects that are approved?
- What is the vision?
- There should be a balance of fossil fuel vs. solar power
- What is the impact on property values for properties near solar projects? No net impact overall.
- Suggest that there be a county-wide approach taken to solar projects, including the use of parking lots and rooftops of large commercial properties instead of taking up valuable land.
- Questions regarding the tax implications of the solar projects.
- The Town of Claverack's zoning laws should ensure that solar installations are sited and scaled appropriately and also prevent the wanton consumption of our dwindling open space.
- In amending the existing law, Claverack should follow the lead of [Ancram](#), which passed their own [Local Law #1 of 2021 – Regulating Solar Energy Generating Systems](#), which states that community-scale solar systems cannot exceed 10 acres in size, which is sufficient space for about a 5 MW system.
- Large scale solar installations in Claverack (which should not exceed 10 acres under any circumstances) should not be permitted on any lands not zoned heavy industrial. They are inappropriate for residential, commercial, and agricultural/residential areas. Technology is always changing. In the future, less space will be required to generate the same amount of electricity, so it makes sense to limit the footprint of solar installations now.
- We must prioritize open space. Solar installations should be installed on commercial rooftops and parking lots, on the roofs of homes and garages, not on open fields. Large-scale solar installations are responsible for massive amounts of habitat loss for wildlife, habitat fragmentation, and natural degradation.