

Draft Town of Guilford Comprehensive Plan Update

April 2019

**An Update to the December 2014 Town of Guilford Comprehensive Plan
Developed by the Town Board of the Town of Guilford**

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Why Update the Plan?

The Comprehensive Plan is a 'living' document developed to help guide Town decision-making over time. The 2014 Plan was developed and adopted to give the Town both information and policy direction upon which to base future decisions on. Maps, information about community demographics, current conditions in Town, and public input remain relevant today. In addition to that information, the 2014 Plan also establishes broad and long-term community goals that set the Town in a direction as desired by the community.

However, a Plan is not, nor is it intended to be static: To be effective, the Plan must be updated to ensure it is current to meet the needs of the Town over time. The 2014 Plan recognized that new issues will arise that will need to be addressed. To ensure that the Plan continues to serve its intended purpose, the 2014 Plan recommends that the Town Board regularly review the Plan to determine if the defined goals are being met, to identify new issues that need addressing, or to establish new programs or policies to further community goals. The Comprehensive Plan can be updated whenever needed to reflect new developments and needs, and to keep it current.

As large solar facilities have become more prevalent in the Town, county, region and State, the Town Board identified the need to address increased use of solar and wind facilities in the Town. At the time the 2014 Plan was developed, multiple large-scale solar facilities were not envisioned. Now, conditions are different, such solar facilities are more common, and the Town Board desires to establish more detailed policies to address this land use in Guilford.

To ensure that the Plan continues to offer guidance to Guilford related to renewable energy, the Town Board has determined that an update to the Plan is needed to adequately address this topic and guide future decisions on these land uses so that they are compatible with other community needs.

The purpose of this update is to ensure the Comprehensive Plan establishes a more detailed renewable energy policy and provide the Board with a solid foundation for decision-making related to future renewable energy facilities in Guilford. Building on the broad direction established in 2014, Guilford desires well-articulated policies that encourage renewable energy opportunities that also support other important Town goals, values and needs.

Renewable Energy in the 2014 Plan

Renewable energy was an important element included in the 2014 Plan. The Town-wide vision addressed energy sources broadly (see highlighted text, Box 1). And, the Town also established a goal that encourages use of renewable energy (see page 8: *"Consider the use of alternative energy sources."*)

Further, the Town's support for renewable energy is also expressed in several recommendations made in the 2014 Plan including:

- Community (Page 34): 1. "Explore use of solar panels to provide hot water and possibly heat, at Guilford Town Barn. Consider both purchasing panels and entering into a purchase power agreement as options."
- Alternative Energy Section (page 29): This section establishes strong support among Guilford residents and landowners for both solar and wind (See Box 2). At that time, it was recognized that there are few promising sites for wind power in the Town, but much more opportunity for solar energy applications. The 2014 Plan recommended that the Town move towards hearing the Town Garage via a solar system. The Plan also recommended that the Town look into supplying all or part of the electrical needs of the Town Hall and the Town Garage using solar applications. Special attention should be paid to leasing arrangement for municipalities that might reduce the Town's current costs.

Box 1. 2014 Town of Guilford Vision Statement, Highlighting Role of Energy in Vision

"The future of the Township of Guilford will be a vibrant, rural community whose residents highly value the natural beauty of our area and take pride in our well-maintained homes and businesses. Our local government respects the property rights of residents, is responsive and carefully uses tax dollars to efficiently provide infrastructure and community services. *We maintain a healthy environment and encourage the use of all energy sources.* Our economy is grounded in agriculture and a diversity of local businesses. New growth in the area will provide jobs for our children and fits well with our rural character. Our hamlets continue to serve as community centers. The Township of Guilford has a strong sense of community. It encourages participation in volunteer organizations and government. The Township of Guilford is a friendly and safe place to live."

Box 2. 2014 Survey Results Indicating Support for Renewable Energy

90% of respondents either favored or strongly favored adopting photovoltaic solar sources of energy supply and 83.7% favored or strongly favored the installation of small, personal use wind turbines. A smaller number, 62.3%, would favor or strongly favor the development of a large wind facility.

Since the Plan was adopted in 2014, there has been a great deal more interest in renewable energy, especially for solar, but also for wind, geothermal, and farm waste to energy systems. Recently, the Town Board has determined that while the 2014 plan established support for renewable energy use in the Town, it did not provide enough detail to guide future direction for these land uses. This update is focused on providing that direction.

