

York Town Board Meeting  
November 14<sup>th</sup>, 2019  
7:30 p.m.

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell, Amos Smith,  
Norman Gates and Frank Rose Jr.

Absent: None

Others: Dustin Geiger, Francis Burger, Henry Fuller, Sandra & David Sliker, Susan & Andrew Smith,  
George Worden Jr. (Hwy Supt) Thomas Gates Jr., Renee & William Young, Kirk Richenberg, Carl Peter  
(Zoning/Code Officer).

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. and invited Councilman Rose to lead in  
the Pledge of Allegiance.

**MINUTES:**

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the minutes of October 10<sup>th</sup>  
Regular meeting, October 29<sup>th</sup> Public Hearing for Old State Road, October 29<sup>th</sup> Budget Hearing and  
October 29<sup>th</sup> Special Town Board Meeting minutes. Voted on and approved, Yes-5, No-0.

\*Supervisor Deming stated due to the fact that a few Board Members have yet to review the November 6<sup>th</sup>  
Public Hearing Minutes, they will be addressed at the December 5<sup>th</sup> meeting.

**HIGHWAY REPORT:**

Mr. Worden reported the following for the Highway Dept:

- Plow equipment is ready for the winter season and has already been used
- We have been changing crossovers on Dow Road with more to come
- More ditching will take place on Craig Road and Cowan Road before weather changes again

**WATER/SEWER REPORT:**

Mr. Worden reported the following for the Water & Sewer Department:

(WATER)

- Had a water incident recently at Dave Nagel's property across from main house. The Water  
Department was making a new tap when the main actually split creating a flooding situation. When  
able to review the pipe, it did show distortion (the piece that was cracked).

We are looking at what equipment was used and procedures followed in order to make sure this  
does not occur once again. Mr. Worden stated that the water did flood Mr. Nagel's basement which  
Mr. Nagel is obtaining estimates for damages incurred.

Councilman Smith asked if there are any other ways to review what happened in this particular  
situation. Mr. Worden replied we are reviewing all the steps taken. Mr. Smith inquired about  
labeling where shut offs are located and pressures involved before an actual problem exists to save  
time. Mr. Worden answered we normally bring down the pressure on plastic pipe but didn't  
happen this time.

Mr. Worden also explained briefly when bridge work was completed in this area years ago, fill was left here which may have compromised piping over the years, but we cannot be fully certain.

(SEWER)

- The Sewer treatment plant is running smoothly at this time with normal flows

### **PRIVILEGES OF THE FLOOR:**

Henry Fuller:

Mr. Fuller asked to defer his privileges until the end of the meeting.

1) Renee Young:

Ms. Young read aloud the following comments:

Comments by Renee Young at York Town Board Meeting 11/14/19

I want to start by saying, I love this town. I've pretty much lived here my whole life and have no plans to move. I would never advocate for something that would be detrimental to the well being of this community.

All the naysayers against solar have yet to convince me how developing MY land with solar would adversely affect them in anyway. The solar development asks NOTHING from the taxpayers. No Roads, No Sewer, No Water, No School. It also doesn't disrupt the neighborhood in ANY way. No Noise, No Smell, No Traffic just a NEAT orderly and QUIET neighbor.

I'm not an activist. I don't want to be an activist. I'm sure you all don't want me to be an activist. I don't know, maybe you do like seeing my smiley face. I've never felt compelled to hold the Town accountable for anything until NOW. I have layed low for 2 years and monitored the public information available from the solar committee meetings. The committee mentioned making adjustments to the prior proposal such as set back requirements. The meetings weren't filled with people against solar innovation because the vast majority of the people ARE in favor of smart solar development. The only "push back", from more than a hand full of people, has been since the solar committee put forth their latest proposal with the "prime" farm land map. The Town is supposed to enact laws reflecting the will of the people. It is clear the people DO NOT want this old map used to enact any of OUR zoning laws.

The explanation given for using this old map was not persuasive to the public. It's clear as day it DOES NOT protect prime farm land. Who made you responsible with protecting prime farm land anyway? The PEOPLE haven't demanded or even requested this of you. The People are the residents of the Town of York. It appears the County has helped influence OUR solar committee's choices. I hope this board isn't being overly swayed by what the County wants us to adopt as our solar policy. It seems the County's policy differs from what the people of the township want. We are not a centralized government yet. The voice of the people of the Town of York should supersede outside voices.

The price of land is quite substantial. Owning land is expensive. The landowning taxpayer should know what's best for their land since THEY worked hard for it. Payed hundreds of thousands of dollars in property taxes over the years. The town forever banning the use of certain property for years to come is not reasonable nor is inaction. The Board not being able to create a law agreeable to it's populace is unacceptable when a compromised plan has been brought forward. You've kicked this solar issue down the road for 2 years NOW. You might not know or even care that you are playing with people's lives.

I realize the law requires a certain set of procedures be followed like holding public meetings. Last week I was disappointed in the Board's body language at the public hearing. It was obvious the members were not receptive to the PUBLIC'S views as we witnessed dozing off and eye rolling. If I was close enough I probably would have heard sighs too. I hope the public hearing wasn't a precursor to how the Board is

going to move forward. As minds have already been made up regardless of the will of the people. The opinion of the people have been expressed via petition to this Board. I'm optimistic a sense of duty, to ALL the people of York, will compel this Board to send the proposed solar law back to committee to reflect the WHOLE Township of York's wishes.

2) David Sliker:

Mr. Sliker read aloud the following statement:

11/14/2019

Thank you again for the opportunity to speak today. My name is David Sliker, past York Town board member, 12 years, 10 years as deputy supervisor. Also 7 years on The Livingston County Planning Board.

I would like again to discuss the Town of York Solar law and the proposed changes to it.

I can not stress enough the need to remove all references to the map labeled "exhibit #1" and any mention of "Prime Farmland" or "Farmland of Statewide Importance". I understand that the use of this verbiage gives the farmers and land owners a feeling that their land is being protected and there will be no 1000+ acre solar arrays. That is further from the truth with the possibility of over 8,748 acres that can be developed. They do not understand the data used to create this map in 1920 does not reflect today's farming practices and the many changes to the land limitations such as the drainage, flooding, removal of hedge rows, soil sampling to determine proper fertilizers, and elimination of wood lots etc... The map used by this proposed law is dated 1956. This update was done because of the new Mt Morris dam built to eliminate flooding of the Genesee valley or the land east of the greenway. It is hard to believe 95+ percent of the land east of the greenway was then (1956) changed to Prime Farmland and 50 feet to the west or, the other side of the greenway 85+ percent is not Prime Farmland. This is only 1 of many areas in this map that are questionable today.

This is the second board meeting I have attended, along with the solar public hearing; I have also read all of the board meeting minutes and solar committee minutes for the past year. I have seen one person speak against any type of large scale solar in the town. Other than that, there has been no input about the need to protect the land this map shows as Prime Farmland" or "Farmland of Statewide Importance". Where are the town residents that demand the use of this map?

There is the argument that putting a number to the maximum number of acres, and a maximum array size to be developed as type #2 solar could be considered arbitrary and lead to possible legal challenges by large solar companies. Most local laws, this one included, are full of "arbitrary" numbers such as set backs, height, % coverage of parcels, location of the view shed, construction schedule, and there are days set for Abandonment and Decommissioning, etc... All of these are "arbitrary" numbers.

There should be more concern over being challenged on the use of an out dated 100 year old soil map as a tool for locating Type #2 solar than setting actual sizes that would be set today during the creation of the law with community input. Any law can be challenged, thank god, that is one of the things our country is based on.

In a year or so when the first 1000+ acre solar farm is having their public hearing

and there are 200 or 300 of your neighbors here asking how can this happen? I will stand up and tell them about the 8,748 acres on the 100 year old soil survey used for determining Type #2 solar installations.

After attending the public hearing and listening to 6? residents all of whom did not approve of the use of this map along with over 40 written comments to not use the map.

I urge the town supervisor and the town board, as elected representatives, to consider the community input and reject the proposed law today. Send it back to committee and make the changes necessary to protect a larger portion of our farmland and enable type #2 installations to be put on any agricultural land that meets the other guidelines of the law. This needs to be done before the moratorium expires.

