



# State of New York County of Broome Government Offices

Department of Planning and Economic Development

Jason T. Garnar, County Executive · Anthony F. Fiala, Jr., Commissioner

February 25, 2026

Town Supervisor Timothy Harting  
Town of Windsor  
124 Main Street  
Windsor, NY 13865

RE: Review Pursuant to Section 239-l and -m of General Municipal Law

Dear Supervisor Harting:

The Broome County Department of Planning and Economic Development has received your request for review of the below captioned matter:

**Applicant:** Town of Windsor  
**Project:** A Local Law Amending Chapter 93 (Zoning) by adding a new Article XVII entitled "Solar Energy Systems"  
**Municipality:** Town of Windsor  
**Tax Map No:** town-wide  
**BC Case:** 239-2026-016

The Planning Department has reviewed the above-cited case and has not identified any significant countywide or inter-community impacts associated with the proposed project. However, we have the following comments for the consideration of the Town Board:

- The project site is located partially within the Existing FEMA Special Flood Hazard Area and partially within the Preliminary FEMA Special Flood Hazard Area. The Town should exercise caution in approving and applicants should know the risks in placing solar facilities within the Special Flood Hazard Area and within flood-prone areas of the Town.
- We make no determination on the adequacy of the dimensional requirements of the local law or on the appropriateness of commercial SES as a primary use in all zoning districts.
- Consider including the following:
  - tree maintenance and restoration in the VIA, O&M Plan, and Decommissioning Plan
  - water and soil quality testing in the O&M Plan and Decommissioning Plan
  - before and after photos in the O&M Plan and Decommissioning Plan
  - glare analysis and noise analysis
  - lot coverage formula
  - interconnection agreement
  - public hearing for commercial SES
  - qualified solar installer requirement
  - floodplains, wetlands, and Prime and Statewide farmland in the stamped drawing requirements
- Note upfront the required reviews, approvals, and permits and the board and staff for non-commercial SES and for commercial SES in their respective sections.
- Note whether "shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets" applies when the "50% limit shall not apply".

- Note whether “shall not exceed 50% of the area of Prime Farmland and/or Farmland of Statewide Importance on the parcel” means 50% of their combined total and/or 50% of each, calculated separately.
- Ensure submittal of the site plan and special use permit at the same time to ensure consideration of the “whole action” and avoidance of segmentation per SEQR.
- Ensure **Retention of Expert Assistance, Reimbursement by Applicant** for the final inspection for decommissioning and for other inspections over the life of the project to the extent necessary.
- Change “or” to “and/or” in “or compliance with the State Environmental Quality Review Act”.
- Please review the local law for any inconsistencies in wording.
- Consider NYSERDA Important design considerations for siting a solar array include: • Slope (avoidance of steep slopes) • Aspect (direction the panels face) • Land area (sufficient area is required for large arrays) • Proximity to electrical interconnection points • Lack of other environmental constraints (e.g., avoid siting in wetlands, critical environmental areas, etc.)

The case file was routed to the New York State Department of Transportation (NYSDOT), Broome County Department of Public Works (DPW), Broome County Health Department (BCHD), Broome County Office of Emergency Services (OES), and Broome County Aviation (BCA) for review. NYSDOT, DPW and BCHD had no comments.

Please submit a copy of your decision in this case within seven (7) days of taking action so it can be included in the case record. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony F. Fiala, Jr.', written over a circular stamp or mark.

Anthony F. Fiala, Jr.  
Commissioner

AFF/lmz

cc: Mark D. Spinner | Special Counsel COUGHLIN & GERHART, LLP  
Kelli J. Gallegos | Paralegal COUGHLIN & GERHART, LLP  
BC File Copy

**From:** Bartolo Morales  
**Sent:** Monday, December 15, 2025 10:49 AM  
**To:** townsupervisor  
**Cc:** Rich Osborne, Code Enforcement Officer  
**Subject:** Submission of Comments on Draft Solar Code – Town of Laurens Model Review

Dear Supervisor, Harting

I am writing to follow up and to formally share the attached Abundant Solar analysis regarding the Town of Laurens Solar Law and its relevance to the Town of Windsor, prepared at your request and provided last week on the 12/10 meeting. The memorandum summarizes our technical observations and comparative analysis for your review and reference. Thank you again for the opportunity to contribute to this discussion.

