

A public hearing was held by the Town Board of the Town of Ballston on Tuesday evening, July 31, 2012 at the Town Hall on Charlton Road

PRESENT:	Patricia Southworth	-----	Supervisor
	Mary Beth Hynes	-----	Councilwoman
	Timothy Szczepaniak	-----	Councilman
	Jeremy Knight	-----	Councilman
	William Goslin	-----	Councilman
	Carol Shemo	-----	Clerk
	Murry Brower	-----	Counsel

Supervisor Southworth opened the public hearing at 7:18 p.m.

The Town Clerk read the legal ad for the public hearing.

The purpose of the public hearing was to receive input regarding the adoption of the proposed Solar Collection Code which requires persons installing a solar collection system obtain a building permit in all zones in the Town of Ballston for systems that are mounted on an existing structure and for those that are free standing and which would require an area use permit from the Zoning Board of Appeals because the units are ten feet or higher. The Town Board of the Town of Ballston will review the environmental significance of said proposed Local Law.

The following people spoke at this Public Hearing:

Mr. Richard Voehringer gave the Town Clerk an editorial, from The Daily Gazette Newspaper for July 31, 2012, to be distributed to the Town Board. The highlights of that article are as follows:

- 1) The Town of Ballston Solar Collection Code is too tough and would discourage homeowners from using solar power, something that would benefit not only them but the larger society.
- 2) A petition, signed by seventy-three residents of a development, was given to the Town Board because of their concern about the looks of a solar display in a neighbor's yard. They filed a lawsuit in State Supreme Court claiming this solar display violated a deed restriction against offensive structures and decreased their property values. They lost this case since the solar panels were not specifically stated in the list of deed restrictions.
- 3) This proposed Local Law would apply to rural areas as well; exception is for those with agricultural exemptions. People living in rural areas would mostly likely want to have the larger installations since they would not be limited by the size of their property.
- 4) Solar Systems manufacturers state it is necessary to get a 14' structure for maximum benefit.
- 5) The homeowner would need to notify his neighbors of his plan to install solar panels. This could present a problem if the homeowner went before the Zoning Board of Appeals and his neighbors objected to the installations.
- 6) The cost of electricity continues to rise, the cost of solar systems continues to decrease, the Federal and State government provide tax incentives, and these factors would encourage homeowners to want to install solar systems.

Mr. Voehringer asked the Board to see the big picture and not over regulate with the Solar Collection Code. He feels the solar systems increase the property value.

Mr. Peter Looker said that most of us get our electricity from coal; this source of energy has caused the removal of mountain tops in the Appalachians. The Town should be looking to pass a law restricting hydrofracking. We should try to stop the worst destruction and destroy a little less of the planet. What message do we want to send to our children?

Mr. Peter Trolino said the State and Federal government are encouraging people to use more sustainable means of producing electricity. The Town of Ballston will be discouraging it with this regulation. Homeowners should be able to install solar panels the size that they need to be to be effective. People will look to other communities that are more open. We should not be using aesthetics to govern how we write our legislation.

Climate change is real and anything we can do to lessen the impact of the amount of fossil fuel we are using is a good thing.

Ms. Terri Robens uses solar power and sees a huge savings with her electricity bills. The Town should encourage solar power. Solar power is our future; it is clean, safe, and non-polluting and is an easy sustainable system. The Town should think about what is important. Her daughter's generation is concerned about the future; they are learning about alternate energy, solar power, sustainable organic farming and how to farm our own food.

Ms. Polly Windels does not want to see the Town of Ballston as the only town in Saratoga County to ban solar power. She is a solar advocate and strongly supports it. With this legislation the Town is enforcing aesthetics because a group of neighbors didn't like the way the solar panels looked. She asked the Town Board to vote against the new solar rules.

Ms. Joan Pott, Chairperson of the Farmland Preservation and Protection Committee, spoke on behalf of the committee, is concerned that the Solar Collection Code applies to all zones in the Town. Under the Agricultural and Markets Law §25AA and §305 agricultural districts are not under regulations for solar power.

Mr. Paul Simpson stated that The Daily Gazette article concerning the solar legislation made very pertinent points for the Board to consider and he hopes they vote against this legislation.

Mr. Ivan Botsford said the residents of Seelye Estates have nothing against solar panels or the generation of solar energy. The lots are not that big and the placement of the units does impact the way the properties look. He believes lowering the units to 10' is not unheard of and the Town has an obligation to control standing structures. If the structures were turned horizontally it would be more desirable for the neighborhood.

No one else wished to speak; therefore, the public hearing was closed at 7:35 p.m.

Respectfully submitted,

Carol R. Shemo
Town Clerk