

TOWN OF CONCORD PUBLIC HEARING
Public Scoping Session -RIC Energy

May 1, 2025
6:30 p.m.

PUBLIC SCOPING SESSION OPENED BY PHILIP DROZD, SUPERVISOR, at 6:34 p.m.

PRESENT: PHILIP DROZD, SUPERVISOR
CLYDE M. DRAKE, COUNCIL MEMBER
KENNETH D. ZITTEL, COUNCIL MEMBER
KENNETH KASSEL, COUNCIL MEMBER

EXCUSED: KIMBERLY S. KRZEMIEN, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
BRIAN F. ATTEA, Town Attorney
CALEB D. HENNING, Town Engineer
THOMAS ROBERTS, CEO
PETER SORGI, Attorney for Applicant

TRACY DROZD
JOHN REDING
RAY HILLIKER

MARSHA REDING
DARYL McEWAN

Supervisor Drozd opened the Public Scoping Session at 6:34 p.m. Town Clerk Schweikert had published the Notice of Public Scoping Session in the Springville Journal on April 24, 2025. The Public Scoping Session Notice was posted on the signboard at the Town Hall and on the Town's website: townofconcordny.com on April 15, 2025. Supervisor Drozd advised that there will be no decisions, no vote, on this matter this evening and turned the meeting over to Town Attorney Attea.

Peter Sorgi, Attorney for the Applicant, presented a letter to the Town Board stating that the Applicant was not provided Notice of the Public Scoping Session to be held on May 1, 2025 at 6:30 p.m. before the Concord Town Board. Attorney Sorgi requested that his letter be made part of the public record of the proceedings; see attached.

Town Attorney Attea welcomed everyone for coming out this evening; he wanted to make sure that everyone was aware of the very limited purpose of this meeting. This meeting is a public hearing to offer the public the opportunity to provide comments, very specifically to the Draft Scoping Document that the applicant has submitted to the Town in response to the Town's positive declaration with regards to the applicant's original Environmental Impact Statement. That is a document that is required by law to start to provide an outline for the manner in which the applicant will address the concerns that were raised by the Town Board. That Draft Scoping Document was posted on the Town's website and as indicated in the public notice, was available for review in the Town Clerk's Office. As much as the Town appreciates everyone coming here, tonight is not for the purpose, as was the case with the prior public hearing, to indicate whether you are for or against this project. It is simply to offer the public the opportunity to make comments or ask questions about the Draft Scoping Document and only the Draft Scoping Document, and you certainly don't need to make comments. To the extent that if anyone has comments specific to that Document, you are welcome to address the Town Board now; and the attorney for the applicant, Peter Sorgi, Esq., is here tonight and would also be available to provide comments as well.

Town Attorney Attea asked if there was anybody in attendance tonight that wished to make any comments or ask any questions specific to the Draft Scoping Document. There were none. Town Attorney Attea asked again just to make sure; was there anybody in attendance here tonight to ask any questions or make any comments specifically on the Draft Scoping Document that has been submitted by the applicant. Town Attorney Attea advised that there were no public comments. Town Attorney Attea asked Town Engineer Caleb Henning if he wanted to offer any comments. Town Engineer Henning noted that he is the Town Engineer and has been working with the

Town through the Environmental Review of this project. He has worked closely with the Town who is the Lead Agency in the Environmental Review and continue to be the Lead Agency. During the Coordinated Review, there were a number of questions in Part II of the Full Environmental Assessment Form that were answered and there were concerns specifically about five different questions that the project may have a significant adverse environmental impact so on January 9, 2025, the Town Board passed a Resolution ultimately determining that the proposed action may have one or more significant adverse impacts on the environment including removing significant acreage of important agricultural soils at the project site from production for a substantial period of time and setting an undesirable precedent which will lead to comparable developmental pressures on other valuable agricultural resources in the Town. Referring back to Part 2 of the Full Environmental Assessment Form, the five specific questions that were identified where there may be moderate to large impact were Question #8 on impact related to agricultural resources; Question #9 relating to impact on aesthetic resources; Question #11 related to impacts on open space and recreation; and Questions #17 and #18 regarding consistency with community plans and consistency with community character. The Draft Scoping Document was submitted by the Project Sponsor, otherwise known as the Project Applicant, to start that process. It is the Town's responsibility as Lead Agency to gather comments on that Draft Scoping Document so that Draft Scoping Document was distributed to involved and interested agencies as required by the New York Code, Rules and Regulations. The Town as Lead Agency is inviting public comment on that document and that is what tonight is all about. The Draft Scoping Document is several pages long and it basically describes the outline of what the draft environmental impact statement is supposed to cover. The reason why the project goes through Scoping is to make sure that significant environmental conditions are identified; to focus on relevant environmental impacts and eliminate irrelevant impact or issues; so that the environmental impact statement can address real concerns and not to waste time on concerns that are determined to be not significant. The Draft Scoping Document does talk about for each of the five questions that were brought up; they identify the existing conditions, potential impacts, mitigation measures and reasonable alternatives. This Draft Scoping Document is going to be converted into a Final Scoping Document which will be the outline for the environmental impact statement and the environmental impact statement is going to be looking at the existing conditions and concerns and also presenting various mitigation measures and evaluating reasonable alternatives. This is the general process that the Town will be stepping through this coming month.

Town Attorney Attea noted that without any comments at this time, the Town will be closing the hearing. There will still be time for anyone to submit written questions or comments to the Town Board for consideration. The Town will be giving a final response to the Applicant's attorney. The comments all need to be complied so that the Town can be put in an appropriate response out to the attorney for the Applicant no later than May 15, 2025. If anyone does have an interest in providing comments, please do so immediately or they may not be included. Town Attorney Attea continued that then the Applicant or the Applicant's Attorney to the extent that there are any changes, they will be discussed with him and some modifications might be made to the scoping document which will then serve as the Town's guideline for ultimately the responses that they will put together that the Town can review for the benefit of moving forward towards the final determination of the project.

Town Attorney Attea asked Attorney Sorgi if he would like to add anything; Attorney Sorgi did not. Town Attorney Attea stated that without any further comments, he would leave it up to the Town Board to request a motion to adjourn the public hearing. Motion by Council Member Drake, seconded by Council Member Kassel, to close the Public Scoping Session at 6:43 p.m. Council Members Drake & Kassel; Supervisor Drozd, voting aye; Council Member Zittel, abstained; Council Member Krzemien, excused. Carried.



Darlene G. Schweikert
Town Clerk



May 1, 2025

RECEIVED

MAY 01 2025

Concord Town Board
86 Franklin Street
Springville, New York 14141

CONCORD TOWN CLERK *ds*

**Re: May 1, 2025 Public Scoping Session
Solar Energy Development Project
12119 Springville Boston Road, Town of Concord, NY
Project Sponsor / Applicant: Concord PV, LLC**

Dear Concord Town Board:

Our firm represents Concord PV, LLC, the Project Sponsor / Applicant regarding the above-referenced project. This letter shall confirm that Concord PV, LLC was not provided Notice of the Public Scoping Session to be held on May 1, 2025 at 6:30 PM before the Concord Town Board. It is hereby requested that this letter be made a part of the public record of these proceedings.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Peter J. Sorgi, Esq.

cc: Darlene G. Schweikert, Concord Town Clerk
Town of Concord Planning Board
Brian Attea, Esq., Concord Town Attorney
Thomas Roberts, Town of Concord Code Enforcement Officer
Caleb D. Henning, MBA, PE, Engineer for the Town of Concord
Concord PV, LLC

HOPKINS SORGI & MCCARTHY PLLC

Attorneys at Law

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