

Dear Fellow Members of the ZBA and Town of Hoosick Residents,

As an acting member of the Zoning Board of Appeals, I am writing to present my research and formally request the denial of the proposed special permits for the solar farm projects in Hoosick. After thoroughly reviewing the Town's zoning laws, comprehensive plans, and the specific details of the solar project, I have found that the proposal is inconsistent with several key objectives outlined in the Town of Hoosick's planning documents. Below, I have outlined the primary reasons for this request:

## **General Reasons for Denial**

### **Zoning Violations:**

Many proposed solar projects in Hoosick are located in zones that are not designated for large-scale industrial or utility-type developments. Local zoning laws prioritize agricultural, residential, and open space uses. The solar farm does not align with the Town's zoning designations and requires a zoning change or special permit, which conflicts with the intent to preserve the agricultural character of the land.

### **Environmental and Aesthetic Concerns:**

The installation of large-scale solar panels may disrupt the natural landscape and threaten local ecosystems. Hoosick residents have expressed concerns that such projects would negatively impact the aesthetic value, property values, environmental quality of the land, and the goals established in the Town of Hoosick Comprehensive Plan. These concerns are directly at odds with the goals of the Town's land use laws, which prioritize environmental protection.

### **Agricultural Land Protection:**

The proposed solar project would occupy agricultural land, which is specifically protected under the Town's zoning laws. The comprehensive plans and land use policies emphasize the preservation of farming and open spaces. This solar project conflicts with those goals by converting productive farmland into non-agricultural use, undermining the Town's commitment to preserving its rural and agricultural heritage.

## **Comprehensive Master Plan Goals**

Both the 1986 and 2002 Comprehensive Plans emphasize the preservation of Hoosick's rural character, including the protection of agricultural land, scenic views, and environmental resources. Key goals include:

- **Preserving Rural Character:** The Town aims to maintain its agricultural base and scenic landscapes. Large solar installations, particularly in open farmland, would disrupt this rural setting and contradict the comprehensive plan's vision of preserving these valuable assets.
- **Protecting Farmlands and Agricultural Economy:** The comprehensive plan clearly states the importance of protecting farmlands as a valuable natural resource. It discourages converting agricultural land for non-agricultural purposes, and large solar developments are seen as contrary to this goal.

- **Environmental Protection:** The plan calls for minimizing adverse impacts on land, water, wildlife, and scenic resources. Solar farms could potentially harm ecosystems, water quality, and wildlife habitats, which directly conflicts with these environmental goals.

## Land Use Law of the Town of Hoosick

The Town's Land Use Law includes specific provisions that further reinforce the need to protect agricultural land and limit the impact of non-agricultural uses:

- **Agricultural Buffers:** Zoning regulations require buffers between agricultural uses and unrelated new developments to prevent harm to farming operations. A large-scale solar farm would likely create significant disruption to surrounding agricultural activities, which is inconsistent with the Town's agricultural protection laws.
- **Non-Agricultural Use Restrictions:** The Town's land use codes restrict the conversion of agricultural land to non-agricultural uses, specifically to prevent the loss of productive farmland. Solar projects on agricultural land violate this principle, particularly since these developments remove land from agricultural production for extended periods.

## Specific Reasons for Denial

1. **Agricultural Zoning and Farmland Preservation:**  
The proposed solar farm conflicts with zoning laws prioritizing agricultural use. The Town has specific policies to protect agricultural land and limit conversion to non-agricultural uses.
2. **Rural Character and Aesthetic Integrity:**  
Solar farms in agricultural or rural areas disrupt the scenic views and open spaces that define the Town's rural identity. This is contrary to the goals of the comprehensive plan.
3. **Environmental Impact and Land Use Compatibility:**  
Converting farmland to a solar farm can harm the environment and wildlife, which contradicts the comprehensive plan's environmental protection goals. The project's incompatibility with the Town's land use pattern—focusing on agricultural and low-density residential development—is also a key issue.
4. **Development Density and Sprawl:**  
The Town's growth management policies aim to prevent urban sprawl. Solar projects on large agricultural parcels could encourage development spread over extensive areas, undermining efforts to maintain rural density and limit sprawl.
5. **Public Input and Local Concerns:**  
The Town's planning documents emphasize the importance of community involvement in land use decisions. Proposals like the solar farm, which have not fully addressed local concerns about farmland loss and changes to the community character, should be reconsidered.
6. **Lack of Renewable Energy Guidelines:**  
The Town's comprehensive plan does not currently include clear guidelines for renewable energy projects. The absence of these guidelines makes the proposal

inconsistent with broader planning goals and underscores the need for a more thoughtful approach to energy development.

