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Board makes minor changes to solar approval expected in August

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GLEN — The Glen Town Board affirmed their support for measures in a proposed local law tightening regulations over utility-scale solar projects and made only minor changes to the draft law during a special meeting on Thursday.

The meeting was called to review comments received during the public

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“The reason for this meeting is so we can discuss these prior to taking any action on the solar law. So that the board would come together, look things over, see if there is anything we wanted to include, change or update,” Supervisor Timothy Reilly said Thursday.

Although town officials felt it necessary to document their consideration of each point raised by ConnectGen’s lawyers, Councilwoman Susan Whiteman stated plainly that the proposed solar laws are not directed specifically at the company or the massive projects it is planning in Glen.

“ConnectGen seemed to feel that this was directed towards them, but I want to point out that we are in the vortex of where solar wants to be. We will be seeing many applications coming forward and we need to think broadly ahead about what are the issues for the town and how to preserve our community and agriculture,” Whiteman said.

PROTECTION FROM OVERDEVELOPMENT

Some measures included in the updated solar law were previously proposed when the town first developed regulations for solar projects several years ago, Councilwoman Rosalie Farina noted. She and Councilman Russell Kelly, Jr. blamed former town Supervisor John Thomas for their removal despite objections from residents in the solar law that was ultimately adopted in 2020.

Since then, Glen has become increasingly targeted for development of solar projects that consume broad swaths of farmland, prompting residents to demand tighter regulations to protect the rural community. Town officials began drafting the updated solar law last year after adopting a moratorium on utility-scale solar projects last August that will remain in effect into next month.

The Town Board is expected to adopt the finalized solar law during its next regular meeting on Aug. 8. Afterwards the law will be immediately submitted to the state Department of State to formally conclude the process before the moratorium expires, according to Reilly.

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directing project development away from active farmland. The Town Board largely agreed the draft law accomplishes those goals as written.

"They are sacrificing one particular natural resource that we have, farmland," Kelly said.

TWO MINOR TWEAKS

Attorneys for ConnectGen in their comment letter to the board argued the proposed updates are overly restrictive and suggested the regulations should be loosened. Town officials made only two minor changes to the draft solar law after reviewing the detailed feedback.

Young/Sommer took issue with the originally proposed prohibition on installing solar arrays on slopes greater than 12% that would limit the amount of land available to projects. The board agreed to loosen the regulation to instead ban installations on slopes greater than 15%.

The board resisted a recommendation from Kelly to remove the restriction altogether. He argued this would allow farmers to offer marginal areas to solar developers instead of prime growing land.

"That's just going to put more pressure on the more desirable land," Kelly said.

Bonnie Couture, co-chair of Glen Families Allied for Responsible Management of Land or GlenFARMLand, pushed against the amendment over concerns that allowing solar arrays on steeper slopes would create stormwater runoff issues. The board said the slight adjustment would follow the rules common among surrounding communities.

Officials also agreed to a recommendation from Young/Sommer to remove a requirement specifying that solar companies secure \$2 million in workers compensation and general liability insurance. The town will instead stipulate that insurance be secure in the amount required by state law.

WIDER SETBACKS STAY

The board gave the greatest attention to concerns over proposed increases to setback distances for solar projects before agreeing the larger buffers are appropriate to better shield residents from impacts.

The updated solar law would boost minimum setbacks to 500 feet on all



100 foot front and rear setbacks and 50 foot setbacks at the sides of properties

Young/Sommer in its comment letter claimed there were no health or safety benefits associated with the expanded setback provisions that would require additional acreage to be secured for solar projects resulting in inefficient land use further disrupting farming activities.

The law firm recommended the town instead adopt the statewide “standard” setbacks for solar projects of 100 feet from non-participating residential property lines, 250 feet from occupied homes of non-participating properties and 50 feet from the centerline of public roads and non-residential property lines.

The board opposed the lawyers’ assessments, saying the 500 foot setback requirements are appropriate to protect nearby property owners and follow the requests made by residents that were initially proposed for inclusion in the town’s solar law years earlier.

Councilman Ronald Crewell rejected the suggestion that the town should blindly follow apparent state standards.

“We have no obligation to the state. We have an obligation to the people in our town and the direction our town has planned,” Crewell said.

COMPETING GOALS

The state’s goals of sourcing 70% of New York’s power from renewable sources by 2030 and related policies have weighed on the town’s efforts to tighten regulations since large-scale projects of 25 megawatts or larger are removed from the typical local approval process.

Instead, these massive projects are submitted through the state Office of Renewable Energy Siting and the 94-c permitting process. Although projects are reviewed in the context of local laws, developers are able to supersede regulations deemed “burdensome” to meeting the state’s energy goals under the Accelerated Renewable Energy Growth and Community Benefit Act.

While the Town Board acknowledged the distances could be overridden by the state, officials said the increased setbacks would demonstrate the town’s wishes and serve as a starting point for any determinations.

“The goals of New York state are not the same as in the town,” Kelly said



If adopted, the town's new solar regulations will almost certainly be tested by ConnectGen when it submits applications to the state for a pair of projects totaling a combined 350 megawatts targeted for construction on roughly 3,000 acres of mostly agricultural land in Glen.

Representatives of ConnectGen previously stated project plans were being developed in compliance with the town's existing solar laws. The proposed update would make that nearly impossible.

OTHER RESTRICTIONS

Among the regulations in the law are a prohibition on utility-scale arrays in the Hamlet zoning district. Projects would still be allowed in the Rural Residential, Industrial and Commercial Districts under certain conditions with the approval of a special use permit.

Utility-scale solar projects would be capped at using a maximum of 10 acres of agricultural land and total lot coverage would be limited to a maximum of 20% for all types of properties. Arrays would be ordered to "avoid to the maximum extent feasible" soils classified as prime farmland.

Additionally, clear cutting of more than 9 acres of trees would be prohibited and battery energy storage systems would not be allowed.

The Town Board members were clear that they support renewable energy, but not unchecked at the massive scale being proposed, which officials and residents believe would harm the community's rural and agricultural nature.

"There are a lot of unknowns," Whiteman said. "I feel we as a town government need to make it restrictive, otherwise we don't have a choice."

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