

Tom Bose:

You're on speaker, but I would just ask you again to, due to the masks, just speak up so it's clear so we get the recording of the audio. What we'll do because we are via Zoom, we're going to allow the people who are here in person to comment first. And then anybody that's online that chooses to speak and comment will be after the in-person. I know Nan's going to go through some of the guidelines for it, but we are going to limit because the number of people we do have, and if everybody wants to comment, we will be limiting each speaker to three minutes.

Tom Bose:

If it seems that there aren't as many comments that we may perceive, at the end when we're done if the board decides someone would want to speak again we may be able to do that. We want everybody [inaudible 00:00:59].

Marvin:

I'm on the machine here.

Tom Bose:

I'm sorry.

Speaker 3:

That's Marvin at home.

Marvin:

Sorry. I'm muting out. Go ahead.

Tom Bose:

Okay. All right. We have the town attorney via Zoom. Hi, Marvin.

Marvin:

Hi, guys.

Tom Bose:

And the host for tonight we'll have is Nan Stolzenburg. She's our professional consultant and planner that's worked with this town for over 12 years now on different things, such as our farm land preservation plan, our comprehensive plan update and we really appreciate Nan's help in this. She's been a professional true and true and been helping [inaudible 00:01:54] as needed basis. So she's going to host it once we start. We're a couple minutes before 7:00. I just figure I'll put a few of these out here. Everybody should know to my left is one exit. To the back of the room is another exit. And to the right is another fire exit.

Tom Bose:

Restrooms are behind me. And what other housekeeping do you have? Okay. If everybody was able to access the proposed law on the website, if not, Kim our town clerk would make some copies if need be. And I believe the public comment period will be open for another seven days, another week from

tonight I believe. And they would be directed to the attention of me, the supervisor, at the address here. Post office Box 687 Jeffersonville, 12748.

Tom Bose:

Glad to see every board member is in attendance. Thank you, guys. Kim is always here. Our town clerk. Fred [inaudible 00:03:07] is in attendance, the chairman of our planning board. Thanks, Fred. So, I guess we're pretty close, Nan. I would like to open our public hearing with a pledge to the flag as we always do. So, join me. Remove your hats.

Group:

I pledge allegiance to the flag of the United States of America, to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

Tom Bose:

Nan, before you start, I would just like to ... we're going to have Kim, the town clerk, read the legal notice. So Kim, whenever you're ready.

Kim:

Please take notice that the Town of Callicoon will hold a public hearing on March 22nd, 2021 at 7:00 PM at the Town Hall 19 Legion Street, Jeffersonville, New York via Zoom and in public. To solicit comments on the proposed Local Law #1 of 2021. A local law amending the Zoning Law, Chapter 203, to add Section 203-59. Renewable energy generating systems. The proposed law establishes regulations for both small scale and commercial scale solar and wind systems and geothermal systems.

Kim:

A copy of the local law is available for viewing at www.townofcallicoon.org or at the town hall. A link to the Zoom meeting will also be provided on the Town of Callicoon's website. Verbal comments may be made by the public in person or via Zoom. Written comments on the proposed law will be accepted until Monday, March 29th, 5:00 PM at PO Box 687 Jeffersonville, New York 12748.

Tom Bose:

Okay. Kim, thank you. Just one last thing, Nan, and I'll let you take it away. I would just like to read. Every local law has a purpose, right? Or it certainly should and this one is no different. So the purpose of this section is to allow for a community farm business and residential use of renewable energy generating systems in the Town of Callicoon, including geothermal, solar and wind energy generating systems as defined here in a manner consistent with the Town of Callicoon comprehensive plan and the town's environment.

Tom Bose:

It is further intended to ensure proper placement of required infrastructure for such systems on building lot, buildings and lots, recognizing these facilities often involve conditional design and location requirements. This section is additionally intended to provide standards for the development and operation of both small scale and commercial renewable energy generating systems in the Town of Callicoon. Subject to the following process and other reasonable conditions that will protect the public health, safety and welfare. This section is intended to promote the effective and efficient use of

renewable energy resources to set provisions for the placement, design, construction and operation of such systems in such a way as to uphold the public health, safety and welfare and to ensure that such systems will not have a significant adverse impact on the environment or on the aesthetic qualities and character of the town.

Tom Bose:

The requirements of this section shall apply to all renewable energy generating systems proposed, operated, modified or constructed after the effective date of this section including modification of existing systems. So hopefully if you're here you probably all have had a chance to at least go through the proposed zoning law and have an idea what it is. And at this time, I will let our planner and consultant, Nan Stolzenburg take off. Thanks, Nan.