There was a lot of good work done on this law please lets complete it.

Once again I would like to volunteer to be part of the committee to get this done

3) Kirk Richenberg:

Mr. Richenberg addressed minutes from the October 10<sup>th</sup> meeting where Mr. Deming stated changes were reviewed by the full solar committee and questioned the accuracy. Supervisor Deming answered that the committee did review the documentation via email with exception to member Mr. Fuller who received the changes by mail, which Mr. Fuller confirmed.

Mr. Richenberg inquired as to the status of Linwood Water & Sewer, has it been turned over to the Town as of yet? Supervisor Deming replied that it has not been turned over to the Town yet but the required restoration work has been satisfied. Mr. Richenberg expressed road shoulder concerns and stated they should be addressed prior to dedication on the west side of Federal Road. Mr. Worden stated that he instructed Mr. Morsch to return to re-ditch in order to see if it would dry out the shoulder to drain properly. Mr. Richenberg commented that the water line was put on the shoulder. Mr. Worden replied that the waterline was installed further off of the shoulder and in some spots in the ditch area.

Mr. Richenberg asked if the Town will have any liability with the Nagel water matter which Supervisor Deming answered we will and in fact our insurance company was notified of the situation while it was happening in order for them to be aware of the potential upcoming claim.

Lastly, Mr. Richenberg asked the Board if they obtained any wage comparable for any other town employees besides Town Clerk. Supervisor Deming replied we did not.

Supervisor Deming addressed a comment made by Mr. Burroughs at the October 29<sup>th</sup> Budget Hearing regarding response times for the Fire Department. Mr. Deming stated he spoke the following day with Emergency Management Coordinator Kevin Neidermaier about the matter with the Coordinator expressing no issues what so ever with the York Fire Department response(s). Mr. Deming added that another comment was made regarding Pavilion Fire Department being first to a recent accident on Stewart Road. The Pavilion Fire Chief was first on the scene because he works at Noble's and was able to call in the accident immediately. The Pavilion trucks were cancelled because York's truck were already in route to the scene.

**NEW BUSINESS:**

1) USDA Resolution:

a) Legal Services Agreement:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve the following:

UNITED STATES DEPARTMENT OF AGRICULTURE  
Rural Utilities Service

LEGAL SERVICES AGREEMENT

This agreement made this 4th day of October,  
2018 between the Town of York on behalf of the Anderson  
Road water district extension to be formed  
(sponsors) (organizing committee) (Name of organization)

hereinafter referred to as "Owners," and James W. Campbell, Jr.  
attorney at law, of Kruk & Campbell, P.C., hereinafter referred  
to as "Attorney":

WHEREAS, Owners are intending to (have formed) ("public water supply  
district,"

the Anderson Road Water District Extension  
"public service district," "not for profit corporation," or

a  
other official designation) ("body politic," "municipal

corporation," "nonprofit corporation," or other organization)

in the Town of York County of Livingston

under the provisions of NYS Town Law 209-e  
(Cite statute(s) under which applicant will be

organized; and

WHEREAS, the Attorney agrees to perform all legal services necessary to organize and  
incorporate said water district extension

under the provisions of

said statutes and to perform all other customary legal services necessary to the organization, financing, construction, and initial operation of a water delivery system;

WITNESSETH:

That for and in consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed:

SECTION A - LEGAL SERVICES

That the Attorney will perform such services as are necessary to accomplish the above recited objectives including, but not limited to, the following:

1. Preparation and filing of petition for incorporation and supervision and assistance in the taking of such other actions as may be necessary or incidental to cause the Owners to become duly organized and incorporated and to be authorized to undertake the proposed system.
2. Furnish advice and assistance to the governing body of the duly incorporated association in connection with (a) the notice for and conduct of meetings; (b) the preparation of minutes of meetings; (c) the preparation and enactment of such resolutions as may be necessary in connection with the authorization, financing, construction, and initial operation of the system; (d) the preparation of such affidavits, publication notices, ballots, reports, certifications, and other instruments and advice as may be needed in the conduct of such bond elections as may be necessary; (e) the preparation and completion of such bonds or other obligations as may be necessary to finance the system; (f) the completion and execution of documents for obtaining a loan made or insured or a grant made by the United States of America, acting through the Rural Utilities Service, U. S. Department of Agriculture; (g) entering into construction contracts; (h) preparation and adoption of By-Laws, Rules and Regulations, and rate schedules; (i) such other corporate action as may be necessary in connection with the financing, construction, and initial operation of the system.

3. Review of construction contracts, bid-letting procedure, and surety and contractual bonds in connection therewith.
4. Preparation, negotiation, or review of contract with a city or other source of water supply when necessary.
5. Preparation, where necessary, and review of deeds, easements and other rights-of-way documents, and other instruments for sites for source of water supply, pumping stations, treatment plants, and other facilities necessary to the system and to provide continuous rights-of-way therefor; rendering title opinions with reference thereto; and providing for the recordation thereof.
6. Obtain necessary permits and certificates from county and municipal bodies, from State regulatory agencies, and from other public or private sources with respect to the approval of the system, the construction and operation thereof, pipeline crossings, and the like.
7. Cooperate with the engineer employed by Owners in connection with preparation of tract sheets, easements, and other necessary title documents, construction contracts, water supply contracts, health permits, crossing permits, and other instruments.
8. When applicable, secure assistance of and cooperate with recognized bond counsel in the preparation of the documents necessary for the financing aspects of the system. The attorney shall pay all bond counsel in perfecting the financing aspects, e.g., assessment procedures and completion of documents. Where bond counsel is retained, the Attorney will not be responsible for the preparation and approval of those documents pertaining to the issuance of the Owner's obligations.

#### SECTION B - COMPENSATION

1. Owners will pay to the Attorney for professional services rendered in accordance herewith, fees as follows:

On an hourly basis at a rate of \$200.00 per hour for a total not-to-exceed fee of \$15,000.00.

Said fees to be payable in the following manner and at the following times:

On a monthly basis



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SECTION C - OTHER PROVISIONS

1. That upon organization and incorporation the association shall by appropriate resolution adopt and ratify this Agreement, that the association shall be substituted for the individual Owners as a party to this Agreement, and that the Owners as individuals shall thereupon be relieved of all personal liability existing or arising from this Agreement.
2. That upon organization and incorporation should the association fail or refuse to adopt and ratify this Agreement by appropriate resolution within 30 days from the date of the commencement of its legal existence, this Agreement shall terminate and Owners shall be liable to the Attorney for payment of \$ 15,000.00, which sum represents payment in full for the organization and incorporation of the association and for all other legal services rendered to Owners under the terms of this Agreement to the date of said termination.

Attorney:

James W. Caspell

Owners:

Gerald Denning  
Lynn Parnell  
Frank T. Kowalski  
Norman R. Yates

2) Solar comments:

Supervisor Deming stated that Clerk Harris has copied solar comments for each Board Member and asked that they acknowledge receiving them. The Board confirmed receipt of all comments thus far.

\*Clerk Harris will continue to copy any and all comments for the Board until the November 15<sup>th</sup> deadline.

3) Planning/Zoning advertisement:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell authorizing the Clerk permission to advertise for the following vacancies on the Town of York Planning Board and Zoning Board of Appeals:

Planning Board (3) 5-year term each  
Zoning Board of Appeals (2) 5-year term each

Voted on and approved, Yes-5, No-0.

4) Livingston County Intermunicipal Agreement:

RESOLUTION offered by Mr. Rose and seconded by Mr. Smith to extend the terms of the Intermunicipal Agreement for Machinery, Tools, Equipment and Service sharing for an additional term of one (1) year, expiring December 31, 2020. Voted on and approved, Yes-5, No-0.

5) Farmland Protection Implementation Grants:

a-Heindale Farm/Joan Petzen  
b-Stein Farm

Supervisor Deming stated he received a letter from Matt Halladay of the Genesee Valley Conservancy regarding two (2) applications for a Farmland Protection Implementation Grant. The first application made is by Heindale Farm/Joan Petzen for 247 acres and the second is by Stein Farms for 213 acres of most productive farmland. Supervisor Deming inquired if any board member had a conflict of interest with either application, which all replied they do not.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell supporting the Heindale Farm/Joan Petzen application for a New York State Farmland Protection Implementation Grant (FPIG). Voted on and approved, Yes-5, No-0.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates supporting the Stein Farm application for a New York State Farmland Protection Implementation Grant (FPIG). Voted on and approved, Yes-5, No-0.

