

A Meeting of the Town Board of the Town of Orchard Park, Erie County, New York, was held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 20<sup>th</sup> day of June at 7:00 PM, the meeting was called to order by Councilmember Majchrzak and there were:

<b>PRESENT AT ROLL CALL:</b>	Eugene Majchrzak	Councilmember
	Michael Sherry	Councilmember
	John C. Bailey	Town Attorney
	Remy Orffeo	Town Clerk
	Andrew Geist	Building Inspector
	Frederick Piasecki, Jr.	Highway Superintendent
Absent:	Wayne Bieler	Town Engineer
Absent:	Mark Pacholec	Chief of Police
Absent:	Patrick J. Keem	Supervisor

**Councilmember Majchrzak read into the record the following:** “If anyone appearing before the Town Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State Law and the Town Code of Ethics.”

1) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT:

**RESOLVED**, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on June 6, 2018 and be it further

**RESOLVED**, that the reading of these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

**The resolution was unanimously adopted.**

**PUBLIC HEARING**

**Local Law 2018-9 – Amending Chapter 144 “Zoning”, Section 144-55(E) “Solar as an Accessory Use or Structure”**

At 7:05PM (local time) Councilmember Majchrzak called for the Public Hearing to hear all interested parties regarding proposed Local Law 2018-9

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, read aloud, and filed with the Town Board by the Town Clerk.

Kathryn Gorkiewicz came forward to state her preference of letting the public decide where the solar panels/shingles should be placed since the related technology and appearance is changing rapidly and frequently.

Heather Hartel came forward to voice her opposition to proposed Local Law 2018-9. It does not allow homeowners to choose among the affordable options of solar energy. It also makes it difficult for solar installation companies to do business in Orchard Park due to excessive zoning regulations. Solar companies are creating jobs in WNY, we should support the ability of these businesses. She would like to suggest this ordinance be placed aside and a Solar Energy Task Force be created that would represent all stake holders. She cited Grand Island’s task force and their accomplishments. She stated that NYSERDA offers model laws

and consultants to help with these problems and prioritizing appearances over green energy is inexcusable in today's age.

Dominic Caselli spoke against the proposed Solar Law stating it is only concerned about aesthetics. He stated California is requiring cost efficient solar systems on new homes, Orchard Park is moving backwards. Are we trying to stop people from moving into our community and hinder new businesses?

Ryan Kilpatrick wanted to promote the town's resident's freedom of choice with regards to what they want to do with their property. As a community we should allow our residents to invest in their properties. He showed a US Dept. of Energy Sanctioned Study on the impact of Solar Panels on property values. He stated on average nationwide, solar panels boost property values by \$14,000.00. Solar panels have not shown any difference in time that houses are on the market when they are up for resale. Aesthetically speaking, solar panels don't take away from home sales.

Jonathan Prantner spoke of solar panels being an investment in his home, he can only place them on the front of his home. He also stated the appearance of the solar panels is greatly outweighed by the value they provide.

David Schuster spoke against the proposed change to 144-55E. He has had solar panels on his house for 3 years and they completely power his home. He informed the board of technology updates on solar panels and their options. He wanted to know who was being served with this local law. Will Councilmember Sherry, who was elected to the Erie County Management Committee, vote for this ordinance and is this the type of environmental restrictions we can expect from you at a county level? The rate of investment return isn't the only concern of people, some are concerned with the environment. That is part of the return on their investment. Home resales may be better with solar panels. He requested under Section 1, Subsection E, leave part C and eliminate part D so that the citizens can move into the 21<sup>st</sup> century even if the board members decide to regress.

Katie Soscig stated she has solar panels on her home and is a project manager for a solar power company. She stated her solar panels will be paid off 5 years after installation and will have free electricity for the rest of her life. She received \$2,000 off of her solar panels from NYSERTA, 30% of the cost returned to her from the federal government and \$5,000 returned from the State. Her solar panels cost her \$2,500. Only 1/3 of homes are qualified for solar panels in NYS due to shading, orientation of roofs and ordinances in towns like this one. Of those qualified you are restricting them from frontal installation. All the money they could save would be poured back into this community. Right now Orchard Park doesn't tax solar but that will eventually change and will increase the Town's revenue.

Alexandrea Anderson moved to Orchard Park 4 years ago. Her previous community was very restrictive with home appearances. When she saw this ordinance come through she was terrified. To restrict renewable energy for aesthetic reasons shouldn't happen. Zoning regulations should be more nuanced. She saw no problem with putting black solar panels/shingles on black roofs, they look like sky lights. She asked the Town Board to please set the present zoning laws aside and adopt an approach that allows conventional solar panel areas allowed on all roofs but restrict abuses like a yard full of solar panels.

2) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT:

**RESOLVED**, that the Public Hearing in the matter of Local Law 2018-9, "Solar as an Accessory Use or Structure" is hereby closed at 7:33 PM.

**The resolution was unanimously adopted.**

Councilmember Majchrzak stated the Town Board will not act on the Public Hearing tonight. We will wait for the Supervisor to be present and consult amongst ourselves. We will gather as a group and discuss the informative, good comments that were brought to our attention tonight.

### BUSINESS FROM THE FLOOR

No one came forward to speak.

### ELECTED OFFICIALS & DEPARTMENT HEADS

Councilmember Sherry wanted to clarify that this hearing is about the current existing code. When that code was put in place no one came forward to speak. That code came through the Planning Board based upon some models that came from NYS. The purpose of the proposed change is to look at what could be construed as a conflict in the code that is already in effect. We are asking the Planning Board to revisit the code they sent for adoption last year to look at property value. That is something we do have a responsibility towards. If there is an impact, we are asking recommended changes to be made.

Councilmember Majchrzak asked the Planning Board to consult with real estate agents that have been involved with resales of homes that have solar panels in Orchard Park and other areas to get an idea if this is a hindrance or not.

3) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT:

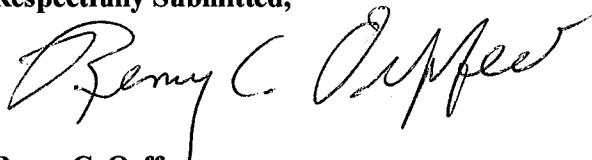
**RESOLVED**, that the Town Board does hereby authorize the approval of all entries on Warrant #12 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$26,550.08
<b>Public Safety Fund</b>	\$3,988.62
<b>Part Town Fund</b>	\$391.40
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	-0-
<b>Special Districts</b>	\$4,689.76
<b>Trust &amp; Agency</b>	\$982.13
<b>Capital Fund</b>	\$121,300.58

**The resolution was unanimously adopted.**

There being no further business, on a motion by Councilmember Majchrzak seconded by Councilmember Sherry, the meeting adjourned at 7:37 pm (local time).

Respectfully Submitted,



Remy C. Orffeo  
Town Clerk