

A public hearing was held by the Town Board of the Town of Ballston on Tuesday evening, January 31, 2012 at the Town Hall on Charlton Road. Members present were Supervisor Patricia Southworth, Councilwoman Mary Beth Hynes, Councilman Timothy Szczepaniak Councilman Jeremy Knight and Councilman William Goslin. Also present were Town Attorney Murry Brower and Town Clerk Carol Shemo.

Supervisor Southworth opened the public hearing at 7:05 p.m.

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

The purpose of the public hearing was to receive input on a proposed Local Law to establish a six month moratorium on the installation, establishment, erection, construction and enlargement of stand alone solar apparatus in the Town of Ballston to study the impacts of uncontrolled installation that these structures have on the Town of Ballston.

The first speaker was Richard Doyle, Chairman of the Town of Ballston Planning Board. He presented his ideas from the information he gathered from research, State and Federal guidelines and the current zoning in the Towns of Wilton, Malta, Halfmoon and Clifton Park. He stated that we do not want to over regulate because we restrict the rights of people. Mr. Doyle talked about alternate electrical energy sources. Geothermal systems are underground, works well, no effect on the environment but high maintenance costs. With solar panels, the person would have site plan review, bring in their power demands, location of panels and screen. They would get a special use permit and this would answer how this installation would affect their neighbors. There would be a public hearing and a SEQRA and if a variance was needed, they would go to Zoning Board. Windmills are for rural area 20,000 sq ft; our concerns are with height, appearance and constant hum. With the complexity of these energy sources, we need to know the regulations and requirements for their installation.

Supervisor Southworth reminded the public that the public hearing is on establishing a six month moratorium on stand alone solar panels. If regulations were to come out, there would be more public notice and a public hearing before any regulations passed.

The next speaker was Jeff Irish, the President of Solar Design and Installation Company, Adirondack Solar and Hudson Valley Clean Energy. In this region the ground mount systems are popular with farmers and help them get a hold of their energy costs for years to come. The six month moratorium will curtail employment, slow growth, take away potential jobs for those studying installation of systems in schools. This direction is contrary to State policy of encouraging the use of green energy. This moratorium will shut down business until the middle of 2013. Since this is largely a rural area, he feels the moratorium should be restricted to small residential lots where the problem exists and eliminate the need to place these restrictions on farms and commercial enterprise. With roof systems, we need to be careful about the cutting of trees. The Town could pass a law that for 6 months all systems will require site plan. Site plan review is already in place and neighbors would find out what is being considered and the Planning Board could offer some guidance about the project.

Resident Peter Trolio is concerned about our runaway climate change crisis. We need to reduce the use of fossil fuel especially electricity generation. The Town has an opportunity to take an impressive step to deal with climate change by supporting clean solar and other renewable energy. We should be working on a climate change plan involving all people, business, government, university resources and community groups. The Governor proposes expanding the residential solar equipment credit to leases not just equipment purchases. If solar energy is not available to the Town of Ballston, we may be taking away a financial benefit available in other communities.

Richard Voehringer asked the Town Board to consider that the price of electrical energy has doubled. Don't make the permit hard to get. Keep the public hearing open and accept written comments concerning this moratorium.

Brian Haines said he is concerned with the statement that property values have decreased with the addition of solar panels. There has not been a study to show this is true. A study

in California showed home resale value increased by thousands of dollars. This moratorium will hurt the homeowner who wants to put in a small system or a large system to power their home and offset the energy costs.

Steve Atkins works in the solar industry. He has wanted to have a place with a good solar site on his property. He bought his property with the plan to install solar system. He now has a partial installation. He has a permit and site plan and he will be very disappointed if he has to wait 1 ½ years to complete his installation.

Joan Pott would like to encourage the Board to balance private property rights versus the good of the majority governed in mind when you consider this moratorium. Under Agriculture and Markets Law free energy sources to be all structures on farm buildings and in general construction on land for agricultural purposes within a county adopted state certified agricultural district shall not be subject to site plan review, special use permits or non-conforming use requirements.

Lisa Doan feels solar energy is great. The moratorium will give us time to consider other energy sources. We can research smaller size systems, other than commercial size solar panels, with higher efficiency. We will have the time to find out what the Town really wants. She thanked Dick Doyle for his time and appreciates the Town Board acting this quickly.

Rita James lives behind the solar panels. She came to rural area and bought in her neighborhood because she didn't like fences and planted shrubs on her property line. These shrubs are not large enough to conceal the panels. Her neighbor is having difficulty selling her house because of these panels.

Paul Simpson stated the one issue is whether there needs to be a moratorium. The current zoning requirements need to be updated but that doesn't require a moratorium. This problem involves a few residents in a limited area. Their solution shouldn't cripple the Town energy development and progress in the energy industry.

Michael Prezioso stated we are here to decide whether or not a moratorium is in order so that the issue can be studied in more detail. No one opposes progress, technology, concern for the environment and the development of energy. The moratorium gives the Town Board the time to move forward in a thoughtful, plan full way to make the best decisions for the Town. He is in favor of a six month Moratorium. While it may have an economic impact, the Board has bigger responsibility to make plans and decisions that are done in careful review.

Audie Matias thinks we should make the Town more progressive in terms of renewable energy. She does not believe a six month moratorium will benefit the residents of the Town of Ballston. There are certain incentives on the Federal and State level. Residents can take 30% tax credit on installations and the panels and \$4,000 credit from New York State. Amendments are needed to the zoning laws. She gave the Town Board a copy of the Towns and States that have passed amendments to their zoning laws.

Polly Windels has solar hot water system, solar fan and ground mounted solar system. With her solar system she gets back about 60% of her energy costs. She is not in favor of a Town-wide moratorium. Those who live in deeded properties have paid extra to have their neighborhood look a certain way; deeded properties can have a moratorium on solar systems and do it through their associations and not need the cost of Town dollars to do so.

David Wolf said we need to start thinking about our future and move away from fossil fuels. The Town needs to lead and look into new forms of energy and nothing is more efficient than solar, wind and sources that are free. A six month moratorium will stop commerce, discourage people in investing in our future and investing in this form of energy. This not only helps us individually but it helps our country. It gets us off foreign oil by using self-sustaining energy. The Town needs to work hard and come up with solutions. Work with solar businesses to come up with panels that look acceptable. Work for the best thing that meets our needs and the future.

Jim Dolan sees both sides. He feels the Town would not be considering a moratorium if there were common sense laws or rules applied in the beginning. He is for a moratorium to protect the people in the rest of the Town so they are not blindsided. Town Board can come up with common sense solutions that are fair and hopefully can do so before six months time.

Jack Sweeney stated no one opposes solar energy. This is a neighborhood issue. When Seelye Estates was being built the Town cared about us. We had restrictions in our deed but no one knew then that we would be dealing with solar panels so this was not addressed in our deeds. We have certain expectations how our neighborhood should look. If it takes a moratorium to do this, hopefully it can be done quickly.

No one else wished to speak. The public hearing was closed at 7:57 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Carol R. Shemo".

Carol Shemo  
Ballston Town Clerk