6) Audit approval:

a-Bonadio & Co. LLP

Supervisor Deming reported due to the USDA Rural Development Anderson Road Water Project, the Town is required to obtain an audit for such funding.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell authorizing Supervisor Deming permission to contract with Bonadio & Co, LLP in the amount of \$5,200.00 to audit the schedule of expenditures for Federal awards for the year ending December 31, 2019. Voted on and approved, Yes-5, No-0.

7) York Valley Fest/Town of York:

Councilwoman Parnell stated she is happy to see Andrew & Sue Smith in attendance this evening in order to thank them personally for their generous use of the Valley View barn for the Halloween celebration. The event was well attended and many spoke about the desire to see it continue.

**PRIVILEGES OF THE FLOOR** -continued

4) Henry Fuller:

Mr. Fuller began by asking the Board if they are ready to make a decision on the proposed Solar law. Supervisor Deming and Councilmen Rose & Smith each stated that comments have been reviewed but a number still have to be read before a decision is rendered.

Mr. Fuller stated that he was totally embarrassed at the Solar Public Hearing to witness one of the council members asleep in front of everyone.

Mr. Fuller also addressed the 21% increase in the budget for the Supervisor's Clerk and asked the Board if all members were satisfied with it. Councilman Gates responded that he was comfortable with the increase. Mr. Fuller commented that he thinks this is absurd especially when others are getting only a 2% increase.

Supervisor Deming replied that \$15,000 per year is not a great deal of money and feels with all that she does the increase is warranted.

Mr. Fuller commented that the Board needs to compare "apples to apples".

Mr. Fuller asked the Board what the meeting was after the Public Hearing?

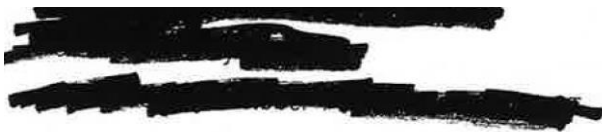
Supervisor Deming replied that it was not a meeting, the Board met with Town Attorney Campbell to seek legal advice.

**\*Submittal of all comments pertaining to Town of York Solar Law**

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Solar law changes

**RECEIVED**  
**By CMH 10/18/19 DATE**



Thank you for the opportunity to speak today. My name is David Sliker, past York Town board member, 12 years, 10 years as deputy supervisor. I also spent 7 years on The Livingston County Planning Board.

I would like to follow up on my comments from the the 10/10/19 board meeting, and make suggestions of updates that I would recommend be made to local law #2 of 2018. These changes should be made before sending it to The Livingston County Planning Board on 11/1/19.

1. Section 2. Changes to Section 618.8 definitions, Paragraph A.:

Remove the complete Definition of PRIME FARMLAND - Land Designated as "Prime Farmland" also

FARMLAND of STATEWIDE IMPORTANCE - Land designated as "Farmland of Statewide Importance" and any references to the map "Exhibit 1". This map, that was created in 1920 does not accurately reflect the current physical characteristics of the land today and does not protect, in my opinion, the most valuable land in our town.

2. Section 3. CHANGES TO SECTION 618.C. Zoning districts where allowed, Paragraph D.

Remove complete paragraph as written and replace with:

Maximum of **5000** acres to be used as Type 2 solar installations. As permit applications are submitted with site plan the# of acres included will be deducted from totaled allowed.

The use of the proposed map "Exhibit 1" allows in excess of 8500 acres to be developed as type 2 installations. This also does not take into consideration the soil boundaries of the 100 year map do not follow property boundaries. Meaning if a developer purchases property to develop as a solar array, and a portion is designated as PRIME FARMLAND, or FARMLAND of STATEWIDE IMPORTANCE that portion will not be developed.

Example: A developer purchases 500 acres for a solar array, and 20% (100 acres) is either PRIME FARMLAND, or FARMLAND of STATEWIDE IMPORTANCE. Of coarse the 100 acres would be scattered throughout the 500 acres with 20 ares here 30 aces there, making it not practical to farm, if the developer wanted to, they are not in the business of renting farm land. This would make for patches of land that would become overgrown with trees and brush over the 30 – 50 year life of the project.

**Christine Harris**

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**From:** Cecilia Deuel <cgdeuel@gmail.com>  
**Sent:** Thursday, November 07, 2019 9:40 AM  
**To:** Chrissy  
**Subject:** Solar Law public comments

**Attachments:** We are unable to attend the public hearing on the proposed Solar Law on November 6....

Hi Chrissy,

This is for the town board and you,

**RECEIVED**

By CMH 11/07/19 DATE

We are unable to attend the public hearing on the proposed Solar Law on November 6, 2019. These are our comments. First, we want to thank the solar committee and town board for their time and effort addressing this complicated and divisive issue. By now, we understand your feeling of "solar fatigue". It has been stated that "If it is a good compromise, no one is happy." We assume that is what you are experiencing.

Our opinions are well known. We have spoken to the board several times. We are attaching our previous statements so they will be part of the public record. We had requested that at a minimum, a minimum, our prime agricultural soils and soils of statewide importance be off limits to conversion to an industrial power generating facility. The proposed law does this, the minimum. We recommend the Town of Stafford, NY law which recognizes this is an industrial activity and limits location of massive solar power plants to brown fields and areas of the town zoned industrial. We believe this would be the reasonable, logical location of these facilities and in accordance with our Comprehensive Plan. However, the York solar proposal is the minimum we requested, thus better than nothing.

There are two issues with the proposed law we would like to address. The first is the view shed provision. To think the only view shed in the town worth protecting is from 100 ft. west of the Greenway to the river is absurd, not even worth the effort to include in the law. We invite the solar committee and town board to visit our back yard, or Linwood Gardens East lawn, to see what a view shed actually looks like. The earlier proposal protected a view shed comprised of land east of River Road and MacIntyre Road to the river. We believe this is appropriate. It would be a shame to cover this beautiful valley with black plastic and aluminum.

The second issue is the Community Benefit Agreement. Other than funding for consultants, it is extremely vague. A very thinly veiled attempt to curry public favor for solar development without definitions and details. Is it an annual fee based on size or acreage? What type projects/organizations are able to benefit? We suggest a yearly "donation" by solar developers, based on size of power plant, to a fund, managed by a local volunteer committee, to fund projects for the town, school, fire/ambulance, and other local non-profits. Less money to consultants, engineers, attorneys, more funds for the projects.

Thank you for the privilege of your time and the consideration of our opinions.

Submitted by Cecilia & David Deuel

## Christine Harris

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**From:** David Deuel «dsdeuel@gmail.com»  
**Sent:** Monday, Nov. 11, 2019 11:51 AM  
**To:** Chrissy  
**Subject:** Public comments on solar law  
**Attachments:** Saving our Farmland...and forests.docx; Solar Resolution.docx; Town Board Solar.docx; Open letter on solar 2.docx; Open letter on solar 2.docx

York Town Board:

Attached are additional comments on industrial solar power plants. We failed to attach them to our previous letter. The solar resolution was adopted unanimously by the Livingston County Farm Bureau at its' annual meeting October 9, 2019.

Respectfully

Cecilia & David Deuel

## Solar Resolution 8/28/19

Whereas (organization name) believes first and foremost in private property rights. The right of an individual to manage and enjoy their land, within reason, is a basic right of property ownership.

Whereas(organization name) supports the development of renewable energy sources. We believe there are opportunities for a wide variety of sources, and on different scales, to be developed economically. The short and long term pros and cons of each source should be thoroughly examined and considered.

Whereas it is estimated that by 2050 an increasing global population will require 50-70% more food and fiber than is being produced today. The World Health Organization states there is already a food shortage as 800 million people currently are in a chronic state of malnutrition.

Whereas United States Department of Agriculture (USDA) census statistics state that over the last 25 years the US has lost 46 million acres of farmland to development, over 5000 acres each and every day.

