

12-8-2016 – PUBLIC HEARING ON PROPOSED LOCAL LAW #1 OF 2016

Present:

Councilman Cheryl L. Earl
Councilman Leonard R. Hochadel
Councilman Douglas J. Morrell
Councilman Mandy Quinn-Stojek
Supervisor Beverly A. Gambino

Also Present:

Attorney for the Town David DiMatteo
Town Clerk Betsy A. Marsh
9 guests

The Sardinia Town Board held a Public Hearing on December 8, 2016 at the Town Hall/Community Center, for the purpose of hearing comments on Proposed Local Law #1 of 2016, a Local Law to amend the Town's Zoning Ordinance to regulate solar energy systems. Gambino called the hearing to order at 6:00 PM with the Pledge to the Flag, led by John Schiener. The Town Clerk showed proof that the Hearing had been properly advertised, in both the Arcade Herald and the Springville Journal.

The Supervisor explained the reason for the proposed Local Law was to amend the Zoning Ordinance to regulate solar energy systems projects, and asked if there were any comments.

John Schiener of Sardinia stated that he would like to have the wording changes to providing the Fire Company with written notice, and "approval of the Fire Company" to avoid any liability to the Company, stating that the Fire Company is not an approving authority. Attorney DiMatteo agreed, and stated that any notice to the Fire Company should come from the Code Enforcement Officer, rather than the property owner or the solar company. He stated that the CEO would also be the one giving the approval. Mr. DiMatteo also noted that if the solar array goes for 365 days without producing energy, it will be considered abandoned.

Denise Schiener of Sardinia asked if the Planning Board had any input on these amendments, and the Supervisor explained that they had discussed it at their last meeting and had added the clause that limits commercial projects to only 50% of the total parcel, and must have a fence and a buffer zone.

Gerry Whittington of Sardinia, an Assistant Chief of the Fire Company, stated that he has attended several training sessions concerning solar panels. He explained the huge dangers to Firemen of getting on a roof with solar panels. He stated that they need to vent the roof in the event of a fire, and solar panels are always live, even if the electricity is off. Mr. Whittington stated that the Fire Company needs to know where the solar panels are on the roof, and where a shut off is on the building. He stated that fire dispatch should have that information, as well as the Fire Company. He also expressed his concern that the Code Enforcement Officer, not the Fire Company, should be noted in the Ordinance as the approval authority. Attorney DiMatteo stated that the Large Scale solar projects will be required in the Ordinance to have a Special Use Permit, and perhaps the diagrams submitted, with a "map" of the project, could be sent on to the Fire Company and dispatch.

Lori Whittington of Sardinia stated it is very complicated to shut off a system, and felt that the Firemen would be more intent on rescuing people, rather than shutting down a solar system. She also noted that workers who are installing these solar systems have minimal certifications, and wonders if they are being installed correctly, suggesting that the Town should require accredited installers on solar projects. Attorney DiMatteo clarified that Large Scale Projects are those also called solar farms, which are selling the electricity, not for personal use. Ms. Whittington also asked about the regulation that ground mounted projects could not be in the front yard, and asked what is the front yard, if the house is on an angle. Mr. DiMatteo stated that it would be considered whatever area is between the house and the street. She also asked about the clause that states the homeowner must provide 3 years' worth of electric bills and 110% of that usage is all that is allowed. Attorney DiMatteo stated that it is based on NYSERTA's regulations, and they are the ones that certify the electric usage, as well as the energy company that will be buying the power.

Mr. Schiener reiterated that requiring Fire Company approval would be a liability to the Fire Company.

Councilman Morrell asked if wild animals, such as deer, can get into the fenced in areas, and was told that yes, and it is quite common, but has not been a problem. He also asked about mowing and maintenance, and was told that the owners mow the property, and in one case, actually rent sheep to keep the grass down.

Hans Ylmar of Chaffee stated that Florida has many, many solar arrays, and animals graze around the posts.

Attorney DiMatteo stated that the Environmental Assessment Form now needs to be completed and a Declaration of either Positive or Negative Environmental Impact be declared, based on those findings. The Board then went over the form and answered all of the questions with "small to moderate effect". **The conclusion was that there would be no significant environmental impact, and on a motion by Earl, seconded by Hochadel, the Board gave the Proposed Local Law a Negative Declaration of Environmental Impact, and authorized Supervisor Gambino to sign the Environmental Assessment Negative Declaration on behalf of the Town. Carried, 5 ayes, 0 noes.**

The Supervisor called three times for further comments. There were none, and on a motion by Earl, seconded by Hochadel, the hearing was closed at 6:44 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk