

**PUBLIC HEARING OF THE TOWN BOARD  
FEBRUARY 16, 2021**

**PRESENT:**

Supervisor Richard A. Purol  
Councilman Robert Penharlow  
Councilman Henry Walldorff  
Councilman Juan Pagan  
Councilman Jay Bishop (via zoom)

**OTHERS PRESENT:** Town Clerk, Rebecca Yacklon, Attorney Jeffrey Passafaro, Deputy Clerk, Kyle Goughlin, Adam Rizzo of Solar Liberty, and Nathan Rizzo of Solar Liberty.

**PRESENT: (Via Zoom)** Justina Huddleston of 10681 Brigham Rd.

Supervisor Purol opened the public hearing for a Solar Moratorium at 6:30 p.m.

Town Clerk, Rebecca Yacklon stated that there was proof of publication and the legal notice was posted on February 2, 2021.

Supervisor Purol stated that he had concerns regarding the current solar law at the Town. He further explained that the current law doesn't address set-backs or the use of batteries. He stated that surrounding areas have seen these issues and he wants to address them before they become a problem. Supervisor Purol stated that at that moment Code Enforcement Officer, Ryan Mourer stated that there were no complete solar applications so that's why the Town Board wants to change the law now. There are partial applications but there are not any applications that are fully complete.

Supervisor Purol stated that the current solar law in the Town was created in 2017. He said he wants to change the law to be more current.

Supervisor Purol opened up the floor for any comments from the public or other board members.

**AUDIENCE CONCERNS**

Adam Rizzo introduced himself to the board. He is a representative of a solar company called Solar Liberty, who is the applicant for two prospective solar projects. He stated that Solar Liberty has been doing solar projects since 2003 and their main focus is in Western New York. A current project they are working on is the project in Fredonia State off of Brigham Rd. in the Town of Dunkirk. He stated that to his knowledge the solar applications they had submitted were complete. Solar Liberty sent the required 14 copies for the Town at some time last year.

He explained that community solar is relatively new to this area. This gives community members and residents the opportunity to participate in solar savings. This allows Solar Liberty to lease the land from property owners.

There are two prospective projects that Solar Liberty is associated with. One of these projects are located at 3750 Williams St. and the other prospective project is located on Brigham Rd. in the Fairgrounds. He stated that these sites are great spots for solar.

In regards to the Williams St. project Mr. Rizzo stated that he understood the land is zoned as agricultural at this time. He asked if the board could consider zoning it to allow solar. He stated this site specifically is a perfect site for a community solar project. This is because the power lines are perfectly located for solar according to National Grid. This project has been in the works since 2018.

Mr. Rizzo handed out packets to the Board Members. This packet had examples of different solar laws that are widely used. He stated that there was a specific section that addressed setbacks that could be useful for the Board Members.

Mr. Rizzo stated that with both projects, upon examining the plans Board Members would see that they are set back further back from the road.

Supervisor Purol stated they would examine this at a later date. He stated that the Town does not spot zone so they will not be changing the zone of Williams St. regardless of what they do with their Solar Law and the Moratorium. He also stated that this means that they will need to obtain a use variance in order to put solar on that property.

Attorney Passafaro stated that the meeting that night was specifically for discussing the Solar Law or moratorium not the current projects Solar Liberty has or applications they have submitted. The Board scheduled the public hearing after a growing concern of community solar was presented to them by Residents in the area. The Board Members and residents share concerns on setbacks, buffer zones and density. He stated that was sole purpose of the meeting.

He further explained that the current Solar Law that was created in 2017 was made based on model solar law from the State. After enacting that law, it had to be reviewed by the County and was thoroughly vetted. In regards to questions about the Zoning law, the Town board is the final approving body for projects like this. This is after they have gone through the reviews of the Zoning Board, Planning Board, and Code Enforcement Officer. Upon receiving a recommendation, the Town Board will then make a decision.

Mr. Rizzo stated that it was to his understanding that under current law, solar is an allowed use for the property on the fairgrounds. He asked Attorney Passafaro what that means in regards to a moratorium.

Attorney Passafaro stated that means the project would come to a halt until the Town Board legislates the changes they want to the Solar Law. He stated that this doesn't mean that the Moratorium will last the full 6 months.

Supervisor Purol asked Mr. Rizzo a question in regards to host agreements and solar projects. He stated that is something the Town would be interested in.

Mr. Rizzo stated that host agreements are becoming a more popular option in the Western New York area but are still relatively new. He stated that a conversation between the County IDA and the Town would be beneficial regarding this topic. He stated that instead of setting money aside for a PILOT agreement, they could potentially split it with a host agreement for the Town.

With no further comments, Supervisor Purol asked Board Members and Residents if there were any more questions or concerns, they wanted to discuss.

Justina Huddleston of 10681 Brigham Rd. stated she had questions and concerns. She asked if the Fairgrounds property was the only perspective solar project on Brigham Rd. She explained the property located right next to hers is being surveyed and thought that maybe it was connected with the fairgrounds project.

Mr. Rizzo stated that the only project Solar Liberty is associated is the one on the fairgrounds. It could be a completely separate outfit that is working on the property she asked about. He also stated that there is pole work being done in connection with their current project at SUNY Fredonia.

Mrs. Huddleston asked if the Board knew what outfit was working on the property next to her.

Supervisor Purol stated he doesn't have the application Infront of him so he couldn't answer. He said that he will keep Mrs. Huddleston updated on the situation as more information evolves.

### **AJOURNMENT**

With no further comment from the public a motion was made by Councilman Pagan to close the Public Hearing. The motion was seconded by Councilman Walldorff and carried. The meeting was adjourned at 6:50 p.m.

Respectfully Submitted,

Rebecca Yacklon  
Town Clerk