Nan Stolzenburg:

Okay. Thank you and hello everybody. Since a couple of folks online joined after the little bit of introduction that Tom gave at the beginning, I'm just going to briefly go over how the public hearing will be run tonight. So first of all, I wanted to let everyone know that this is being recorded and it takes about 24 hours or so after the end of the meeting for Zoom to get the link ready for transmitting. So as soon as that's done, I will transmit the link for the video to the town. And then after that, we will make arrangements to have the video transcribed so there will be a written record of it. So that will be forthcoming. Also, I wanted to let everyone know that the purpose of the public hearing is to hear what you all have to say. So it's not really organized in a way that is a dialogue.

Nan Stolzenburg:

We want to give everybody a chance to speak, so we'll give everybody three minutes to say what they want to say. We'll evaluate how much time we have when that is over. As Tom said, we will start with hearing whatever people have to say for those who are present in the town hall. And then we'll call on folks who are online. And for those of you who are online, there's a couple different ways you can let me know that you want to say something. One is if you go to the bottom of your screen where it says, "Participants", and you click on that little arrow, there should be a little pop-up box that comes up that says, "Raise hand". If for some reason that doesn't work, then you should have three little dots over in the bar, lower right-hand corner of your screen that you can click on that also will get you to raise hand.

Nan Stolzenburg:

If worse comes to worst, you can raise your hand and wave to me and I will call on you. And as you know, in Zoom, only one person can speak at a time, so we'll do the best that we can to make sure that everybody gets my attention and has a chance to speak. As I said, there'll be three minutes about for each person to speak. As the public notice said, there will be written comments accepted at town hall till 5:00 PM on March 29th, so feel free to send in something in writing afterwards.

Nan Stolzenburg:

And when you do start speaking, we'd ask you to give your name and your address, so we can have that for the record as well. And the last thing that I wanted to bring up was just where we call in everybody. We wanted to let you know that it came to the attention really just recently that the town board will be clarifying that the commercial wind facility requirement or regulations were to be allowed. The intent of the town board was to allow them in the [inaudible 00:10:29] zoning districts, just like the commercial

solar. So that will be clarified. That was the intent of the board and we'll make sure that that gets clarified in the text.

Nan Stolzenburg:

So with that introduction, we'll turn it back to the folks at town hall and whoever wants to start can come up to the podium. Give your name and address and let us know what you think.

Tom Bose:

Okay. Thanks, Nan. Just a reminder too, everyone, if you haven't, make sure you sign in before you leave. There's a sheet back there by the door. If you would please sign in with your name and address also. Okay.

Bruce Ferguson:

This is the appropriate place? Bruce Ferguson, Calhoun Center. I've submitted seven pages of detailed comments too. I know I'm not going to get the chance to go through all tonight. But I'll give you the highlights and I'll get into some of the details and you cut me off when my time is up [inaudible 00:11:30]. A number of people have looked at this and found it basically, the law, to be overly restrictive and to be an impediment to the build out of renewable energy use sources. Some of the principle concerns that we've identified are the 10 foot height restriction on ground mounted systems is inadequate, and it's going to result in more costly and larger build outs to build systems that could be easily accommodated at 15 feet. Systems that easily be accommodated at 15 feet.

Bruce Ferguson:

Second, the restriction on land usage for commercial [inaudible 00:12:09] solar seems designed to block these projects altogether, and I'll go into the details of that later if I get time. Third, setback requirements for renewable energy systems appear to sometimes exceed requirements for other structures. If that's the case, it should be corrected. There's nothing more odious about solar than a garage or a shed or other such items.

Bruce Ferguson:

Another item is the [inaudible 00:12:39] siting roof mounting solar raised on existing structures that do not conform to current setback requirements or the setbacks proposed in the law. These systems, since the building is already there, it's not going to harm anyone's view permit, roof mounted systems on these structures, and they should be explicitly allowed in the law. Then there's the question of undefined terms such as front yard and buffering. These need to be clearly delineated or better yet, eliminated altogether. They're only going to lead to trouble between neighbors and trouble between the town and a property owner who doesn't like the town's subjective opinion of what counts as a front yard or what counts as buffering.

Bruce Ferguson:

And this is an important thing for the town, I think. The prohibition on utility scale of course does not conform to New York State law, which in 2020, created the Office of Renewable Energy Siting and that office assumes responsibility for siting large scale installations throughout the state. The local municipalities are limited to an advisory role only and as the gentleman from NYSEERDA who may be on Zoom tonight told me this afternoon, "If you have a law like the one you have that completely bans

utility systems, that is going to work against the town." They say, New York will look at that and say, "It's overly restrictive and completely throw it in the garbage can." If you want control of a utility, have a more nuanced approach just so that we may get down [inaudible 00:14:24] which is unlikely, I think, in our town.

Bruce Ferguson:

But if it does come up, you want to see that the table ... so do away with the blanket ban.

Nan Stolzenburg:

We're over three minutes, so if you could wrap up, that would be great.

Tom Bose:

Thank you. Next person would like to speak. Okay.