Renewable Energy Development in Guilford

Over the past decade, and especially in the last five years, use of solar and wind to create electric power has greatly increased throughout New York State. New York State has a very aggressive energy and climate policy, including initiation of the Clean Energy Standard, a mandate to get 70% of electricity in the State from renewable sources by 2030. This policy has spurred growth of solar installations – for individual use, community use, and for the grid. Although there has not been as much growth in the wind industry, that too has seen much wider development over the years in certain places in New York. As the State continues its renewable energy program and further expands it to encourage battery storage of electricity from renewable sources, expansion of solar and wind facilities will continue.

In Chenango County, there are 112 completed solar projects that generate 2 GWh of electricity. There are 10 additional solar projects in the pipeline to be approved in the near future that would add an additional 22 GWh. The total cumulative installed capacity for solar in the County was 1.5 MW as of February 2019.

There has been interest in large-scale solar in Guilford as well. In 2016 the Town of Guilford was approached by Encore Energy of Vermont to develop a 10 to 20-acre community solar project on Town property located at 223 Marble Road Guilford, NY. Working with Coughlin and Gerhart attorneys, the Town has developed a proposal to lease Town property and that is currently being negotiated with Encore. The town is waiting for a response from Encore as of this date.

Under the provisions of NYS Article 10, Calpine/High Bridge Wind has submitted an application to develop a wind farm in the Town. As of January 31, 2019, Calpine has filed their Preliminary Scoping Statement with NYS. Calpine plans to file their final application mid-year 2019.

An additional potential solar project, Regan Solar is also proposed in Guilford. Regan has submitted an application to build a 20KW solar project in the Town. Regan Solar has approached the Chenango County IDA about this project but to date, the Town of Guilford has not been contacted by Regan Solar.

Beyond these larger projects, many homes, farms and local businesses use solar for their individual use.

Increased interest in and demand for both non-commercial and commercial renewable energy generation in Town has prompted the Town Board to identifying this topic as one needing further attention. This update is focused on more specific needs and actions that Guilford can take that will allow the Town to provide for a variety of renewable energy land uses here and at the same time, balance those uses with the other important goals of the Town.

Balancing Renewable Energy Development with Other Features and Values in Guilford – a Key Direction from the 2014 Plan

The 2014 Plan emphasizes the desire of the Town to seek a balance between growth and development with protection of the features that make Guilford a special place. The 2014 Comprehensive Plan identifies many features that are important to the community.

The overall goal of the 2014 Plan, and continuing today, is to allow for a variety of land uses and at the same time preserve the essential character and environment of the community. The 2014 Plan emphasizes the need to promote new development in a way that ensures that the core values of the community are maintained (see Vision Statement, page 7).

In considering future renewable energy development in Guilford, this Comprehensive Plan Update recognizes and reaffirms other Town values, features, and goals to be considered when solar, wind or other energy facilities are proposed. These are¹:

- To have a strong agricultural community;
- To promote businesses that are environmentally friendly and fit with the character of the Town;
- To protect rights of individual property owners;
- To conserve its natural resources including air, water, and open spaces;
- To maintain its essential rural and small-town character; and
- To preserve the natural beauty of the landscape.

The Town Board desires to maintain that direction and finds that these goals remain relevant in 2019. However, in order to meet those stated goals as well as promote appropriate renewable energy, the following recommendations are offered.

¹ Excerpted from pages 7 and 8 of the December 2014 Town of Guilford Comprehensive Plan. This list does not include all stated goals of the Town, but only those specifically relevant to land use and development.

