

**PUBLIC HEARING -TOWN OF SHELBY (VIRTUAL)  
PROPOSED LOCAL LAW NO. 1 OF 2021  
A LOCAL LAW TO AMEND THE TOWN LAW REGULATING SOLAR  
ENERGY SYSTEMS**

January 26, 2021

Present:     Jeff Smith, Supervisor  
              William Bacon, Councilman  
              Stephen Seitz, Councilman  
              John Pratt, Councilman  
              Ryan Wilkins, Councilman  
              Darlene Rich, Town Clerk  
              Miranda Bennett, Bookkeeper

Other:       Bethany Centrone  
              Michelle Billington  
              Kirk Myhill  
              Mark Lindberg

Public Hearing (Virtual) was called to order at 6:01 pm. This public hearing is on the proposed Local Law No. 1 of 2021 – a Local Law to Amend the Town Law Regulating Solar Energy Systems. This hearing is being recorded.

This local law was introduced as proposed Local Law No. 1 of 2020, and has now been renumbered as Local Law No. 1 of 2021. The Town Board conducted a public hearing on the local law on December 21, 2020 (postponed from the original December 8, 2020 hearing date). The Town Board received public comments about the local law, considered those comments, and has revised portions of the local law. The Town Board is conducting this second public hearing to receive public comments on the revised local law.

Councilman Seitz made the motion to open the public hearing which was seconded by Councilman Bacon. All were in favor. No one opposed. Motion carried to open the public hearing and the hearing was opened.

Again, the purpose of this public hearing is to elicit public comments on the proposed Local Law No. 1 of 2021 to amend the Town law regulating solar energy systems.

The Local Law was originally proposed to make a few amendments in 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.

The revisions to the local law since the last public hearing include language adjustments to clarify how requirements would apply between solar projects that are and are not subject to a State-led siting review process. The revisions also add two special permit criteria applicable to utility-scale systems: a requirement that utility-scale solar energy systems provide adequate considerations for their use of local roads during project construction and operations, and that the projects are constructed with adequate visual screening and site security measures.

The Local Law has been posted on the Town's website and at the Town Hall. Copies of this proposed local law are also available upon request.

Notice of tonight's public hearing was provided in advance as follows:

On January 13, 2021, the local law was referred again to the Orleans County Planning Board and the Town of Shelby Planning Board for their review, along with notice of the hearing. Also on January 13, 2021 notice of the hearing was sent to our neighboring municipalities in accordance with New York State Town Law Section 264.

A public notice was published in the Lake County Pennysaver, which appeared online on January 15, 2021 and in the paper delivered to home boxes January 16, 2021.

Supervisor read the notice that was published:

**TOWN OF SHELBY TOWN BOARD-VIRTUAL PUBLIC HEARING  
NOTICE OF SECOND PUBLIC HEARING**

**REGARDING PROPOSED LOCAL LAW NO. 1 OF 2021 TO AMEND THE TOWN LAW REGULATING SOLAR ENERGY SYSTEMS PLEASE TAKE NOTICE** that a public hearing will be held virtually (due to COVID-19 precautions) by the Town of Shelby Town Board on January 26, 2021 at 6:00 PM for the purpose of hearing public comments on a revised version of proposed Local Law No. 1 of 2021 (originally introduced and identified as proposed Local Law No. 1 of 2020) amending certain provisions in the Zoning Local Law of the Town of Shelby that regulate solar energy systems. The information and link to log into the public hearing will be available on the Town of Shelby's website

([www.townofshelbyny.org](http://www.townofshelbyny.org)). This proposed local law would amend: Section 787(A) of the Town Zoning Law to add a paragraph stating that the provisions under Section 787 for solar energy systems are intended to protect the Town, its residents, and its environment; Section 787(D) to add a paragraph requiring applicants for utility scale solar energy systems to enter a host community agreement with the Town; Section 787(E)(3) to refer to small ground mounted solar energy systems; Section 787(E) to add paragraphs regarding requirements for decommissioning, site restoration, and financial assurance; Section 787(G)(8) to add language requiring applicants for utility-scale solar energy systems include considerations for their use of local roads; Section 787(G)(14) to add language that utility-scale solar energy systems shall provide adequate visual screening and site security measures; Section 787(G)(17) to clarify the existing provision on bonds or other financial security; and Section 787(H)(5) to add language allowing the Town to draw on a financial assurance instrument if a system is deemed non-operating or abandoned. The Town Board has revised the proposed local law after considering public comments that were submitted, including revised language distinguishing how certain requirements apply between solar projects that are and are not subject to a State siting review under the NYS Public Service Law Article 10 or NYS Executive Law Section 94-c. A complete copy of the proposed Local Law No. 1 of 2021 is available on the Town's website ([www.townofshelbyny.org](http://www.townofshelbyny.org)). Anyone wishing to speak on the subject should participate in the public hearing. The Town Board invites written and oral comments on this proposed local law during the public hearing.

The Town Board will also accept written comments on the proposed local law submitted electronically to the Town Clerk at [darlenerich@townofshelbyny.org](mailto:darlenerich@townofshelbyny.org) or mailed to the following address: Attn: Town Clerk – Local Law Comments, Shelby Town Hall, 4062 Salt Works Road, Medina, NY 14103. Written comments submitted via email or regular mail must be received by the Town Clerk by 5:00 PM on January 26, 2021.

By Order of the Town Board of the Town of Shelby  
Darlene A. Rich, MMC, RMC - Town Clerk

Copies of these notices are on file with the Town Clerk's office.

Supervisor Smith explained the procedures for receiving and hearing comments on the local law during the hearing (on the virtual Zoom platform).

Comments from public-Mark Lindberg, Smith Rd. Medina

He asked the town board questions regarding SEQR and a Negative Declaration he said was adopted for the local law. Michelle Billington (Bond,

Schoeneck & King, Town attorney) reminded him the public hearing is for the board to hear comments only. She also stated to clarify for the record that the Town has not adopted the local law yet, and has not adopted any SEQR determination about the local law yet either. She explained that the proposed Local Law was originally introduced in 2020, the original hearing was postponed due to COVID, and then the public hearing was conducted on December 21, 2020. Comments were reviewed, the local law was revised, and the local law that is the subject of tonight's hearing is the revised version of the local law, which has been renumbered as Local Law #1 of 2021. Mark Lindberg again asked why the town issued negative declaration by resolution for the local law. Michelle Billington stated Mr. Lindberg was mistaken and she repeated that the Town has not issued any SEQR determination (like a negative declaration) for this Local Law yet and has not adopted the local law. She stated that the Town Board will be sure to comply with and complete the SEQR process before making any decision about adopting the local law. Mark Lindberg also made comments regarding Maximum coverage area, Solar Facility Setbacks, what the minimum setback requirements should be for a solar project, visual screening, and Host Community Agreement.

Supervisor Smith -Let the hearing record reflect that, since the last public hearing, the Town Clerk has received the following additional written comments: a letter dated January 23, 2021 from Mark Lindberg.

Town Clerk responded that she has not received any other written comments

Supervisor Smith asked for final call for anyone else who wishes to provide comments on this Local Law before we move to close this public hearing. There were no responses.

Councilman Wilkins made motion to close the public hearing which was seconded by Councilman Pratt.

All were in favor. No one opposed. Motion carried to close the public hearing at 6:28PM. That concludes our business here this evening.

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