

2-10-2020 – PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING THE ZONING ORDINANCE OF THE TOWN OF SARDINIA TO REGULATE SOLAR ENERGY SYSTEMS

Present:

Councilman Mike Domster
Councilman Leonard R. Hochadel
Councilman John D. Marsh
Supervisor Beverly A. Gambino

Absent: Councilwoman Jamie Emmick

Also Present:

Highway Superintendent Donald Hopkins
Town Clerk Jennifer L Bray
Approx. 50 guests

Supervisor Gambino called the Public Hearing to order at 6:36 p.m. immediately following the public hearing on the proposed local law regarding tree removal. Supervisor Gambino stated that this public hearing is for proposed local law to amend the Town's Zoning Ordinance chapter 115 article 6 regarding solar energy systems. Supervisor Gambino noted that the board would be hearing comments on three topics. The first is adding a Host Agreement clause to the current Zoning because Article 10 calls for PILOT programs which is Payment in Lieu of Taxes and currently the Town of Sardinia does not have Town Taxes. The second is for comments on the overall footprint allowed. Supervisor Gambino noted that the current Zoning allows for 50% coverage but that it is considered outdated and the third is to get comments in general from people regarding the Genesee Road Solar Project. Supervisor Gambino stated that she has seen some misinformation being put out regarding the solar project that she would like to clear up. First was that the Town is just now looking to pass new zoning regulations for large scale solar projects when in fact the Town is amending zoning that was adopted three years ago. Next Supervisor Gambino noted that the name of the company looking to do this project is EDF Renewables not Genesee Solar. Genesee Road Solar Farm is the name of the project. Lastly it has been stated that an engineer is required to change the zoning. Supervisor Gambino stated that Article 10 has an intervener fund that is funding by the company doing the project. This fund pays for the Town to hire an engineer to work on behalf of the Town and help protect the Town interests not to change the zoning. Supervisor Gambino then opened the floor for comments starting with the first person signed in to speak.

Donald Zimpfer of Genesee Rd. stated that he has several concerns including changing the zoning to allow for more than 50% coverage and concerns that the power line intersection and substation would be in his back yard which would then be light up twenty four hours a day. Mr. Zimpfer stated that he didn't move to Sardinia to look at hundreds of acres of solar panels and substations light up like a Walmart parking lot.

Andrew Egressy of Genesee Rd. noted concerns about how this project would affect property values.

Sandy Zywicinski of Mehm Rd. spoke of the beauty of Sardinia and how this project would change the look of the Town.

Cindy Rosier of Mehm Rd. spoke on concerns of property values and how that would affect property taxes. She questioned if there was any benefit to everyone in the Town or just to the property owners that have solar panels.

Bill Trudell of Mehm Rd. stated that he had many questions including what his property type was as far as soil classification. He stated that the solar industry says this will not decrease the value of property but he disagrees and he understand that farmers have a good incentive to rent or lease their property for a project like this because of the money. Mr. Trudell also questioned the height that the panels would be. He noted that concerns about getting notification about adjacent properties being part of the project, what the benefit would be for owners that are not part of the project and concerns about the fences around the project.

Jacob Ventura of Allen Rd. stated that he has a small maple syrup farm and they want to come through the back of his property with power lines. He noted concerns that if this is green energy why would they cut down trees and that would also take away from him making syrup. He stated he was a hard no against this.

Tom Idzik of Middle Rd. stated he had concerns about property values and noted that EDF can't say one way or another.

Ralph Barsalou of Mehm Rd. stated he understands people's concerns but how would they feel if the owner sold his land and put up twenty houses next to them. He noted that it's a give and take on both sides and the renewable energy is the way of the future.

John Schiener of West Schutt Rd. stated he supports solar energy and has it at his house but this project is huge. Mr. Schiener stated he was concerned with the size of this project as well as the length of the leases and felt there was no need to rush this project. Mr. Schiener questioned the different soil types and if lot coverage is increased for the lower soil quality that perhaps it should be decreased for the high

quality soils. Lastly Mr. Schiener questioned what would count as open space as far as lot coverage. Would the space between the racks of panels count?

Jane Neureuther of Allen Rd. in the Town of Concord stated that at the bottom of the signs coming into the Town of Sardinia or the Town of Concord it says right to farm community and felt this would be taken away. Asked if she could get a copy of the Solar Zoning Law and asked if this would change the zoning of her property?

Melissa Wartuck of Allen Rd. in the Town of Concord noted that she is a third generation farmer. She stated that this is a huge scale project and questioned the efficiency. Next she questioned the amount that is being offered for lease payments verse the amount of energy production and if it was worth it.

An unnamed resident from the Town of Holland had concerns regarding the powerlines and the amount of volts needed. He also had concerns where the grant money for this project comes from.

Supervisor Gambino asked if there were any other comments.

Jeremiah Bonning who has property on Warner Gulf Rd. stated that he has concerns about the substation. He also has concerns about the amount of revenue that this project is projecting and questioned if it was realistic. Mr. Bonning noted that the power lines cross his property, that there is a proposed gas pipe line that may run through it and Sardinia already has Waste Management. He asked when will others stop wanting to use our property.

Michael Bonning owner of Christmas tree farm on Warner Gulf Rd. stated that he has a lot of concerns including what kind of panels, what is in these panels, concerns about the decommissioning of the panels, what if the panels brake and concerns about the toxic waste in the panels.

Supervisor Gambino asked again if there were any other comments.

John Schiener noted that if three by four panels were used it would take over a million panels to produce the amount of megawatts that this project is looking to make.

Supervisor Gambino asked for the last time if there were any more comments.

Mr. Zimpfer asked if the change to the zoning to increase the 50% of coverage was because they need more property.

Supervisor Gambino noted that the change was suggested by the Erie County Planner not by EDF. Nancy Spink Chairman of the Town of Sardinia Planning Board also noted that this change would bring us in line with New York State.

Jeremiah Bonning stated more concerns regarding where the money comes from, making changes to the zoning and the length of the leases.

Supervisor Gambino noted again that this solar project falls under Article 10 therefore the Town will have some input but most of the decisions with this project will happen in Albany.

The last comment was from Bill Perello who questioned what the impact has been on other communities where these projects have been done. He stated there will be some good things and bad things.

There being no other comments Supervisor Gambino asked for a motion to close the public hearing. **Therefor the Public Hearing for the proposed local law to amend the solar zoning was closed at 7:12 PM on a motion by Hochadel, seconded by Domster and carried 4 ayes, 0 noes, 1 absent.**

Respectfully Submitted,

Town Clerk