### **Relevant Quotes from the Town of Hoosick Comprehensive Plan**

*“One of the primary challenges facing Hoosick is the risk of farmland being converted out of agriculture. Once converted, the farmland is lost forever.” – Town of Hoosick Comprehensive Plan III-10-1*

*“Recommended Actions - Encourage local land use policies which support agriculture and protect farmlands.” – Town of Hoosick Comprehensive Plan III-10-1*

*“The Environmental group felt that agricultural lands and key scenic areas and viewsheds should be protected. Conservation easements, the purchase of development rights, the continuations of agricultural districts, land use planning including conservation subdivision regulations, and the efficient delivery of Town services should all be used to protect and preserve natural and agricultural areas. They called for programs to raise community awareness of the impact of development on agricultural lands.” – Town of Hoosick Comprehensive Plan” – Town of Hoosick Comprehensive Plan II-09-7*

*“S.W.O.T Analysis Final Results: Strengths – Scenic beauty, Agricultural base and resources; Weakness – lack of land planning; Opportunities – preserving open spaces, land conservation, land planning, zoning controls; Threats – unregulated and unplanned growth, unwanted land uses, loss of working farms and prime agricultural land.” – Town of Hoosick Comprehensive Plan II-09-4*

*“As discussed in the 1986 Comprehensive Plan, the most dramatic natural resource of the Town, particularly to the visitor, is the grand vistas that exist from various locations around the Town. They are characterized by gently rolling mountainous terrain that is focused around the meandering, open Hoosic River valley.” – Town of Hoosick Comprehensive Plan II-03-1*

*“The group thought that some type of restrictions are needed, and that it was important to preserve a significant percentage of the Town’s land as greenspace.” – Town of Hoosick Comprehensive Plan II-09-8*

*“Finally, the beautiful landscape provides the natural setting for a rural way of life favored and cherished by the Town residents. The Town is now in a position to determine the future development of the Town in such a way as to preserve and protect its natural environment, including its scenic beauty and water resources.” – Town of Hoosick Comprehensive Plan II-03-15*

*“The Town of Hoosick is well endowed with many recreational, historic, cultural and community resources. The historic background of the area and the beautiful natural setting create an appealing setting for residents as well as an attractive destination for visitors.*

*There is great potential for the Town as a tourist destination if it is marketed to a wider public.” – Town of Hoosick Comprehensive Plan II-05-7*

*“The chief asset of the Town is its undeveloped agricultural lands of impressive scenic beauty and panoramic vistas. Newcomers, appreciating the rural setting, may be willing to commute to regional work places. In addition, the local commercial, recreational and social services appear to provide enough diversity to meet most everyday needs.” – Town of Hoosick Comprehensive Plan II-08-8*

*“To protect the visual character and view sheds of scenic roads, a scenic corridor status should be given to certain Town roads, including Route 22, Wilson Hill Road and Route 67 from Vermont border to Delaney’s in North Hoosick, and Johnson Hill Road. These scenic roads can be protected through land use regulations such as site plan review, subdivision regulations, corridor design guidelines, and zoning regulations. If the Town develops zoning regulations, these roads could become an overlay scenic corridor district.” – Town of Hoosick Comprehensive Plan III-02-3*

*“In the Town of Hoosick, Rensselaer County has established three Agricultural Districts, under the NY Agricultural Districts Law (1971) to protect farmland from non-farm development.” – Town of Hoosick Comprehensive Plan II-08-4*

*“Vacant lands comprise a significant portion of the Town’s area and are instrumental in contributing to the rural character and undeveloped beauty of the landscape.” – Town of Hoosick Comprehensive Plan II-08-05*

*“Zoning is a growth management tool that is helpful in preventing land use conflicts. For instance, if new large lot, upscale housing is encouraged by the Town, newcomers may want some assurance that undesirable uses cannot locate next to their home.” – Town of Hoosick Comprehensive Plan II-08-9*

*“To protect the agricultural land and the scenic beauty of the area, development is discouraged in the Agricultural Districts.” – Town of Hoosick Comprehensive Plan III-02-3*

*“The outcome of this questions shows that the Town would have a significant amount of support in recommending that agricultural land be protected.” – Town of Hoosick Comprehensive Plan II-09-25*

