

At 7:00 p.m. Supervisor Johnson called to order a public hearing located at the Town Hall, 18 State Street, Brockport, New York on Tuesday, May 7, 2019. The purpose of the public hearing was to hear all persons desiring to be heard for or against the incentive zoning application for Helios Energy New York 3 LLC to allow a change of use for a solar farm site in exchange for donations of funds in place of other amenities.

Town Board Members present were Supervisor Kevin G. Johnson, Councilperson Robert Muesebeck, Councilperson Patricia Hayles, Councilperson Mary Rich and Councilperson Lori Skoog. Also present were Finance Director Leisa Strabel, Deputy Town Clerk Kathleen Roberts and Town Attorney James Bell.

Visitors present were Chris Hamlin, Joan Hamlin, Don Grentzinger, Susan Smith, Wayne Zyra, Anne Crane, Warren Diedrick, Dana Diedrick, Everett Peake, Henry Dilger, Marion Dilger, Pat Connors, Robert Sweeting, Chris Ioannone, Martin Herrmann, Rhonda Humby, Mark Rabjohn, Donna Ries, Don Pophal, Dan Spurr, Julie Lapinski, Casper Pizzo, John Hohman, Kirby Trask, Wayne Hillman, Brian Sage, and others who may not have signed the attendance sheet. Thomas Guzek from Solarpark Energy was also present.

Supervisor Johnson waived the reading of the legal notice.

Supervisor Johnson explained the purpose of the public hearing and the rules for public participation.

Thomas Guzek, Managing General Partner of Solarpark Energy, partnering with Helios Energy, presented the project. What is Community Solar? Mr. Guzek explained that it is an opportunity to reduce greenhouse gases with the ability to use a large scale solar project to deliver clean energy generated via the standard grid. He stated that it is the desire of State of New York to eliminate all carbon emissions from generated facilities by the year 2040.

Mr. Guzek started out by stating that there would be several benefits of Community Solar to the residents and small businesses in the Town of Sweden. First, there would be a guarantee of 10% savings below the cost of existing energy as long as a subscriber. He also commented that solar energy reduces air pollution and harmful gases and will help prevent climate change and decreased air quality. Another benefit is that there will be no cost to the Town and in fact, Solarpark Energy will provide funding for an improvement project to the Town of Sweden and to the Brockport Central School District.

Mr. Guzek explained that this plan consists of two side-by-side projects on this property, five megawatts each, for a total of approximately ten megawatts. It will produce 12.6 million kilowatt hours of energy annually. With this project, there will be no noise, no pollution and no additional traffic. It only operates during the day and will collectively make no more noise than a refrigerator. There is a substation about a mile and a half away from this proposed project. National Grid has updated the facility and is now ready to connect. Energy generated will be delivered to the subscriber through the existing power grid and will only service National Grid customers.

Comment [KR1]:

Mr. Guzek provided the project details. He stated that all set-backs and requirements will be met according to the Town Solar Law requirements. It is their plan to build a berm along Lake Road. Low-slung trees will be planted around an eight foot chain link fence. The fence will be coated in green with slats so you cannot see through. There will be pollinator-friendly wildflowers planted, which will help the farmers by attracting butterflies and bees to allow pollination of their plantings. The panels are stationary in the ground and follow the sun throughout the day. Each row has a fused inverter at the end so if there is a problem with a panel, it will be taken off line immediately. Remote monitoring is done 24/7, 365 days per year.

Supervisor Johnson opened the floor for comments by starting with individuals who had signed in on the speaker sign-in list.

Resident Dan Spurr, 175 White Road, pointed out on the map where his house is located. He asked how far back the project would be from his property. Mr. Guzek answered that it would be at least 100 feet from the property line. Mr. Spurr also asked how to guarantee that it won't affect the value of his property. Mr. Guzek explained that there have not been enough projects in New York to make that determination, but there have been studies in other states showing no differentiation or visible loss in value of property.

Resident Rob Sweeting, property directly across the street from the proposed project on the east, questioned if the property was zoned correctly for this type of project and asked about the incentive zoning. Mr. Guzek explained that incentive zoning is an opportunity offered to the Town if they would like to take advantage of getting some monetary value. He also replied that the Solar Law states that the solar project can be built on any one of the zoned properties but they have to apply for a zoning variance. Mr. Sweeting wanted the Town Board to know that he is against the project.

Chris Ioannone, Lake Road property across the street from Sweetings, feels he would not benefit from this project and he would rather have water out that way than have panels in his backyard.

Donna Ries, resident of West Sweden Road, is interested in solar but understands the concerns of those who are in close view of the project. She would like it stated that she is in favor of solar energy and understands its importance.

Casper Pizzo owns 91 acres with the south border of his property being the powerline. Mr. Pizzo asked if the fence would jog in and out or if it would be straight around the whole project. Mr. Guzek answered that they want it to be as straight as possible, without jogs, covering the whole area. Mr. Pizzo also inquired about the transfer facility being in place before the project is approved. Mr. Guzek explained that the utility substation is already existing and is where we are getting our energy today.

