

TOWN OF SHELBY
PUBLIC HEARING
BORREGO SOLAR SYSTEMS
July 8, 2020

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

Others : Dan Wolfe, Code Enforcement Officer
 Marlene Skinner
 Todd Roberts
 Andrew Skinner

Public Hearing was called to order at 6:30pm

Pledge to the Flag

Purpose of the Public Hearing- To hear comments for and against the application of Borrego Solar Systems, Inc. for a Special Use Permit to install a wind measurement tower.

Supervisor Smith explained a public hearing was conducted on June 9, 2020 with advance notices being issued however some were not issued a full 10 days before the hearing so the Town Board is reopening the hearing tonight to ensure that sufficient advance notice is provided for the hearing. Notice of tonight's public hearing was provided in advance in the June 24, 2020 publication of the Batavia Daily News. Notice of the hearing was also mailed to the Orleans County Planning Board on June 23, 2020. Notice of the hearing was mailed to the Town of Shelby Planning Board on June 23 2020. Notice of the hearing was mailed to the property owner's within 500 feet of the proposed tower on June 24, 2020. Notice of the hearing was mailed to the applicant, Borrego Solar Systems, on June 23, 2020. He then read the notice that was issued. It is as follows:

**REGARDING THE APPLICATION OF BORREGO SOLAR SYSTEMS, INC. FOR A
SPECIAL USE PERMIT TO INSTALL A WIND MEASUREMENT TOWER**

PLEASE TAKE NOTICE that a public hearing will be held by the Town of Shelby Town Board at the Shelby Town Hall, located at 4062 Salt Works Road, Medina, NY 14103, on July 8, 2020 at 6:30 PM for the purpose of continuing to hear public comments on the application by Borrego Solar Systems, Inc. for a special use permit to install a 60m (197 ft.) temporary wind measurement tower on the 159-acre parcel located at 4362 S. Gravel Road, Medina, NY (Tax

Map ID 90.-1-35.12) to evaluate wind resources at this location (the “Borrego Application”). The Town Board previously held a public hearing on the Borrego Application on June 9, 2020 and desires to reopen the public hearing to ensure all interested parties receive at least 10 days advance notice of the hearing and are able to comment on the Borrego Application if desired. The Town Board invites submission of written and oral comments on the Borrego Application during the public hearing and those Towns residents wishing to speak on the subject should attend the public hearing.

The Town Board will also continue to receive written comments from any residents desiring to comment on the Borrego Application. Written comments must be submitted electronically to the Town Clerk at darlenerich@townofshelbyny.org or mailed to the following address: Attn: Town Clerk – MET Tower Comments, Shelby Town Hall, 4062 Salt Works Road, Medina, NY 14103. Written comments submitted via email or regular mail must be received by the Town Clerk by 5:00 PM on July 8, 2020.

Copies of the Borrego Application are available for public review upon request submitted to the Town Clerk at darlenerich@townofshelbyny.org. Copies of these notices are on file with the Town Clerk’s office.

The Town Clerk signed an affidavit of Mailing for those notices, which is on file in the town clerk’s office and a copy which will be included in the record for the hearing.

Supervisor Smith added to let the record reflect that he is he property owner of the parcel at 4362 S. Gravel Rd. where this tower is proposed to be located and he stated he is recusing himself from any vote or discussions about this application.

Deputy Supervisor Bacon took over the meeting. He said the floor was now open to make a resolution to reopen the public hearing on the Borrego Solar Systems application for a special use permit to install a temporary wind measurement tower on a parcel in the town.

RESOLUTION 49-20
RESOLUTION TO REOPEN PUBLIC HEARING

Councilman Pratt made the motion to reopen the public hearing seconded by Councilman Seitz.

Ayes-3

Nays-0

Abstain-Smith

Vacancy-1

Motion carried

Deputy Supervisor said it is so moved and the hearing is reopened. Again the purpose of this public hearing is to elicit public comments on the application by Borrego Solar to install a wind measurement tower at the proposed location. He asked that if anyone wanted to speak on this matter they should stand and address the Board. He asked they state their name and address for the record. The audience had no comment.

Deputy Supervisor Bacon asked if anyone provided written comments to the board. Nobody had any written comments.

Deputy Supervisor Bacon said the hearing notice indicated that the Town Board would accept written comments on this application sent to the Town Clerk. He asked for the Town Clerk to report on whether any written comments on this application were received, and if so, confirm that copies of those comments have been provided to the Town board members. I responded that I did not receive any comments via email or mail.

Deputy Bacon asked for one final call if there is anyone wishing to provide comments on this application before we move to close the public hearing.

RESOLUTION 50-20

RESOLUTION TO CLOSE PUBLIC HEARING

Councilman Pratt made motion to close the public hearing seconded by Councilman Seitz.

Ayes-3

Nays-0

Abstain-Smith

Vacancy-1

Motion carried

Deputy Supervisor Bacon replied so moved. The hearing is now closed. This concludes the Town Board business for this evening. The Town Board next regular meeting is scheduled for July 14, 2020 at 7:00 P M

Public hearing closed at 6:36 PM.

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