Whereas large scale industrial solar generating facilities are considered permanent land conversions by the New York State Department of Agriculture and Markets, New York State Real Property Tax Service, and the American Farmland Trust, (organization name) also considers these systems a permanent development of land.

Whereas the potential of these large scale solar projects taking thousands upon thousands of acres of cropland out of production (300,000 in New York alone), and its impact on national and global food security is a major concern. Of greatest concern is the loss to development of our most productive soils, classified as prime and soils of statewide importance.

Whereas prime soils and soils of statewide importance are a valuable, irreplaceable natural resource to be protected. Taking these lands out of food production will cause a production shift to more marginal lands. These lands will require higher levels of inputs and provide diminished yields.

Therefore(organization name) has taken a position of non-support of large scale industrial solar generating facilities that are on sites comprised of more than a combined 10% prime and soils of statewide importance.



## Saving our farmland ...and forests!!

There is no denying the world population is increasing, from 4 billion in 1970 to around 7 billion today, and projecting to 9.5 billion by 2050. With this increase in population, comes an increase in carbon emissions, thus the move to renewable energy sources. There are opportunities for a variety of renewable sources, on different scales, to be developed economically. The short and long term pros and cons of each source should be thoroughly examined. As a retired dairy farmer, land and forest owner, my concerns are on the impact large scale solar arrays will have on our food security and open space.

Information from the United States Department of Agriculture (USDA) and American Farmland Trust (AFT) show that between 1992 and 2017 the US has lost 46 million acres of farm land to development. That works out to an average of over 5000 acres per day. Five thousand acres per day! Presently, there are 900 million acres in the US classified as farmland. More importantly, only 340 million of these acres are considered cropland, land suitable for cultivation of grains, vegetables, orchards, nuts, cotton, etc. The remaining acreage is pasture, grasslands, and rangeland, suitable for grazing livestock, not crop production. As global demand for food and fiber will increase by 50-70% by 2050, what is the best use of our agricultural land?

Hugh Bennett, considered the father of soil conservation and creator of what is now the Natural Resources Conservation Service (NRCS) department of USDA, stated in 1959, "Productive land is neither limitless nor inexhaustible." This statement is the basis of a number of governmental policies on the local, state, and federal levels. On the federal level, since 1996, the NRCS has invested \$1.5 billion in conservation easements on farmland. The New York State Department of Agriculture and Markets, as part of the Farmland Protection Program started in 1994, has funded conservation easements on 50,000 acres, at a cost of over \$140 million. In 2018 alone, Ag and Markets budget for farmland protection was \$35 million. Of this, \$10 million went to six farms in Livingston and Wyoming Counties to protect 4,270 acres. Most New York County and Town comprehensive plans contain sections on the importance of agriculture to the municipality's economy, environment, and quality of life. In fact, a number of counties and towns have official Farmland/Open Space Protection Plans, funded in large part by NYS grants. Taxpayer dollars, on all levels, are being used to protect our farmland and ensure our food security.

Large scale solar arrays have the potential of taking thousands upon thousands of acres out of agricultural production nationwide. In New York, Governor Cuomo has announced \$1.5 billion in grants and incentives available for large scale solar arrays developed in New York. Taxpayers are now funding both farmland protection and solar developments that will remove thousands of acres from agricultural production.

In what universe does it make sense to spend taxpayer dollars to preserve valuable farmland at the same time we are spending taxpayer dollars to convert valuable farmland to other uses? What is even more troubling is the fact that the solar project developers choose to use our best croplands for their projects. The conversion of these highly productive soils will cause a shift of food production to less productive lands. This will require more acreage, more fuel, more fertilizer, more seed, more pesticides, more water, and more labor to produce the same amount of food and fiber. Add to this the fact that the world will need 50-70% more food and fiber in 30 years, and we have a real problem.

This leads to another environmental issue. If we continue to develop our best cropland, where will our food and fiber come from? Will this accelerate the conversion of South American rainforest and African savannah to cropland? Will the more fragile, highly erodible land in our country that has been taken out of production in the past be converted back to cropland? Will our forest land be returned to agricultural production as it was in the 19<sup>th</sup> century? What value do we place on our natural, wild, undeveloped lands for human mental and physical well being?

Our nation and the world need both food and renewable energy. How we go about fulfilling the need for both, and how one affects the other, is of utmost importance.

Agricultural cropland is under tremendous developmental pressure. Add to this the water issues that threaten the loss of thousands of irrigated western crop acres, how many crop acres can we afford to convert to solar arrays and still provide food and fiber security?

Major solar projects, such as the Horseshoe Project proposed in Caledonia, NY, should not be sited on prime cropland; they should be sited on our least productive land, or better still, rooftops and other spaces that can't be used for food or fiber production.

Hugh Bennet said, "As a nation, we will conserve our productive land and use it prudently only if there is sustained public demand for such a course of action." I urge anyone concerned about the proposed Horseshoe Solar site in Caledonia, or other similar very large proposed solar developments, to contact their representatives and encourage them to consider the value of farmland in permitting such projects. Better yet, attend your local town board or county legislature meeting and express your opinions in person.

"Don't it always seem to go that you don't know what you've got till it's gone. They paved paradise and put up a parking lot." Joni Mitchell

## Town Board Solar

Thank you for the opportunity to speak with you this evening. My wife Celia and I live on a 400 acre farm on US Route 20, Town of York. We believe in climate change and support all types of renewables, including solar. However, we strongly believe converting thousands upon thousands of acres of open space, especially prime cropland, is a grave waste and misuse of one of our nation's most valuable natural resources, prime agricultural soils. We will very briefly speak on three points tonight; food security, environmental stewardship, and common sense.

### Food Security

It is estimated that by 2050, the global population will reach 9.5 billion, requiring 50-70% more food and fiber than we currently produce. The World Health Organization states we already have a food shortage, as 800 million people globally are in a chronic state of malnutrition. United States Department of Agriculture (USDA) census figures state that since 1992, the US has lost 45 million farm acres to development, 5000 acres per day, every day, over a 25 year period. Add to this that food production on hundreds of thousands of acres of irrigated western croplands is being threatened by diminishing water availability. Given these facts, what effect will increasing the present rate of loss of cropland to development by adding solar to the mix have on a national and global food security?

### Environmental Stewardship

US agriculture, with continuing advances in technology and mechanization is the most productive it has ever been. It produces more food with the smallest environmental footprint ever; fewer inputs, fewer acres, fewer livestock. As a result of this efficiency, over the past 100 years, farmers retired their least productive, highly erodible, fragile lands from crop production. These lands have become woodlots, permanent pastures, and acreage enrolled in the Conservation Reserve Program. What cropland still in production is the best available. In order to maintain present levels of food production, let alone increase it by 50%, , developing our current prime croplands would bring these highly erodible, less productive lands back into crop production at a rate of 2 or 3 acres for each acre of prime soil developed. This would cause a huge loss of habitat, cause more erosion, and use more fuel, fertilizer, pesticides, seed, water, and labor. A higher carbon footprint per each unit of food produced. A backwards step for the environment.

### Common Sense

Hugh Hammond Bennett, an early soil conservationist and considered the founding father of what has become the National Resource Conservation Service (NRCS) division of the USDA, stated in 1959, "Productive land is neither limitless or inexhaustible". Given this statement,

the NRCS has spent \$1.5 billion since 1996, and New York State has spent \$140 million since 1994 on farmland preservation. In 2018 alone, New York spent \$35 million, \$10 million in Livingston and Wyoming Counties on farmland preservation. New York has announced \$1.5 billion in taxpayer grant money available for large scale solar. New York taxpayers are simultaneously paying to protect and develop our prime farmland.

Buffalo and Rochester are both in the Top Five of Cloudiest Cities in the United States. Add to this that morning fog often lingers over the Genesee River Valley where the Horseshoe project would be located. Taking 1200 acres of prime soils for solar production in one of the cloudiest areas of the country? In a foggy river valley?

A 2005 NASA satellite study shows 32 million acres of turf in the United States. Add to this millions of rooftops, and we have a huge area available for solar energy production. We believe a program to encourage home owners/small businesses to become efficient, economical small scale solar producers can be developed and implemented. Solar energy production with no loss of cropland and open space, no threat to food security. Tax grant money would go to local citizens, not distant corporations and their investors, providing a real boost to the local economy and the middle class.

