

**JANUARY 20, 2021  
PUBLIC HEARING  
VIA ZOOM CONFERENCING  
Meeting ID: 957 1902 6055  
Passcode: 032536**

**Local Law 1 of 2021 – Moratorium on Solar Energy Systems**

**7:00 P.M.**

**Present:** Supervisor Post  
Deputy Supervisor Underhill  
Councilwoman White  
Councilwoman Michalak  
Councilman Zambito

**Others Present:** Town Clerk Morasco  
Deputy Town Clerk Sauka  
Alecia Kaus, Video News Reporter  
Building/Code Enforcement Officer Lang  
Planning Board Chair Jasinski  
Zoning Board of Appeals Chair Della Penna  
Paul McCullough, Planning Board Member  
Brooks Hawley, Planning Board Member  
Britt Witkop, Zoning Board of Appeals Member  
Tim Morrow, Nancy Brach, Melodi Leaton, Dan Reuter, Kathy Reuter, Kathy Antonelli, Russ Romano, Steve Long, Brian Madigan, Erin Takata, Glen Zhou, and Chris Krtanik

The Supervisor called the Public Hearing to order at 7:01 P.M. and the Supervisor presented the notice as published in the Daily News.

**Kathy Antonelli-** Stated that she is here because there is a possibility of a solar farm going in behind her house and is here to get more information regarding the moratorium.

To make it clear, Supervisor Post, informed, that tonight’s vote will be to create a moratorium for up to 180 days on new applications after this date for solar farms and solar projects. This will not impact projects already in the process. This will give the Town Board and the rest of the community an opportunity to address and amend the local zoning law.

**Dan and Kathy Reuter-** They want to understand how this moratorium is going to affect their application that was submitted prior to this proposed moratorium.

**Tim Morrow-** He’s concerned with all the solar farms going in and what it is doing to the community and the value of his home. The landowners and the solar farms are making money. He asked if he is going to get tax cut. He wants answers.

The Supervisor, again, informed that the purpose of the moratorium is to re-evaluate the town's zoning and solar projects. This process started seven years ago. There was public participation and it took about two years to develop. The last five

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years, there have been a number of applications and projects that have gone through the process, according to the law. It's the board's intent to re-evaluate, whether or not, the zoning regulations and rules still apply or whether they should be amended. We are looking for public participation in this process and will be appointing a committee. If you have any interest at all, the Supervisor strongly suggests that you send your name and your availability to the town clerk, so that we can put you on a list of candidates for the committee.

**Britt Witkop-** Town Resident and member of the Town of Batavia Zoning Board of Appeals is concerned as Genesee County is a large agricultural district and is hoping that all the factors are considered when reviewing the comprehensive plan and zoning.

**Kathy Antonelli-** Ms. Antonelli is concerned with solar farms going in one after another. The limited size does not stop them. There is a proposal, for two 20-acre solar farms to be located by her. She is in support of the moratorium.

**Russ Romano-** Mr. Romano, is here representing Mrs. Pinney who owns vacant land on Lewiston Road that hasn't been farmed in 30 years. Mrs. Pinney is currently under contract with a solar farm development company that has been working on this for about four months. Mr. Romano is concerned that a 180-day moratorium will create a problem for her.

Supervisor Post commented that our local law says 180 days. The goal, is to try to get this expedited and do it in a shorter period of time as possible with the maximum participation from members of the community.

**Brian Madigan-**Works for "Renewable Properties". They have an interest in developing solar projects in the Town of Batavia and he would like to remain engaged in the process of the moratorium.

**Nancy Brach-** Expressed that she is happy that the Town is going to place a moratorium on solar energy. Ms. Brach questioned how it works.

The Supervisor explained that for the last 15 years the Town Board has been meeting weekly. We work closely with our professional staff and boards. The goal is to continue to update the comprehensive plan, zoning ordinances and local laws. Land use is a significant component. The 2020 budget reflected funds to update the comprehensive plan and other planning projects but was delayed due to the COVID 19 pandemic and the potential economic chaos of it. The largest deficit in our community is participation from the community members. A committee will be formed to make recommendations to the Town Board for amendments to the local zoning law regarding solar.

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**Nancy Brach** read an email she sent, expressing that renewable energy is not efficient, safe, and reliable energy source. It requires large quantities of non-renewable and rare earth metals and materials and it can cost more than twice as much as conventional energy sources. This really needs be looked at as what's best for the community.

**Chris Krtanik**- Vice President of an environmental group non-profit, "Save Our Environment Limited". The group has been involved in environmental impact studies for over 20 years and helps the communities in Genesee County and surrounding areas. Mr. Krtanik commended the Town Board for taking a second look at the solar farms. He commented on what he sees happening in Genesee County with reference to Articles 94, Article 92, Article 84 and Article 23. New York State is streamlining, by allowing things to be less burdensome for these projects to go through. Eventually, New York State has plans on owning all of these green energy facilities, whether it's a solar or its industrial wind. He encouraged everyone as homeowner, landowner, Town Boards and County to do their due diligence. He suggested to go online and read archived Section 84 as the guidebook moving forward for zoning because it will eventually circumvent all the zoning laws made. Mr. Krtanik can be contacted via email at: [saveoureenvironmentlimited@yahoo.com](mailto:saveoureenvironmentlimited@yahoo.com).

Supervisor Post commented that there have been significant changes since the Town adopted the solar law five years ago. It's our purpose now to revisit that and try to address the changes to amend the law.

Supervisor Post declared the Public Hearing closed at 7:37 P.M. on the proposed Local Law.

Respectfully submitted,

Teressa M. Morasco  
Town Clerk