

**MINUTES OF THE TOWN BOARD OF THE TOWN OF FORT EDWARD PUBLIC HEARING HELD ON TUESDAY, MARCH 29, 2016 AT TOWN HALL COMMENCING AT 4:00PM**

Supervisor Suprenant called the meeting to order at 4:02pm

Pledge of Allegiance

**PRESENT:** Supervisor Mitchell Suprenant  
Councilman Neal Orsini  
Councilman Terry Middleton  
Councilman Timothy Fisher

**ABSENT:** Councilman Richard Mercier

**OTHERS PRESENT:** Town Attorney Mary-Ellen Stockwell

**BUSINESS:**

**Public Hearing Notice  
Solar Moratorium**

Supervisor Suprenant opened the public hearing at 4:02pm

The following notice was published in the Post Star:

**PLEASE TAKE NOTICE** that the Town Board of the Town of Fort Edward will hold a public hearing upon a proposed local law placing a moratorium on the construction, expansion, modification of or installation of Freestanding and/or Ground Mounted Solar and Wind Energy Facilities and Systems in the Town of Fort Edward, to be held at the Town Hall, Town of Fort Edward, 118 Broadway, Fort Edward, New York, 12828 on the 29<sup>th</sup> day of March, 2016, at 4:00 p.m. All those wishing to be heard on said local law may appear at said hearing and be heard thereon. A copy of said proposed local law is on file in the office of the Town Clerk.

Aimee Mahoney,  
Town Clerk  
Town of Fort Edward

March 14, 2016

**PUBLIC COMMENT: NONE**

**MOTION** by Councilman Fisher, Seconded by Councilman Middleton to close the public hearing at 4:12pm **ALL AYES**

**RESOLUTIONS:**

**TOWN BOARD OF THE TOWN OF FORT EDWARD  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

Resolution No. 18 of 2016  
Adopted March 29, 2016

Introduced by Councilman Fisher  
who moved its adoption

Seconded by Councilman Orsini

**RESOLUTION ADOPTING PROPOSED LOCAL LAW  
ADOPTING A MORATORIUM ON FREESTANDING AND/OR GROUND MOUNTED  
SOLAR AND WIND ENERGY FACILITIES AND SYSTEMS IN  
THE TOWN OF FORT EDWARD**

**WHEREAS**, pursuant to Section 10 of Municipal Home Rule Law, the Town Board (the “Town Board”) of the Town of Fort Edward has the authority to adopt local laws enacting moratoria; and

**WHEREAS**, the Town Board scheduled a Public Hearing to be held before the Town Board of the Town of Fort Edward on March 29, 2016 at 4:00 p.m. at the Town Hall, 118 Broadway, Fort Edward, New York, to hear all interested parties regarding proposed local law to enact a temporary moratorium to cover certain uses of property located in Town including the construction, expansion, modification of or installation of Freestanding and/or Ground Mounted Solar and Wind Energy Facilities and Systems for the purpose of studying and adopting municipal and zoning regulations on solar in the Town; and

**WHEREAS**, notice of said public hearing was duly posted and then published in the *Post-Star*, the official newspaper of the Town, pursuant to and in conformance with the Municipal Home Rule Law; and

**WHEREAS**, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak concerning the proposed local law; and

**WHEREAS**, the adoption of a moratorium is a Type II action under the State Environmental Quality Review Act requiring no further environmental review.

**NOW, THEREFORE BE IT RESOLVED** The Town Board, upon due deliberation of the proposed local law to enact a temporary moratorium to cover certain uses of property located in Town including the construction, expansion, modification of or installation of Freestanding and/or Ground Mounted Solar and Wind Energy Facilities and Systems for the purpose of studying and adopting municipal and zoning regulations on solar in the Town and the comments

presented at the public hearing, finds that the adoption of the moratorium as contained in the local law is in the best interests of the Town, and be it further

**RESOLVED**, that the proposed local law is adopted as Local Law 1 of 2016, and a copy is attached hereto to be made a part of this resolution; and be it further