In a letter to town boards in April of this year, the Livingston County Planning Board (LCPB) stated of large solar",The potential impact of these enterprises on Livingston County's prime agricultural soils is a serious concern. Agriculture in the #1 industry in Livingston County and prime soils are indentified in the Livingston County Agriculture and Farmland Protection Plan as an important resource to be protected". The LCPB then goes on to recommend the protection of prime agricultural soils. If we are not to follow the County's Agriculture and Farmland Protection Plan, or the LCPB's recommendations, why do we have them?

### Closing Remarks

The NRCS states", Prime farmland is of major importance in meeting the Nation's short and long term needs for food and fiber. Because the supply of high quality farmland is limited, the USDA recognizes that responsible levels of government, as well as individuals, should encourage the wise use of our Nation's prime farmland."

Is New York State a responsible level of government? Obviously not, or we would not be speaking to you this evening. We are putting our faith in our county and town governments.

Thank you for the privilege and the value of your time, and your consideration of our views and opinions on this matter. This is a very complicated issue; our comments tonight were very brief and condensed. We would welcome and appreciate the opportunity to discuss this issue in detail and in depth with the Town Board or any other group or individual. We have listed our contact information. In the meantime, we would encourage the board to review the document, "Farms Under Threat- The State of American Farmland" by the American Farmland Trust.

Again, a sincere thank you for your time and consideration.

David & Cecilia Deuel  
3236 Telephone Road  
Caledonia NY 14423

585-226-2952

[dsdeuel@gmail.com](mailto:dsdeuel@gmail.com)

Good Morning

We live on our 400 plus acre farm in the Town of York, Livingston County, New York. We are retired dairy farmers who manage our crop acres with a neighbor and use our woodlots for maple syrup and fire wood production. We believe in climate change and support all types of renewable, including solar. However, we strongly believe converting thousands upon thousands of acres of open space, especially prime cropland, is a grave waste and misuse of one of our nation's most valuable natural resources, prime agricultural soils. These are the acres that feed our nation and the world with the lowest carbon footprint per unit food produced of any nation and at any time in history.

Attached to this letter are two documents we have written. The first, an editorial, the second a presentation we gave to two local town boards. We hope you will review them along with the American Farmland Trust document, "Farms Under Threat- The State of American Farmland" which is, as most everything, available online.

We believe solar has lost its way. Originally, it was promoted as a renewable energy source that would not cause a change in land use patterns or development of open space. It would utilize rooftops, brown fields, wastelands, parking lots and lawns. How about adding highway medians/interchanges to the mix? A 2005 NASA led study using satellite imagery showed 32 million acres of turf, most of it lawns, in the United States. What an opportunity for solar production without threatening food security and the environment. A program to encourage home owners/small businesses to become efficient, economical small scale solar producers can be developed and implemented and should be the cornerstone of any renewable energy proposal. Allowing individuals to generate up to 25 kw of solar power, instead of limiting production to their history of electrical use, would be a great incentive. Tax grant money would go to local citizens, the working middle class and seniors, instead of distant corporations, their investors, and wealthy venture capitalists. Providing local households with \$2-3000 extra income annually, instead of sending it to Wall Street, would be a boost to the local economies and start to address the growing income inequality in our nation.

It is also our opinion that other sources of renewable energy are being overlooked. These sources have a proven track record and the technology continually improves. Biogas, from municipal waste water treatment plants, livestock facilities, and yard and food waste. This would also provide the

benefit of removing methane from the atmosphere. Clean burning biomass, for cogeneration of electricity and heat. A well managed forest sequesters more carbon than an unmanaged one, the remaining trees grow faster and remove more CO2 from the atmosphere. Trash conversion to electricity. The Copenhagen, Denmark facility on its industrial waterfront should be an inspiration and goal for all of us. It captures all of its CO2 emissions. Just think of the financial and GHG savings of not having to transport trash and landfill it at distant locations. Not to mention the difficulty in finding locations for landfills and the acreage they require.

Thank you for the privilege and value of your time and the considerations of our opinions.

Sincerely,

Cecilia and David Deuel

3236 Telephone Road  
Caledonia, NY 14423  
585-226-2952

[cgdeuel@gmail.com](mailto:cgdeuel@gmail.com)

[dsdeuel@gmail.com](mailto:dsdeuel@gmail.com)

## Christine Harris

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**From:** Thomas Guzek <tomg@solarparkenergy.com>  
**Sent:** Tuesday, November 12, 2019 11:08 AM  
**To:** yorkclrk@rochester.rr .com  
**Cc:** trathen007@yahoo.com; Dave Ingalls; Joshua Gillebaard  
**Subject:** Comments on Proposed York Town Solar Energy Systems

As requested at the York Town Meeting on Nov. 6<sup>th</sup>, the comments below are reflective of reviews by Thomas Trathen, landowner and Resident of Town of York and SolarPark Energy, a New York State Developer which is interested in locating a project on property owned by Mr. Trathen .

- **We are requesting a modification of the proposed language of Section 618.C (5) d. SEE ITEMS HIGHLIGHTED IN RED.**

**(xvi) Time limit on Completion. After receiving Site Plan approval and special Use Permit approval of a Type 2 Solar Energy System, an applicant shall obtain a Building Permit within (12) MONTHS of such approval or the approvals shall automatically terminate and be deemed null and void. Additionally, the applicant shall complete construction of an approved (Site Plan and Special Use Permit) Type 2 Energy System within {24} MONTHS of obtaining such approvals or the approvals shall automatically terminate and be deemed null and void and be of no force an effect at law.**

Our reason for this request is the potential delay which may be caused by a number of issues. First and Foremost is the utility interconnection. Under Public Service Standard Interconnection Rules, the utility, after agreeing to an interconnection, may take up to 24 months to schedule the formal interconnection of the project. Based on the amount of projects that are currently being constructed in the State, this time period is not uncommon.

If you would like to see documentation to support the interconnection times, you can visit the NY PSC website and request SIR Rules.

Thank you for the opportunity to provide commentary on this Bill. If you have any questions, please feel to contact me.

Regards

**Thomas J Guzek**

Managing Partner/ NYSEIA Board Member  
SolarPark™ Energy

63 Putnam St., Suite 202  
Saratoga Springs, NY 12866  
212-729-6714

**[tomg@solarparkenergy.com](mailto:tomg@solarparkenergy.com)**



SOLARPARK ENERGY

ftuJt Ccollf1mulllh 5018r 1i1UFQY SUPDIU

**NYSE/A: ADVANCING SOLAR ENERGY IN NEW YORK**



Town of York  
c/o, Town Clerk, Christine Harris  
PO Box 187  
York NY 14592

November 12<sup>th</sup>, 2019

To the Town of York,

Thank you for allowing me the opportunity of providing written comments on the draft solar law that was discussed at the public hearing last Wednesday evening. I always appreciate seeing engaged citizens and government officials putting time and effort into carefully considering development opportunities in the Town.

As I mentioned at the public hearing, I am relatively new to the process in the Town of York, having only started meeting landowners and reviewing the Town Code and solar laws in the past month. The Town has done a lot of good work to form the Solar Committee, research solar projects, and solicit input from the residents of York. The draft law has come a long way, and I think there are still improvements that should be considered to make the process fairer for everyone. Some provisions are problematic enough that they could prevent solar development from even starting in the Town.

I have met and worked with hundreds of landowners and farmers over my twelve-year career in renewable development. Farmers are some of the most innovative, independent, and savvy people in the world. I trust them to know what is best for their farms and for their livelihood, and that often means diversification of revenue sources, so that they are not as exposed to the rapid swings in commodity pricing and the unpredictability of the weather. Solar and other similar leases are some of the best ways to accomplish that diversification and increase in income, leading to more stability for farmers and farm operations. If a farmer/landowner decides that solar is a good choice for their property, then I believe they should have the right to do so, regardless of the underlying soil types.

