

**Russell Meszler & Karen Oros**

**5280 Seneca Point Road**

**Canandaigua, NY**

**Comments and Questions**

**Solar Field # CPN-027-17**

**Town of Canandaigua, NY**

**August 22, 2017**

E Coop

We purchased our six-acre home on the corner of Monks Road and Seneca Point Road in 2015 as well as a three-acre lot right next to the RGE substation in 2016. The proposed solar field is on the other side of the RGE property.

We are concerned that the solar field on Monks Road as described in CPN-027-17 is not in accordance with the Town Code as well long term issues not addressed in the code as it is written right now.

We first became aware of the proposed solar field on Monks Road spring of 2017. There were bright orange survey markers along the edge of the proposed field. We noticed them when we went walking down Monks Road as we usually do. Later, I saw one of my neighbors while I was clearing brush on the lot next to RGE and asked him about it. He told me that there was a proposed solar field as well as a proposed RGE 100 foot "communications" tower planned. I had some knowledge of the RGE tower because I subscribe to the Town email updates.

Shortly after that, I went to the planning office to enquire on a permit for a screened in deck on our home, which was permitted and almost complete. I asked about both projects and they were still in the application process. Also, the applicant for the solar field, Travis Wooley, stopped by our house with his wife on May 30 and made us aware of his plans. They were both very open and showed me preliminary plans for the solar field. Travis told me the field was about 18 acres and it would be surrounded by small trees or shrubs. The next time I saw the plans was on August 3 during an Environmental Conservation Board (ECB) meeting that we attended.

We became aware of the permit process because of our deck permit. This prompted us to learn more about the Town codes regarding solar fields, scenic views, etc. Here are our comments and questions:

1. There should be some reasonable expectation that when you purchase a home and land in a rural and agricultural setting that no major commercial or industrial projects would be allowed to be built nearby. When Travis asked me what I thought, we told him we would have to think about it and run the numbers. Numbers aside, we would not do this to our neighbors. Nobody wants to look at 15 football fields (20/1.32) of gleaming panels as they walk or drive by.
2. We actually have an oil painting in our home named "Monk's Road View" painted by Kari Ganoung Ruiz given to us as a house warming gift when we bought our home in 2015. The committee notes on scenic views are well documented and too numerous to list here. Our point is that these are celebrated views will be greatly diminished and detract from the scenic appeal of the Town of Canandaigua.
3. We thought what our response would be if a firm approached us to put a solar field on our three acres on the other side of the RGE substation. The answer is no. We realize that three acres is nowhere near the breakeven point for solar energy but having projects like this so close to our home defeats the purpose of us buying a home in Canandaigua in the first place.

We have no qualms about panels for personal use and most people would not as well. It is the large scale commercial use that concerns us.

4. The Town of Canandaigua tax roll reveals that this proposed solar field would easily adversely affect over \$1 million of assessed real estate. Travis and his wife stated the main goal of the proposed solar field was to provide for their children's education, certainly a well-intentioned goal. However, this does not mean that real estate value for some very nice homes should be decreased. This is not a zero-sum issue but financial matters are present on both sides.
5. We do not want Monks Road to become some sort of utility corridor. There is already an RGE substation next to our land and a solar field would enlarge the utility presence. The proximity to a substation should not be an open door for further utility development, such as a solar field, RGE "communications" tower or other such projects.  
We also believe this would encourage more utility development if this solar field is permitted. Building such projects so close to the grid reduces transmission loss and cost to tie in to the grid but this should not spur more development.
6. If solar companies are so sure that this is a good idea, why don't they buy the land? Are they trying to skirt utility safety and tax regulations? Leases have separate accounting treatment for the lessor. Solar companies have not fared well over the years and the federal and state tax regulations seem to be winding down the tax benefits. There are usually good reasons for ending tax benefits from local, state and federal governments.  
What if Cypress Creek Renewables goes out of business? This whole business model appears to be a spreading of risk that the surrounding homes and Town of Canandaigua will ultimately bear.  
Also, what constitutes a utility? At what point does providing electricity for personal use become a revenue generator and encroach on becoming a utility?
7. What are the tax and zoning implications of the proposed solar field? Does the Town benefit in any way? Will the assessed value be changed at all?
8. What will the Town government do if faced with the following scenarios?
  - What if this project fails – does the code allow for another use?
  - All the nearby homeowners use wells for their water supply. Will any chemicals or special metals seep into the ground and contaminate the nearby water supply? Who will monitor the water in nearby homes to ensure this?
  - Will MSDS (Material Safety Data Sheets) be provided for all components?
  - What if technology changes in 10 years and the configuration of the field is altered. Is the lease period now 20 years from the new configuration or the original date?
  - One of the main drawbacks of solar is that it produces DC (direct current) and the grid and homes run on AC (alternating current). How do we know the batteries and inverters do not leak and contaminate the soil and water? Is this required to be disclosed or is monitoring an expense neighbors must bear?

- If RGE were to place solar panels there, would the process be different than CPN-027-17? If so, why? We are concerned what body of law and regulations govern the operation of a solar field for CPN-2017-17.
9. Solar panels are governed under the Town of Canandaigua code §220.77.x and §220.62.2.x. These were approved into the code 12/22/2016 and this proposal falls under large scale classification. It appears to us that proposal CPN-027-17 violates this code and therefore the special use permit should be denied as mentioned in §220.62.2.A as one of the application outcomes.

We have the following questions and concerns:

- A. § 220.77.1.C
  - Large scale solar systems are permitted as a special use in RR3 zoning districts and “subject to the requirements set forth in §220.62.2”
- B. §220.62.2.B.5.f
  - What if the cleanup / deconstruction costs exceed the value of the land? Will galvanized pedestals, solar arrays and other construction materials be hazardous waste in 20 years? Is this in the plan and sinking fund / surety?
- C. §220.62.2.C.1
  - There is currently corn planted on the proposed site. I took pictures on August 3, 2017 right after the ECB meeting and emailed them to Eric Cooper on August 21, 2017. The site was shown and the picture must have been taken in winter or early spring. The land was barren and looks nothing like it does now with corn easily standing 5 feet tall. I would consider this valuable farm land as mentioned in the code. Granting of this permit would be at odds with the code.
- D. §220.62.2.C.6
  - We have only lived here about two years but could not help noticing that this field has runoff issues. The culvert has washed out a couple of times and there have been large rocks installed there. There is a portion of the field that has drainage issues that is not included in the proposal that sits right on the border of RGE. However, I have seen silt on the road in front of the current proposed site where corn is currently planted. I do not know how much moisture and soil stability 20 acres of corn offers but it sure more than concrete and steel mounts pounded into the ground. I also see the Town excavator on wheels always there when we have heavy rains.
  - This proposed solar field also violates the steep slope law as noted in the ECB meeting of August 3, 2017. I could not see the calculations but there were gross violations on certain parts of the field.

Respectfully Submitted,

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