**RESOLVED**, that pursuant to and in accordance with the Municipal Home Rule Law, the Town Clerk is hereby directed to enter the Local Law into the minutes of this meeting and file the same with the Office of the Secretary of State of the State of New York; and be it further

**RESOLVED**, that this resolution shall take effect immediately.

Roll Call Vote:

Supervisor M. Suprenant - AYE

Councilman T. Fisher - AYE

Councilman T. Middleton - AYE

Councilman R. Mercier - ABSENT

Councilman N. Orsini - AYE

AYES: 4

NAYES: 0

ABSENT: 1

{Seal}

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Aimee Mahoney, Town Clerk  
Town of Fort Edward

Discussion regarding solar:

**Mary-Ellen Stockwell:** We have to look at each zone; each is unique as to what you want to see for solar. Decide where to regulate, how to regulate, de commissioning plan. Get with the Fire Dept. and get their take on it.

-think about percentages, what percentage of land do you want to see covered for each district?

**Councilman Middleton:** \$1200.00 an acre a month is what these solar companies are offering landowners, people are going to be into that.

**Supervisor Suprenant:** We do not want our countryside filled up with solar panels and will need to regulate it in the Important Bird Area (IBA)

**Councilman Orsini:** On rooftops it doesn't bother me; I see the free standing ones on East Rd. I think it's smart to take a step back as we are. I believe solar is in the early stages of technology.

**Zone by Zone Regulation discussion:**

**Commercial Zone:** Roof top only

**Industrial:** That's where it belongs, any type of solar should be allowed, rear yard of building setback 20 feet from property line, lot coverage 100%

**R-1:** Rooftop

**R-2:** Rooftop

**R-Ag:**

All solar panels require a building permit,

Add form for building mounted solar for the Firehouse as a courtesy

Site-Plan review for anything in R-Ag

Lot Coverage – 20%

**Supervisor Suprenant:** What happens if the company goes bankrupt?

**Mary-Ellen Stockwell-** that's why we need a de commissioning plan

Height and width limit? Town Attorney will research

Setbacks: The rear of the building, and if no building then 75 feet to 100 feet

Accessory Use to a house or a Primary Use to a vacant parcel? Both require site plan

Town Attorney will research screening

**Supervisor Suprenant:** It's all non-taxable. We are going through all of the regulation and they are tax exempt.

**Councilman Middleton:** Shouldn't receive an Ag exemption for solar farms

**Tentative Timeline:**

- Introduce it in May at the Town Board meeting and have a public hearing in June or July
- Let the Planning Board and Zoning Board of Appeals weigh in on the solar regulation ideas

**MOTION** by Councilman Fisher, Seconded by Councilman Middleton to change the regular meeting time on April 11, 2016 to 6:00pm **ALL AYES**

**MOTION** by Councilman Middleton, Seconded by Councilman Orsini to authorize Supervisor Suprenant to sign the third amendment to the water tower agreement pending Attorney approval **ALL AYES**

**MOTION** by Councilman Fisher, Seconded by Councilman Middleton to authorize Supervisor Suprenant to sign all closing documents for 354 Broadway, LLC at the closing **ALL AYES**

May 5<sup>th</sup> groundbreaking at Market 32 (tentative)

**Mary-Ellen Stockwell:** What if anything would the Board like to see done with the trailer park?

**Supervisor Suprenant:** Whatever we can do legally

The Mayor came into the meeting regarding the parking lot and the Fire Dept. as well as the street sweeper and bucket truck issue that is ongoing.

**Councilman Middleton:** GE in regards to the Little League Park?

**Mary-Ellen Stockwell:** I pulled the letter out and gave it to Darlene and haven't done anything further. I will ask Darlene for the language and where it came from.

**Councilman Middleton:** We should ask them to come in and put a base layer down and cap it.

**ADJOURNMENT:**

**MOTION** by Councilman Fisher, Seconded by Councilman Orsini to adjourn the meeting at 4:50pm **ALL AYES**

DATED: March 30, 2016

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Aimee Mahoney, Town Clerk