Tonya:

Tonya [inaudible 00:15:01], Jeffersonville. I know very little about renewables, so I contacted an expert who installs them, has them. You probably know him. [inaudible 00:15:15]. With regard to the small wind, small turbines. What he said to me was that 75 feet total height is a non-starter for small wind. Any system 25 kilowatts and smaller would need to be above the tree lines unless there's an absolute mountain top with no vegetation. Most of the other towns allow for a height maximum of 145 feet including the tip of the blades. That's a reasonable height and one that will work to make energy production designed by any small wind manufacturer.

Tonya:

Installing a system at 75 feet or even 100 feet total height will be a waste of money. There should be an elimination of maximum rotor diameter, as that will be a function of the maximum height. So his example was that if you have 120 foot tower height, the radius can't be any longer than 25 feet. This is more in line with the true [inaudible 00:16:20] system. If you keep your definitions and requirements as they are, everyone would be forced to install and get approval for a commercial system. If that's the intent, or to basically prohibit any wind systems, then the way it's written will accomplish that. But basically it's really not fair to the farmers or to small businesses or owners who want to use wind as their resource at their location. I guess it's no different than the wood stove. I mean, the outdoor wood stoves. We have [inaudible 00:16:55] in our house since 2004.

Tonya:

And I have the fingers to prove the wood that we cut, so to me, it's about the same thing. Right? So, basically what he said is, "The height of the rotor hub is so important that it is that." The closer the hub is to the tree line, the more turbulence and friction along the top of the trees that will cause issues with the functionality of a system, which makes sense. The clearer the wind line, at 30 or 50 feet above the tree line helps that turbine work better. And that's all I have. Thank you.

Tom Bose:

Thank you. With time to spare. But I didn't start the timer on. That was my fault.

Tonya:

[inaudible 00:17:41].

Tom Bose:

You got a minute left.

Tonya:

Well, just be fair to the farmers.

Tom Bose:

All right. Our next speaker.

Barbara:

Hi, I'm Barbara [inaudible 00:17:56], 17 Sunset Road in Jeffersonville. I have two questions for you tonight that I want you to look at in regulations. First is, what is my front yard? The law mentions a front yard several times. Systems are not permitted in any front yard. But front yard is not defined in the three pages of terms. Without defining what you mean, it seems to be opening the town to lawsuits or questions. In fact, if you looked in my area of town, there are many places that are set many acres back from the road. So would that whole space be their front yard? There are many houses that are set up against a hillside. They don't even have what you might call a backyard. And I can't even tell you what my front yard is because you go in the one door from the driveway and my house faces the other way.

Barbara:

I don't even know what my front yard is. So I would suggest eliminating the phrase front yard. My second question is about the concept of aesthetics. The law states, "The systems will not have a significant adverse impact on aesthetic qualities of the town." It also describes how to hide these systems with plantings and landscaping. But again, I think aesthetics is open to interpretations and possible lawsuits. How could our town defend these regulations and other things in our town maybe viewed as adverse or allowed such as rested vehicles, or trash or abandoned buildings or anything that needs a coat of paint?

Barbara:

So, if the intent is to maintain the character of our town, then these regulations should be removed and allow our residents to maintain their rights to define aesthetics for their own property. Thank you.

Tom Bose:

Thank you very much. Next speaker.

David Tomoson:

David Tomison in Jeffersonville. So I want to completely reiterate what was just said which is I don't think it's the role of government to determine what is allowed in someone's front yard. I think we're totally capable of self-determination especially when the logic or reason such as what a front yard is, is completely undefined. I think all of us are out here in a more rural part of America because we want to make our own destinies and our own decisions about what is acceptable, how we want to power our homes, how we want to build a future, and it's not the role of the town to tell us how large a solar panel can be, where we can get our power from, when it has basically no impact on the town whatsoever.

Especially when the people who fuel our community, like the farmers who have spoken already, are completely opposed to this policy.

David Tomoson:

So I just want to reiterate that the farmers have our support as other people in the community and we don't want this kind of regulation in Jeffersonville. Thanks.

Tom Bose:

David, could you just give your last name again? I'm sorry.

David Tomoson:

Yeah, yeah. Tomison. T-O-M-I-S-O-N.

Tom Bose:

Thank you. Next.

Steve Vandenscotin:

Hello. My name is Steve Vandenscontin. I live at 17 Sunset Road [inaudible 00:21:17] not in Jeffersonville [inaudible 00:21:19] Callicoon Center. It's about halfway in between. But let me first congratulate the town board for your efforts in tackling a difficult and sensitive subject like renewable energy, especially as it relates to zoning in our town. A tough job. Thank you and all who participated.

Steve Vandenscotin:

At any enterprise of a controversial nature there's bound to be a lot of second guessing on the part of some of our community members, and you've already heard some of these arguments. So let me just focus on one tiny aspect of the plan tonight. In the draft of the Town of Callicoon Renewable Energy Law, page 13 in my copy, there was a section 203-63, and in that section it says, "Ground mounted or freestanding energy generating systems shall not be in the following areas." The only bullet I want to talk about is slopes greater than 20%. I question why such a restriction is necessary.

Steve Vandenscotin:

We live in a generally hilly and sloped land. Much of it is not ideal for farming or almost any other purpose. These areas, if they are open and sunlit, might seem ideal for solar panels. So unless the angle of the hill is too steep for construction equipment, why restrict the degree of the slope to 20%? If ground erosion is a primary concern, that can be addressed by planting a mix of shade and sun plants and other kind of plants. And if the speed of rain water coming down the hill threatens to wash away the seed and seedlings, there are products like hydroseeding which has an adhesive agent that hold the seeds in place until they're strong enough to germinate and take root.

Steve Vandenscotin:

So, in short, for small scale installation, sloped ground seems like a very practical use of solar panels and 20% seems way too strict. Thank you.

Tom Bose:

Thank you for your comment, Steve. Speaker? Nan, we doing already?

Nan Stolzenburg:

Yep. Doing fine.

Ann Hart:

Good evening. Ann Hart. 52 Youngsville. I'm a fan of good zoning. I think that good zoning helps a community become or remain the kind of community its residents want it to be. In the 2013 comprehensive plan, it cites a vision for our community's character which includes the promotion and protection of sustainable energy and development, among other very worthy and necessary goals. The use of the word seeks to accommodate renewable energy generating systems in the draft renewable energy law seems to conflict, to me, with the stated goal of promotion and protection that was in the comprehensive plan.

Ann Hart:

It seems that this draft law doesn't seek to promote and protect but rather, it seems to limit sustainable energy projects in the town and to a certain extent, the rights of property owners to install them. I hope you'll consider zoning that aids and encourages sustainable energy systems instead of limiting them in circumstances at where with thought and planning they can actually succeed. I'm just going to cite a couple of examples on small parcels which is what I have. Small scale ground mounted solar energy products cannot be in a front yard and must have a 50 foot setback. Additionally, they may be no taller than 10 feet. This would effectively prohibit a ground mounted system on small lots, rather than set arbitrary setback and height limits that apply to every property in town. You might consider requiring a special use permit in certain circumstances for smaller parcels, which well, possibly making the process longer or a little more expensive, it would make it more flexible.

Ann Hart:

It would accommodate the possibility of a property owner being able to cite a ground mounted system on their property that would satisfy both their needs and the needs of their neighbors. [inaudible 00:25:15]. What? Was that feedback? Okay.

Speaker 3:

[inaudible 00:25:24].

Ann Hart:

A proper design would mitigate any negative effect on surrounding properties while ensuring that the system could also be placed efficiency. [inaudible 00:25:32] special uses the desired middle ground between accessory uses and uses requiring variances. It seems like this could be a possibility. This could also apply to the restriction made later on in the draft law concerning small scalability mounted solar energy systems. Restricting a height to no more than two feet higher than the highest point on the roof effectively prohibits these systems on flat roofs, and we know we have them here.

Ann Hart:

Research on best practices suggest that rooftop PV systems should be exempt on flat roofs from height calculations or allow systems to exceed the maximum height by five to 10 feet. Again, considering this is

a special use on a smaller parcel might be the best solution. You also could consider [inaudible 00:26:12] districts on parcels that have greater concentrations of things. So I thank you for your consideration and I'll give a copy of this to Kim.

Tom Bose:

Thank you, Ann.

Ann Hart:

Yep.

Kim:

Thank you.

Tom Bose:

I have another speaker. Okay.

Eugene Balman:

Hi there. Eugene Balman. Liberty, New York. Please understand well that in the time of increased interest in the Catskill region, in anticipation of population growth, that regulations [inaudible 00:26:50] development is essential. Yet, it is imperative to allow our farmers to operate in a flexible manner, to be able to quickly adapt to our changing times. Therefore, I would suggest two things. First, a definition of very small scale. Something under five kilowatts, it's not grid-tied. What would this allow a farmer to do? Okay. You're far away from the utility. You could have a small solar array. It would be very costly to run lines there. You need a pond for aeration. Solar panel, smart chip, inexpensive, two batteries, pond.

Eugene Balman:

One battery is always filling, one's always discharging. It's very inexpensive, very effective. Don't need a licensed technician to install that. I think that's something the town should consider, something that's off-grid, revolutionary, should be just allowed for people to do. Another thing too would be same kind of set up except distance field. You got livestock. They do this in Australia a lot. Drill a well. Solar panel or solar panels. Quarter [inaudible 00:28:05] motor. Same battery set up. Smart chip. Whenever the sun's out or however you want to set it up, there's water just coming out. So now the animals have water.

Eugene Balman:

Similar thing, you have a utility shed out in the middle of nowhere, you need ventilation, sun's going on. The building can cool. Second thing that I want to point out to in regards to the 20 acre/ [inaudible 00:28:31] acre use, would be if someone came with good plans for dual-use solar, say, agrivoltaics, or in a more likely situation like a sheep grazing operation or if they it secured or have plans to have a research agreement with New York State in those dual-use criteria, I think that it'd be really smart and innovative to put into this law that there is an option for a farmer to, with those conditions for dual use solar sheep grazing, that they don't have to meet the 20 lot minimum lot requirement for commercial. This is all in the commercial sector.

