

**Solar Committee Report and
Recommendations To the Fenner Town Board
August - 2020**

Purpose of the Solar Committee (charge from the Fenner Town Board)

To study the impacts, effects, and possible controls over ground solar energy facilities and to consider amendments to the zoning laws to address ground solar.

The Town of Fenner appointed a committee to review, research and report back with a recommendation as to the Town's position on increased acceptance of ground solar projects in the Town of Fenner. The committee consisted of a member of the Town Board, a member of the planning Board, a member of the ZBA, an Agricultural representative and a member of the board of directors of the Fenner Renewable Energy Education Center (FREE Center). The result of months of research, recent changes in the State Legislation dealing with renewable energy and the impact on social, economic and day to day life in general due to the Covid 19 pandemic of 2020; the committee is in a position to make its recommendation by majority vote to the Fenner Town Board.

Findings of theSolar Committee

- In early 2020, New York State Legislation was passed creating a new Office of Renewable Energy Siting. This *new* Siting Board has been put in place to “streamline” the process of siting new renewable energy projects, merging into the accelerated process projects that are currently in the Article 10 process. After discussions with the Town of Fenner's attorney and participating in virtual seminars offered by local (NYS) agencies and educational entities; the committee expresses strong concern as to how the new siting Board may operate, what their procedures will be and how they may affect “Home Rule” and local land use ordinances and laws. It is our interpretation of Governor Cuomo's 2020 NYS Legislation, that the new Office of Renewable Energy Permitting will have authority to override Home Rule.
- The Town of Fenner has embraced, and supported renewable energy causes for many years. The installation of a substantial wind farm in Fenner should be recognized by NYS as a significant contribution supporting NYS's renewable energy initiative. The Town of Fenner has been and remains a regional leader in supplying renewable energy to the electrical “grid.” The current wind farm demonstrates that the Town is already contributing substantially to the renewable energy needs of New York and adjacent states in New England. The Town of Fenner and its inhabitants understand and champion the “common good” of clean energy, dedicating over 2,000 acres in support of the current wind farm with the addition of five new turbines planned on Cody Rd. The Town of Fenner continues to support New York State's and Governor

Cuomo's aggressive renewable energy plans and goals.

- The cost of infrastructure repair is a concern addressed by the review committee. Town roads are not designed to accommodate the abuse heavy equipment traffic inflicts. The wind farms installation and repair traffic damages to the Town roads, have burdened the Town of Fenner highway department in recent years with repair costs that exceeded projected and budgeted amounts. In addition to the financial impact, time and resources by Town staff and officials in working with ENEL, dealing with community concerns, and overall support for the wind farm projects has been extensive, with no additional compensation reflecting this contribution.
- The Town of Fenner's most recent Comprehensive Plan states that the Town Board should "ensure that the regulations encourage the preservation of farmland and agricultural uses". This declaration remains as an underpinning directive. The long and noble history of the Town of Fenner as being primarily a farming and agricultural town is to be recognized and perpetuated. While the types of farming have shifted over the years, tradition has been to maintain the Town of Fenner's farming history and legacy.
- Madison County produced a 2019 draft Madison County Agriculture and Farmland Protection Plan, that states: "Towns in Madison County should protect agricultural soils and treat solar farms as a 'permanent use' as far as farming purposes are concerned" It continues: "In reality, agriculture continues to be crucial in economic, social, and geographic issues in Madison County; therefore agricultural issues and resources should play a prominent role in decision-making. While the decline of the on-farm population continues to be a hurdle, it certainly does not make public rapport and understanding impossible. Rather efforts need to be made to engage people to build understanding, interest in, and appreciation of the farm community." (Madison County Plan)
 - There continues to be a strong presence of agricultural use of land in the Town of Fenner with generational family owned farms expanding operations.
 - Trending are families moving to the Town of Fenner in recent years strictly to pursue farming activities.
- The Covid 19 pandemic has highlighted many other trends. It has exposed the importance of the "farm / land to table" process and supply chain. It has created a decrease in uses of many office buildings, schools, etc. Due to the Covid 19 crisis, we have witnessed farmers dumping or giving away milk because of end user demand changes. Conversely, beef, vegetable and fruit suppliers have struggled keeping up with demands.

Solar Committee Research

- 2020 Tompkins County Ag Summit focused on Solar Leasing/Installation and Landscape Put on by Cornell - Siting Utility Scale Solar Projects put on by The Tug Hill Commission
- Personal meeting with Jared Snyder NYSDEC Deputy Commissioner of Air Resources,

Climate Change & Energy - Met with Madison County Director of Planning, Scott Ingmire and Planner Jim Petreszyn to discuss The new Madison County Ag and Farmland Protection plan - Gathered and studied County maps pertaining to Soil and topography. - Met with Dan Smith (Fenner Highway Superintendent) to discuss impacts of maintaining the current wind farm and projections for industrial sized solar projects. -Consulted with Dave Haarmon (Operations Manager for ENEL) on the extent of land and resource use in Fenner by the wind farm. -Participating in DEC webinar on "Siting Large Solar Projects" -Studied documents from NYSERDA, Town of Verona Solar Energy Law, Guide to Siting Renewable Energy in the Hudson Valley, Town of Fenner Comprehensive Plan, Madison County Ag and Farmland Protection Plan, and the New York Solar Guidebook

Solar Committee Recommendation

The culmination of data gathered by the committee from discussions with State, County, and Local agencies and representatives, and innumerable hours of research, it is the review committee's recommendation to the Town of Fenner Board that it is in the best interest of the Town of Fenner to prohibit all solar projects of commercial or industrial size. This recommendation reflects the significant unknowns and uncertainties embodied in the State of New York's recently released, yet undefined Legislative laws and the implementation of the new Office of Renewable Energy Permitting. The committee, by majority, recommends the Town of Fenner Board adopt this position, safeguarding the Town of Fenner's agricultural heritage and future. This recommended action by the Fenner Town Board also supports Madison County's Agriculture and Farmland Protection Plan.

Minority Position

One member of the Solar Committee has recommended that the town approve large scale ground solar projects because of three reasons:

1. The Town of Fenner would benefit economically.
2. Individual landowners would benefit economically.
3. Individual landowners should have the right to manage their land as they wish.
4. The best way to preserve farmland is for the farmers to earn a decent living off of the farmland.