

TOWN OF JACKSON
PUBLIC HEARING – DRAFT LOCAL LAW #2 OF 2024
A Local Law Enacting a Temporary Moratorium on Approvals of Utility Scale Solar Energy Facilities, Wind Generated Energy Facilities and Alternative Energy Facilities Within the Town of Jackson
July 16, 2024

Town Board Members:

Supervisor Jay Skellie
Councilman Travis Rea
Councilman Tim Grogan
Councilwoman Jennifer VanDeWater
Councilwoman Carol Rich

Planning Board Members:

Kelly Donahue, Chair
Mark Mahoney
Erik VandenBerg
Steve Chuhta
Irene Headwell

Others present:

Town Attorney David Klingebiel
Mark McMahon
Lewis Steele
Nancy Crucetti
John Pedersen

David & Monica Bovie
Sharon Dunn
Kathy Ehrlich
Alan Brownell
Gary Ackley

The public hearing opened at 7:03 pm with Supervisor Skellie welcoming the group and explaining the rules for comment. He described the purpose of proposed Local Law #2 of 2024, which will enact a temporary moratorium on approvals of utility scale solar energy facilities, wind generated energy facilities and alternative energy facilities within the Town of Jackson for a period of six (6) months with the Town Board being permitted to extend the moratorium for two additional six (6) month periods.

Several notable comments and concerns were shared:

- Resident John Pederson of State Route 22 stated that the Town had just done a moratorium. Supervisor Skellie stated that the Town had passed a moratorium law in March of this year on commercial battery energy storage systems. The last Solar Moratorium Law was passed in October of 2021. John then asked the purpose of the moratorium at this time. Town Attorney David Klingebiel explained that the moratorium is so the Planning Board can review and update our Town Solar law so it is more current with solar industry standards and regulations that have changed in the past year, such as the rise in cost of decommissioning, changes in community benefit projects, redefined regulations on different tiers of solar and an increased push for solar in NYS.
- Gary Ackley of Ackley Road questioned if the moratorium could prohibit the potential Norbut Solar project on his property at 88-92 Ackley Road for the next 6 months. Town Attorney David Klingebiel stated that yes, this project would fall under the moratorium as they have not provided the Town with an official application as of July 1st, 2024. He stated that certain gray areas in the Solar Law regarding setbacks were brought up by those at Norbut Solar that he agreed the Town would need to address.
- David Bovie of Ackley Road questioned if a representative from Norbut Solar was present. As there was not, he decided to hold his question for them till a future time.
- Planning Board Chair Kelly Donahue spoke to explain the Town's reasoning behind the moratorium. Issues with the Jackson Solar 1, LLC project on State Route 22 have arisen due to

discrepancies from their original and approved site plan and their preconstruction drawings. Because of this, we have been advised to update our law to prepare and protect the Town for any issues like this that may come up. Planning Board member Steve Chuhta added that the moratorium will give the Town the opportunity to draft regulations for wind generated energy and alternative energy facilities as well.

- Mark McMahon of Dot Hill Way spoke in favor of the moratorium, especially due to the concerns with Jackson Solar 1, LLC.
- Sharon Dunn of State Route 22 questioned how the Town is monitoring what is happening with the Jackson Solar 1, LLC project. Lewis Steele of Stanton Road added that if they are changing their project plans significantly, they would have to return to the Town for site plan review. Supervisor Skellie advised that Jackson Solar 1, LLC contractors are currently working with the project engineers at Barton and Loguidice to correct changes with their plans.
- Resident Bonnie Hoag, who was unable to attend, relayed comment via email to the Town Clerk prior to the start of the hearing to be read aloud and included with public comment in the minutes. The following text was read aloud by the Town Clerk during the open public comment period:

Dear Kelly, Jay, and Molly.

And all Members, both Town and Planning Boards.

Although I still intend to be at this evening's public hearing regarding a moratorium... I am feeling faint today. If I am unable to be with you - as another voice of support for your wisdom and courage - please accept this email as that vote of confidence in the path you are intending for Jackson. It is not our obligation to sacrifice our Beautiful Land and Water, Woods and Wetlands, to feed a federally and state mandated grid expansion for stated purposes like Artificial Intelligence and Cryptocurrency. Energy-use *reduction* would be a saner choice. Home Rule. It's not only our right. It's our obligation to everyone who lives here.

Thank you.

Bonnie Hoag

for Dionondehowa

As there were no more comments from the public at this time, Supervisor Skellie closed the hearing on LL#2-24 at 7:25 pm. The Town Board will vote on Local Law #2 of 2024 at the August 7th, 2024 Regular Town Board meeting at 7:30 pm.

Respectfully submitted,

Molly Dixson

Town Clerk/Planning Board Clerk