Recommendations Related to Renewable Energy

1. Consider adopting a renewable energy law for the Town. This local law should address solar, wind, geothermal, and farm to waste energy systems. In particular, this local law should:
 - a. Establish a procedure for review and permitting by the Town Board that allows for both non-commercial and commercial use of solar and wind facilities, as well as geothermal and farm waste to energy systems. To promote small scale and individual use systems, the local law could provide for a waiver of certain requirements.
 - b. The 2014 Plan identifies several sensitive environments in Guilford and any local law developed to regulate renewable energy should pay special attention to them. The Town can consider establishing a special permit review process in the local law for renewable energy facilities that are near these areas of potential sensitivity:
 - 1) One-hundred-year flood hazard zones considered a V or AE Zone on the FEMA Flood Maps.
 - 2) Historic and/or culturally significant resources, in an historic district, or historic district transition zone if any.
 - 3) Within a freshwater wetland or if a New York State regulated wetland, within the 100' required buffers.
 - 4) Adjacent to, or within, the control zone of any airport, subject to approval by the Federal Aviation Administration.
 - c. Include purpose statements that state the Town desire to take advantage of safe, abundant, renewable, and low-carbon emitting energy resources in Guilford, decrease costs of energy, and increase employment and business development in the region with appropriately designed, sited and installed facilities.
 - d. Include additional purpose statements that state it is the Town's goal to balance the need to improve energy sustainability while preserving public health, welfare, and safety, as well as environmental quality and ecological stability, and the visual, aesthetic, and existing neighborhood character in Guilford. Further, the intent of this proposed local law should also be to minimize any adverse impacts on property values, and on the agricultural, scenic, historic, and environmental resources of the Town.
 - e. Establish a requirement that a decommissioning or abandonment plan must be part of the application when submitted to the Town.
 - f. In addition to the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code, the local law should establish design standards that new renewable energy facilities should be expected to meet. These design standards should be developed to address a wide variety of environmental, character, and safety concerns that are often associated with renewable energy facilities, especially large, commercial ones. These design standards should be developed to minimize or eliminate adverse impacts on the core values and resources of the Town and that are outlined in the 2014 Plan. In particular, design standards that ask for information on, map, analyze, and address the following topics would help insure minimal adverse impacts on the community:
 - 1) Setbacks
 - 2) Fencing
 - 3) Color
 - 4) Lighting
 - 5) Height

- 6) Minimum parcel size and lot coverage
 - 7) Noise, vibration and safety features
 - 8) Landscaping and screening
 - 9) Stormwater management
 - 10) Signage
 - 11) Access Roads (for construction, maintenance, and emergency services)
 - 12) Scenic views
 - 13) Wildlife impacts, especially birds and bats near wind facilities, and wildlife migration near solar facilities
 - 14) Existing communication systems that may be affected
 - 15) Information on chemical use that may be associated with the facility, if any, and any spill response.
 - 16)
- g. The local law should also include details on what data, maps, plans, and other information must be part of a complete application. This detail is important for both the review process and the applicant. Clear instructions up-front will help the Town move through the review and approval process more efficiently if these expectations are clearly outlined.
 - h. Screening and buffering new renewable energy facilities will be very important to meet the goals of the Town. Any local law should specify the expectation of the Town to fully screen the facility to the maximum amount feasible and identify, at least generally, the need for vegetated berms, use of native hardwood and evergreen trees and shrubs, and features such as fences in order to maximize screening. Requiring photosimulations of views of the facility from the road would be important to help the Town visualize visual and aesthetic impacts.
 - i. Maximize use of pollinator friendly native grass, herbaceous and other vegetation in and among panels, poles, and other structures that may be part of the facility. Along with this, the local law can also promote use of bee-keeping, grazing (sheep) and alternate farming opportunities as allowable co-uses on the property.
2. When establishing renewable energy policy for the Town, Guilford should also consider agricultural uses, use of the New York State Unified Solar Permit, whether PILOT agreements for large-scale solar are desirable in Town, and other topics. Use the New York State Solar Energy Guidebook and the New York State Wind Energy Guidebook in the development of renewable energy policy and the recommended local law. These guidebooks have many good ideas, discussions, and options for the Town to consider. (See Appendix for link.)
 - a. Streamline the approval process for small-scale, non-commercial solar facilities (such as those individual panels placed on residential structures, or ground-mounted to serve a house or farm) by adopting the New York State Unified Solar Permit.
 - b. Determine if a Payment in Lieu of Taxes (PILOT) agreement for solar projects larger than one Megawatt (MW) is desirable for Town. Use the Solar PILOT Toolkit for guidance. (See Appendix for Link)
 - c. Use the Municipal Solar Procurement Toolkit (see Appendix for link) for instructions on how the Town could lease Town land for solar development. This may aid in the Encore proposal mentioned above.
 - d. In developing this local law, the Town should be aware of and consistent with New York State Agriculture and Markets requirements for establishment of wind and solar facilities on farms located within a certified New York State Agricultural District. Wind

and solar facilities used to power farms are considered farm structures and should not be overly regulated as per NYS AML 25-aa. For guidance on this topic, see the New York State Guidance Document on Solar Installations in Ag Districts. The link for this document is shown in Appendix.