Eugene Balman:

Or that if they had a 20 acre lot or a 50 acre lot, that they're not just subjugated to four acres or overall solar. This would allow the farmer to have the ability to produce energy, deriving income from that, still protecting the farmland. It's just a new way of doing farming. And still get more agricultural product out of that given area. Those are the two things that I wanted to point out. The other thing too is [inaudible 00:29:41] 20% slope and then just thinking about, I didn't really see the difference in the Tesla solar panel roofs. You had a definition in there, but it wasn't clear how that exactly got incorporated in. Thank you.

Tom Bose:

Thank you, Eugene. And our next speaker. Hey, [inaudible 00:30:05] buddy Wes. Did you want to speak or we got anybody else here? I'm sorry. I just happened to notice Wes come in.

Wes Gillingham:

[inaudible 00:30:17] ready?

Tom Bose:

Well, if no one else is ready, we got people online I think that want to, but we've offered it to everybody in attendance to speak first, so if you're ready, we're ready for you.

Wes Gillingham:

Okay.

Tom Bose:

Wes [inaudible 00:30:31], I know you weren't here for the introduction. You got to come up to our podium because you're on camera. Just identify. I know who you are. I know where you live. [inaudible 00:30:42] behind the podium, Wes, please.

Wes Gillingham:

Oh, okay.

Tom Bose:

Thank you. You got three minutes, Bud.

Wes Gillingham:

Three minutes. So I came here because just looking through it and honestly, I've been scrambling through this at the last-

Tom Bose:

Let me just interrupt you. Sorry. Wes Gillingham.

Wes Gillingham:

Oh, Wes Gillingham. Catskill Mountainkeeper of Wild Roots Farm. Northeast Organic Farming Association and the Center for Earth Ethics. So, looking at this document in three minutes I really can't address all the issues that are in this. I understand some of the incentive. People don't necessarily want

to see 2,000 acres of solar panels next to their house. There's a reality in this country, though, that we are under a mandate for the Climate Leadership and Community Protection Act to transition over, away from fossil fuels. And there also is a reality that I think what this document does is actually not what is intended, which is to protect communities. Given the state law, both the existing law that already existed under Article 10 in terms of onerous and cumbersome, it gives the state the right to override what a town puts in its ordinances or its codes, that already exists.

Wes Gillingham:

This document I actually think highlights that and puts in circumstances that would give the state the ability to override. So what you're trying to do in terms of reducing the size of solar projects or wind projects, it actually gives them ammunition to override town code. Yes, you could take that to the Supreme Court. Home rule issue. I don't know that the town necessarily wants to go down that road with the legal defense of that and the cost of that, but I think there's a lot in here that just doesn't make it compatible. And I say that because there's a lot of issues here and it's based on the Farmland Protection plan which I was part of the initial instigation of that way back.

Wes Gillingham:

And that for a farmer to take that more than four acre lot and turn it into something that ... And I just saw Eugene as I was walking in, so he was probably talking about grazing sheep under solar panels. Yeah. But to take that 10 acre lot that you can produce high quality corn on but you could graze a few animals here and there to keep it clear underneath. And also, it takes that 10 acre lot to give income so that you can continue to grow the high quality corn or the dairy cattle or whatever. I think that, to me, I think is the big issue with at least the way the draft reads right now, is it actually hinders and does the opposite of what the community is trying to do. And that's my [inaudible 00:33:57].

Tom Bose:

Well, we are still accepting written comments [inaudible 00:34:01].

Wes Gillingham:

Right. Well, I intend to include that.

Tom Bose:

Stepped it up to a week from tonight.

Wes Gillingham:

Okay. All right.

Tom Bose:

Thank you.

Wes Gillingham:

Thank you.

Tom Bose:

Is there anyone else? Yes, sir. Okay. We have another one coming up. [inaudible 00:34:20] podium. Anytime you're ready.

Brian Watson:

Brian Watson, Jeffersonville. Wild Russet Farm. Again, I want to extend thank you for tackling this issue and to extend an echo of all the voices that have expressed their opinions tonight. We are that farm that is the specific example that Eugene has offered. As part of the voice of the young farmers in the county that have staked our future in this place and in expectation that we'll be able to grow and not have a limitation on these town codes, we are a 20 acre farm. We graze sheep. We have just built a high tunnel that is thousands of dollars away from our nearest utility and this language as currently written would create a scenario in which we are not sure if we would actually be able to provide electricity to this new infrastructure that we have invested over \$10,000 in bringing to the county.

Brian Watson:

As part of our pursuit of building the town, building the county, and being part of what we feel is a strong growth point in the community, so we ask clarification on some of these issues that have been expressed by those before us. And again, we appreciate your concern with the issue.