John Hohman, owner of property to the south side of Mr. Pizzo, purchased this property exclusively for hunting. He asked where the utility lines are being placed to transfer the energy to the substation? Mr. Guzek answered that there is an interconnection to a three-phase line on Lake Road and that they will be using the existing utility lines, poles and transformer. He also

confirmed that there would be no secondary transmission lines. Mr. Hohman asked for clarification on where the fence would be placed. Mr. Guzek explained that they cannot touch the wetlands and therefore, they will have to jog the fence to go around them, but they will make the fence as straight as they can. Mr. Hohman asked Mr. Guzek to explain what he means by it being two side-by-side projects. Mr. Guzek explained that New York State limits them to five megawatts per parcel and since it is one parcel, they have to do what is called a hyphenated subdivision for tax purposes. Mr. Hohman also asked about his agricultural exemption that he has on a portion of his property, and Mr. Guzek assured him that he would not lose that exemption.

Dana Diedrick, resident at 358 Root Road, stated that she drives by another solar farm on Whittier Road in the Town of Ogden and, in her opinion, she thinks it looks ugly. Mrs. Diedrick is concerned about the impact it may have on birds. Mr. Guzek explained that there is no heat emitted from the panels and will not affect the birds. Mrs. Diedrick is also concerned that the trees being planted will not cover the fencing and that the flowers being planted will not have enough sunlight. Mr. Guzek explained that it is their intent to screen the fence with trees that will have good coverage and that they cannot be too tall because of shading. Also, there will be sunlight on the flowers as the panels move throughout the day. Another concern she had was with the equipment withstanding snow and even hail. Mr. Guzek answered that snow gets shaken off the panels and that the panels are tempered glass and would be replaced if necessary.

Warren Diedrick, resident at 358 Root Road, asked if Mr. Guzek would do this project if there were no state and federal government incentives; to which, Mr. Guzek answered "yes." Mr. Guzek firmly believes that our environment is at risk. Mr. Diedrick wants it made known that he is against the project.

Brian Sage, resident at 5517 Lake Road, feels his property won't be worth anything if the project goes through. Mr. Sage is against the project.

Resident Martin Herrmann, 82 White Road, asked if this would be the only solar project on this quadrant and also, if there would be a moratorium? Supervisor Johnson answered that there would be no moratorium now that there is a solar code in place. Mr. Guzek explained that the substation they are using can only handle so much distributed energy and the further the substation is away, the more it costs.

Councilperson Rich asked what would happen if the solar farm was bought out, as far as maintenance around the residents' properties. Mr. Guzek answered that a new buyer would have to meet obligations and requirements set forth by the Town.

Marion Dilger, resident at 5437 Lake Road, asked where entrances and exits are located. Mr. Guzek explained that they are required to have only one entry and exit, which are the same. They will build a roadway, which is along the existing dirt road, and the entry/exit will be on Lake Road.

Kirby Trask, resident at 5480 Lake Road, asked how high the panels are at the maximum. Mr. Guzek answered that they are 8 feet at their highest. Mr. Trask also asked if there were any

contingencies in the contract that would allow the Town of Sweden to back out if requirements were not being met. Town Attorney James Bell stated that the Town could compel them to follow through on certain requirements. Mr. Trask feels that this should be seriously considered before giving approval to the project. Mr. Trask also feels that the Town Board should look at studies from other towns with similar projects as far as the effect on property values.

Julie Lapinski, resident at 4016 Sweden-Walker Road, questioned why \$150,000 was being given to the splash park and wondered how many residents asked for a splash park?

Rob Sweeting asked where the new poles would be set. Mr. Guzek answered that there will be approximately thirteen poles set on the west side of the road and confirmed that there would be no structure or poles set on the east side of Lake Road.

Susan Smith, W. Canal Road, supports solar energy and states that all of us will benefit from cleaner air. Mrs. Smith asked what would happen if the project leaves. Mr. Guzek replied that land would have to be brought back to original state, which is under covenant and bond as required by the Town Code.

Mrs. Dilger asked how much traffic there would be at the site. Mr. Guzek answered that there will be very little traffic once the project is complete. During construction, there will be trucks delivering panels.

Mr. Hohman asked why this property was chosen over others that may have been closer to the substation or less residential. Mr. Guzek explained that they put out requests to property owners of land that met the economics and Mr. Zuber elected to respond.

Wayne Hillman, 100 White Road, asked about future impact on the environment such as batteries or radiation being omitted. Mr. Guzek replied that there are no batteries or other toxic elements and there is no radiation. He stated that the Town has gone through the environmental quality review which is mandated by the state.

Supervisor Johnson explained incentive zoning, simply stating that it gives a developer the opportunity to offer a financial incentive so that the Town gets something additional back.

Mr. Sage asked that the Board put themselves in his shoes and think about how this project is affecting him and the other property owners.

Mr. Herrmann asked about site plan approval. Supervisor Johnson answered that the Planning Board process is contingent on the Town Board's decision. Mr. Herrmann asked if he could make comments to the site plan prior to vote. Councilperson Muesebeck recommended he read the planning board minutes of all that was required of the developer and how everything has been addressed.

No other comments. The public hearing was closed at 8:40 p.m.

Public Hearing

May 7, 2019

Respectfully submitted,

Kathleen Roberts
Deputy Town Clerk