*“The rural pattern of development, comprised of a patchwork of farms, open fields, woodlands, and hamlets is the landscape cherished by the Town residents and celebrated in the paintings of Grandma Moses. Currently 51% of the land is agricultural. However, farmland is being sold for residential uses, which gradually decreases the amount of farmland and creates residential sprawl throughout the Town.” .” – Town of Hoosick Comprehensive Plan III-02-1*

*“Preserving the Rural Character of the Town” was one of the six main goals in the 1986 Comprehensive Plan. The plan identified the need to provide for a continuation of the*

*diversity in the Town by encouraging a pattern that builds on the strength of the existing pattern rather than imposing a sprawl or corridor pattern of development, which might diminish the unique characteristics of the community. – Town of Hoosick Comprehensive Plan III-02-1*

*“When asked in the Residential Survey to identify the positive aspects of the Town, residents chose the rural lifestyle as the most important feature of the Town.” – Town of Hoosick Comprehensive Plan III-02-1*

*“To prevent sprawl and facilitate cost effective provision of infrastructure and of services, future residential, commercial and industrial development should be contiguous to existing development in the Village of Hoosick Falls, the hamlets in the Town, and along Routes 22 and Route 7.” – Town of Hoosick Comprehensive Plan III-02-3*

*“To protect the agricultural land and the scenic beauty of the area, development is discouraged in the Agricultural Districts.” – Town of Hoosick Comprehensive Plan III-02-3*

### **Relevant Land Use Law of the Town of Hoosick, New York**

*This Local Law is enacted in accordance with a comprehensive plan pursuant to the Municipal Home Rule Law and the Town Law of the State of New York to protect and promote the health, safety, values and general welfare of the community, and to fulfill the purposes expressed in Section 263 of the Town Law – page 1*

*6.9.1 Agricultural Buffers – Wherever agricultural uses and other new uses unrelated to the agricultural operations abut, buffers shall be provided to reduce the exposure of these abutting uses to odors, noise, and other potential nuisances related to the agricultural operation. Provision of buffers shall be the responsibility of the proponent of the nonagricultural use, unless such use predates the agricultural use. Such buffers may consist of vegetative screening, woodlands, vegetated berms, or natural topographic features.*

*6.9.2 Agricultural Data Statement – Any application for a Special Permit, Subdivision or Use Variance, approval requiring municipal review and approval by the Planning Board or Zoning Board of Appeals that would occur on property within an agricultural district containing a farm operation, or on property with boundaries within five hundred (500) feet of a farm operation located in an agricultural district, shall include an agricultural data statement as defined in Chapter 13. The Planning Board or Zoning Board of Appeals shall make a finding that such approval will not adversely affect farm operations within the Town and the agricultural district. Prior to issuing an approval for a Special Permit, Subdivision, or Use Variance, the Planning Board or Zoning Board of Appeals shall make a finding that such approval will not adversely affect farm operations with the Town and the agricultural district. If the reviewing board is unable to make such a finding, it shall deny the application. (New York State Agriculture & Markets Law, Article 25AA, Section 305-a, 2)*

*7.3.4 Landscaping and Screening – All parking, storage, loading, and service areas will be reasonably screened so that the property cannot be clearly viewed from the abutting property and that the general landscaping of the site is in character with the surrounding areas.*

*7.3.10 Agricultural Protection – The proposed use will not adversely affect farming operations (see Section 6.9.2).*

*7.4.3 Upon a determination by the Zoning Board of Appeals that the application for a Special Permit is complete, the Board shall review the application, taking into consideration the standards for Special Permit review outlined in Section 7.2 above, and any other special requirements for a particular use contained in this Local Law.*

*7.7 Decisions. Every decision of the Board with respect to a special use permit application shall be by resolution, fully stating the decision including any conditions attached thereto. Each such decision shall be filed in the Office of the Town Clerk within ten (10) days thereof.*

## **Conclusion**

Given these conflicts between the solar farm proposal and the Town's comprehensive planning documents, zoning laws, and public concerns, I urge the other Zoning Board of Appeals members to deny the special permit request. If renewable energy projects like solar farms are to be developed, the Town should update its zoning and planning documents to provide clearer guidelines, ensuring that such projects are compatible with Hoosick's rural and agricultural character.

Thank you for your time and consideration.

Dr. Kevin Robichaud

Town of Hoosick ZBA