## PUBLIC HEARING -TOWN OF SHELBY PROPOSED LOCAL LAW NO.1 OF 2020 A LOCAL LAW TO AMEND THE TOWN LAW REGULATING SOLAR ENERGY SYSTEMS

December 21, 2020

Present: Jeff Smith, Supervisor

William Bacon, Councilman Stephen Seitz, Councilman John Pratt, Councilman Darlene Rich, Town Clerk

Bethany Centrone, Council Bond, Schoeneck and King

Dale Root, Highway Supt.

Kirk Myhill, Planning Board Chairman Dan Wolfe, Code Enforcement Officer

Miranda Bennett, Bookkeeper

Excused: Ryan, Wilkins, Councilman

Other: Alan Bushover Mark Lindberg

Sharlene Pratt James Zelazny

Edward Zelazny

Public Hearing was called to order at 6:46 pm

Councilman Seitz made the motion to open the public hearing which was seconded by Councilman Pratt. Motion carried to open the public hearing.

The purpose of the Public Hearing is to elicit public comments on the proposed Local Law No. 1 of 2020 to amend the Town law regulating solar energy systems.

The proposed local law was introduced by the Town Board at its Nov. 10, 2020 meeting. The Town Board scheduled this public hearing on the proposed Local Law at that same meeting. This Local Law was proposed after further review and consultation with the Town's attorneys which identified a few amendments needed to certain provisions of Section 787 of the Town Zoning Law to clarify some requirements for solar energy systems and to further protect the environment, health and safety, and general welfare of the Town and its residents. Those amendments are reflected in the proposed Local Law. The Local Law has been posted on the Town's website and at the Town Hall since November 24, 2020. Copies of the proposed Local Law are also available upon request. Notice of tonight's public hearing was provided in advance. This hearing was originally scheduled for December 8, 2020 and notice was provided as follows: Notice of the hearing was sent to the Orleans County Planning Board on November 12, 2020; Notice of the hearing was sent to the Town of Shelby Planning Board on November 19, 2020; Notice of the hearing was sent to our neighboring municipalities in accordance with New York State Town Law Section 264 on November 24, 2020; and A public notice was published in the Batavia Daily News on November 25, 2020. The December 8th public hearing had to be postponed due to circumstances relating to the COVID-19 pandemic, and the hearing was rescheduled for tonight December 21st. Notice of the rescheduled public hearing was

published in the Batavia Daily News on December 10, 2020 and sent to the Orleans County Planning Board and the neighboring municipalities on December 14, 2020. Supervisor Smith read the notice that was published. Copies of these notices are on file in the Town Clerks office. Those wishing to speak were invited to stand, state their name and address for the record. Mark Lindberg, Smith Road resident—Is there an alternative for industrial wind or solar, is there land already zoned for that. Asking about Ag rezoning by Special Use permit. Bethany Centrone said what you're asking for is not on the agenda for this public hearing. He said that 27% of ag residential land historically farmed at a time in the future would be subject to changes to the Local Law, and if not related to land use for solar will go to wet land and not farm lands and will be regulated by federal government. He gave the clerk his comments. The Town Clerk received the following reports and comments regarding proposed Local Law No. 1 of 2020: At its meeting held on November 19, 2020, the Orleans County Planning Board reviewed the proposed Local Law and voted to recommend its approval by the Town Board. At its meeting held on December 1, 2020, the Town Planning Board reviewed the proposed Local Law and voted for its approval by the Town Board.

Young Sommer LLC filed a letter dated December 8, 2020 on behalf of Orleans Solar, LLC containing several comments about the proposed Local Law. Copies of that letter have been provided to the Town Board members and available to the public upon request. Town clerk confirmed there were no advance written comments received regarding the proposed Local Law. After final call for anyone wishing to provide comment on this Local Law, and after hearing no comments Councilman Pratt made motion to close the public hearing with Councilman Seitz seconding the motion. All were in favor. The hearing was closed at 6:55pm

Respectfully submitted, Darlene A. Rich, MMC, RMC Town Clerk