



*Friends of Clifton Park Open Space, P.O. Box 821, Clifton Park, New York 12065*

Board of Directors

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September 7, 2021

Re: Proposed Amendments to Town Code for Solar Energy Systems

To: Town Board: Pubic Hearing Comments by Friends of Clifton Park Open Space

I come to this hearing as a member of Friends of Clifton Park Open Space. FRIENDS has appeared before this board on previous occasions to speak on this topic of solar generation facilities and the need for updated guidance and regulation on this topic. We have asked the Town for solar-siting regulations, cited what other towns have done, and expressed our concerns about conditions and safeguards in the building, maintenance and retirement of solar facilities. We applaud the town's initiative for incorporating many of these concerns and for consolidating them in the proposed zoning regulations.

However, we have additional ideas and concerns which are not addressed here. As early as August, 2019 FRIENDS expressed our apprehension about how the protection of open space—especially in the Western Conservation Residential (CR) Zone—has had the unexpected consequence of providing virgin territory for the proliferation of solar facilities. Furthermore, the initial placement of such facilities was made seemingly without regard to any of the long-standing Conservation Residential (CR) Zoning standards required in this territory—things like density formulas and open space set-aside requirements. Solar is an industrial rather than residential application for these spaces, but that only makes it more important to preserve the essential character of this part of our town.

In July, 2020 FRIENDS again reached out to express our concerns about having 7 solar projects approved with 5 of them in the CR Zone. We urged the town to establish a review process for these projects and are happy that this step has been taken. We understand both the need to encourage non-polluting sources of power, and the advantages that such projects bring to large landowners in the area. But again, we stressed the importance of not only applying CR guidelines to solar construction, but also applying density incentives in order to fund a means of countering the loss of open space. Our town's citizens have consistently and widely supported these incentives.

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At this time, we would like to commend the process the Town has started in order to understand and channel the advantages of solar generation with these new zoning revisions. However, we continue to press for two items:

- First, a mechanism which would compensate the town for increases in density for the acres covered with solar panels beyond the limitations of the CR Zoning code, similar to the Amenity Incentive Payments that exist for residential projects. This mechanism could provide funding for preservation of other property in the CR Zone and protect Western Clifton Park from becoming a density target for solar facilities.
- Second, these regulations note the necessity for a Special Use Permit (SUP). The SUP Zoning Code in Section 208-43.15 outlines “Community Benefits and Amenities” to be considered before issuing an SUP. The resolution before us tonight skips over this section. Considering how little regard the Zoning Board has given to this aspect of solar SUP’s in the past, we feel strongly that “Community Benefits and Amenities” should be given their due consideration—especially in such an extensive non-conforming use as solar.

Members of this board along with members of the Planning Department have received our Solar Position Paper in April 2021. That package outlined in more detail our thoughts and ideas, particularly on these last two items. We hope the Board will give these ideas more solid consideration and incorporate them into a final version of the proposed revisions to the Zoning Code.

Additionally, FRIENDS recommends that the proposed regulations also consider the following:

- *Article XIV (2); Maximum height of Tier 3 systems does not address Agricultural districts. The limit of 15’ would not allow panels to be elevated for livestock to graze under them.*
- *Article XIV (6); It is not clear that vehicular paths should be included in the total acreage of project.*
- *Article XIV (12); Agricultural soils should be confirmed independently and certified by the owner.*
- *Regulations should encourage businesses and public institutions with large roof areas to install community solar systems.*
- *Elevated solar arrays should be encouraged for large parking lot expanses.*