Tom Bose:

We appreciate your comments. Thank you, Brian.

Brian Watson:

Brian Watson.

Tom Bose:

We have another speaker in attendance here to express their views tonight.

Brian Watson:

[inaudible 00:36:07] like the apple but ...

Tom Bose:

Okay, Nan, it appears that everyone that wishes to speak here has already done so. So, if you want to open it up to our Zoom participants.

Nan Stolzenburg:

Okay. That'll be great. I guess is anyone wishing to, that's online, wishing to speak, you can raise your hand or raise your visible hand and I will ... Okay. Nancy. Let me unmute. I guess I think I can unmute you. Or maybe you have to unmute yourself.

Nancy Lee:

Can you hear me?

Nan Stolzenburg:

Okay. There you go. Yep. Go ahead.

Nancy Lee:

Thank you. Basically I wanted to make a few points. One is economic. The fact of the matter is that I do know from personal experience I did have a solar system put in and the jobs that are available out there are numerous and the installer cannot get enough people to work for him. So not only are they direct jobs, but there are indirect jobs and these are local people who need the work. They are dollars that come into the local economy. So that being the foremost point I want to make. A couple of other things is that we need to make use of the global benefits that come with renewables. To mitigate the global warming and also for the sustainability of animals and plants. We need to do that for the globe, for our local economy, for the national economic and the environment in general.

Nancy Lee:

Two other points I want to make is that reading the draft, the setbacks and the draft regulations are really not workable. I measured my height of the solar array and they are 11 feet. And we have to take into account that there has to be a distance for the drop of the snow as it melts. And the setbacks are not in keeping with the current zoning regulations. Lastly, I want to tell everybody that when I chose to put in solar, I did it with money out of my own pocket. And this is something that the town should be aware of to not penalize people who are using their own dollars to do this for the local economy, for the welfare of the globe, and I think we need to encourage everybody to spend their own money to help everybody else. Thank you.

Tom Bose:

Okay. I believe it was Nancy Lee, correct, Nancy?

Nancy Lee:

Yes.

Tom Bose:

[crosstalk 00:39:07].

Nancy Lee:

I'm from Callicoon Center.

Tom Bose:

Okay. Thank you.

Nan Stolzenburg:

Okay. Next up we'll ask Don Simkin who let me know he wanted to speak.

Don Simkin:

Thank you very much. This is Don Simkin. I live on Boband Road in Youngsville. I understand the purpose of this draft law is to encourage, both encourage and adequately regulate renewable energy within our town. I would like to encourage that the law's description of restrictions and setbacks conform to other structures in the town code, that the hardware restrictions for solar in particular reflect New York State

law, as was mentioned by one of the other speakers. We open ourselves up to expensive lawsuits when the state attempts to override our code.

Don Simkin:

I think the front yard definitions and the buffering definitions are ill-conceived and unclear. And I think in addition, commercial utility systems should be a separate act and a separate law and it should be rewritten to reflect real expectations [inaudible 00:40:46] the positive and negative potentials that these commercial systems would present. Thank you.

Nan Stolzenburg:

Okay. I think Cat Scott, did you want to speak?

Cat Scott:

No, thank you. I was just pointing out that I don't think the raise hand option is working.

Nan Stolzenburg:

Oh, okay. Well, we'll make sure we get ahold of everybody who wants to speak. Linda Reik, would you like to speak?

Linda Reik:

Yes. I just unmuted myself.

Nan Stolzenburg:

Go ahead.

Linda Reik:

I am Linda Reik. Youngsville, and I would just like to speak about how moving to electric powering of devices and all things we can do there can come with great efficiency. And that's what's happening with electric usage. I am getting all of my electricity from a commercial solar array and I am monitoring my usage. I am guaranteed a 10% discount on the kilowatt hour rate from this commercial solar facility compared to the NYSEG rate on a month by month basis for 20 years.

Linda Reik:

I am saving money every month for 20 years by using my electricity. I also have an electric vehicle. An all electric vehicle. And I have done, carefully, calculations for the amount of money I spend on the fuel and I'm comparing it to a car that has averaged 24 miles per gallon by gasoline. And I've done this for about 4,000 miles of travel on highways basically. So nice, smooth driving. And I am saving 70% on the cost of fuel when I drive the electric vehicle compared to what the gas vehicle has routinely been for many years.

Linda Reik:

So individually, we're going to benefit if we use efficient electricity. And then also one more point on January 28th of this year, General Motors announced that they will not make any fossil fueled cars or light trucks after 2035. So think about where you want to be and spending money when that point in

time comes or even do something about energy efficiency as it becomes available to us now and what we can do even now. Thank you.

Nan Stolzenburg:

Thank you. Other folks online? Ruth or Tom? Anybody have anything else online that wants to speak up? Yes. Bill.

