

April 19, 2023
5:00 p.m.
Public Hearings

Present: Supervisor Gerald Deming, Councilmen: Jason Swede and Norman Gates

Absent: Councilmen Amos Smith and Frank Rose Jr.

Others: James Campbell (Town Attorney) and Kirk Richenberg

Supervisor Deming opened the Public Hearing at 5:00 p.m. and requested Attorney Campbell read both Public Hearing notices:

Solar Energy Systems:

**TOWN OF YORK
LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of York, and pursuant to Town Law §130 and §264, that a public hearing shall be held by the Town Board of the Town of York, at the Town Hall, located at 2668 Main Street, York, New York at 5:00p.m. on Wednesday April 19, 2023 for the purpose of considering public opinion and comment about or concerning a proposed Local Law relating to the following:

A local law to repeal and replace the existing Article VI of the Zoning Ordinance of the Town of York (as originated by Local Law #2 of 2018 and later amended by Local Law #6 of 2019) with a new Article VI to regulate the approval and siting of Solar Energy Systems within the Town of York.

A copy of the proposed Local Law is available for review for the public at the office of the Town Clerk during regular Town Clerk hours and is available on the Town's website at www.yorkny.org.

Please note that the regulations that are proposed to be repealed and replaced thereby can be found as Local Law No. 2 of 2018 and Local Law No. 6 of 2019 on the Town's website at www.yorkny.org.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: March 15, 2023
By Order of the York Town Board
Christine M. Harris
Christine Harris, Town Clerk

Battery Storage Moratorium:

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of York, and pursuant to Town Law §130 and §264, that a public hearing shall be held by the Town Board of the Town of York, at the Town Hall, located at 2668 Main Street, York, New York at 5:00 p.m. on Wednesday April 19, 2023 for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

A One year Moratorium and Prohibition within the Town of York, Livingston County, New York, relating to application for, permitting of, approval of or installation of Large Scale Battery Energy Storage System Installations with the Town of York.

A copy of the proposed Local Law is available for review for the public at the office of the Town Clerk during regular Town Clerk hours and is available on the Town's website at www.yorkny.org

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: March 15, 2023
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Supervisor Deming opened the hearing up to comments:

Kirk Richenberg asked if the Board could update what has transpired from when the committee was formed.

Supervisor Deming replied when the committee was formed, they conducted several meetings and ultimately compiled a very large binder full of reference material, Local Law information from surrounding communities as well as Emergency Response documentation for Board review.

Mr. Richenberg questioned if the town will be utilizing this committee again.

Supervisor Deming answered at this point it is now up to the Town Board. Attorney Campbell added, this committee put recommendations together in a draft format. The purpose of the proposed moratorium is to give the Town time to fully review in order to render a decision at a later point.

Mr. Richenberg asked, if there is not anything currently proposed to be developed, why is the town in such a hurry for this law? Is there anything new or large coming regarding battery storage? There is no need for another moratorium Local Law.

Councilman Swede asked for clarification on Mr. Richenberg's previous statement, and questioned why he felt the Town should not follow through with a moratorium in order to protect ourselves from future applications.

Attorney Campbell stated that the County is seeing plug in place ready projects more frequently and feels even though the Town of York has yet to receive an application, there could be something coming in the near future.

Councilman Swede stated with what we heard, in his opinion the Town should have a solar law moratorium in place in order to give us more time for review.

Mr. Richenberg questioned the description of Large Scale Battery systems, is it based on amp hours or cubic feet?

Attorney Campbell responded in Section 3 of the proposed law under "Definitions", it outlines Large Scale Battery Energy Storage Systems Installations having an aggregate energy capacity of 600 k watt or more.

Attorney Campbell stated we will keep proposed Local Law #3 open for a short time longer and will now discuss proposed Local Law #4 of 2023 to repeal and replace the existing Article VI of the Zoning Ordinance.

Mr. Campbell gave a brief overview of why the town initially enacted two local laws, but feels the need now to adopt one cohesive law on how the Town of York wants to handle solar with certain provisions. Attorney Campbell added that he has modernized this proposed law since our previous one in 2018 and later in 2019. This proposed law was also referred to the Livingston County Planning Department and we have received their advisory comments on such.

Supervisor Deming opened this hearing up for comments:

Mr. Richenberg asked if there was a solar committee and if there was any input from them or just suggestions from County Planning and our Attorney? Mr. Richenberg commented once again that he does not feel another Local Law is needed.

Supervisor Deming replied that there was not a committee, just a working group consisting of Councilman Smith, David Deuel and himself.

Attorney Campbell commented that nothing actually changed regarding size, but more was included for protection (Decommissioning Agreement, Community Benefits, Host payments, PILOTS and Bonds). The additions strengthens our Code.

Supervisor Deming asked for any additional comments, there were none.

RESOLUTION offered by Councilman Swede and seconded by Councilman Gates to close the Public Hearing for proposed Local Law #3 of 2023. Voted on and approved, Yes-3, No-0.

RESOLUTION offered by Councilman Swede and seconded by Councilman Gates to close the Public Hearing for proposed Local Law #4 of 2023. Voted on and approved, Yes-3, No-0.

Public Hearings closed at 5:23 p.m.

Respectfully Submitted,
Christine M. Harris
Christine Harris, Clerk