Therefore, my first comments relate to the restriction of solar on prime farmland and the lot coverage requirements (including the "recently combined lots" provision). As we have all heard, soil types and designation of prime farmland doesn't necessarily equate to the most productive farm ground. Many other factors influence the productivity of farmland, so a blanket restriction of solar on prime farmland seems like a crude way to limit solar development. Furthermore, the productivity of farmland is much more influenced by technology, and we have seen dramatic improvements in crop yields and tilled acres over the past decade or so. The benefits of solar can even directly enhance productivity. Solar projects are commonly planted with native, pollinator-friendly groundcover, which offers tremendous benefits to nearby row crops, orchards, and vegetable farms through enhanced pollination. Therefore I would encourage you to listen to the

# HORIZON

## SOLAR POWER

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farmers and residents who do not believe that the prohibition of solar on prime farmland is in the Town's best interests.

Further, the restriction on size of solar projects with regard to lot sizes also seems somewhat arbitrary, and I'm having a hard time understanding what the benefits of the lot size and coverage restrictions are for the Town. If someone has a 30-acre farm lot, why restrict the coverage allowance to 80%, or 24 acres? The balance acreage might be more difficult and costly to farm, and might be better utilized as home for a few more solar panels or the landscape screening that is required by the solar law. Farmers typically prefer not to farm small acreage if it can be avoided. I also do not believe the restriction on combined parcels is of benefit to anyone. If a landowner has two 20-acre parcels that are farmed as one large 40-acre field, that field is prohibited from being used for solar simply because of the lot sizing, as each lot is under 25 acres, and they cannot be combined to make a larger lot. Either those parcels should be able to be combined, or the 25-acre limit should be eliminated entirely.

From a developer's standpoint, the timeline on building permits and completion is very problematic. In the best case scenario, a 5 megawatt project takes 10-12 weeks to engineer, another 10-12 weeks to procure long lead time equipment, and another 6-10 months to construct, a total duration of approximately 11-15 months. This means the absolute best case just barely meets the 6-months-plus-6-months required timeline in the draft ordinance. In the real world, these timelines can easily increase by 30% in the normal course of business, and are further exposed to delays outside the Developer's control. This also doesn't include the time needed to negotiate a PILOT agreement or to secure financing for the project to start the engineering, procurement, and construction process, which can easily take another 10-14 weeks or more. Further, the draft language allows no possibility for extension, but simply revokes all approvals for a project that fails to meet the timelines. What would happen if a project is in the middle of construction but unexpected weather, problems with the utility company, or other setback delays the project? Millions of dollars would be at risk of being cancelled because of the lapsed approval. This is a risk no experienced developer would be willing to take. The proposed language as it stands will absolutely discourage most, if not all, solar development from the Town of York. Much fairer, and along the similar lines of many other nearby ordinances, is to require that the project must be completed within 18 months with extensions for unforeseen events, or a twelve-month-plus-twelve-month timeline for securing a building permit and completing construction (again, with allowances for extensions).

However, the most fraught provision of the draft ordinance is the Community Benefit Agreement requirement. The language specifies that the developer must provide a "monetary amount or provision of a specified public improvement or improvements that shall act to offset the potential negative impacts that may be associated with a Type 2 Solar Energy System." Firstly, there are no objective "negative impacts" from a solar energy system. Solar is a quiet, peaceful neighbor. The only potential complaint is an aesthetic one, as some people don't want to look at them. This is entirely a personal opinion, in fact many people like the look of solar panels. Nevertheless, the perceived negatives from looking at a solar project are already addressed in the ordinance by the screening requirements, thereby eliminating view as a concern. The bigger issue is the open-ended

# HORIZON

SOLAR POWER

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phrasing of "monetary amount or provision of a specified public improvement or improvements," which is open for rife abuse. This language allows the Town to demand nearly anything from the developer in exchange for allowing the project to be approved. The developer is absolutely over a barrel. The process is subject to all sorts of corruption, abuse, and underhanded deals that could benefit only the Town Board members, rather than the community as a whole. There is no restriction to the kind of deals that could be demanded of solar, and this language simply codifies a path to extortion. I strongly encourage the Town to rethink this provision and strike it in its entirety .

With some adjustments to the draft solar law as described above, I believe that York will be a good, fair place to develop solar projects. I am happy to answer any questions that the Town may have of me, so please do feel free to contact me at any time.

Thank you for your time, and I look forward to continuing to discuss.

Cheers,

Andy Melka

716-218-0656

Director, Development

[www.horizonpow.com](http://www.horizonpow.com)

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Buffalo, NY    Chicago, IL | Denver, CO

I would like to express my opinion as part of the public hearing on Local Town Law No.6 of the year 2019. Entitled "Amending Section 618 of the Zoning Ordinance of the Town of York which was established by Local Law No. 2 of 2018 and which Added Solar Energy Systems to such Zoning Ordinance." That was held Nov. 6, 2019.

I do not agree or approve of the use of the Map Titled "Town of York Lands not Excluded for Type 2 Solar" to determine the location of large scale solar installation. It does not reflect today's reality. It also allows for 8748 acres of potential large scale solar.

The town should put a cap on the maximum number of acres to be developed for large scale solar in the town, along with a -maximum single installation size.

The town should allow any land owner the option to develop their land. Therefore, the Board should reject the law as written and make these changes before the current moratorium expires.

**(All individual petitions were compiled to form the following)**

<b>NAME</b>	<b>ADDRESS</b>	<b>TOWN</b>	<b>DATE</b>
William T Young	4182 Main Street	Wadsworth, NY 14533	11-12-19
Renee M Young	4182 Main Street	Wadsworth, NY 14533	11-12-19
Barbara Gates	4130 Main Street, Box 35	Piffard, NY 14533	11-13-19
Stephen Gates	4130 Main Street, Box 35	Piffard, NY 14533	11-07-19
Bonnie Myers	4186 Main Street	Piffard, NY 14533	11-11-19
Sandra Sliker	4216 Main Street	Piffard, NY 14533	11-13-19
David Sliker	4216 Main Street	Piffard, NY 14533	11-11-19
Michael Gates	Box 184	York, NY 14592	11-09-19
Gloria Purtell	2827 Genesee Street	Retsof, NY	11-10-19
Walter Purtell	2827 Genesee Street Box 119	Retsof, NY 14539	11-10-19
John Taylor	3238 Fowlerville Rd	Caledonia, NY 14423	11-11-19
Carol G. Taylor	3238 Fowlerville Rd	Caledonia, NY 14423	11-11-19
Ronald Copeland	2663 York Rd W	York	11-14-19
Henry Fuller	3566 Fowlerville Rd	Caledonia, NY 14423	11-13-19
Katherine A. Boyer	3726 East Rd	Piffard, NY 14423	11-10-19
Robert W Boyer	3726 East Rd	Piffard, NY 14533	11-10-19
Shaun Dunn	3601 Tenth Street	Retsof, NY 14539	11-10-19
Ronald K. Wall	3229 Simpson Rd	York, NY 14592	11-11-19
Robert Hart	2563 Main Street	Piffard, NY	11-11-19
Richard E. Ellis	P O Box 155	York, NY 14592	11-11-19
Linda L Schultheis	3168 York Landing Rd	Piffard, NY 14533	11-10-19
Thomas Gates Jr	1897 Wallace Rd	Piffard, NY 14533	11-14-19

To: York Town Board,

# RECEIVED

By CMH 11/14/19 DATE

We the undersigned would like to express our concerns as part of the public hearing on Local Town Law No.6 of the year 2019. Entitled "Amending Section 618 of the Zoning Ordinance of the Town of York which was established by Local Law No. 2 of 2018 and which Added Solar Energy Systems to such Zoning Ordinance." That was held Nov. 6, 2019.

We do not agree or approve of the use of the Map Titled "Town of York Lands not Excluded for Type 2 Solar" to determine the location of large scale solar installation. It does not reflect today's reality. It also allows for 8,748 acres of potential large scale solar.

The town should put a cap on the maximum number of acres to be developed for large scale solar in the town, along with a maximum single installation size.

The town should allow any land owner the option to develop their land. Therefore, the Board should reject the law as written and make these changes before the moratorium expires.