Bill Onderkirk:

Hi. My name is Bill Oberkehr. I'm actually with the New York State Energy Research and Developmental Authority or NYSERDA. I spoke to Bruce Ferguson earlier this afternoon and have reviewed the law. I just want to start by saying it's so heartening and wonderful to see how engaged folks are and it's very evident that folks have done the homework and have come to the table prepared to be engaged in a proactive way with the law. I just want to offer one of NYSERDA's services. I'm a project manager on the Clean Energy Siting team at NYSERDA. Part of the role of that team is to discuss these laws, review them with planning boards, with town boards, with community members.

Bill Onderkirk:

And I just wanted to make sure folks in the community are aware that my team and myself personally, I would be happy to do any sort of review or sanity checking that folks in the community would welcome on behalf of my team at NYSERDA.

Nan Stolzenburg:

Thank you. Tom. Go ahead, Tom. You need to unmute.

Tom Willinski:

Okay. Sorry. Tom [Willinski 00:45:16] 9 John Deitz Road, Callicoon Center. It seems to me that since that all of the comments have raised concerns about the law and that Mr. Oberkehr has volunteered to meet and do a sanity check from NYSERDA before the passage of the law, that we ought to put a hold on this so that we can get community engagement and that sanity check from NYSERDA. I didn't hear a single comment that was in favor of the law. I'd like to know how this addresses what the actual community wants and we shouldn't be in a hurry for this. We are moving toward a more electric economy. There's a planned infrastructure program from the Biden administration that may affect all of the things the town is trying to put in place now.

Tom Willinski:

I think it requires more study, more community engagement and a hold so we don't hastily pass something that seems to lack community support and sanity. Thank you.

Nan Stolzenburg:

Thank you. We have a couple other people online. Amy, Mike or Ruth. Anybody want to speak? Anybody else who is online that wishes to make a statement? All right. I guess Tom, I'll turn it back over to you at the town hall.

Tom Bose:

Okay. Thank you, Nan. I know several of you probably had more to say. Quite a few of you didn't use the three minutes and we are leaving it open [inaudible 00:47:21] public comments to remain open at least for a week for written comments. I would like to echo what the fellow from NYSERDA, Bill, that said that people obviously took the time to review this and I think the board can appreciate that and that's what we wanted to have. We wanted to hear the comments and the board will certainly take everything into advice. If there is someone, it's up to the board if you want to allow any further [inaudible 00:47:52] Mr. Ferguson probably had some more comments. You're saying, "Yes", so if you want to do that, if you would like to give us some more comments, that's up to you. But-

Bruce Ferguson:

A few more. I don't want to take too much of everyone's time. Just let me cover some of the other things I was going to talk about front yards and buffering, I think those have been very well covered by other people.

Tom Bose:

Okay.

Bruce Ferguson:

So I just think that's not helpful language because it's too vague. You're going to just have fights. And the commercial limit of ... you can have a lot of 20 acres or more but you can only use four acres. This is way out of line with what other towns in Sullivan County and in surrounding counties are doing. According to Mr. Oberkehr who is on top of all of this, of course, other towns in our area permit 40 to 90% coverage. So if 100 acres, [inaudible 00:48:58] you'd have 40 or 90 acres covered. And that wide disparity in those numbers depends on whether one's mentioning the footprint of the individual components or the overall footprint. If it's the overall footprint with space in between the various arrays, you can go up to 90%.

Bruce Ferguson:

If you're doing just the components themselves, then you might be down as low as 40%. And then the remove the four acre limit, let it be whatever X% of the parcels [inaudible 00:49:29] whether it's 40%, 90%. And then the size of the parcel that can be built out to a commercial system should be up to what it would take to build an allowable commercial system before you cross over into utility-scale.

Bruce Ferguson:

The section on glare in the law is, well, let's say it's unnecessary. Solar panels that have glare are ineffective and no one would buy them or use them. They're designed to absorb light. We have things that do create concentrated glare in this town like metal roofs can create a concentrated glare. But I don't think we regulate them. Since solar systems do not create glare, I suggest you remove that section of the law and instead require that all solar panels be covered with an anti-glare coating which is recommended by New York State.

Bruce Ferguson:

And then I'll finish with this last one because I think this is hugely important. You touch on the New York State real property tax law exemption which permits someone to get a 15 year tax abatement on money they invest in solar or wind in the town. This is a uniform state law. Very few municipalities have opted

out of it. In Sullivan County, only two municipalities have opted out. One, Fremont, which really wants to be part of Pennsylvania as they've told us many times, and the other is Callicoon. This sends the wrong message about what this town is and should be.

Bruce Ferguson:

It makes us look backward, it discourages people buying here and discourages investment and it cuts down on jobs for local people. Good, well-paying jobs that average \$21 an hour. So I recommend that we rejoin the rest of New York State and provide that tax exemption. Thank you.

Tom Bose:

Thanks for your comments. Is there anyone else that didn't speak before and would like to now or wanted to add something to their previous comments? Okay.