I also wanted to ask whether the revised solar code, including recent edits, is expected to be presented at the January Town Board meeting, and whether a copy of the updated draft will be available for review prior to the meeting or afterward. I have copied the Code Enforcement Officer for awareness and continuity.

**Bartolo Morales**  
Project Developer Manager

From: Bartolo  
To: townsupervisor  
Cc: Rich  
Date: Thursday, 5 February 2026 10:48 AM EST  
Subject: Supplemental Comments on Draft Solar Code – Ahead of 02/11 Public Hearing

Dear Supervisor Harting,

I hope you are well. On behalf of Abundant Solar Power, I am writing to submit the attached written comments on the Town of Windsor's Draft Solar Code (Article XVII) as presented on January 14, 2026, in advance of the public hearing scheduled for February 11, 2026.

Our comments are intended to be constructive and focused on specific provisions where clarification or refinement may be helpful as the Town considers finalizing the code. I have copied the Code Enforcement Officer for awareness and continuity.

Thank you for the opportunity to provide input.

Respectfully,

**Bartolo Morales**  
Project Developer Manager

February 05, 2026

**Town Board Members & Planning Board Members**

Town of Windsor  
124 Main Street  
Windsor, NY 13865

**Re: Abundant Solar Power Comments on Draft Solar Code (Article XVII)**

Dear Town Board and Planning Board Members,

On behalf of Abundant Solar Power Inc., thank you for the opportunity to submit comments on the Town of Windsor's Draft Solar Code. We appreciate the time and effort undertaken by the Town Board, Planning Board, and Town staff in developing and refining the draft legislation.

The attached comments are intended to be constructive and focus on a limited number of provisions that may benefit from clarification or refinement. Where relevant, we reference technical comments previously submitted to the Town for context.

We appreciate the thoughtful work that has gone into this process and thank you for considering our comments. We would be happy to discuss any of these items further if helpful.

Sincerely,

Bartolo Morales  
Project Development Manager

[Redacted signature block]

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## Appendix A: Abundant Solar Comments – Windsor Solar Code

### 1. § 93-115. Forest Clearing / Deforestation

#### Proposed Language Code:

Clearcutting is prohibited on forested land with a basal area greater than 60 square feet per acre, as determined by a NYS-licensed forester, and forest clearing is limited to 10% of the total Solar Energy System Land Area.

#### Abundant Solar Power Comments:

- As documented in Abundant Solar Power’s August 2025 submission (attached), much of the Town’s open land is already in active agricultural or other existing use, and very few parcels are suitable for commercial solar development. This context underscores the importance of maintaining flexibility in forest clearing standards consistent with forestry’s best practices.
- We respectfully request that the prohibition in **§ 93-115(c)** be clarified to “merchantable basal area” per forestry industry standards to protect high value forests while acknowledging that some forests are of low value and subject to seasonal thinning in any case.
- 60 square feet per acre of basal area is somewhat restrictive given that many forested areas of Upstate New York commonly have basal areas of 120-150 square foot per acre. We would suggest a limit of 80 square feet per acre of merchantable basal area is more reasonable given existing conditions likely to be found on parcels that may be suitable for commercial solar development.
- We would also suggest the 10% limit in Section **§ 93-115(d)** is overly restrictive given the overall impact of the other proposed restrictions on forest clearing.
- The addition of mitigation options for projects where tree removal in excess of the limits is unavoidable such as re-treeing offsite within the town or making contributions to a town conservation fund could balance the intent of maintaining a healthy forest with the development rights of local landowners and project feasibility.
- Windsor has extensive tree cover in Farmland of Statewide Importance not under active agricultural use. With the potential for agrivoltaics, community solar represents an opportunity to expand the agricultural industry in Windsor, if tree removal and lot coverage regulations are sufficiently flexible to allow it.

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## 2. § 93-113(D)(11). Lot Coverage

**Proposed Language Code:**

Commercial solar energy systems shall adhere to the maximum lot coverage requirement for principal uses within the zoning district in which they are located.

**Abundant Solar Power Comments:**

We note that the A-Agriculture District zoning in **Chapter 93 (Zoning), § 93-19**, establishes minimum lot area and minimum lot width requirements for principal buildings but does not establish a maximum lot-coverage or density standard. We respectfully request clarification that **§ 93-113** is not intended to introduce a new or implied lot-coverage limitation for commercial solar energy systems beyond the standards expressly set forth in Article XVII.