<b>NAME</b>	<b>ADDRESS</b>	<b>TOWN</b>	<b>DATE</b>
Linda Brachhi	3182 North Rd	Piffard	11-10-19
Jill Rose	3159 North Rd	Piffard	11-10-19
Carmen Wright	3194 North Rd	Piffard	11-10-19
Tim Gardner	3742 East Rd	Piffard	11-10-19
Deana Gardner	3742 East Rd	Piffard	11-10-19
Robert Mankoff	3167 Genesee St	Piffard	11-10-19
David Bierbrauer	2161 Telephone Rd		11-10-19
Sue Ortiz	2842 Genesee St		11-10-19
Ruben Ortiz	2842 Genesee St		11-10-19
Penny S Ellis	2823 Genesee St	Piffard	11-10-19
Richard E Ellis Jr.	2823 Genesee St	Piffard	11-10-19
John Dunn	2601 Genesee St		10-10-19
Chris Johnston	2601 Genesee St		10-10-19
Duane Johnston	2601 Genesee St		10-10-19

To: York Town Board,

RECEIVED: 11-14-2019

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The town should put a cap on the maximum number of acres to be developed for large scale solar in the town, along with a maximum single installation size.

The Board should reject the law as written, and make changes to allow any land owner the option to develop their land. This needs to be complete before the current moratorium expires.

<b>NAME</b>	<b>ADDRESS</b>	<b>TOWN</b>	<b>DATE</b>
Stephen Gates	4130 Main St	Piffard	11-7-19
David Eaton	3044 Chandler Rd	Piffard	11-7-19
Jennifer Saltsmen	2734 Chestnut St	York	11-7-19
Chris Wall	3802 Telephone Rd	Caledonia	11-7-19
Peter Wybron Jr	3796 Piffard Circle	Piffard	11-7-19
James Hodges	3146 Mt Pleasant Rd	Piffard	11-7-19
Robert F Smith II	2725 Chestnut St	York	11-7-19
Devin Saltsman	2734 Chestnut	York	11-7-19
Henry Kelsey	2861 York Rd E	York	11-7-19
Lawrence King	2946 Genesee St	Piffard	11-7-19
James Mustari	2877 Retsof Ave	Retsof	11-7-19
Tom Wall	1975 MacIntyre	Caledonia	11-7-19
Tim Swisher	4080 Main St	Wadsworth	11-8-19

Town of York Board  
c/o Clerk, Chris Harris

November 14, 2019

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I struggle to understand the resistance to solar in the Town of York. Pollution, high energy costs, and at times unreliable supplies of energy are all issues facing the world. Many parts of the world have turned to solar, wind and other forms of energy generation. While far from perfect, they are a commendable attempt to produce power with less side effects. No system is perfect, and all have some sort of potential drawback.

My wife, Kaye and I have investigated solar, geothermal and wind options for years, and spoke to many different companies regarding their systems, costs, pros and cons, etc. And as many of you are aware, Kaye's business, The York Animal Hospital has both a windmill and solar field generating roughly 100% of it's electrical requirements. We hear over and over, compliments about the systems there. To do it all over again, we would not pursue a windmill and go completely solar. Solar has no moving parts, and in our opinion, no cons. I feel we are very well versed in solar technology. We have toured small installations as well as large ones over hundreds of acres. We have never come across anyone who resented them or had issues with them causing decreases in land values, eyesores, etc. In almost all cases, there was an economical benefit to individuals, businesses and municipalities.

Some arguments I keep hearing from this group in York, is we can't build them on "prime" soils. We can't lose the land. They are an eyesore. (I'm sure there are more, but these seem to be the most common)

I'll address the last one first. Eyesore is at most an opinion which will be highly subjective. I personally think they look nice. To me there are many other things I see driving around that are an eyesore, but I am not trying to regulate them! The screening them should minimize others who don't wish to see them.

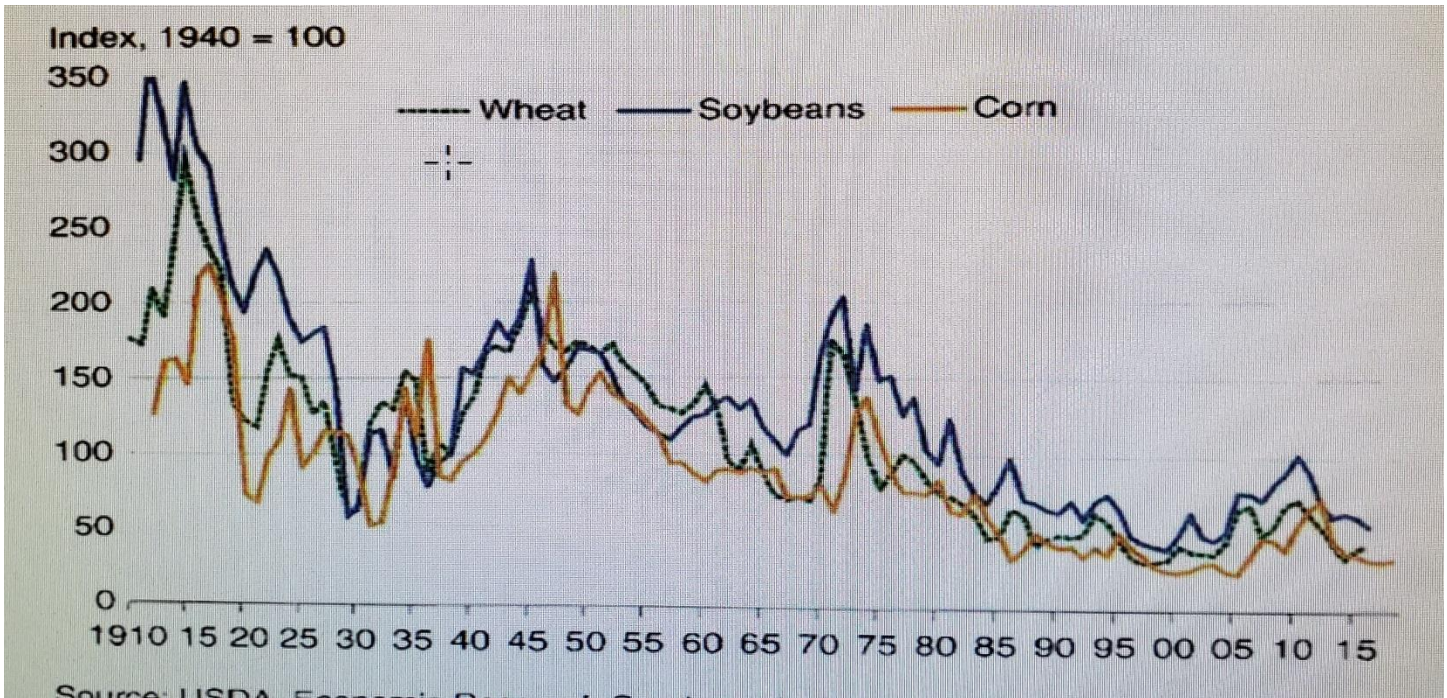
On the land issue and "prime" soils

I have a hard time using a map and information from 1910! Land absolutely changes over time as does its drainage and landscape. The Genesee River and it's wandering path is a perfect example. I can look at maps from the 1940's of our farm and see ground that was farmed then that cannot be now because of drainage and wetland designations. Erosion also plays a factor as does the farming practices used. I can also show land previously unable to be farmed that we now do as a result of clearing, drainage, different tillage and planting techniques, etc. After our family has farmed some of our ground since the 1940's, I will argue then some of the "prime" soil on the map is absolutely not profitable for any type of legal crop! If we are going to use this method for the largest determining factor for solar siting, then it needs to be a more recent survey with updated parameters and accuracy!

We also are not "losing" any soils! While they are being taken out of production for cropping (many places do graze sheep under them as well as plant native grasses/flowers for honey production and wildlife), the soils are being maintained and will probably be improved when re-entering into crop production.

We have historically low prices for meat, dairy and grains whether adjusted for inflation or not.

### Inflation-adjusted corn, wheat, and soybean prices, 1912-2018



Source: USDA, Economic Research Service calculations using data from USDA, National Agricultural Statistics Service and U.S. Department of Labor, Bureau of Labor Statistics.

The prices are low for one simple reason-over supply. Farmers as a group are extremely more efficient than in the past and technology has played a large role. But we have plenty. A few thousand acres in New York taken out of production is irrelevant for supply.

