



March 11, 2024

Opening:

The regular meeting of the Town of Chautauqua Zoning Board of Appeals was called to order at 3:30 pm, on Tuesday, February 20th, 2024, by Zoning Board Chairman, Troy Smith.

Board Members Present:

Troy Smith, Charlie Krause, Roberta Tenpas, William “Bill” William Titus (Alternate)

Board Members Absent: Stanley Marshaus, L James Hurley

Others Present: Frank Watson (Code Officer), Nicole Yacklon (Code Clerk), Joel Seachrist (Town Atty.), Heike Jacobs (Wendell Engineering), Marc Kenward (Wright Road Solar LLC), Steve Long (Wright Road Solar LLC), Karen Engstrom, Shawn McLaughlin, Amy Lynn, Priscilla Reno, Dan McCan, Ronald H Miller.

Agenda:

To continue the public hearing of Wright Road Solar LLC to present and review the updated site plans, environmental assessment plan (updated 2.1.24) and a review of the storm water pollution prevention plan (updated 2.1.24), for the property located at 6049 Wright Road in Dewittville in the Town of Chautauqua.

Steve Long and Marc Kenwood from Sol Source Power presented the new visual simulation photos to the group in attendance to show the difference between their first plan versus the revised/updated plans submitted on 2.1.24. The initial clearing of trees was 21 acres and now proposed under 4 acres; the road length shortened; utility poles from 12 to 6. The trees that would be cleared in front of the fence would be cut but stumps left in place so as to not disturb that soil. The trees that will be planted for landscaping will be 6 to 8 ft. in height. The chain link fence will now be opaque with greenery woven in for less visibility of the solar array equipment.

Public Comments: There were numerous comments from the public in attendance.

- The question was asked if the company had done any RF frequency studies. Karen Engstrom spoke about how these Solar Corporation companies point to being in compliance with the National Regulatory Codes, however Ms. Engstrom also noted that The NRC / National Regulatory Codes has not revised or updated their codes since the 1980’s.
- Jeff Hansen stated that he wished the homeowner would have considered placing the array to the side of the property where it would have been less visible and away from the rest of the homeowners in the area. Mr. Hansen also commented on being concerned about the RF frequencies that would be in close proximity to neighboring properties. He stated that he thought it was a great idea, however located in the wrong place. Mr. Hansen also showed concern for the future of the surrounding properties for home loans with FHA, and their values.
- Mr. Reno has concerns about the placement of this project which is aprox. 100 ft. from his front door. The land has been in his family for over 80 years, and he runs his business Reno ceramics. He does understand that the site was selected because of the nearby substation.

Board Member, Charley Krause pointed out that these home owners are currently living under major power lines in response to Mr. Hansen's information through his career, that an FHA loan would be turned down in the event said property would be next to powerlines. Steve Long from Sol Source Power stated that in the 10 years he has been with Solar Companies, he has never had a homeowner suggest that they could not sell their property because they were close to a solar array project.

Town Attorney Joel Seachrist asked Mr. Long if the opaque fencing degrades, Mr. Long stated that the fence is very durable but not as rigid as a chain link fence. Mr. Seachrist also noted that going back to the NRC information, some portions are updated yearly.

Mr. Hansen asked Sol Source how the company selected this site. The response from Steve Long was; sites are canvassed for acreage; close proximity to a substation; they seek out the homeowners of a desired property; they review and follow town codes.

Board member Charley Krause asked if the power lines could be fed underground, Mr. Long stated that if they were aware of any RFs at a dangerous level, they would not be proposing this site. Mr. Hanson also stated that he was aware that Solar Companies can also sell or transfer their servicing rights. Attorney Seachrist stated that If ownership changes the Solar company should be notifying the Town. This is a reason why the companies have to put up a bond, the bond # increases by the years. He stated that it does not matter who owns the project, they are responsible for the site, the maintenance, the bond. Mr. Hansen asked Sol Source to contact NYSERDA to have information on what is deemed a safe distance from a solar field.

Board Comments:

Alternate board member, Bill Titus asked, now that the property acreage has changed, have they reviewed the run off to see if there was any change. Marc Kenward from Sol Source noted that the run off pattern has not changed. The grass meadow will be mowed twice each year.

There was discussion regarding what the solar panels are made of, and it was said that the panels are made of, Silicon, aluminum, glass. It was asked if the Town could be provided with assurance that there would be no PF's material would make any panels on this project. Ms. Engstrom stated that there are other materials used such as Cobalt/Copper/Tungsten. Also concern for the Firefighter's and EMT's response, can they receive any kind of shock from these arrays. Steve Long's response was that all firefighter's and EMT's will be trained before the system goes "live" with on site and classroom training. The poles have a recloser in order to turn the system off. Mr. Long also stated that there would not be any batteries for this site.

Mr. Hansen spoke regarding concern for "off gassing" of the panels. Mr. Reno asked about what the snow loads are for the panels and Mr. Long responded describing that the panels for this site are inverters, meaning they move and would push the snow off, they are also trackers, they follow the sun and move every 6 minutes. At this time Chairman Troy Smith said that the Board has taken an in-depth analysis of all the concerns brought forth. Town Supervisor, Don Emhardt and ZBA Alternate Board member William "Bill" Titus are part of the Fire Dept. and are aware of the fire safety procedures. In closing Chairman Smith added that if the Town ZBA makes a positive declaration to the Town, at some point the State could come in and override the Town's decision, Green Energy is driven by Law makers in Albany and there are incentives on State and Federal levels. He concluded that there will not be a resolution made today and that the meeting will be kept open until the March 19th ZBA meeting at 3:30pm.

A motion was made by Chairman Troy Smith to adjourn and seconded by Charley Krause.

Vote: Chairman, Troy Smith – aye
Member, Charlie Krause – aye
Alt. Member, William “Bill” Titus - aye
Member, L James Lewellyn – absent
Member, Roberta Tenpas – aye

With no further comment the meeting was adjourned.

Respectfully,

Nicole Yacklon
Code Clerk/Deputy Clerk
3.11.24

DRAFT