

At 7:15 p.m. Supervisor Carges called to order a public hearing located at the Town Hall, 18 State Street, Brockport, New York on Tuesday, June 13, 2017. The purpose of the public hearing was to hear all persons for or against the adoption of Local Law 5 of 2017 – a local law designed to regulate solar energy systems and solar energy farms.

Town Board Members present were Supervisor Robert Carges, Councilperson Robert Muesebeck, Councilperson Mary Rich and Councilperson Lori Skoog. Also present were Finance Director Leisa Strabel, Town Attorney Jim Bell, Superintendent of Highways Brian Ingraham, Town Clerk Karen Sweeting, Planning Board Chairman Craig McAllister, Zoning Board of Appeals (ZBA) Chairwoman Mary Ann Thorpe, ZBA member Kevin M. Johnson, and Solar Committee members Mark Rabjohn, Don Pophal, Bill Johnson and Gregory Sargis.

Visitors present were Joan Hamlin, Christine Hamlin, Don Grentzinger, Robert and Pat Connors, Susan Smith, Frank Choromanskis, Justin Rabjohn, Sean Cliff, Lynette Hibsich, Patty Hayles and Laura Smith from Harter, Secrest & Emery, LLP.

Supervisor Carges waived the reading of the legal notice published in the Town newspaper.

Mr. Carges thanked Councilperson Muesebeck and the members of the solar committee. He encourage the visitors to talk with the solar committee members after the hearing if they so desire.

Mr. Carges opened the floor for comments.

Laura Smith from Harter, Secrest & Emery, LLP, was present representing ForeFront Power (successor of SunEdison) who is currently working on two solar projects in the Town of Sweden. Ms. Smith provided the board members with a letter that lays out areas that need clarification and also points out requirements that solar companies would find difficult to meet. She thanked the board for moving forward with the local law. (letter on file in the Town Clerk's office)

Town Attorney Jim Bell indicated that the comments would be taken into consideration. The draft local law is a work in progress and the board wanted to seek comments from the public to decide whether modifications are needed.

Frank Choromanskis felt the draft local law was clearly thought out, but pointed out several areas that needed clarification. He assumes the number one priority of the Town Board is to protect the property owners. The required height and setbacks are not clear for each zoning area. Mr. Choromanskis didn't know what volume of noise the panels made, but felt the board should research data on what levels of noise is created from such solar farms. This may determine additional buffers. He was pleased that the local law addressed surety bonds and deposits, but felt the wording should be changed from "can require" to "will require". Mr. Choromanskis also addressed the need for landscaping to shield unsightly panels from neighboring properties. He would like to see specific aesthetic requirements. He was satisfied with the section pertaining to the prevention of reflective glare toward any habitable building, but also wanted to include toward any vacant property as well that may be developed in the future.

Planning Board Chairman Craig McAllister thought the solar committee did a wonderful job. He suggested under Section 6 (B)(4) “an appropriate application to the zoning board” be changed to the Town Board. He also suggested under Section 7 (A) whereby it states the applications for installation are to be processed by the Planning Board and/or Zoning Board of Appeals, be changed to just the Planning Board. He explained that the local law permits solar farms in all zoning areas and doesn’t see it being an appropriate process for the Zoning Board of Appeals.

No other comments.

Supervisor Carges would like to see something in place within the next few months. The public hearing was closed at 7:30 p.m.

Respectfully Submitted,

Karen M. Sweeting
Town Clerk