

**Town of Charlton
Saratoga County
Meeting of the Town Board**

PUBLIC HEARING

Use of Solar Arrays

**April 29, 2013
7:00 PM**

The Public Hearing for the proposed Local Law regulating the use of solar, ground or pole mounted solar arrays within the Town of Charlton, was held at 7:00 pm at the Charlton Town Hall, and called to order by Supervisor Grattidge.

Present: Councilman Gardner, Councilman Lippiello, Councilman Salisbury, Councilman Verola, Supervisor Grattidge, Town Clerk Brenda Mills, Attorney Van Vranken.

Town Clerk Brenda Mills read the following Legal Notice and confirmed that it was published in the official newspaper, The Daily Gazette on Thursday April 11th, 2013:

NOTICE OF PUBLIC HEARING

**TOWN OF CHARLTON
SARATOGA COUNTY, NEW YORK**

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Charlton on the 29th day of April, 2013 at 7:00 p.m. at Town Hall, 758 Charlton Road, Charlton, New York 12019 at which time and place it will hear all persons interested in the proposed Local Law regulating the use of solar, ground or pole mounted solar arrays within the Town of Charlton.

By order of the Town Board
Town of Charlton, New York

Brenda Mills, Town Clerk

Dated: April 8, 2013

Supervisor Grattidge said that the Board would not be acting on the Local Law this evening. The Board has recently received written recommendations of changes from the Planning Board and the Environmental Conservation Committee which they would like to heavily consider. He opened the floor for public comment.

The following residents spoke and all agreed that the proposed Local Law was too restrictive, and pointed out that the setbacks of 100 feet and the height limitation of 10 feet is not practical: Torben Aabo, Mary Kadlecek, Ray Black, Jim Sevinsky, Craig Kominoski, Marilyn Phillips, Dawn Szurek, Bradley Howe, Eileen Stone, Sandy Kominoski and Bill Yunik.

Torben Aabo also pointed out that the last section states that if a homeowner is sued by the Town, the homeowner must pay all legal expenses. He feels that the wording should be changed to say that the Town will pay in the case where the Town loses.

Mary Kadlecek pointed out that solar systems do not emit noise, smell or light. There are many benefits and she thinks the Town should encourage their use, but this law seems to prohibit that. She said that obtaining variances is expensive and time consuming, and she does not feel that it is a reasonable burden to put on landowners.

Ray Black thanked the Board for being proactive and addressing the issue before it becomes a bigger issue, as there is a need for alternative energy.

Jim Sevinsky said he has recently installed solar poles in his front yard and he found the permit process to be very cumbersome. He said that there are state and federal incentives to encourage alternative energy, and he feels the Town should also encourage it. He does not feel that solar arrays need to be invisible based on all of the positives that they provide.

Craig Kominoski said that sheds used for solar need to be addressed as well.

Marilyn Phillips feels that ground mounts are a good alternative and that corner lots are sometimes difficult to decide which is the front yard.

Dawn Szurek asked the Board to give special handling to farms and greenhouses. She stated that homes with large front yards may need exceptions.

Bradley Howe said that compared to the current Zoning Ordinance, this new law is very restrictive. In his yard, he would be prohibited by the setbacks or have to cut down trees over 100 years old.

Eileen Stone pointed out that the trees in Charlton are old and beautiful, as well as needed. She said maybe there is a way to educate people. She does not think that they are visibly destructive.

Bill Yunik said he thinks he is the first home in Charlton to go totally solar. He said his electric bill used to be about \$600 per month and his most recent bill was \$16. His arrays are 14 to 15 feet high.

Supervisor Grattidge pointed out that the Board is not opposed to solar use. He asked the audience if they agreed that solar installation should be by permit. The audience agreed. He said that in Burnt Hills, there was a house in a residential neighborhood that filled the entire backyard with solar poles and the neighbors went crazy and sued. The case is currently in court.

Don Schermerhorn, Chairman of the Zoning Board of Appeals explained why he wanted to get a law in place. He said when permits for applications were coming in, the concern at the time seemed to be with the visibility of solar arrays. The Zoning Administrator needed direction on what was acceptable. He feels that the Town should consider all the comments tonight about the setbacks. He would like more clarification of what solar collectors are. He said that the ECC has done a solid job of reviewing the subject and he feels that their suggestions should definitely be considered.

Ray Black suggested that maybe size limitations should be placed on them based on the size of the house. He thinks that the Town should also consider addressing collective arrays which give power to a group of homes.

Attorney Van Vranken said that he used the ECC and Planning Board suggestions to create Draft #2 which he had not yet given the Board. He will also take into consideration the comments made tonight. The new Draft #2 is much less restrictive.

Ray Black asked for the purpose of the statement regarding exemptions.

Sandy Kominoski said that homeowners can't currently sell back more than 10% of the excess energy produced. Supervisor Grattidge said that he feels that it is going to change in the very near future.

Teddi Smith asked what happens when the collective arrays deteriorate.

Dawn Szurek said that distributed generation is coming in the future. How would Charlton handle it if a big power company bought up a large chunk of land in Charlton for this? Do we want this in Charlton?

Supervisor Grattidge said that the Board will review the new draft and consider all the comments made. There will be another Public Hearing in the future to get the people's input on the revisions.

All of the councilmen thanked the public for coming out and giving their input. They also thanked the Planning Board and the ECC for their time and comments and suggestions for changes.

No further discussion ensued.

RESOLUTION #78

Adjournment of Public Hearing

Motion by Councilman Verola

Seconded by Councilman Gardner

BE IT RESOLVED that the Public Hearing be adjourned at 8:12 p.m.

VOTE: All Ayes, No Nays, *CARRIED*.

Respectfully Submitted,

Brenda Mills
Town Clerk