

TOWN OF CONCORD TOWN BOARD MEETING
Public Hearing
Solar Energy Systems Extend Moratorium Local Law

June 12, 2025
6:45 p.m.

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR

ROLL CALL: PHILIP DROZD, SUPERVISOR
CLYDE M. DRAKE, COUNCIL MEMBER
KENNETH D. ZITTEL, COUNCIL MEMBER
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER
KENNETH KASSEL, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
LAURA SAFFORD, Deputy Town Clerk
BARRY A. EDWARDS, Hwy Supt.
BRIAN F. ATTEA, Town Attorney
CAROLYN ROBINSON, Dog Control Officer

PETER SORGI, Attorney/RIC Energy ERIC WILLIAMS, Springville Journal

Supervisor Drozd opened the Public Hearing at 6:45 p.m. regarding the proposed Local Law extending the temporary moratorium on all battery energy storage facilities.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Concord will hold a Public Hearing for the purpose of considering Proposed Local Law #3 of the Year 2025 which, if approved, would impose a one (1) year extension on the existing moratorium on the issuance of applications and permits for all Solar Energy System Facilities in the Town of Concord.” Said hearing will take place on Thursday, June 12, 2025, at 6:45 p.m. at the Concord Town Hall, 86 Franklin Street, Springville, New York 14141.

Any and all interested persons will be heard. Copies of said proposed Local Law are available for review at the Office of the Town Clerk, 86 Franklin Street, Springville, New York, during regular business hours.

The Notice of the Public Hearing was published in the Springville Journal on May 15, 2025 and was also posted on the Town’s signboard at 86 Franklin Street, Springville, New York, and the Town’s website www.townofconcordny.com on May 15, 2025.

Supervisor Drozd began the Public Hearing regarding the proposed Local Law #3 of 2025:

Town of Concord
Local Law No. 3 of the Year 2025

A Local Law extending the temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for all Solar Energy System Facilities in the Town of Concord pursuant to Chapter 150 of the Town of Concord Code in order to allow for the consideration and possible adoption of appropriate amendments to existing regulations pertaining to such land uses,

Be it enacted by the Town Board of the Town of Concord as follows:

SECTION I.
SHORT TITLE

This Local Law amends a prior Local Law known as "2024 Temporary Moratorium Law on Solar Energy Facilities" adopted by the Town of Concord on July 22, 2024.

SECTION II.
LEGISLATIVE FINDINGS

WHEREAS, the Town Board of the Town of Concord adopted Local Law No. 1 of the Year 2021 amending the Town of Concord Zoning Ordinance providing for the regulation of Solar Energy System facilities within the Town of Concord. It is acknowledged that Local Law No. 4 of the Year 2024 previously established a one (1) year moratorium on the issuance of applications, permits or approvals for all Solar Energy System Facilities in the Town of Concord in order for existing local laws and regulations to be updated, and

WHEREAS, the updates and revisions to the existing laws and regulations are currently under review and discussion, but additional time is required to complete the process of updating the same to address such concerns and issues and enact new laws, ordinances or regulations, and/or appropriate amendments to existing laws, ordinances or regulations to properly address new and emerging technologies, community impacts, concerns or issues in a manner which is meaningful and consistent with the Town's Comprehensive Plan.

IT IS THEREFORE FOUND BY THE TOWN OF CONCORD TOWN BOARD that the Town Board of the Town of Concord hereby declares that no new applications shall be issued and no permits or approvals shall be granted by any officer, department, board or agency of the Town of Concord with respect to Solar Energy System facilities in the Town of Concord pursuant to the Chapter 150 of the Town of Concord Code for an additional period of one (1) year from the effective date of this local law, unless earlier terminated by other local law, duly adopted.

SECTION III.
AUTHORITY

This Local Law is enacted pursuant by the Town Board of the Town of Concord pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and the Municipal Home Rule Law Section 10.

SECTION IV.
MORATORIUM AND DURATION

The Town Board of the Town of Concord hereby declares that no new applications shall be issued and no permits or approvals shall be granted by any officer, department, board or agency of the Town of Concord with respect to Solar Energy System facilities in the Town of Concord pursuant to the Chapter 150 of the Town of Concord Code for an additional period of one (1) year from the effective date of this local law, unless earlier terminated by other local law, duly adopted.

SECTION V.
SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

SECTION VI.
EFFECTIVE DATE

This Local Law shall become effective immediately, as provided by law, upon filing with the New York Secretary of State.

Supervisor Drozd asked if there were any comments.

Peter Sorgi, Attorney for RIC Energy, had conferred with Town Attorney Attea prior to the Public Hearing with regard to the language that was discussed at the Public Hearing held July 22, 2024 and included in Local Law #4 of Year 2024; Attorney Sorgi would like this same paragraph added to this local law:

Town Attorney Attea stated that he would have no problem advising the Town Board to add that paragraph; it may be superfluous but it can go into the law. Town Attorney Attea recommended to the Board that the Local Law #3 of Year 2025 which is simply the extension of the moratorium on the solar laws, be amended after the paragraph at Section II, Legislative Findings, that reads: "It is therefore found" to add this paragraph:

"Notwithstanding anything contained herein to the contrary, the Local Law and Moratorium shall not apply to the continued review by the Town of Concord and other applicable government entities of solar energy projects that have been applied for and are under review including the issuance of any permits, certificates of occupancy, and approvals for any such solar energy projects that have been applied for and are under review by the Town of Concord and other applicable government entities as of the date of enactment."

Town Attorney Attea explained that this language was already a part of the original moratorium. As the Board is aware, Mr. Sorgi represents RIC Energy who has invested a lot of time and money into the project that has been before the Town for a couple of years now and, in an abundance of caution, Mr. Sorgi is asking that that same language be added to this extension. Town Attorney Attea noted that his position is that this language is already incorporated into the law but it doesn't hurt to add the language to the extent that it covers the concerns of Mr. Sorgi. Town Attorney Attea stated that he would recommend to the Board that Local Law #3 be amended to add that paragraph.

Motion by Council Member Kassel, seconded by Council Member Krzemien, to amend Local Law #3 of Year 2025 to add the language detailed above. Council Members Drake, Krzemien & Kassel; Supervisor Drozd, voting aye; Council Member Zittel abstained. Carried.

The Public Hearing remained opened until 7:00 p.m. Motion by Council Member Drake, seconded by Council Member Krzemien, to close the Public Hearing at 7:00 p.m. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.



Darlene G. Schweikert
Town Clerk