- e. Ensure that all SEQR requirements related to solar facilities are followed. See the NYSERDA Solar Energy Guidebook (link in Appendix) for assistance on this.
3. In addition to and in coordination with the above recommended renewable energy law, the Town should also consider:
- a. Continue to promote solar energy systems on public buildings.
 - b. Developing a policy that addresses solar access or solar easements.
 - 1) Consider solar orientation of future buildings, streets, and lots that may be approved in the Town via subdivision or site plan review local laws so that land can be efficiently used for capturing solar or other renewable energy source. For instance, subdivisions can be designed to maximize solar access by orienting streets and front lot lines along an east-west axis. Building orientation is important for solar energy generation as well. Other opportunities to maximize solar energy system use include building placement on the lot, orientation of the roof, size of roof areas on the south or west facing side of the building, or roof areas being kept free of shading or mechanical equipment.
4. Consider participating in the New York State Clean Energy Communities program to implement clean energy actions, save energy costs, create jobs, and improve the environment. In addition to providing tools, resources, and technical assistance, the program recognizes and rewards leadership for the completion of clean energy projects. The program identifies 10 "High Impact Action Items. These range from using LED street lights, to a local solarize campaign, to using the Unified Solar Permit. Communities that complete four out of the 10 High Impact Actions and meet all other eligibility requirements are:
- a. Designated by New York State as a Clean Energy Community;
 - b. Eligible to apply for grants to fund additional clean energy projects;
 - c. At no cost to the local government, Clean Energy Communities Coordinators are available to help local leaders to:
 - 1) Develop and prioritize clean energy goals
 - 2) Access guidance resources such as templates for legislation, procurement, and contracts
 - 3) Take advantage of available funding and technical assistance opportunities

Appendix

There are many resources available to assist the Town Board in implementing the recommendations included in this update. In particular, the NYSEDA has developed many tools. Their Solar Guidebook (see link below) contains information, tools, and step-by-step instructions to support local governments managing solar energy development in their communities. The Guidebook's chapters cover a variety of solar energy topics including, the permitting process, property taxes, model solar energy law and more.

The link to this guide is:

<https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Solar-Guidebook>

This link will take you to other links covering solar basics, solar permitting and inspecting, SEQR and Solar, PILOT agreements, and more.

Other guidebooks available through NYSEDA as separate documents would offer assistance of particular interest in Guilford. These are:

Solar Installations and Agriculture:

https://s3.amazonaws.com/assets.cce.cornell.edu/attachments/17180/NYSEDA_Fact_Sheet_-_Solar_Installations_in_Ag_Districts.pdf?1471276425

Unified Solar Permit: <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/Clean-Energy-Communities-Program-High-Impact-Action-Toolkits/Unified-Solar-Permit>

Clean Energy Communities: <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities>

Article 10 Energy Facilities: <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Article-10>

A Note on Article 10 Facilities

This text, from New York State, outlines the process that a major electric generating facility larger than 25 MW would be permitted according to New York State's Article 10 law. This is added in this Appendix to inform the Guilford community so they are informed should an Article 10-scaled project be proposed in the Town. New York State Department of Public Services says:

"This comprehensive law provides guidance to the New York State Board on Electric Generation Siting and the Environment (Siting Board) about authorizing construction and operation of major electric generating facilities. The Article 10 law streamlines the application process for developers, while providing a rigorous process for local input and ensuring environmental and public health laws are followed. The public can participate in the Article 10 decision-making process by offering support, voicing concerns, or asking questions about public health, safety, the environment, and other factors. This process begins during the initial planning of the facility and continues throughout the siting review, construction, and operation."

The Article 10 Process

Step 1: Public Involvement Program

- Developers are required to implement public involvement programs in the respective communities at least 150 days before submitting their preliminary scoping statement and official applications to the Siting Board.

Step 2: Preliminary Scoping Statement

- The preliminary scoping statement is a written document informing the Siting Board, other public agencies, and the community about the project, including a description of the proposed facility, potential environmental and health impacts, proposed studies to evaluate those impacts, proposed mitigation measures and reasonable alternatives to the project.

Step 3: Formal Application

- After the public involvement program and preliminary scoping statement are filed, developers must then submit a formal Article 10 application to the Siting Board, which includes the same information as the preliminary scoping statement but in greater detail.

Step 4: Siting Board Decision

- The Siting Board must make its final decision about whether to issue or deny the certificate within 12 months of the date that a developer's application is deemed complete."