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## New six month solar moratorium

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***Agricultural fields on the west side of Auriesville Road, south of the overhead transmission lines in Fultonville, seen here on Jan. 20, 2021, are the proposed site for the Mill Point Solar Project in the town of Glen.***

GLEN — While the first draft of proposed updates to town laws regulating solar projects undergo legal review and revision before possible adoption in the coming months, the Town Board is set to enact a new six month moratorium on utility-scale solar projects before the existing freeze expires.

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pushed.”

The previous Town Board administration adopted a local law in August enacting a six month moratorium on utility-scale solar projects that will expire on Feb. 9. The new administration held a special meeting on Wednesday to schedule a public hearing on a new local law enacting another

six month moratorium on Feb. 7 at 2:15 p.m.

The initial moratorium was intended to provide the Planning Board time to review existing regulations governing solar projects and propose updates strengthening laws protecting the town from overdevelopment in the face of an anticipated application for a large-scale solar project through the state siting process.

“A lot of residents in the town are starting to realize the impact it’s going to have,” Reilly said. “I think as we move forward the impact will be felt not only in the town, but across the state. Localities are waking up to the fact they have little resources to combat the utility-scale solar that’s being requested for their areas.”

ConnectGen over the past year has been developing its proposal for the 250 megawatt Mill Point Solar Project that would span approximately 2,000 acres of land in Glen. After cold weather delayed the required site testing to advance the application, the developer is now planning to submit final plans to the state this summer.

The project was announced by New York State Energy Research and Development Authority in 2020 as one of 21 large-scale solar projects selected across the state to help meet New York’s goal of sourcing 70% of the state’s power from renewable energy sources by 2030.

The community learned in December the developer has proposed another 100-megawatt project within the town in response to the state’s solicitation for large-scale renewable energy projects for 2021. A Freedom of Information Law request submitted by a resident revealed former town Supervisor John Thomas was notified of plans for a second project in an

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The Planning Board throughout the second half of last year worked to develop the recommended updates. Reilly and Town Board members Rosalie Farina and Susan Whiteman helped craft the proposals as members of the Planning Board until the first of the year when they each took their newly elected seats.

The first draft of proposed changes was recently completed and the town is now seeking an environmental lawyer to review the updates and provide assistance as they are officially handed to the Town Board for revision and possible adoption.

Hiring an attorney to ensure any updates would withstand legal challenges and best protect the town from large-scale solar projects as intended became an impasse with the prior administration last year that Reilly indicated should no longer present a challenge.

Reilly is currently waiting to receive price quotes to identify needed funds before bringing a resolution to hire a legal advisor to assist with the process to the Town Board.

Although he believes the initial draft document is a good step towards protecting the town's rural and agricultural areas from overdevelopment, Reilly said further recommendations could be added as the review process progresses.

"We would really like to direct [solar development] to commercial or industrial areas. Rural and agricultural areas are overwhelming in the town. It really cuts it back when we start to restrict things," Reilly said.

Planning Board Secretary Sandra Hemstreet said the goal was to craft recommendations for solar development more closely aligned with the town's comprehensive plan

"To make it so that renewables can come in, but we ultimately retain the integrity of the community," Hemstreet said.

The updates state the purpose of the laws as to "encourage sensible siting for solar energy systems such that community character, environmentally sensitive areas and prime farmlands are preserved and protected ... and to ensure that such systems will not have a significant adverse impact on the environment, and on aesthetic qualities and character of the town."

Recommended updates include limiting utility-scale solar projects to a



The setback distances from residential properties would be a substantial increase to the existing 100-foot requirements at the front and rear and 50-foot requirements at the sides of properties. Hemstreet said the Planning Board had originally recommended larger setback distances of around 200 feet be included in the existing solar law which was adopted in November 2020.

The previous Town Board ultimately scaled it back to current levels. After seeing the demand from solar developers to site projects in the town, the new recommendation goes further to protect residents from the impacts of solar arrays installed on neighboring properties with room for discretion.

“Almost our entire community is rural residential,” Hemstreet said. “The Planning Board felt strongly we needed to go with a bigger number because you can always negotiate down with someone coming in, but you can’t negotiate up.”

The suggested changes would further require commercial solar arrays to “avoid to the maximum extent feasible” soils classified as prime farmland, prohibit the clear cutting of more than 9 acres for project siting, ban installation on slopes greater than 12% and disallow projects in the hamlet.

The updated regulations would apply to any utility-scale solar projects proposed in the town for local review. However, solar projects of 25 megawatts or larger are subject to approval through the state Office of Renewable Energy Siting and the 94-c permitting process, which may supersede local laws that are deemed “burdensome.”

“The 94-c process may look at town laws, but developers don’t necessarily have to adhere to them,” Reilly said. “It’s really disheartening that home rule is being pretty much ignored by the state and that authority.”

Both Reilly and Hemstreet believe the current proposals are reasonable to safeguard the rights of all residents, even within the context of the state siting process.

“I do think we have to be very thoughtful about it,” Hemstreet said. “It does need to be something where the community as a whole can try to balance everybody, people seeking opportunities get to take opportunities while at the same time trying to maintain some of what makes it good to live here and have resources for food and agricultural production in the future.”



siting process, despite the ability to supersede local laws.

“If we try and work with them in good faith, hopefully, they will be willing to do the same with us,” Hemstreet said.

If the Town Board approves the new six-month moratorium as anticipated next month, Reilly believes the process of updating the town’s solar laws can be completed before it expires.

*Reach Ashley Onyon at [aonyon@dailygazette.net](mailto:aonyon@dailygazette.net) or [@AshleyOnyon](https://twitter.com/AshleyOnyon) on Twitter.*

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