I as a landowner and taxpayer on land that has taxes that are already too high, in my opinion, should be able to decide. I can't tell a homeowner how to mow his grass or what color to paint their house (even if I find that color distasteful) so why should anyone else tell me how to use my soil, that I own? It is tough enough farming, and if a landowner can be more profitable with their land and so chooses, why do you have a right to limit that? I don't tell another farmer where they can market his milk or his grain, or where they can buy his fertilizer or seed. The farmer makes that decision to hopefully generate the most revenue for themselves, his family and his workers because we want him to be profitable and be successful. I cannot go into any business and insist on who they get their supplies from or who they sell to, or how to utilize their retail space. I am not able to tell someone that they can't change jobs to make more money. So why is it OK for the government (Town of York) to be able to now tell a landowner how to farm, and that they cannot use their land that they have bought and paid taxes on yearly, to be more financially stable? Does the "American Way" no longer exist?

Another concern I have is the timetable. Anyone who has done large construction projects know circumstance beyond control can cause delays. You are wishing any projects take place on less desirable ground that can have its own issues with water, etc. This should be extended to 18 months (One full set of seasons+) and some type of provision for extensions instead of an automatic null and void.

My biggest concern in the amendments is the "community benefit agreement". What negative benefits??? At the very least, this needs to be spelled out what is viewed as negative! And are you going to



do this with every new building permit? An argument can be made about every dairy farm and the smell of liquid manure being spread in the middle of summer with negative benefits! Or mud in the road from any harvest season. Or the salt trucks up and down the road all night and day. Or light pollution from large lights in parking lots for safety. And so on. This appears to be nothing more than strong handed attempt to dissuade any solar company from even considering building in York. And please don't take any of these comments as myself upset with dairy farming which I am not-I am just using examples.

I agree with the decommissioning section and believe that it needs to have teeth in it. I also believe the landowner as the recipient of the rent, should also bear the ultimate responsibility if the company they entered into contract with defaults-it should not fall onto the taxpayer.

I also agree with the PILOT program and feel the Town should reap the benefits as well and the setbacks.

I would like to express my appreciation for the time and effort put forth by those involved to develop the plan with good intentions. Though I disagree with many parts of it, and feel it is more unneeded government oversight and regulation, it does attempt to strike a compromise and is much better than the original.

As a farmer, I know which fields (soils) are the most profitable and perform the best under different situations. I believe most farmers know their fields as well as many homeowners know their yards. I am the 3rd generation on our farm and my son Matt is now the 4th. We would never intentionally do anything that would destroy our livelihood, We pride ourselves in being good land stewards and contributing members of society and having the same farm in the family in excess of 75 years. We are vested in our farm and the community. If we destroy our soils, we destroy our livelihood and what we love. But we know what is best for our land and how to take care of it. We pay dearly for that right. We also want to be able to continue to provide income to our families and friends and the community we live in. But New York makes it hard for many to make a living, and farmers are no exception. We (and anyone else) should be able to use our resources for solar if we so choose (or any other legal enterprise).

Sensible code laws and regulations are always advisable, and although these amendments are an improvement, much of this simply seems to be in place to deter any type of commercial solar development.

Regards,

John Morgan

RECEIVED 11-15-19

I have the following concerns and questions about the proposed Local Law amending Section 618 of Town of York Zoning Ordinance.

- The way in which the solar committee was presented and reviewed information pertaining to the possible changes to the current solar law 618. The first meeting that was held in March was the only meeting that all committee members were present at. There was a paid county employee, this employee is not a resident of the Town of York, that was providing misinformation as well as maps that were produced by county that were not accurate. This same county employee was taking notes or minutes of these meetings that were not being approved by the committee as to the accuracy of the content. The first time the solar committee saw the language in the proposed amendment about the community benefit agreement was at the 10/2/19 meeting. There was very little discussion about this language and also the whole committee was not told that the changes discussed at the 10/2/19 meeting were going to be presented to the town board at their next regular board meeting on 10/10/19. The solar committee never met again after the 10/2/19 meeting to approve the changes that were discussed. But on 10/10/19 two solar committee members who are also town board members presented the proposed amendment to the town board to schedule public hearing and approval for the town attorney to present to the county planning board for their actions.
- The next concern is in regards to the view shed language in the proposed amendment. There is no language in the current Town of York zoning ordinance that identifies any portion of the Genesee Valley Greenway as a view shed. This idea of this particular view shed came from one member of the solar committee who also happens to be a town board member and was also the same person that was pushing the last view shed in the present solar law which states all lands east of River Rd. and Macintyre Rd. Also the east side of the Genesee River is not in the Town of York. This raises the questions. How can Town of York law have jurisdiction in another town? And how can one or two solar committee members have so much influence on what is put into the amendment and what does not get into the amendment? What is the reason for having a committee if all thoughts, ideas, and concerns aren't considered?
- In this town Prime Farmland can have houses, barns, windmills, waterlines, sewer lines, creameries, cheese factories, manure lagoons, grain bins, bunk silos, type 1 solar energy, clear cutting of forest and many other things built or developed on this land, as

mapped out by the county, but with the proposed amendment no type 2 solar energy. Is this the perfect opportunity for our town to be involved with a lawsuit? In most cases the farmers and landowners are good stewards of their own property except in this case a few, not all committee members know what is best for your land. Also on this Prime Farmland there can be thousands of gallons of chemicals applied, tons of petroleum based fertilizers applied, habitats removed and destroyed to allow for more potential erosion and more industrial sized practices and equipment, but with this proposed amendment no type 2 solar energy.

- With the adoption of this proposed amendment there is no protection from a large scale solar project that is covered under the size requirements for a New York State Article 10 project. But this amendment will put major restrictions on a smaller scale project that could be beneficial to the entire community if it were built in this town.

I will finish with this, the process for getting to this point is very flawed, the town board needs to seek a different town attorney, and the Town of York Local Law No.2 of 2018 should be rescinded. The process to adopt and the content of this law is not what this community wants or needs. When drafting a local law there should not be county employees trying to infuse the county agenda and ideas into these local laws. There also needs to be discussion of how a committee is formed and the function of the committee. I ask this town board not to adopt this amendment to the current solar law.

- Kirk Richenberg



**RECEIVED**

11-15-19

LAWNEL FARMS 2, LLC

2413 Craig Road  
Piffard, NY 14533

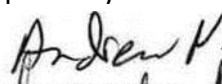
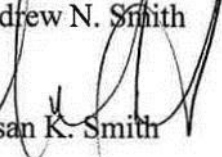
To Whom It May Concern,

You may not agree with what the solar committee has proposed, but where were you when this was initially being discussed? It was an open opportunity to be part of this committee. Now after due diligence to adopt a law, you come forward to object. Is this objection because you were recently approached to have your land developed for solar? Have you ever been made any other offers on this property, where it would remain farmland within this community? If this proposal is so controversial where are the other community members who are concerned about it?


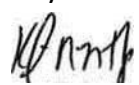
We elect these members to represent our town because they have the town's best interest in mind and take the time to litigate. Yes, some of them are landowners who just so happen to own land within the proposed parameters, but remember this land has been such for years. They have also been board members well before any of these solar projects were proposed. If there is concern about them being bias, these town board members ran uncontested in the recent election and they were reelected.

We need to think about the future of this town and its viability. Technology is a great tool but people also have to eat. If we continue to develop land across this country with solar, where will our food come from? Granted, this community may seem small in comparison, but it is a vital contributor to this countries food source. Decisions made by this small town set precedence for other small townships within the region.

Respectfully Submitted

  
Andrew N. Smith  
  
Susan K. Smith



  
Timothy J. Northrop  
  
Kirsty N. Northrop

**BILLS:**

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve all claims bought before the Board. Voted on and approved, Yes-5, No-0.

GENERAL FUND:	# 316-360	\$ 21,835.27
HIGHWAY FUND:	# 207-232	\$100,995.27
CONSOLIDATED WATER/SEWER FUND:	# 259-288	\$175,958.25
LIGHTING DISTRICT:	# 11	\$ 1,660.42

**ADJOURNMENT:**

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to adjourn the Town Board Meeting until December 5th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:00 p.m.

Respectfully Submitted,  
*Christine M. Harris,*  
Christine M. Harris, Town Clerk