

**TOWN OF BATAVIA PLANNING BOARD**  
**Public Hearing, April 2, 2019 7:00 P.M.**

**PRESENT:** Chairman Kathy Jasinski, Paul Marchese, Paul McCullough, Lou Paganello, Don Partridge, Jeremy Liles, Jonathan Long and Steve Tanner.

**ALSO ATTENDING:** Bruce Gerould, Dan Lang, Steve Long and Emilie Flanagan both of Borrego Solar Systems, Marc Kenward and Matthew Mckrell of Erdman Anthony Consulting Engineers, Tom Warren, James Luttrell, Michael and Joel Hamm of First Choice Travel, Stephen Licht, Dave DiSalvo, Phil Hinrich of Batavia Starter, Lynette Brown, John Volpe, Eric Saile, Paul Figlow of Figlow Productions (videotaped the meeting on behalf of Michael Hamm), and Secretary Kim McCullough.

**ABSENT:** Gordon Offhaus.

Public Hearing announcement was read regarding the application for a Special Use Permit to erect 2 ground mounted utility grade solar energy systems – 5.00 Mw (DC) ground mounted utility grade solar energy system on a 20 acre site at 3104 West Main Street Road and 4.10 Mw (DC) ground mounted utility grade solar energy system on a 20 acre site at 3232 West Main Street Road by Borrego Solar Systems Inc..

**PUBLIC HEARING 7:00 P.M.**

**BORREGO SOLAR SYSTEMS INC.** – at 3104 West Main Street Road and 3232 West Main Street Road, Batavia, NY. Install 2 ground mounted utility grade solar energy systems.

Chairman Kathleen Jasinski opened the floor to the public after an introduction was done by Emilie Flanagan of Borrego Solar Systems, Marc Kenward and Matthew Mckrell both of Erdman Anthony Consulting Engineers gave a presentation on the solar systems for both parcels of land.

Tom Warren of 3094 West Main Street Road, Batavia NY – Opposes the project. Has had 30 years to look out his backyard to see the wildlife and wide-open space. He cannot believe there is going to be a pile of metal and glass into these open fields. It is going to be an eye sore for everybody to look at. It is going to depreciate the value of his home. Concerned that the solar system is going to cause cancer. He claims there have not been enough studies done and claims the solar panels are full of toxic waste. Very upset that Fred Bowman would do this to his neighbors.

James Luttrell of 3194 West Main Street Road, Batavia NY – For the project. The fields belong to Fred, he has worked hard all his life and now it's time for him to take it easy.

Michael Hamm of First Choice Travel, 3080 West Main Street Road, Batavia NY – Has owned 3080 West Main Street Road for 16 years. Received notification of this 2 weeks ago. Himself and his brother have done nothing but study on this project. He is the one who is filming this meeting tonight and will litigate. This is labeled as a Solar Panel Farm, he stated he grew up on a farm and they did not grow solar panels. Mr. Hamm stated is should be called a Solar Panel Industrial Site. He stated that the blue prints are done, excavating has been done and this has been going on for weeks. Should have known about this weeks/months ago when it all started. Mr. Hamm stated they should be put in a lot where they cannot be seen and away from homes. Mr. Hamm stated Mr. Bowman may want to put it behind his place not behind their places. Mr. Hamm is disappointed about this happening.

Stephen A. Licht of 3268 West Main Street Road, Batavia NY – He has two concerns. If the Borrego Company and the Town can address them, Mr. Licht will be more than happy to endorse this project. Mr. Licht gave the Planning Board Secretary a copy of each one of his concerns. His first concern is with the spray application of  
4/2/19-PublicHearingBorregoSolarSystemsInc

herbicidal chemicals on the land. His second concern is with the installation and how it may generate low frequency interferences with his radio station.

Dave DiSalvo of 8716 Wortendyke Road, Batavia NY – Owns property on eastside of where the solar panels are going at 3104 West Main Street Road. He has no problem with the solar fields, but does not like where they are going. Put them on the other side of Niagara Mohawk in the open field, or on the sides of or behind Fred's house or the Peanut Tracks. He stated it is just a suggestion not a complaint.

Phil Hinrich of Batavia Starter, 3282 West Main Street Road, Batavia NY – What is the life expectancy of a solar farm? How much of our tax dollars is used to incentivize this? Fred has a right to do what he wants on his property. Mr. Hinrich agrees that it is not the nicest thing to look at. The land is agriculture and harvesting the sun's energy is not agriculture. He does not like the use of herbicides on the land.

Lynette Brown of 3275 West Main Street Road, Batavia NY – She stated we need farm land, do not take prime farm land for something like this.

John Volpe of 2870 Buffalo Street, Attica NY – He went around with a special meter to the other solar farms, levels they got off of the solar panels were dangerous, they went to the land that these are to be put at - Electrode Magnetic Radiation that comes off of the panel. When you get high levels, it is harmful to humans and wildlife. Concerned about the wetlands being a little impacted not sure what that means. His group is concerned with reducing the amount of industrial nonsense coming into this community.

Question was asked by Phil Hinrich - 50 trucks a day during construction, what is the life of the construction plan. The answer was 6 to 9 months, then Steve Long from Borrego addressed the construction concerns. Once finished there would only be two visits per year for mowing. An individual asked what the depreciation is on the houses in the area. The answer was given by Steve Long from Borrego of there is no definitive answer on the deprecation of the homes. Steve stated the benefit is the Town people can subscribe to the solar systems and can save 10%.

Question was asked if you go belly up. Emilie answered it by stating there is a decommissioning bond that is required by the Town even before they can start construction.

Joel Hamm of First Choice Travel, 3080 West Main Street Road, Batavia NY – Is it federally funded? Emilie answered this question of there being different levels of incentives. There are federal and state incentives. Mr. Hamm then asked if they are running out of time for these funds. Emilie answered they are not running out of time.

Eric Saile of 8060 Oak Orchard Road, Batavia NY –The solar panels by Bennett Heights he sees every morning, he thought it would be weird seeing them but to him it is beautiful, there is not nuclear power plant that is going to blow up, the panels are there they are quite, his daughter loves them and solar energy is the future.

Emilie and Steve (both are from Borrego) addressed the questions:

Question about being at the property for months – they are doing their due diligence of field testing.

As for herbicide/pesticides being used – they do not use them and they plant native species.

Glare from the panels – 2 glare studies were provided to the Town showing no impact and the FAA gave approval.

Health materials being used – material data sheets were provided to the Town – the panels are made of glass, aluminum and silicone, there is no liquid in the panels. When the panel(s) break they will crumble.

Addressed of putting them some where better, they get this all the time. It is harder than you think to figure out where to put these panels.

Life expectancy is 25 years.

4/2/19-PublicHearingBorregoSolarSystemsInc

EMF – outside of the fences area is no different then what we deal with in the normal course.  
RDI – they will have their engineers address this situation as this is the first time it came up.

Don Partridge addressed what the Planning Board is looking for in plantings under the panels of 1 grass and 3 pollinators. Along with the cutting height and how many times it should be mowed.

Dan Lang read through the general requirements of the applicant. He stated some of the requirements have already been met.

The Public Hearing was closed at 8:10 pm.

Respectfully submitted,

Kim McCullough  
Secretary

Kathleen Jasinski  
Chairman