Wes Gillingham:

Sure. I will.

Tom Bose:

Oh. I was almost surprised if you didn't. We have Wes Gillingham coming back to the podium.

Wes Gillingham:

Yeah. So just again addressing the issue of the extensive restrictions in here. By placing some of these restrictions, and what I was referring to in terms of onerous law. The already existing Article 10 law and then the new fast track regulations for renewables, those exist, the fast track regulations exist because we have the Climate Leadership and Community Protection Act and the Climate and Community Investment Act [inaudible 00:52:43] introduced into the legislature today to help pay for this rapid transition. There's three major sources of energy in the state, or need for energy.

Wes Gillingham:

One is the electric sector. The other is transportation and then home heating. Those are the three biggest uses of energy that we have in New York State. By creating restrictions on a local level and preventing smaller, when I say smaller I'm not talking smaller meaning 10 or 20 acre solar farms or solar units that could provide for a community solar or things like that. We're really, as a community, cutting our foot off in terms of being able to adjust to this major transition that the state is going to go through. That's not going to be any ... as soon as you start electrifying vehicles, the need for electric is going to go way up. And if we're totally dependent on the corporate 2,000 acre solars and the massive wind farms, they're going to be popping up all over.

Wes Gillingham:

The more that a community can embrace smaller projects from 10 to 50 acres or 100 acres, the less we're going to deal with those industrial scale corporate systems that you ... I mean, how well does everybody here do on arguing with the electric company over their electric bill? Yeah. That's what we're talking about here is enabling a community to adjust to that rapid transition so we don't get stuck just paying the big guys some place else. So that was my big point.

Tom Bose:

Thank you, Wes. [inaudible 00:54:25]. Okay. So it does seem to me and I'll let the board comment if they care to, that there are several if not maybe more than several, but some of them are over and over have been stated tonight. I think with the size of the law and also the size of the proposed system, that seems to be on quite a few of the speakers that have addressed that. So, again, I would like to thank everyone for participating and we certainly do welcome your comments. So I would like you to think about that, if you do want to submit your written comments of what size acreage-wise of a lot what would you suggest as far as what should be permitted or not permitted. And I think the board would like to see ...

Tom Bose:

What we've heard is you're not allowing enough for a commercial solar or wind. And again, that's why this is a draft of the law. So I would like you to think about that a lot, truly, and submit that to us and see what you would think is adequate or that you would like to see allowed. I think the board would, again, take that into consideration to see. Again, this is a draft. I know one of the speakers said "We should not rush through it", and I don't believe we should either. And I think the board will do that as we have done in the past, take into consideration your thoughts.

Tom Bose:

Fred, you were going to submit written comments. Is that right? [inaudible 00:56:13].

Fred:

Yeah.

Tom Bose:

Okay. Okay. The board, would you like to have anything else to say? If not, if there's no further comment-

Charlie:

I'd just like to ...

Tom Bose:

Go ahead, Charlie.

Charlie:

Earlier on, before the meeting started, I asked a question and I think Nan answered it. How many acres do you need for one [meg 00:56:32] and I think you said one meg is one acres?

Nan Stolzenburg:

No, not one acre. No. It depends on the site but they average about three to four acres.

Charlie:

Three to four acres. Three to four acres for one megawatt or is that right?

Nan Stolzenburg:

That's my understanding.

Charlie:

So we probably ... that four acres and four acres [inaudible 00:57:03] parcel doesn't really jive with that either, I think. You have to probably should adjust that somehow.

Tom Bose:

Okay. Dave, did you have-

Dave:

No. I'm glad everyone came here. It's a learning experience to have some feedback from the community who is going to use just solar and wind here, farmers and whatever. So I appreciate you guys coming in and letting us on what you guys think. So, thank you for that.

Tom Bose:

Okay. Anybody else? Okay. Again, I'd like to thank you all for coming out. I need a motion to end the public hearing. Nan, I want to thank you-

Nan Stolzenburg:

Yep.

Tom Bose:

... being on Zoom. Thank you for your comments. And we'll meet again. But I need a motion to [crosstalk 00:57:59].

Fred:

Motion.

Charlie:

Second.

Tom Bose:

[inaudible 00:58:01] motion and a second by Charlie to close the public hearing. And again, we appreciate everything. Chris, thanks for helping us set up some of the technology. I think it worked pretty well. I hope everybody on Zoom felt that it went and was able to speak if they wanted to. So thank you all and good night. Nan, I will talk to you tomorrow.

Nan Stolzenburg:

Okay. Very good. I'll end the meeting then.

Marvin:

Good night. Thanks, Nan. Good night, guys.

Nan Stolzenburg:

Thank you. Yep. Bye-bye.

This transcript was exported on Mar 27, 2021 - view latest version [here](#).

Marvin:

So long.

Tom Bose:

And just make sure if you haven't signed in, please sign in in the back next to the entrance door.